

CITY COUNCIL AGENDA REPORT

June 15, 2010
City Manager's Office/
Community Development Department

TITLE: STONERIDGE DRIVE SPECIFIC PLAN AMENDMENT/STAPLES RANCH ENVIRONMENTAL IMPACT REPORT SUPPLEMENT (SEIR) AND RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DOCUMENTS (CEQA FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS (SOC) AND MITIGATION MONITORING AND REPORTING PLAN (MMRP)), CASE PSP-11 (STONERIDGE DRIVE SPECIFIC PLAN AMENDMENT), AND CASE PRZ-44 (PRE-ZONING/REZONING OF THE STAPLES RANCH SITE)

SUMMARY

The proposed development of the 124 acre Staples Ranch property, located at the southwest corner of the I-580 and El Charro Road, would include an approximately 37 acre auto mall to accommodate the relocation of the Pleasanton Auto Mall as well as the Mercedes-Benz of Pleasanton dealership, a 45 acre senior continuing care community with a health center, an 11 acre commercial/retail development, a 17 acre community park, and a 5 acre neighborhood park that includes a storm water detention basin. As part of this proposed development, staff is recommending the City Council (a) certify an Environmental Impact Report Supplement (b) rescind (other than the certified Final EIR) the environmental and planning documents approved in 2009 for the development and then (c) adopt revised environmental documents, a revised Stoneridge Drive Specific Plan Amendment/Staples Ranch (SPA), and rezoning/pre-zoning for the Staples Ranch site. If these items are approved, the PUD development plans for the individual development sites, a development agreement, other related development documents, and the Regional Transportation Agreement will be submitted to the City Council for review and consideration this summer. If those items are likewise approved, the City and the property owner, the Alameda County Surplus Property Authority (ACSPA) will then apply to the Alameda County Local Formation Commission (LAFCo) to annex the property to Pleasanton.

PLANNING COMMISSION RECOMMENDATION

At its meeting of May 26, 2010, the Planning Commission recommended that the Council:

1. Certify the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR Supplement (SEIR).

2. Rescind the:
 - a. CEQA Findings, SOC and MMRP adopted by the City Council on 2/24/09 for the Stoneridge Drive Specific Plan Amendment/Staples Ranch;
 - b. Stoneridge Drive Specific Plan Amendment/Staples Ranch (PSP-11) adopted by the City Council on 2/24/09; and
 - c. Pre-zoning/rezoning of the Staples Ranch site (PRZ-44) adopted by the City Council on 3/3/09.

Adopt the:

- a. Revised CEQA Findings, SOC and MMRP for a revised Stoneridge Drive Specific Plan Amendment/Staples Ranch;
 - b. Stoneridge Drive Specific Plan Amendment, as revised (PSP-11); and
 - c. Pre-zoning/rezoning of the Staples Ranch site (PRZ-44)
3. Consider taking the following non-CEQA based actions which, if implemented, would be the financial responsibility of the City with funding from either Stoneridge Drive Specific Plan fees or other sources:
 - a. Direct staff to study the feasibility of constructing a new soundwall (none now exists) on the south side of Stoneridge Drive between Guzman and Trevor Parkways. (If that recommendation were followed, staff would survey affected residents, determine feasibility and design, and identify a construction schedule.); and
 - b. Direct staff to work in cooperation with the Alameda County Surplus Property Authority to plant spearscale seeds on the community park site, as appropriate, as part of the park's construction.
4. To consider carefully whether the proposed mitigation ratio for the loss of the San Joaquin Spearscale on site (proposed at 1:1) should be revised. (If the Council adopts a greater ratio, this would be a CEQA-based mitigation and would need to be reflected in the CEQA Findings and the MMRP.)

STAFF RECOMMENDATION

1. Find that the SEIR is complete and adequate under the California Environmental Quality Act (CEQA), and adopt the attached resolutions:
 - a. Certifying the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR Supplement (SEIR). [Attachment 1 A]
 - b. Rescinding the CEQA Findings, Statement of Overriding Considerations and Mitigation and Monitoring and Reporting Plan related to the Staples Ranch project approved by the City Council on 2/24/09, and adopting revised CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring

and Reporting Plan for the Stoneridge Drive Specific Plan Amendment/Staples Ranch [Attachment 1 B]

- c. Rescinding the Stoneridge Drive Specific Plan Amendment/Staples Ranch adopted by the City Council on February 24, 2009 and approving and adopting a revised Stoneridge Drive Specific Plan Amendment/ Staples Ranch [Attachment 1 C]
2. Introduce the ordinance rescinding the pre-zoning/rezoning of the Staples Ranch Site (PRZ-44) adopted by the City Council on 3/3/09 and introducing an ordinance concerning the Staples Ranch PUD rezoning/pre-zoning. [Attachment 2].
3. As a non-CEQA based action, repave with noise attenuating pavement Stoneridge Drive between Santa Rita Road and Kamp Drive when the portion of Stoneridge Drive east of Kamp Drive is similarly repaved. (This would be accomplished with Stoneridge Drive Specific Plan fees and/or roadway improvement funds.)
4. Consider any other non-CEQA based actions as described in the Planning Commission Staff Report dated May 26, 2010 (Attachment 3, at pages 15 and 16 [i.e., planting spearscale seeds on the community park site and/or constructing a new soundwall between Guzman and Trevor Parkways on the south side of Stoneridge Drive]). These items, if authorized by Council, would also be accomplished by use of Stoneridge Drive Specific Plan fees and/or (in the case of the new soundwall) roadway improvement funds.

FINANCIAL STATEMENT

The City's financial impact depends, in large part, on Council's direction regarding non-CEQA based items, namely, the noise attenuating pavement on Stoneridge Drive between Santa Rita Road and Kamp Drive (estimated at \$400,000), constructing a soundwall between Guzman and Trevor Parkways (estimated at \$300,000), and the cost of planting and attempting to maintain the San Joaquin Spearscale in the Community Park (no current estimate). Additional cost will be incurred if offsite traffic improvements, including the installation of three traffic signals on Stoneridge Drive and the improvements at the Santa Rita/Stoneridge intersection exceed the \$1 million paid by the ACSPA and/or the cost to repave Stoneridge Drive between Kamp Drive and Trevor Parkway exceeds \$500,000 being provided by the ACSPA. Staff anticipates the cost for all these improvements will be paid from Stoneridge Drive Specific Plan fees collected previously, Traffic Development Fees generated as part of the Staples Ranch project and/or roadway improvement funds.

PROJECT DESIGNATIONS

Property Owner: ACSPA

General Plan: *Alameda County General Plan—Mixed-Use/Business Park*

City of Pleasanton General Plan—Medium Density Residential (2 to 8 dwelling units per gross acre) and High Density Residential (greater than 8 dwelling units per gross acre); Parks and Recreation; and Retail/Highway/Service Commercial, Business and Professional Offices

Specific Plan: Stoneridge Drive Specific Plan

Zoning: 122.5 acres of the project site are in unincorporated Alameda County and are currently zoned Agriculture by Alameda County.

City of Pleasanton—Pre-zoning for the property is PUD-C (Planned Unit Development-Commercial), for the portion of the project site with the Health Center, and PUD-HDR/C (Planned Unit Development-High Density Residential/Commercial) for the remainder of the senior continuing care community site, PUD-P (Planned Unit Development-Park) for the two park sites, and PUD-C (Planned Unit Development-Commercial) for the auto mall site and the commercial site.

An approximately 1.5 acre site already within the City of Pleasanton is zoned PUD-MDR (Planned Unit Development-Medium Density Residential), PUD-C (Planned Unit Development-Commercial), and PUD-HDR/C (Planned Unit Development-High Density Residential/Commercial)

BACKGROUND

On February 24, 2009, the City of Pleasanton certified the Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report (EIR), which evaluated the environmental impacts of modifying the land use and circulation plans for the 124-acre Staples Ranch portion of the Stoneridge Drive Specific Plan, previously adopted in 1989. After certifying the EIR, the City Council approved the Stoneridge Drive Specific Plan Amendment as contemplated by the Ice Center Alternative, but without the modifications to Stoneridge Drive. That is, the City Council opted to retain the original Specific Plan circulation improvements for Stoneridge Drive, requiring the construction of two bridges and four lanes through the Staples Ranch project at the same time as project buildout, as originally contemplated by the Stoneridge Drive Specific Plan (Four-Lane Concurrent Extension), rather than at some point in the future.

At this same meeting, the City Council directed staff to complete negotiations on a draft transportation policy statement with Alameda County and the cities of Livermore and Dublin. The policy statement would establish priorities and commitments for the construction and completion of major arterials in the Tri-Valley, including Stoneridge Drive, with the intent of having an approved policy statement adopted prior to annexation of Staples Ranch to Pleasanton. Moreover, in July 2009, as part of the 2005-2025 General Plan, the City Council adopted Program 1.6 of the Circulation Element that provides in relevant part, "Open the Stoneridge Drive extension to through traffic when Pleasanton reaches an agreement with its regional partners...for a strategic approach and funding plan for relieving traffic congestion in the Tri-Valley."

On June 2, 2009, the City Council directed staff to assess whether the City Council should further amend the Stoneridge Drive Specific Plan by adopting a configuration of Stoneridge Drive that would differ from the four lane configuration adopted on February 24, 2009, by reducing the total number of lanes available for travel by one in each direction across the Arroyo bridges (subsequently referred to in the SEIR as the Two-Lane Constrained Extension). The Two-Lane Constrained Extension would still entail the full extension of Stoneridge Drive to El Charro Road as part of the development of Staples Ranch, i.e., both bridges and each bridge wide enough to accommodate two lanes of traffic, but would temporarily stripe the travel lanes on the Arroyo bridges to one in each direction, instead of the two lanes in each direction.

To facilitate this reassessment, a Draft Environmental Impact Report Supplement (Draft SEIR) to assess and compare the effects of the Four-Lane Concurrent Extension Alternative and the Two-Lane Constrained Extension Alternative against the Proposed Project was prepared.

In accordance with the California Environmental Quality Act (CEQA) the Draft SEIR was distributed for public review and comments. The public review period for the Draft SEIR ended on December 30, 2009. The original review period was to end on December 17, 2009, but members of the public requested an extension and staff was able to accommodate this request.

The draft Final Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR Supplement (Final SEIR) includes responses to comments on the Draft SEIR raised during the public review period, and includes revisions intended to correct, clarify, and amplify the Draft SEIR. If certified, the SEIR, along with the EIR certified by the City Council on February 24, 2009, would compose the entire EIR for the project.

The SEIR is before the Council for review and certification.

Lawsuit

A lawsuit challenging the City of Pleasanton's approval of the Staples Ranch Specific Plan Amendment was filed on March 27, 2009. The lawsuit claimed, in part, that the City of Pleasanton should have recirculated the EIR with a new analysis of the impacts of the Four-Lane Concurrent Extension and that the EIR's analysis of the impacts of the Four-Lane Concurrent Extension and the EIR's analysis of biological resources, greenhouse gas (GHG) emissions, and cumulative quarry impacts were insufficient. This lawsuit settled in September 2009.

In an effort to address the concerns raised in the lawsuit, the SEIR also includes the results of updated biological surveys for sensitive species which could be impacted by the Staples Ranch project. In addition, because of the rapidly changing legal framework for the analysis of potential impacts of greenhouse gas (GHG) emissions, the SEIR also provides an updated analysis of that issue. Concerns raised over the potential cumulative impacts of the project in conjunction with the quarry operations located to the south of the Staples Ranch site are also addressed.

The lawsuit settlement agreement contemplates that the City Council may rescind its adopted CEQA Findings, SOC, MMRP, the SPA, and the pre-zoning/rezoning for the Staples Ranch site and then adopt new or revised CEQA Findings, SOC, MMRP, SPA, and pre-zoning/rezoning. Based on the SEIR, the CEQA Findings, SOC, MMRP, and SPA have been revised and staff is recommending these documents be approved following rescission of the existing approvals. The pre-zoning/rezoning ordinance has not changed but must also be rescinded/readopted to be in compliance with the Settlement Agreement.

PREFERRED PROJECT

Staff and the Planning Commission recommend the "Preferred Project" be adopted. The Preferred Project is the Four-Lane Concurrent Extension Alternative with a phasing modification. If the Preferred Project is adopted, the road and both bridges would be constructed to accommodate two lanes of travel in each direction. However, both bridges would be striped such that there would be only one lane of travel in each direction with an expectation that in the future the City Council would approve the bridges to be restriped to accommodate two lanes of traffic in each direction. The mitigation measures that would be adopted and implemented for the Preferred Project would be the same as the Four-Lane Concurrent Extension Alternative. As a result, no additional environmental review would be required to transition from the two lanes of traffic on the bridges to the full four lanes.

The Preferred Project would allow the City Council to gauge changing traffic conditions, the efforts of the City's regional partners to support funding and construction timing of regional improvements that benefit Pleasanton, and community concerns. The Preferred Project allows the City Council to make a determination to restripe the Stoneridge Drive bridges to two lanes in each direction even if all regional improvements have not been completed, thereby vesting the City Council with the freedom to exercise its discretion about how to best manage Pleasanton's roadways.

PLANNING COMMISSION

On May 26, 2010, the Planning Commission reviewed the proposed action items under consideration. By a 5 to 0 vote, the Planning Commission recommended rescission of the existing approvals (other than the certified Final EIR) and then approval of revised CEQA documents, a revised SPA, and rezoning/pre-zoning as recommended by staff. By a 4 to 1 vote, the Planning Commission recommended approval of the non-CEQA based action items (see #3 of the Planning Commission's recommendation on page 2 of this Agenda Report), and careful consideration of revising the San Joaquin Spearscale mitigation ratio, which would be a CEQA based item (see #4 of the Commission's recommendation on page 2 of this Agenda report).

Concerning one of the non-CEQA based items—whether San Joaquin Spearscale should be planted on the Community Park site—Ralph Kanz with the Alameda Creek Alliance questioned at the Planning Commission meeting the feasibility of planting San Joaquin Spearscale on the site. WRA, the biological consultant for the SEIR, also believes the plants will not thrive due to the soil type on the community park site.

On a somewhat related note, in response to comments made by Mr. Kanz indicating that the replacement ratio of San Joaquin Spearscale acreage lost on site should be greater than the 1:1 ratio recommended by the City's biological consultant, the Commission recommended the Council consider carefully whether the 1:1 ratio should be changed. However, the Commission did not recommend a change from the 1:1 ratio. Because replacement of this plant is a CEQA based mitigation, should Council decide on a ratio greater than 1:1, the project developer will be responsible for providing such mitigation. The enhanced mitigation would also need to be reflected in the CEQA Findings and the MMRP.

Although the Commission did not formally recommend it, the Commission, in response to one of the speakers, did inquire whether the City had plans to repave Stoneridge Drive with noise attenuating pavement between Kamp Drive and Rheem Drive (in that there is multifamily housing on the north side of Stoneridge Drive); City staff has evaluated this request and is recommending Stoneridge Drive between Santa Rita Road and Kamp Drive be similarly repaved and take place prior to opening to traffic the full extension of Stoneridge Drive. Because such repaving is not CEQA based mitigation, the cost of that repaving will be borne by the City through the use of Stoneridge Drive Specific Plan Fees and/or roadway improvement funds.

Finally, the Commission also recommended that the City Council direct staff to discuss with the residents along Snowdrop Circle whose residences front that portion of Stoneridge Drive where there is no soundwall whether there is any interest in having a soundwall in that location. If the Council follows that recommendation, staff would survey resident interest in such a wall and investigate more thoroughly its cost and timing of its construction before returning that item to Council for further consideration. As with the repaving west of Kamp, this soundwall would not be CEQA based and therefore the cost would be borne by the City through the use of Stoneridge Drive Specific Plan Fees and/or Traffic Development Fees.

Six members of the public spoke at the Planning Commission hearing, and two e-mail messages related to Staples Ranch were received prior to the hearing. Some members of the public who provided comments requested additional information/mitigation/non-CEQA based actions primarily related to biology, air quality, noise, the regional transportation agreement, and traffic circulation. See the Planning Commission minutes for more details. The Planning Commission meeting minutes and the two e-mail messages received prior to the Planning Commission hearing are attached for the Council's information (see Attachments 4, 5, and 6).

DISCUSSION

Staff believes all outstanding issues have been adequately addressed. Through the review and revision process, there has been an attempt to address all major concerns. The Preferred Project includes numerous environmental mitigations to address biological, noise, air quality, transportation and other impacts; non-CEQA based actions may also be considered by the Council. For the Council's information, the attached Planning Commission staff report includes a detailed discussion about the following: CEQA Findings, SOC, MMRP, Stoneridge Drive Specific Plan Amendment, pre-zoning/rezoning, the Environmental Impact Report Supplement, non-CEQA based action items, the public noticing area for the project, and General Plan Circulation Element Program 1.6, which requires Stoneridge Drive to remain closed at Trevor Parkway until a regional transportation agreement is approved. Two additional e-mails have been received since the Planning Commission action; they are attached as Attachments 7 and 8.

NEXT STEPS

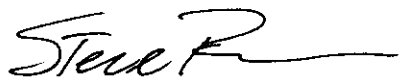
If the proposed environmental and land use documents are approved, a City Council hearing regarding Hendrick Automotive Group's PUD, Continuing Life Communities' PUD, the Neighborhood Park's PUD, a development agreement with ACSPA, other related agreements and the Regional Transportation Agreement are ready for agenda scheduling. The ground lease, PUD and development agreement for the Community Park will also be considered later this summer.

CONCLUSION

The Staples Ranch project has been planned to include a mix of land uses that are economically and/or socially beneficial to the City of Pleasanton. The EIR/SEIR, the environmental findings, the Statement of Overriding Considerations and the Mitigation

Monitoring and Reporting Plan satisfactorily address the potential environmental impacts of the Preferred Project. Accordingly, staff recommends the Council take the actions listed on pages 2 and 3 of this Agenda Report.

Submitted by:



Steven Bocian
Assistant City Manager



Brian Dolan
Director of Community Development

Approved by:



Nelson Fialho
City Manager

Attachments:

1. Draft Resolutions:
 - A. Certifying the Environmental Impact Report Supplement (SEIR) for the Stoneridge Drive Specific Plan Amendment/Staples Ranch project
 - B. Rescinding:
 - CEQA Findings, SOC and MMRP adopted by the City Council on 2/24/09 for the Stoneridge Drive Specific Plan Amendment/Staples Ranch and Adopting:
 - Revised CEQA Findings, SOC and MMRP for a revised Stoneridge Drive Specific Plan Amendment/Staples Ranch.
 - C. Rescinding:
 - The Stoneridge Drive Specific Plan Amendment adopted by the City Council on 2/24/09 and Adopting:
 - The Stoneridge Drive Specific Plan Amendment/Staples Ranch, as revised (PSP-11).
2. Draft Ordinance rescinding and introducing the Staples Ranch PUD rezoning/pre-zoning for the site
3. Planning Commission Staff Report dated May 26, 2010 with the exhibits available as listed:
 - Exhibit A: Draft Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report Supplement [DSEIR] (previously distributed, and available on the web at www.staplesranch.org)
 - Exhibit B: Draft Final Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report Supplement [Draft Final SEIR] (previously distributed, and available on the web at www.staplesranch.org)
 - Exhibit C: Resolution 09-266, adopted by the City Council on 2/24/09, certifying, with certain revisions, the Stoneridge Drive Specific Plan Amendment/Staples Ranch Final EIR (the Final EIR itself is available on the web at www.staplesranch.org)
 - Exhibit D: Resolution 09-268*, adopted by the City Council on 2/24/09, approving the Stoneridge Drive Specific Plan Amendment/Staples Ranch (PSP-11) (the Amendment itself is available on the web at www.staplesranch.org)
 - Exhibit E: Resolutions 09-265 and 09-267, adopted by the City Council on 2/24/09, approving the CEQA Findings and SOC (09-265) and MMRP (09-267)

for the Staples Ranch Development (the CEQA Findings, SOC and MMRP are available on the web at www.staplesranch.org)

- Exhibit F: Proposed revised CEQA Findings, SOC and MMRP for the Staples Ranch Development
 - Exhibit G: Revised pages 37, 42, 44, 57 and 59 of the SPA. Pages 37, 42, 44, 57 and 59 would need to be revised to reflect (a) there may be an approved policy statement regarding transportation priorities and commitments in the Tri-Valley area prior to annexation, (b) interim striping on the bridges such that, on an interim basis, there could be one travel lane in each direction on the bridges, (c) a maximum \$1.5 million payment that the ACSPA would make to the City for off site traffic improvements, (d) the ACSPA's obligation to fund and construct a new soundwall, and (e) the City's obligation to repave Stoneridge Drive between Kamp Drive and Trevor Parkway with noise attenuating pavement, to install traffic lights at Newton Way, Guzman Parkway and Trevor Parkway, and to construct intersection improvements at Stoneridge Drive and Santa Rita Road. Funding for all of these off site improvements would come from the ACSPA in an amount not to exceed \$1.5 million. Costs in excess of that amount would come from City funds; either the Stoneridge Drive Specific Plan fees or the traffic fees generated by the project to meet these costs.
 - Exhibit H: Proposed Pre-zoning/rezoning of Staples Ranch (PRZ-44)
 - Exhibits I-1 - I-5: Correspondence received after December 30, 2009 from the Alameda Creek Alliance and responses thereto
4. Draft Planning Commission meeting minutes dated May 26, 2010
 5. E-mail message from Ralph Kanz dated May 25, 2010
 6. E-mail message from Rongming Sun and Jiyun Zheng dated May 26, 2010
 7. E-mail message from Ralph Kanz dated June 4, 2010
 8. E-mail message from Sangeet Kumar and Payal Bagga dated June 7, 2010

RESOLUTION NO. 10-___

RESOLUTION CERTIFYING THE STONERIDGE DRIVE SPECIFIC PLAN AMENDMENT/STAPLES RANCH EIR SUPPLEMENT

WHEREAS, the Alameda County Specific Plan Authority (ACSPA) applied for an amendment to the Stoneridge Drive Specific Plan concerning the future development and land uses of the 124 acre Staples Ranch property and annexing 165 acres into the City of Pleasanton (“the Stoneridge Drive Specific Plan Amendment/Staples Ranch” or “the Project”); and

WHEREAS, the City Council on February 24, 2009, certified the Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report, adopted CEQA Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan, and approved the Project that included two lanes of traffic in each direction over the Arroyo bridges; and

WHEREAS, a lawsuit challenging the City of Pleasanton’s approval of the Project was filed on March 27, 2009; and

WHEREAS, On June 2, 2009, the City Council decided to assess whether it should further amend the Project to adopt a short-term configuration of Stoneridge Drive which would reduce the total number of lanes by one in each direction over the Arroyo bridges; and

WHEREAS, in October 2009 a Draft Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR Supplement (Draft SEIR) was released to address concerns raised in the lawsuit and the potential short-term configuration of Stoneridge Drive over the Arroyo bridges; and

WHEREAS, the Planning Commission held a noticed public hearing on December 9, 2009, during the public comment period on the Draft SEIR, to receive comments on the Draft SEIR; and

WHEREAS, members of the public requested additional time to review and comment on the Draft SEIR, and on December 11, 2009 the end of the public comment period for the Draft SEIR was extended from December 17, 2009 to December 30, 2009; and

WHEREAS, the City has accepted and responded to comments received during the public comment period regarding the Draft SEIR from public agencies having jurisdiction by law, persons having special expertise with respect to any environmental impacts involved, and other persons or organizations having an interest in the Project; and

WHEREAS, a draft Final SEIR has been prepared and consists of (1) the Draft SEIR, (2) comments and recommendations received on the Draft SEIR, (3) the responses to comments raised regarding environmental issues in the review and consultation process and (4) revisions to the Draft SEIR; and

WHEREAS, at a duly noticed public hearing on May 26, 2010, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of City staff concerning the draft Final Stoneridge Drive Specific Plan Amendment Staples Ranch EIR Supplement; and

WHEREAS, the Planning Commission unanimously determined that the draft Final SEIR was adequate and complete and adopted a resolution recommending that the City Council certify the Draft Final SEIR as adequate and complete; and

WHEREAS, on June 15, 2010, the City Council at a publicly noticed meeting considered the previously adopted Final EIR (adopted on February 24, 2009), the draft Final SEIR, all public testimony, relevant exhibits, and the recommendations of staff and the Planning Commission concerning the draft Final SEIR; and

WHEREAS, the City Council, in its independent judgment, finds that the draft Final SEIR is complete and adequate.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:

SECTION 1. Certifies the Final Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report Supplement, incorporated herein by reference and a copy of which is on file in the Planning Division of the Community Development Department.

SECTION 2. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on June 15, 2010.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 15th day of June, 2010, by the following vote:

- Ayes:
- Noes:
- Absent:
- Abstain:

RESOLUTION NO. 10-__

RESOLUTION RESCINDING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PLAN RELATED TO THE STAPLES RANCH DEVELOPMENT AS APPROVED BY THE CITY COUNCIL ON FEBRUARY 24, 2009 AND ADOPTING REVISED CEQA FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PLAN FOR THE STAPLES RANCH DEVELOPMENT

WHEREAS, the Alameda County Surplus Property Authority applied for an amendment to the Stoneridge Drive Specific Plan to address future development patterns and land uses on the 124 acre Staples Ranch property and annexing 165 acres into the City of Pleasanton ("Stoneridge Drive Specific Plan Amendment/Staples Ranch" or "the Project"); and

WHEREAS, in connection with that application, the City Council on February 24, 2009 (a) certified the Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report for the Project, (b) approved resolutions adopting CEQA Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan and (c) approved a resolution adopting the Stoneridge Drive Specific Plan Amendment/Staples Ranch that calls for a variety of public facilities, open space, an ice center, auto retail, a continuing care facility, commercial/retail uses and the full extension of Stoneridge Drive to El Charro Road with two lanes of traffic in each direction over the Arroyo bridges; and

WHEREAS, a lawsuit challenging the City of Pleasanton's approval of the Project was filed on March 27, 2009; and

WHEREAS, on June 2, 2009, the City Council decided to assess whether it should further amend the Stoneridge Drive Specific Plan Amendment/Staples Ranch to adopt a short-term configuration of Stoneridge Drive which would reduce the total number of lanes by one in each direction over the Arroyo bridges; and

WHEREAS, the City prepared and released in October 2009 a Draft Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR Supplement (Draft SEIR) to address concerns raised in the lawsuit and the potential short-term configuration of Stoneridge Drive over the Arroyo bridges, which Draft SEIR was received at the State Clearinghouse on October 29, 2009, and the City provided the proper legal notice of completion and the availability of the Draft SEIR; and

WHEREAS, the Planning Commission held a noticed public hearing on December 9, 2009 to accept oral comments on the Draft SEIR during the public review period; and

WHEREAS, the City has accepted and responded to written comments, as well as to the oral comments made on December 9, 2009, to the Draft SEIR received from public agencies having jurisdiction by law, persons having special expertise with respect to environmental impacts involved, and other persons and organizations having an interest in the Project; and

WHEREAS, the Final SEIR was prepared for the Project and consists of the Draft SEIR, comments and recommendations received on the Draft SEIR, and the responses to comments raised regarding environmental issues in the review and consultation process; and

WHEREAS, at a duly noticed public hearing on May 26, 2010, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of City staff concerning these matters, found that the Draft Final SEIR was complete and adequate for the Project and recommended that the City Council certify the Final SEIR; and

WHEREAS, at a duly noticed public hearing on June 15, 2010, the City Council, having considered the previously certified Final EIR adopted on February 24, 2009, all public testimony, relevant exhibits and recommendations of staff and the Planning Commission, certified the Final SEIR for the Project.

WHEREAS, in light of that action, the CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan that were adopted in City Council Resolution Nos. 09-265 and 267 should be rescinded and revised CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan, as set forth on the attached Exhibits 1 and 2, are consistent with the Final EIR (adopted on February 24, 2009) and the Final SEIR (adopted on June 15, 2010) and should be adopted.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:

SECTION 1. Rescinds Resolution Nos. 09-265 and 09-267.

SECTION 2. Adopts the CEQA Findings and Statement of Overriding Considerations, attached as Exhibit 1 and incorporated herein by reference, for the Project.

SECTION 3. Adopts the Mitigation Monitoring and Reporting Plan, attached as Exhibit 2 and incorporated herein by reference, for the Project.

SECTION 4. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on June 15, 2010.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 15th day of June, 2010, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan P. Lowell, City Attorney

EXHIBIT 1 – FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS ENVIRONMENTAL IMPACT REPORT SUPPLEMENT FOR THE STONERIDGE DRIVE SPECIFIC PLAN AMENDMENT/STAPLES RANCH EIR has been moved to **ATTACHMENT 3 EXHIBIT 1** of the August 24, 2010 Staples Ranch Supplemental Report.

EXHIBIT 2 – STONERIDGE DRIVE SPSECIFIC PLAN AMENDMENT/STAPLES RANCH PROJECT MITIGATION MONITORING AND REPORTING PLAN [MAY 2010] has been moved to **ATTACHMENT 3 EXHIBIT 2** of the August 24, 2010 Staples Ranch Supplemental Report.

RESOLUTION NO. 10-___

RESOLUTION RESCINDING THE STONERIDGE DRIVE SPECIFIC PLAN AMENDMENT/STAPLES RANCH ADOPTED ON FEBRUARY 24, 2009 AND APPROVING AND ADOPTING A REVISED STONERIDGE DRIVE SPECIFIC PLAN AMENDMENT/STAPLES RANCH

WHEREAS, The Alameda County Specific Plan Authority (ACSPA) applied for a Stoneridge Drive Specific Plan Amendment to address future development patterns and land uses on the 124 acre Staples Ranch property and annexing 165 acres into the City of Pleasanton ("the Stoneridge Drive Specific Plan Amendment/Staples Ranch" or "the Project"); and

WHEREAS, the City Council on February 24, 2009 adopted a resolution approving the Stoneridge Drive Specific Plan Amendment/Staples Ranch that, in part, called for the full extension of Stoneridge Drive to El Charro Road and two lanes of traffic in both directions over the Arroyo bridges; and

WHEREAS, A lawsuit challenging the City of Pleasanton's approval of the Project was filed on March 27, 2009; and

WHEREAS, On June 2, 2009, the City Council decided to assess whether it should further amend the Project to adopt a short-term configuration of Stoneridge Drive which would reduce the total number of lanes by one in each direction over the Arroyo bridges; and

WHEREAS, the City prepared a draft revised Stoneridge Drive Specific Plan Amendment/Staples Ranch that calls for a variety of public facilities, open space, an ice center, auto retail, a continuing care facility and retail/commercial uses, as set forth more particularly in the revised Plan Amendment documents; and

WHEREAS, At its duly noticed public hearing on May 26, 2010, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of City staff concerning a revised Stoneridge Drive Specific Plan Amendment/Staples Ranch and recommended that the current Plan Amendment, as adopted on February 24, 2009 be rescinded and that a revised Stoneridge Drive Specific Plan Amendment/Staples Ranch be adopted; and

WHEREAS, on June 15, 2010, the City Council conducted a public hearing on the Project, considered public testimony and relevant materials, and considered the recommendation of City staff and the Planning Commission; and

WHEREAS, the City Council finds that the revised Stoneridge Drive Specific Plan Amendment/Staples Ranch (referred to in the CEQA Findings as "the Preferred Project") is consistent with the General Plan and the Stoneridge Drive Specific Plan.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:

SECTION 1. Rescinds Resolution Nos. 09-268 and 09-268*.

SECTION 2. Adopts changes to the Stoneridge Drive Specific Plan Amendment/Staples Ranch as such changes are set forth in the attached Exhibit 1, incorporated herein by reference, thereby adopting the Stoneridge Drive Specific Plan Amendment/Staples Ranch, June 15, 2009, (PSP-11) incorporated herein by reference and a full and complete copy of which is on file with the Planning Division of the Community Development Department.

SECTION 3. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on June 15, 2010.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 15th day of June, 2010, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan P. Lowell, City Attorney

EXHIBIT 1 – PROPOSED CHANGES TO THE STONERIDGE DRIVE SPECIFIC PLAN AMENDMENT (PSP-11) WITH THE PREFERRED PROJECT has been moved to **ATTACHMENT 4 EXHIBIT 1** of the August 24, 2010 Staples Ranch Supplemental Report.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PLEASANTON RESCINDING ORDINANCE NO. 1989 (THAT PRE-ZONED AND REZONED THE STAPLES RANCH SITE) AND ADOPTING AN ORDINANCE PREZONING AND REZONING THE SAME SITE

WHEREAS, the Alameda County Surplus Property Authority applied to amend the Stoneridge Drive Specific Plan ("the Stoneridge Drive Specific Plan Amendment/Staples Ranch") concerning the 124 acre Staples Ranch property to prezone those portions of the Staples Ranch site that are currently in the unincorporated area of Alameda County and to rezone those portions of the Staples Ranch site that are currently within the City of Pleasanton; and

WHEREAS, the City Council approved the Stoneridge Drive Specific Plan Amendment/Staples Ranch on February 24, 2009 and on March 3, 2009 adopted an ordinance pre-zoning and rezoning the Staples Ranch site; and

WHEREAS, On June 2, 2009, the City Council decided to assess whether it should further amend the Stoneridge Drive Specific Plan Amendment/Staples Ranch; and

WHEREAS, at its duly noticed public hearing on May 26, 2010, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of City staff concerning a revised Stoneridge Drive Specific Plan Amendment Staples Ranch, as well as the prezoning/zoning of the site; and

WHEREAS, the Planning Commission recommended that the current Stoneridge Drive Specific Plan Amendment/Staples Ranch be rescinded and a revised Stoneridge Drive Specific Plan Amendment/Staples Ranch be adopted; and

WHEREAS, the Planning Commission also recommended that if its recommendation were followed on the Specific Plan Amendment that the current ordinance prezoning and zoning the Staples Ranch site likewise be rescinded and a new prezoning/zoning ordinance adopted; and

WHEREAS, the City Council, following a duly noticed public hearing on June 15, 2010, considered all public testimony, relevant exhibits, and the recommendation of staff and the Planning Commission; and

WHEREAS, the City Council has followed the Planning Commission's recommendation concerning the Specific Plan Amendment and, as a result, it is necessary for the City Council to rescind the existing ordinance that prezoned and rezoned the Staples Ranch site and then to adopt a new ordinance prezoning and rezoning the Staples Ranch site; and

WHEREAS, the City Council finds that the proposed rezoning and rezoning of the Staples Ranch site is consistent with the General Plan, the Stoneridge Drive Specific Plan Amendment/Staples Ranch, and the PUD District Ordinance of the City of Pleasanton.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. 1989 is rescinded.

SECTION 2. That portion of the Staples Ranch property that is currently in the unincorporated area of Alameda County (i.e., 122.5 acres of the 124 acre Staples Ranch property), bounded on the north by I-580 and the City of Dublin, on the east by El Charro Road and the City of Livermore, and on the south by the Arroyo Mocho channel and unimproved quarry lands, is rezoned to the (a) PUD-C (Commercial) District, (b) PUD-HDR/C (High Density Residential/Commercial) District) and (c) PUD-P (Park) District.

SECTION 3. That portion of the Staples Ranch property that is currently within the City limits of the City of Pleasanton (i.e., 1.5 acres of the 124 acre Staples Ranch property), generally on the western side of the property, is rezoned from the PUD-MDR (Medium Density Residential) District to the (a) PUD-MDR (Medium Density Residential) District, (b) PUD-C (Commercial) District and (c) PUD-HDR/C (High Density Residential/Commercial) District, or a similar combination thereof.

SECTION 4. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by Zoning Unit Map No. 475, attached hereto as Exhibit A, dated June 15, 2010, and incorporated herein by reference.

SECTION 5. A summary of this ordinance shall be published within fifteen days after its adoption in "The Valley Times", a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen days in the City Clerk's office within fifteen days after its adoption.

SECTION 6. This ordinance shall be effective thirty days after its passage and adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on June 15, 2010 and was adopted at a regular meeting of the City Council of the City of Pleasanton on _____, 2010 by the following vote:

- Ayes:
- Noes:
- Absent:
- Abstain:

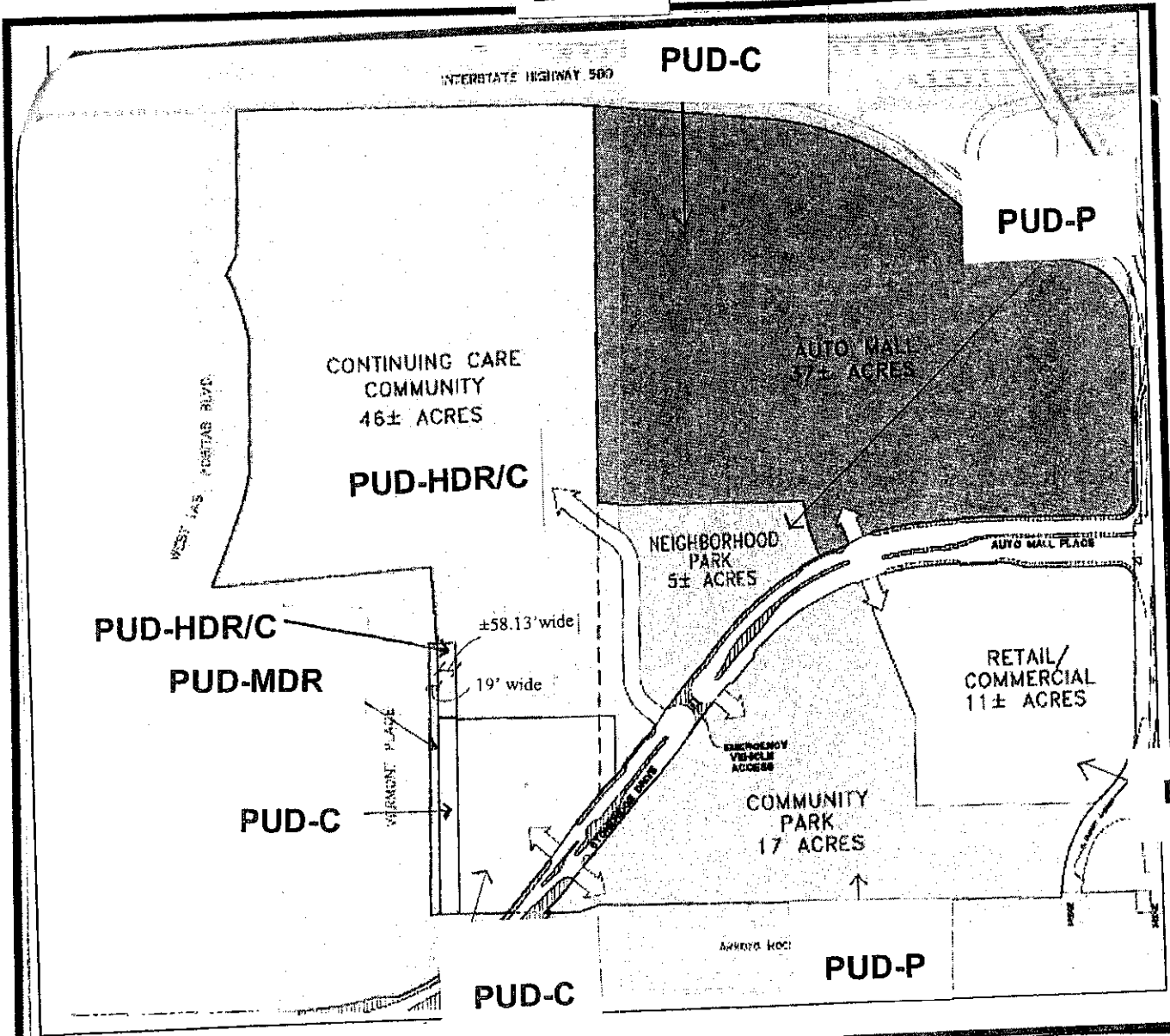
Jennifer Hosterman, Mayor

ATTEST:

Karen Diaz, City Clerk

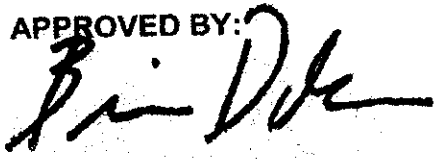
APPROVED AS TO FORM:

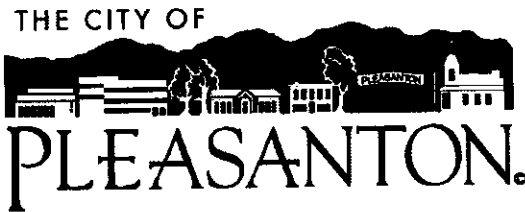
Jonathan P. Lowell, City Attorney



**CITY OF PLEASANTON
PLANNING DEPARTMENT**

**Ordinance No. 1989
Zoning Unit Map No. 475**

DRAWN BY: R. Giffin	APPROVED BY:  DIRECTOR of COMMUNITY DEVELOPMENT	DATE: 02/24/2009
SCALE: Not to Scale		SEC. NO.: PRZ-44



Planning Commission Staff Report

May 26, 2010
Item 6.a

SUBJECT: Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report Supplement (SEIR) and related California Environmental Quality Act (CEQA) Documents (CEQA Findings, Statement of Overriding Considerations (SOC) and Mitigation Monitoring and Reporting Plan (MMRP)), Case PSP-11 (Stoneridge Drive Specific Plan Amendment), and Case PRZ-44 (Pre-Zoning/Rezoning of the Staples Ranch Site)

Consider and Make Recommendations Regarding:

1. Certification of the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR Supplement (SEIR).
2. Rescission of:
 - a. CEQA Findings, SOC and MMRP adopted by the City Council on 2/24/09 for the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR;
 - b. Stoneridge Drive Specific Plan Amendment (PSP-11) adopted by the City Council on 2/24/09; and
 - c. Pre-zoning/rezoning of the Staples Ranch Site (PRZ-44) adopted by the City Council on 3/3/09.
3. Adoption of:
 - a. Revised CEQA Findings, SOC and MMRP for the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR/SEIR, for a revised Specific Plan Amendment;
 - b. Stoneridge Drive Specific Plan Amendment, as revised (PSP-11); and
 - c. Pre-zoning/rezoning of the Staples Ranch site (PRZ-44).

**PROPERTY OWNER/
APPLICANT:**

Alameda County Surplus Property Authority (ACSPA)

GENERAL PLAN:

Alameda County General Plan—Mixed-Use/Business Park

City of Pleasanton General Plan—Medium Density Residential (2 to 8 dwelling units per gross acre) and High Density Residential (greater than 8 dwelling units per gross acre); Parks and Recreation; and Retail/Highway/Service Commercial, Business and Professional Offices

SPECIFIC PLAN: Stoneridge Drive Specific Plan

ZONING: 122.5 acres of the project site are in unincorporated Alameda County and are currently zoned Agriculture by Alameda County.

City of Pleasanton—Pre-zoning for the property is PUD-C (Planned Unit Development-Commercial), for the portion of the project site with the Health Center, and PUD-HDR/C (Planned Unit Development-High Density Residential/Commercial) for the remainder of the senior continuing care community site, PUD-P (Planned Unit Development-Park) for the two park sites, and PUD-C (Planned Unit Development-Commercial) for the auto mall site and the commercial site.

An approximately 1.5 acre site already within the City of Pleasanton is zoned PUD-MDR (Planned Unit Development-Medium Density Residential), PUD-C (Planned Unit Development-Commercial), and PUD-HDR/C (Planned Unit Development-High Density Residential/Commercial)

LOCATION: Located at the southwestern intersection of the I-580 Freeway and El Charro Road (Staples Ranch)

- ATTACHMENTS:**
1. Exhibit A: Draft Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report Supplement [DSEIR] (previously distributed, and available on the web at www.staplesranch.org)
 2. Exhibit B: Draft Final Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report Supplement [Draft Final SEIR] (previously distributed, and available on the web at www.staplesranch.org)
 3. Exhibit C: Resolution 09-266, adopted by the City Council on 2/24/09, certifying, with certain revisions, the Stoneridge Drive Specific Plan Amendment/Staples Ranch Final EIR (the Final EIR itself is available on the web at www.staplesranch.org)
 4. Exhibit D: Resolution 09-268*, adopted by the City Council on 2/24/09, approving the Stoneridge Drive Specific Plan Amendment/Staples Ranch (PSP-11) (the Amendment itself is available on the web at www.staplesranch.org)
 5. Exhibit E: Resolutions 09-265 and 09-267, adopted by the City Council on 2/24/09, approving the CEQA Findings and SOC (09-265) and MMRP (09-267) for the Staples Ranch Development (the CEQA Findings, SOC and MMRP are available on the web at www.staplesranch.org)
 6. Exhibit F: Proposed revised CEQA Findings, SOC and MMRP for the Staples Ranch Development

7. Exhibit G: Revised pages 37, 42, 44, 57 and 59 of the SPA. Pages 37, 42, 44, 57 and 59 would need to be revised to reflect (a) there may be an approved policy statement regarding transportation priorities and commitments in the Tri-Valley area prior to annexation, (b) interim striping on the bridges such that, on an interim basis, there could be one travel lane in each direction on the bridges, (c) a maximum \$1.5 million payment that the ACSPA would make to the City for off site traffic improvements, (d) the ACSPA's obligation to fund and construct a new soundwall, and (e) the City's obligation to repave Stoneridge Drive between Kamp Drive and Trevor Parkway with noise attenuating pavement, to install traffic lights at Newton Way, Guzman Parkway and Trevor Parkway, and to construct intersection improvements at Stoneridge Drive and Santa Rita Road. Funding for all of these off site improvements would come from the ACSPA in an amount not to exceed \$1.5 million. Costs in excess of that amount would come from City funds; either the Stoneridge Drive Specific Plan fees or the traffic fees generated by the project to meet these costs.
8. Exhibit H: Proposed Pre-zoning/rezoning of Staples Ranch (PRZ-44)
9. Exhibits I-1 - I-5: Correspondence received after December 30, 2009 from the Alameda Creek Alliance and responses thereto

BACKGROUND

In October 1989 the City Council adopted the Stoneridge Drive Specific Plan (SDSP), a specific land use plan for 293 acres located east of the Pleasanton Meadows subdivision and bordered by Trenery Drive on the south, I-580 on the north, and El Charro Road to the east. The City's 1986 General Plan had called for the development of a Specific Plan for the area and designated the area with a mix of low, medium, and high density residential; commercial; parks; and school land uses. The land use designations were intended to be conceptual, with final land uses and densities determined by the SDSP. Following the adoption of the SDSP in 1989, about 169 acres were developed with single family homes, an elementary school and a neighborhood park.

On February 24, 2009, the City of Pleasanton certified the Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report (EIR), which evaluated the environmental impacts of modifying the land use and circulation plans for the 124-acre Staples Ranch portion of the City's Stoneridge Drive Specific Plan.

While the original Specific Plan required that Stoneridge Drive be extended to El Charro Road as part of any development of Staples Ranch, the "Proposed Project" evaluated in the EIR modified the Specific Plan circulation policies to not extend Stoneridge Drive to El Charro Road until some point in the future. Instead, under the Proposed Project, Stoneridge Drive improvements within the Staples Ranch Project site would consist of a two-lane bridge over the Arroyo Mocho connected to a two-lane road segment that would provide access to the

westerly portion of Staples Ranch. The eastern portion of the property would be accessed via a four-lane road connecting to El Charro Road, and no through traffic would be permitted between the two portions of the property, other than emergency vehicles and possibly buses.

In addition, the Proposed Project evaluated in the EIR modified the Staples Ranch land uses from 100 acres of retail and service commercial uses and a 17-acre community park to specifically include a 46-acre senior continuing care community, a 37-acre auto mall, an 11-acre retail/commercial center, a 5-acre neighborhood park, and a 17-acre community park (Stoneridge Drive Specific Plan Amendment). The EIR also assessed the effects of a four-rink ice-skating center in the community park, together with the other Proposed Project land uses and roadway configurations, as a project alternative (Ice Center Alternative).

On February 24, 2009, after certifying the EIR, the City Council approved the Stoneridge Drive Specific Plan Amendment as contemplated by the Ice Center Alternative, but without the modifications to Stoneridge Drive. That is, the City Council opted to retain the original Specific Plan circulation improvements for Stoneridge Drive, requiring the construction of two bridges and four lanes through the Staples Ranch project at the same time as project buildout, as originally contemplated by the Stoneridge Drive Specific Plan (Four-Lane Concurrent Extension), rather than at some point in the future.

As part of the resolution adopting the Specific Plan Amendment for Staples Ranch, the City Council also directed staff to complete negotiations on a draft transportation priorities policy statement with Alameda County and the cities of Livermore and Dublin. The policy statement would establish priorities and commitments for the construction and completion of major arterials in the Tri-Valley, including Stoneridge Drive, with the intent of having an approved policy statement adopted prior to annexation of Staples Ranch to Pleasanton.

On June 2, 2009, the City of Pleasanton decided to assess whether it should further amend the Stoneridge Drive Specific Plan to adopt a configuration of Stoneridge Drive that would differ from the Four-Lane Concurrent Extension by reducing the total number of lanes by one in each direction across the Arroyo bridges (Two-Lane Constrained Extension). The Two-Lane Constrained Extension would still entail the full extension of Stoneridge Drive to El Charro Road as part of the development of Staples Ranch, but would temporarily stripe the travel lanes on the Arroyo bridges to one in each direction, instead of the two lanes in each direction under the Four-Lane Concurrent Extension.

To facilitate this reassessment, a Draft Environmental Impact Report Supplement (Draft SEIR) to assess and compare the effects of the Four-Lane Concurrent Extension Alternative and the Two-Lane Constrained Extension Alternative against the Proposed Project was prepared.

In accordance with the California Environmental Quality Act (CEQA) the Draft SEIR was distributed for public review and comments. The public review period for the Draft SEIR ended on December 30, 2009. The original review period was to end on December 17, 2009, but members of the public requested an extension and staff was able to accommodate this request.

The draft Final Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR Supplement (Final SEIR) includes responses to comments on the Draft SEIR raised during the public review period, and includes revisions intended to correct, clarify, and amplify the Draft SEIR. If certified, the SEIR, along with the EIR certified by the City Council on February 24, 2009, would compose the entire EIR for the project.

The draft Final SEIR is before the Commission for review and recommendation to the City Council.

Lawsuit

A lawsuit challenging the City of Pleasanton's approval of the Staples Ranch Specific Plan Amendment was filed on March 27, 2009. The lawsuit claimed, in part, that the City of Pleasanton should have recirculated the EIR with a new analysis of the impacts of the Four-Lane Concurrent Extension and that the EIR's analysis of the impacts of the Four-Lane Concurrent Extension and the EIR's analysis of biological resources, greenhouse gas (GHG) emissions, and cumulative quarry impacts were insufficient. This lawsuit settled in September 2009.

In an effort to address the concerns raised in the lawsuit, the SEIR also includes the results of updated biological surveys for sensitive species which could be impacted by the Staples Ranch project. In addition, because of the rapidly changing legal framework for the analysis of potential impacts of greenhouse gas (GHG) emissions, the SEIR also provides an updated analysis of this issue. Concerns raised over the potential cumulative impacts of the Proposed Project in conjunction with the quarry operations located to the south of the Staples Ranch site are also addressed.

The lawsuit settlement agreement contemplates that the City Council may rescind its adopted CEQA Findings, SOC, MMRP, the SPA, and the pre-zoning/rezoning for the Staples Ranch site and then adopt new or revised CEQA Findings, SOC, MMRP, SPA, and pre-zoning/rezoning. These documents are also before the Commission for a recommendation regarding rescission and then a recommendation regarding adoption.

I. CEQA Findings, SOC, MMRP, Stoneridge Drive Specific Plan Amendment, and Pre-Zoning/Rezoning

A. CEQA Findings

The CEQA Findings have been revised to reflect changes as a result of the SEIR. CEQA requires the lead agency to adopt findings for each potentially significant environmental impact. Specifically, for each significant impact, the lead agency must make one or more of the following three findings:

- Changes or alterations have been incorporated into the project to avoid or substantially lessen the significant environmental effects identified in the EIR;

- Such changes or alterations are within the responsibility and jurisdiction of another public agency and should be adopted by that agency; or
- Specific economic, social, legal technological, or other consideration make the mitigation measures or alternatives identified in the EIR infeasible.

The revised CEQA Findings are in Exhibit F and reflect the adoption of the Four-Lane Concurrent Extension Alternative with a phasing modification (hereafter, “the Preferred Project”).

If the Preferred Project is adopted, the road and both bridges would be constructed to accommodate two lanes of travel in each direction. However, both bridges would be striped such that there would be only one lane of travel in each direction with an expectation that in the future the City Council would approve the bridges to be restriped to accommodate two lanes of traffic in each direction. The mitigation measures that would be adopted and implemented for the Preferred Project would be the same as the Four-Lane Concurrent Extension Alternative.

Notwithstanding staff’s recommendation that the Planning Commission recommend to the City Council that the Preferred Project be adopted, the Commission also has the obligation to independently review the other alternatives and, if the Commission concludes one of those alternatives should be adopted, to recommend to the Council that alternative. Set forth below are those alternatives and, briefly, reasons why the staff believes the Commission should not recommend their adoption. For a fuller explanation of those alternatives, please see pages 5-1 to 5-50 of the Draft EIR and pages 55-111 of the Draft SEIR. For a fuller explanation as to why these alternatives should not be adopted, please see pages 8 through 18 of the CEQA Findings (Exhibit F).

- No Project Alternative: Not consistent with the City’s planning goals for the property and not consistent with the objectives of the Preferred Project.
- Existing Specific Plan Alternative: Has slightly greater impacts than the Preferred Project; not consistent with Preferred Project’s objectives to provide a site for a senior continuing care community, to retain existing auto sales within the City and to provide a community park with an ice rink facility and to provide a neighborhood park/storm water detention facility.
- Proposed Project: Not consistent with regional growth goals and policies regarding the timely construction of roadway arterials in the Tri-Valley area; in the near term, not consistent with the Circulation Element of the General Plan; not consistent with Preferred Project’s objectives to provide a community park with an ice rink facility.
- Ice Center Alternative (had the same Stoneridge configuration as the Proposed Project): Not consistent with regional growth goals and policies regarding the timely construction of roadway arterials in the Tri-Valley area; not consistent with the Circulation Element of the General Plan.

- **Open Space Alternative:** Not consistent with the City's goals and policies concerning a community park that has active recreation uses and would not provide the economic and social benefits associated with the ice center facility identified in the Preferred Project.
- **Four-Lane Concurrent Extension Alternative:** Has slightly more impacts than the Preferred Project initially due to the bridges' being striped for two lanes of traffic in each direction; fails to provide the City the flexibility it desires in managing its roadways in that the bridges would be initially be restriped for two lanes of travel in each direction regardless of regional traffic improvements.
- **Two-Lane Constrained Extension Alternative:** Fails to provide the City the flexibility it desires in managing its roadways in that the bridges would be restriped to accommodate two lanes of travel in each direction only when certain regional improvements were completed.

B. Statement of Overriding Considerations (SOC)

If a lead agency approves a project without mitigating all of the significant impacts, it must prepare a SOC, in which it balances the benefits of the project against the unavoidable environmental risks. The SOC must explain the social, economic, or other reasons for approving the project despite its environmental impacts.

For the reasons explained briefly in Section A above and in more detail on pages 8 to 18 of Exhibit F, the Proposed Project and the No Project, Existing Specific Plan, Ice Center, the Open Space, Four-Lane Concurrent Extension (without the phasing modification) and the Two-Lane Constrained Extension Alternatives would not achieve the core project objectives, would not significantly reduce (when compared to the Preferred Project) the significant and unavoidable impacts, or would not provide sufficient flexibility to the City Council to manage the City's roadways. For these reasons, staff recommends that the Commission recommend that the Council adopt the Preferred Project.

A comprehensive list of benefits, including social benefits, is provided in the proposed SOC (see Exhibit F). Staff believes that the potential benefits of the Preferred Project outweigh the significant unavoidable environmental impacts mentioned in Section II (below).

C. Mitigation Monitoring and Reporting Plan (MMRP)

The MMRP has been revised to reflect new mitigations in the SEIR (see Exhibit F). The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation.

D. Stoneridge Drive Specific Plan Amendment

Staff recommends the Planning Commission recommend to the City Council that the adopted Specific Plan Amendment be rescinded and then a revised Specific Plan be adopted, reflecting the Preferred Project (Exhibit G). If the Preferred Project is adopted, it would necessitate the

following changes to the currently adopted SPA related to lane striping on the proposed bridges:

1. Revise the third sentence in the third paragraph on page 37 of the Specific Plan Amendment to read:

Before the City submits to the Alameda County Local Agency Formation Commission an application to annex the Staples Ranch property to Pleasanton, the cities of Pleasanton, Dublin, and Livermore, and the County of Alameda may have approved a Policy Statement regarding transportation priorities and commitments in the Tri-Valley area.

(The existing language states it is anticipated that the policy statement will be approved prior to annexation.)

2. Add a new sentence before the last sentence of the last paragraph on page 37 of the Specific Plan Amendment stating:

The City Council may require interim striping of the bridges such that there is one travel lane in each direction as shown in Figure IV-7.

3. Add a new sentence at the end of policy C2 (on page 44 of the Specific Plan Amendment) stating:

The City Council may require interim striping of the bridges such that there is one travel lane in each direction as shown in Figure IV-7.

4. Add a new figure, Figure IV-7, after Figure IV-6 on page 42 of the Specific Plan Amendment. Figure IV-7 would be identical to Figure S-5.2-2 in the SEIR (showing interim striping of the bridge such that there is one travel lane in each direction).

(These changes are shown in Exhibit G.)

Regardless of the alternative adopted, staff also recommends that the SPA be revised to reflect:

(a) that the ACSPA will make a maximum payment of \$1.5 million (increased from \$1 million) to the City for its share of off site improvements, namely the repaving of Stoneridge Drive between Kamp Drive and Trevor Parkway with noise attenuating pavement, improvements to the Stoneridge Drive/Santa Rita Road intersection and the cost of new traffic signals at Stoneridge Drive and Newton way, Guzman Parkway and Trevor Parkway. In addition to the \$1.5 million, the ACSPA will fund paving the new portion of Stoneridge Drive with noise attenuating pavement, and fund and construct the soundwall for the two residences on Maria and Curry Streets as well as the other "Project Sponsored" mitigations in the Mitigation Monitoring and Reporting Plan; and

(b) that the City will, with the funds received from the ACSPA, repave the existing portion of Stoneridge Drive with noise attenuating pavement, make the intersection improvements at Stoneridge and Santa Rita, and install traffic lights at Newton Way, Guzman Parkway and Trevor Parkway. To the extent those off site improvements exceed \$1.5 million, the funding for the improvements will come from City funds; either the Stoneridge Drive Specific Plan fees or traffic fees generated by the project to meet these costs.

(These changes are shown in Exhibit G.)

The SPA will be a "stand alone" document. This is because the majority of the original Specific Plan area has been developed and because of the numerous changes in plans, policies, and surrounding land uses over the last 20 years. Many of the policies and much of the text of the original Stoneridge Drive Specific Plan document are no longer relevant to guiding the development of the Staples Ranch property.

E. Pre-Zoning/Rezoning

With the exception of a 1.5 acre parcel on the western side of Staples Ranch, the entire Staples Ranch property is part of unincorporated Alameda County and in March 2009 was pre-zoned in anticipation of the property being annexed to the City. In addition, the 1.5 acre parcel that is in the City was rezoned. Both the pre-zoning and the zoning directly reflect the land use provision contained within the Specific Plan.

Staff recommends no change to the pre-zoning/zoning adopted by the City Council on 3/3/09. Because, however, staff is recommending that the February 2009 SPA be rescinded and then adopted with revisions, staff is also recommending that the March 2009 pre-zoning/zoning ordinance likewise be rescinded and then readopted. As proposed, once the site is annexed, Staples Ranch would have the following zoning designations:

- Auto Mall Site: PUD-C (Commercial)
- Retail/Commercial Site: PUD-C (Commercial)
- Continuing Care Community Site: PUD-C (Commercial), for the parcel with the Health Center
PUD-HDR/C (High Density Residential/Commercial), for the remainder of the site
- Community Park Site: PUD-P (Park)
- Neighborhood Park Site: PUD-P (Park)

The senior continuing care applicant proposes to transfer land (approximately 19' in width) to the adjacent residents along Vermont Place, so that the property line can be "squared". The adjacent residents on Vermont Place requested this. The land transfer area would be zoned PUD-MDR (Planned Unit Development-Medium Density Residential). The land transfer is consistent with the Stoneridge Drive Specific Plan Amendment.

II. Environmental Impact Report Supplement

The Draft SEIR for the project was completed in October 2009 and then circulated for public review. The document was reviewed by various State, regional, and local agencies, as well as by interested organizations and individuals. Twenty-five comment letters were received. A public meeting was also held at Pleasanton City Hall on December 9, 2009 to obtain oral comments on the Draft SEIR. During the public meeting, oral comments were received from eight members of the public including Planning Commissioners.

If the proposed mitigation measures are adopted, impacts resulting from the Specific Plan Amendment and subsequent development of Staples Ranch could be reduced to a less than significant level, with the exception of the following significant and unavoidable impacts:

- Aesthetics and Visual Quality - as a result of conversion of the Staples Ranch site from undeveloped to developed land and the loss of the rural character of the Project Area.
- Air Quality - as a result of emissions of ozone precursors (reactive organic gases and oxides of nitrogen) and particulate matter from mobile and stationary sources, above thresholds used by the Bay Area Air Quality Management District (BAAQMD).
- Climate Change - a cumulatively considerable and unavoidable contribution to the significant cumulative impact of climate change.
- Noise - as a result of a revised noise significance threshold in the Pleasanton General Plan 2005-2025.
- Traffic - as a result of increased project trips.

A few highlights of the Final SEIR are described below.

Noise

A 30 mph vehicle speed was used in the noise study for the Draft SEIR. The noise consultant used a vehicle speed of 30 mph based on observations east of Guzman Parkway, not because the traffic consultant assumed future traffic congestion would result in that speed. Because the current speed limit on Stoneridge Drive is posted at 35 mph and that posted speed limit, given the number of traffic lights that will be installed and because there is a school zone on Stoneridge Drive (for Hacienda School), is unlikely to change in the future, the noise consultant re-calculated the noise level based on vehicles traveling 35 mph on Stoneridge Drive without noise attenuating pavement. The table below shows the noise levels, assuming Stoneridge Drive is not repaved with noise attenuating pavement.

**Table 1
Stoneridge Drive Noise Level
35 mph Vehicle Speed**

Receiver	Existing Noise Level	2-Lane Constrained 2015		4-Lane Concurrent 2015		Cumulative 2030 (full extension)	
		Future Noise Level	Increase over Existing	Future Noise Level	Increase over Existing	Future Noise Level	Increase over Existing
Hacienda School	52	57	5	58	6	56	4
Mohr Elementary	49	54	5	55	6	54	5
North Residence East of Kamp	56*	63	7	63	7	62	6
South Residence, East of Kamp	56*	62	6	63	7	61	5
South Residence, East of Guzman	54*	62	8	63	9	61	7
Snowdrop Circle Residence (East of Guzman)	49*	51	2	52	3	51	2
Vermont Place Residence (N of bridge)	52	60	8	61	9	60	8
Chocolate Street Residence (S of bridge)	52*	63	11	64	12	62	10

Source: Charles M. Salter and Associates, 2010

* Estimated based on nearby ambient noise measurements. For the schools, noise measurements are calculated at the building facade. For residences, noise measurements are calculated in the backyard.

The change in vehicle speed resulted in a L_{dn} 0.6 dB increase in noise level at the residences near Stoneridge Drive. Depending on the existing noise level and the effect of numerical rounding, noise levels at the sensitive receivers (e.g., schools) and residences either stayed the same or increased by 1 dB.

Mitigation Measure S-NO-1.1 requires noise attenuating pavement which will reduce the decibel level by 3 dB. By reducing the decibel level by 3 dB, all areas along Stoneridge Drive east of Santa Rita Road, under the Preferred Project, will be at or below the 60 dB goal except for one residence on Maria Street and one residence on Curry Street. As to those two residences, whose backyards are close to the south side of the new bridges, the noise attenuating pavement will reduce the sound impact to 61 dB, that is one decibel over the City's goal of 60 dB. While exceeding the goal by only one decibel is not considered a significant impact, a decibel level of 60 dB would be attained in the backyards of these residences either by replacing the existing soundwall with a wall approximately one foot higher or, if the residents did not want their wall replaced, by constructing a new, higher, wall on City right of way in front of the existing wall. Moreover, the cost to construct a new soundwall for these two residences is feasible, approximately \$64,000 (200 lineal feet x \$320 = \$64,000). Accordingly, Mitigation Measure S-NO-1.1 is recommended to be revised to include the construction of this higher soundwall as to these two residences. The proposed mitigation revision is shown below:

S-NO-1.1: *Repave Stoneridge Drive between Kamp Drive and Trevor Parkway with noise attenuating pavement and replace the soundwall nearest the Stoneridge Drive bridge.* Prior to the completion of the Stoneridge Drive extension to El Charro Road, Stoneridge Drive between Kamp Drive and Trevor Parkway shall be repaved with noise-attenuating pavement and the soundwall closest to the south side of the Stoneridge Drive bridge (adjacent to the Maria/Curry Street residences) shall be replaced with a wall approximately one foot higher or, if the residents do not want their wall replaced, by constructing a new, higher wall on City right of way in front of the existing wall.

The funding and construction of the new soundwall by the ACSPA is in addition to the \$1.5 million it is providing for off-site improvements.

Biology

WRA reevaluated its biological reports. The California Red-Legged Frog survey WRA conducted in 2009 was not protocol level; however, based on its negative 2009 field-survey results, as well as previous surveys conducted in 1993 and 2002, WRA continues to conclude that California Red-Legged Frog are not currently present in the Arroyo Mocho channel adjacent to the Staples Ranch property and that BIO-2.2 (implement ground disturbance restrictions near the Arroyo Mocho), BIO-2.3 (conduct pre-construction surveys), and BIO-2.4 (conduct worker environmental training for construction crews) are satisfactory mitigation.

The 2004 Monitoring Report for the Arroyo realignment project notes that two Western Pond Turtles were observed following the completion of that project. The Draft SEIR has been revised to reflect this. The addition of this information does not change the conclusion of the Draft SEIR that the proposed project could affect Western Pond Turtles during bridge construction, and that mitigation measures BIO-4.1 (conduct preconstruction surveys) and BIO-4.2 (provide exclusion fencing) will assure that no individual turtles could potentially be affected by bridge construction.

Alameda Creek Alliance

The Alameda Creek Alliance submitted two e-mail messages with additional comments after the close of the public comment period (i.e., after December 30, 2009). The main focus of the first set of comments (Exhibit I-1) is an allegation that Alameda County improperly filled potential wetlands on the Staples Ranch site several years ago as part of its arroyo realignment project. Alameda County contends it had proper approvals and review of its project.

Staples Ranch has not been incorporated into the City of Pleasanton, so the City did not have jurisdiction (or approval authority) regarding the County's project. The 1988 Stoneridge Drive Specific Plan EIR does include two biological mitigations; however, since the property was not annexed, the City did not have jurisdiction regarding their implementation.

The two biological mitigations from the 1988 Stoneridge Drive Specific Plan EIR are:

- Realign the arroyo and to mitigate the loss of “Las Positas” wetland habitat, enhance design of new arroyo to increase its value as habitat
- CTS survey prior to realignment

When an EIR is prepared for a project, CEQA requires that the then existing conditions of the site be analyzed (“baseline conditions”) regardless of what may have happened in the past. The baseline condition for the 2008/2009 Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR is after the fill of the upland areas by Alameda County. Accordingly, in regard to the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR and SEIR, CEQA does not require additional discussion related to the Alameda Creek Alliance’s comments since those comments concern matters that are purported have had happened years before the baseline conditions for this EIR/SEIR.

Nevertheless, the letter from the Alameda Creek Alliance to the San Francisco Bay Regional Water Quality Control Board (Exhibit I-1) and a letter from Alameda County to the Regional Water Quality Control Board in response (Exhibit I-2) are attached for the Commission’s information. Also attached as Exhibit I-3 is correspondence from Bruce Wolfe, Executive Director of the San Francisco Bay Regional Water Quality Control Board to the City in which he confirms that jurisdictional wetlands were not present in the uplands of the Staples Ranch site, and, therefore, there was no illegal fill by the County (and the Regional Water Quality Control Board) plans no further action on Mr. Kanz’ request.

In its second set of comments (Exhibit I-4), the Alameda Creek Alliance states that its review of old emails between staff, the ACSPA and Staples consultants, indicate that PBS&J, the City’s EIR consultant, changed its conclusions regarding the potential presence of a sensitive plant species, the Congdon’s tarplant, without justification or without explaining the ramifications to the City. As indicated in its letter dated April 21, 2010, (Exhibit I-5), PBS&J believes the change was indeed justified and based on valid scientific reasons.

PBS&J did prepare an October 2007 administrative draft biology section that indicated the potential presence of Congdon’s tarplant; however, in its subsequent January 2008 administrative draft biology section, it was reported that Congdon’s tarplant was absent based on rare plant surveys. PBS&J justifiably changed the text for the following reasons:

- PBS&J performed a number of biological field visits to the Staples Ranch site. Some were to conduct initial reconnaissance and to assist in performing peer reviews of the biological studies that were previously prepared for the site. Others were more targeted – to examine the trees and the habitat along the berm on the western periphery of the site or to identify wetland features. The results of their initial visits were combined with queries of applicable databases, such as the California Natural Diversity Database, the US Fish & Wildlife Service, and the California Native Plant Survey, and were reported in the October 2007 administrative draft.

- Staff's review of that October 2007 administrative draft questioned the presence of the Congdon's tarplant based on then recent surveys of the site by Wetlands Research Associates that were undertaken in 2005 and 2006 specifically to identify rare plants on the site. In all of the surveys, the Congdon's tarplant had not been detected.
- Congdon's tarplant appears very similar to the common spikeweed. There are distinguishing features between these two species; these features occur on the underside of the leaf and are best observed under a microscope. Based on a more thorough analysis, PBS&J concluded that no Congdon's tarplant was on the site and therefore PBS&J in January 2008 corrected the information regarding the Congdon's tarplant in a revised administrative draft of the biology section that reflected the plant survey.

The purpose of submitting an administrative draft is to provide the lead agency with an opportunity to review an early version of the document and identify concerns, correct factual mistakes, question assumptions and analyses, etc. This process of revising, updating, and correcting the report is not only commonplace, but expected, and occurs with every environmental document that is prepared – all in order to make the report as accurate as possible when it is released for public review and comment. During this process, a number of revisions occurred and City staff was highly engaged and aware of these modifications.

The EIR is intended to be an informational document. PBS&J believes the Staples Ranch EIR presented potential impacts so that the city, the community, and other interested entities could understand the implications of approving the project. PBS&J gave considered thought and analysis as to whether the Congdon's tarplant was present and concluded, based on empirical evidence, that it was not.

BART

Staff believes that recirculation of the SEIR to address a possible BART extension to Livermore via El Charro Road is not warranted because: 1) the BART extension Draft EIR was released after the SEIR was circulated for public comment and therefore is not required to be incorporated into a cumulative impact analysis; 2) the BART extension EIR does not identify a preferred alternative, therefore an analysis of the any of the alignment alternatives would be speculative; and 3) the only feasible possible alignments of a BART extension to Livermore would be along the I-580 corridor and if a Downtown Livermore station is ultimately proposed, the alignment would most likely include a new BART alternative alignment using Portola in Livermore. The Livermore City Council has recently adopted the later alternative and staff anticipates that it will be approved in June/July by the BART Board of Directors.

Housing Cap

There has been a decision from the trial court invalidating Pleasanton's Housing Cap. Nevertheless, what will follow from that decision is speculative. Accordingly, it would also be speculative at this time, and in advance of the extended public dialogue about these issues, to assume the complete elimination or modification of the housing cap and, more importantly, to do the analysis of where future additional housing units may occur, the number of units, and

what and where the traffic impact would be based on such housing. It is anticipated that regardless of the outcome of the Housing Cap litigation, the location of additional housing will be determined through the Housing Element update process and subject to its own associated CEQA review.

San Joaquin Spearscale

As noted in the EIR, the ACSPA will purchase credits or land at an appropriate mitigation area in Alameda County for San Joaquin spearscale for an equivalent acreage of spearscale habitat to the area currently occupied by spearscale on the Staples Ranch property. According to the EIR, these off site commitments were required in the Development Agreement between the applicant and the City. In the DSEIR this commitment is captured in a new mitigation measure. The acreage for mitigation (1.77 acres) is also listed. In the Final SEIR, no changes to this commitment are proposed.

Traffic Impacts

In the Final SEIR, the traffic impacts of S-TR-2 (for the intersection of Santa Rita Road/Stoneridge Drive) and S-TR-4 (for highway and road segments) were corrected in Table ES-2 for the Two-Lane Constrained Extension Alternative (see Section 4, of Exhibit B). With the corrections, S-TR-2 shows a potential significant impact at Santa Rita Road/Stoneridge Drive and S-TR-4 shows no impacts to highway and road segments established by the Alameda County Congestion Management Agency. On pages 111-112 of the Draft SEIR, the transportation impacts of S-TR-2 and S-TR-4 are correctly identified for the Two-Lane Constrained Extension Alternative.

ADDITIONAL ACTIONS (Not based on CEQA)

The CEQA Findings and the MMRP identify the impacts from the Preferred Project and the measures to mitigate those impacts. The Commission, however, may want to recommend to the City Council that certain other actions (not based on CEQA) be implemented. These actions, however, are not proposed to be the financial responsibility of the ACSPA or the project developers but will come from City funds, either Stoneridge Drive Specific Plan fees or from other sources. These actions include:

1. Planting spearscale seeds on the community park site. It has been suggested that the seeding of San Joaquin spearscale on the community park site could be an educational opportunity for Pleasanton residents. The WRA spearscale survey report concluded that relocating the spearscale population to the community park site was not feasible under existing conditions because the alkaline soils necessary for the long term establishment of the spearscale population was not found on the proposed park site. Nevertheless, the City could request the ACSPA to retrieve some spearscale seeds that, in conjunction with landscaping plans for the community park, could be sown on the community park site to see if the population would take with the soil that is there or with a potential soil amendment the park's landscape architect may be able to provide. It is possible that the seeds will not take or will not thrive and may ultimately need to be replaced with another plant species (such as wildflowers, or other California native species). The ACSPA has

agreed to work with the City to provide seeds from the Staples Ranch site if the City supports this option.

2. Constructing a new soundwall between Guzman Parkway and Trevor Parkway. Currently there is no soundwall on the south side of Stoneridge Drive between Guzman Parkway and Trevor Parkway. Noise impacts are measured in the backyards of residences and the residences without a soundwall front Snowdrop Circle; noise levels in those residents' backyards are within the City's noise threshold (regardless of whether or not sound attenuating pavement is placed on Stoneridge Drive). But a new soundwall could be constructed along this stretch of Stoneridge Drive at a cost of around \$300,000.

These two actions can be added to the Commission's recommendation, if it so chooses.

GENERAL PLAN, CIRCULATION ELEMENT, PROGRAM 1.6

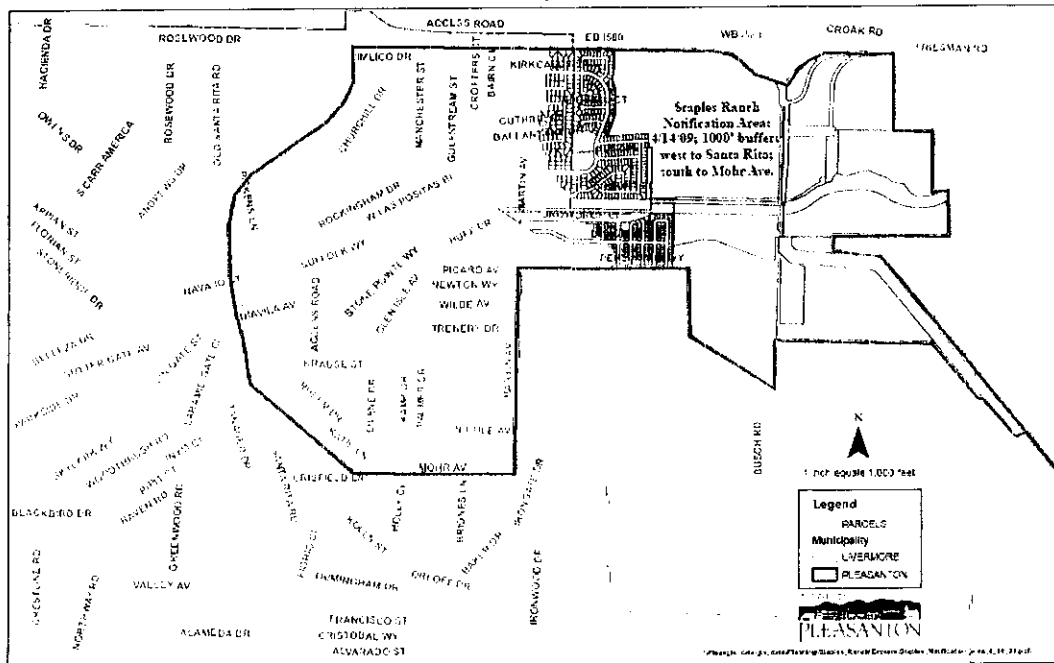
In order to approve a Specific Plan or a Specific Plan amendment, the Specific Plan/amendment must be consistent with the General Plan. Program 1.6 of the Circulation Element of the General Plan is a new program and provides in part, "Open the Stoneridge Drive extension to through traffic when Pleasanton reaches an agreement with its regional partners...for a strategic approach and funding plan for relieving traffic congestion in the Tri-Valley."

The revised SPA contemplates the opening of Stoneridge Drive to through traffic. Accordingly, if the revised SPA is adopted Stoneridge Drive will remain closed at Trevor Parkway until the regional agreement is reached, consistent with the General Plan.

PUBLIC NOTICE

Public notices were sent to all property owners and residents as shown in Figure 1 below. The noticing area is greater than the standard 1,000' noticing distance. Public notices were also sent to regional and local agencies, and neighboring cities. Comments received during the public comment period are in the draft Final SEIR. Comments received after the close of the comment period (December 30, 2009) are in Exhibit I.

**FIGURE 1
Noticing Area***



* In Figure 1, the properties within 1,000' are shown in red. The project noticing area is substantially greater than the standard 1,000' noticing area.

NEXT STEPS

A City Council hearing regarding the Final SEIR, related CEQA documents, SPA, pre-zoning/zoning, development agreement, Hendrick Automotive Group's PUD, Continuing Life Communities' PUD, and the Neighborhood Park PUD will be scheduled for summer 2010. The PUD and development agreement for the community park will be considered later this summer.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

- I. Receive public input on the agenda items and then close the public hearing;
- II. Recommend the City Council:
 - A. Certify the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR Supplement (SEIR).
 - B. Rescind:
 - 1. CEQA Findings, SOC and MMRP adopted by the City Council on 2/24/09 for the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR.
 - 2. Stoneridge Drive Specific Plan Amendment (PSP-11) adopted by the City Council on 2/24/09.

3. Pre-zoning/rezoning of the Staples Ranch site (PRZ-44) adopted by the City Council on 3/3/09.

C. Approve:

1. Revised CEQA Findings, SOC and MMRP for the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR/SEIR, reflecting the Preferred Project.
2. Stoneridge Drive Specific Plan Amendment (PSP-11) reflecting the Preferred Project and revising pages 37,42,44, 57 and 59 of the SPA as follows:

- a. Revise the third sentence in the third paragraph on page 37 of the Specific Plan Amendment to read:

Before the City submits to the Alameda County Local Agency Formation Commission an application to annex the Staples Ranch property to Pleasanton, the cities of Pleasanton, Dublin, and Livermore, and the County of Alameda may have approved a Policy Statement regarding transportation priorities and commitments in the Tri-Valley area.

- b. Add a new sentence before the last sentence of the last paragraph on page 37 of the Specific Plan Amendment stating:

The City Council may require interim striping of the bridges such that there is one travel lane in each direction as shown in Figure IV-7.

- c. Add a new sentence at the end of policy C2 (on page 44 of the Specific Plan Amendment) stating:

The City Council may require interim striping of the bridges such that there is one travel lane in each direction as shown in Figure IV-7.

- d. Add a new figure, Figure IV-7, after Figure IV-6 on page 42 of the Specific Plan Amendment. Figure IV-7 would be identical to Figure S-5.2-2 in the SEIR (showing interim striping of the bridge such that there is one travel lane in each direction).

- e. Revise 4) on page 57 under "ACSPA Responsibilities" to read "4) A \$1.5 million payment to the City of Pleasanton, for any off site traffic improvements, including the funding for repaving Stoneridge Drive between Kamp Drive and Trevor Parkway with noise attenuating pavement, intersection improvements at Stoneridge Drive and Santa Rita Road, and new traffic signals at the intersections of Stoneridge Drive and Newton Way, Guzman Parkway and Trevor Parkway, required as a result of the extension of Stoneridge Drive to El Charro Road."

- f. Add 5) on page 57 under "ACSPA Responsibilities to read "5) the soundwall closest to the south side of the Stoneridge Drive bridges (adjacent to Maria/Curry Street residences) and any other mitigation measures under the Mitigation Monitoring and Reporting Plan where the "Project Sponsor" is responsible for the funding."
- g. Add 6) on page 59 under "City of Pleasanton Responsibilities" to read, "With funding from the ACSPA, repave Stoneridge Drive between Kamp Drive and Trevor Parkway with noise attenuating pavement, make intersection improvements at Stoneridge Drive and Santa Rita Road, and install traffic lights at the intersection of Stoneridge Drive and Newton Way, Guzman Parkway and Trevor Parkway. Funding for these improvements shall be provided by the ACSPA to a maximum amount of \$1.5 million. Costs in excess of that amount will come from City funds; either the Stoneridge Drive Specific Plan fees or the traffic fees generated by the project to meet these costs."

See Exhibit G.

- 3. The proposed pre-zoning/zoning of the Staples Ranch site (PRZ-44) in Exhibit H.
- 4. Any other actions (not CEQA based), as desired by the Commission.

Staff Contacts

Project Manager: Steve Bocian, Assistant City Manager, (925) 931-5005 and sbocian@ci.pleasanton.ca.us
Staff Planner: Robin Giffin, Senior Planner, (925) 931-5612 and rgiffin@ci.pleasanton.ca.us

**To Conserve Paper
Exhibit F
has been incorporated into
Attachment 1B**

**To Conserve Paper
Exhibit G
has been incorporated into
Attachment 1C**

ORDINANCE NO. 1989

AN ORDINANCE APPROVING THE APPLICATION OF ALAMEDA COUNTY SURPLUS PROPERTY AUTHORITY FOR PUD PRE-ZONING AND REZONING, AS FILED UNDER CASE PUD-44

WHEREAS, Alameda County Surplus Property Authority has applied for Planned Unit Development (PUD) pre-zoning of 122.5 acres of the 124-acre Staples Ranch property, bounded on the north by I-580 and the City of Dublin, on the east by El Charro Road and the City of Livermore, and on the south by the Arroyo Mocho channel and unimproved quarry lands, to the PUD-C (Commercial) District, the PUD-HDR/C (High Density Residential/Commercial) District, and the PUD-P (Park) District; and rezoning of a 1.5-acre Continuing Care Community parcel on the western side of the Staples Ranch Property from the PUD-MDR (Medium Density Residential) District to the PUD-MDR (Medium Density Residential) District, the PUD-C (Commercial) District, and the PUD-HDR/C (High Density Residential/Commercial) District or a similar combination thereof; and

WHEREAS, an Environmental Impact Report was prepared for this project, and a resolution certifying the Environmental Impact Report as complete and adequate in compliance with the California Environmental Quality Act was adopted on February 24, 2009; and

WHEREAS, at its meetings of February 3, 2009 and February 24, 2009, the City Council received the Planning Commission's positive recommendations for approval of the pre-zoning and rezoning of the project site; and

WHEREAS, a duly noticed public hearing was held on February 3, 2009 and February 24, 2009; and

WHEREAS, after a review of the materials presented, the City Council determined that the proposed pre-zoning and rezoning are appropriate for the project site; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Approves the pre-zoning of 122.5 acres of the 124-acre Staples Ranch property, bounded on the north by I-580 and the City of Dublin, on the east by El Charro Road and the City of Livermore, and on the south by the Arroyo Mocho channel and unimproved quarry lands, to the PUD-C (Commercial) District, the PUD-HDR/C (High Density Residential/Commercial) District, and the PUD-P (Park) District; and rezoning of a 1.5-acre Continuing Care Community parcel on the western side of the Staples Ranch Property from the PUD-MDR (Medium Density Residential) District to the PUD-MDR (Medium Density Residential) District, the PUD-C

(Commercial) District, and the PUD-HDR/C (High Density Residential/Commercial) District or a similar combination thereof.


SECTION 2. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by Zoning Unit Map No. 475, attached hereto as Exhibit A, dated February 24, 2009, and incorporated herein by this reference.

SECTION 3. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption

SECTION 4. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a special meeting of the City Council of the City of Pleasanton on February 24, 2009 and adopted at a regular meeting of the City Council of the City of Pleasanton on March 3, 2009 by the following vote:

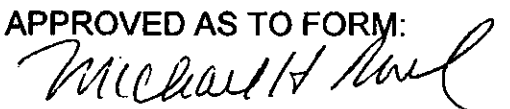
Ayes:	Councilmembers Cook-Kallio, Thorne, Mayor Hosterman
Noes:	Councilmembers McGovern, Sullivan
Absent:	None
Abstain:	None

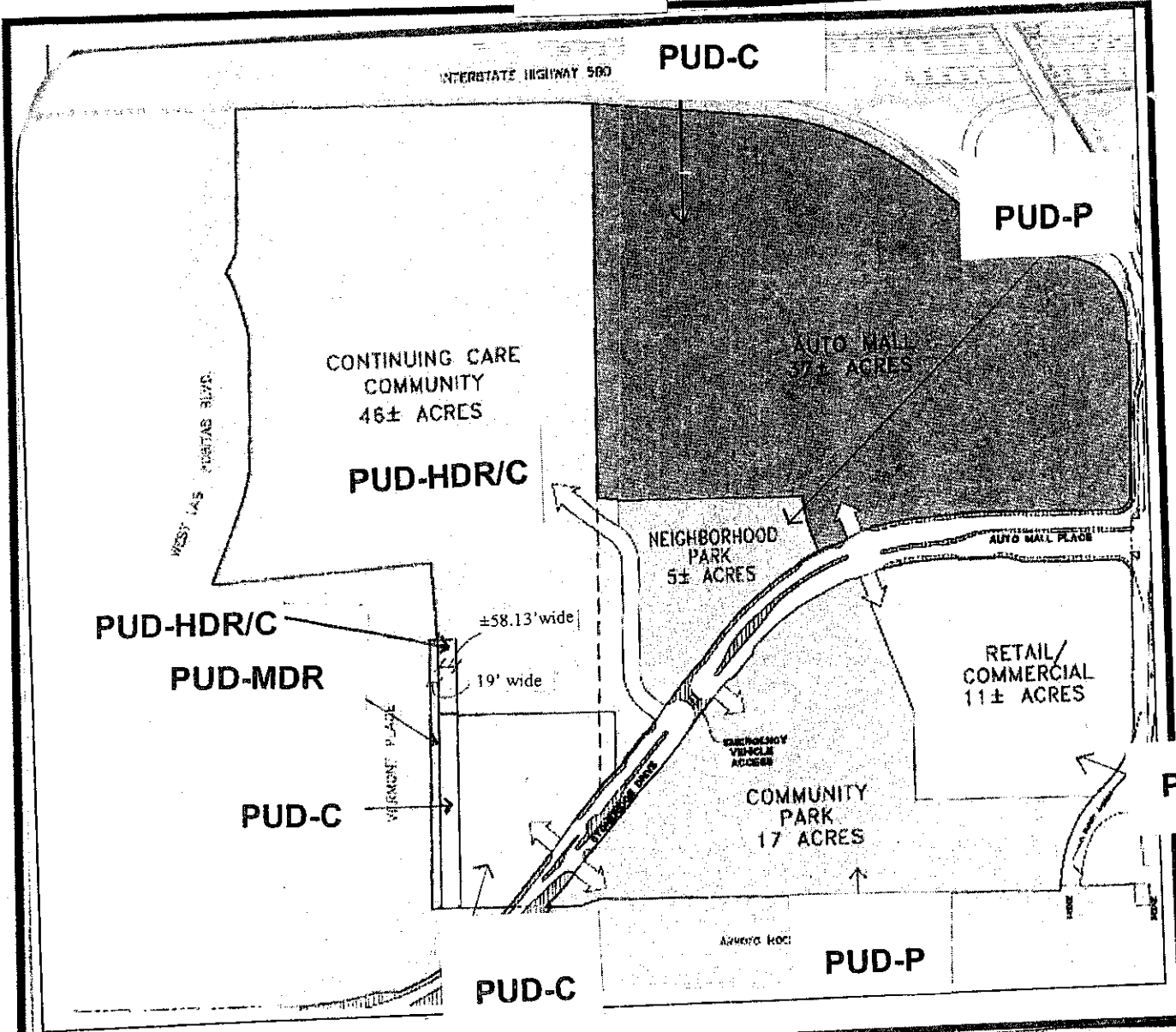

Jennifer Hosterman, Mayor

ATTEST:


Karen Diaz, City Clerk

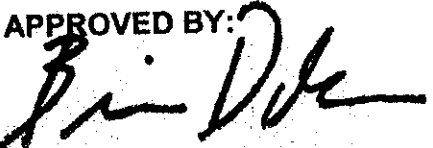
APPROVED AS TO FORM:


Michael H. Roush, City Attorney



**CITY OF PLEASANTON
PLANNING DEPARTMENT**

**Ordinance No. 1989
Zoning Unit Map No. 475**

DRAWN BY: R. Giffin	APPROVED BY:  DIRECTOR of COMMUNITY DEVELOPMENT	DATE: 02/24/2009
SCALE: Not to Scale		SEC. NO.: PRZ-44

Robin Giffin

From: Ralph Kanz [REDACTED]
Sent: Thursday, March 04, 2010 12:19 PM
To: Robin Giffin
Cc: Maria Hoey; Steven Bocian; Michael Roush; Brian Dolan; Mayor and City Council; Nelson Fialho; Jeff Miller
Subject: Staples Ranch Mitigation Measures
Attachments: SFRWQCB 03.02.10.PDF



SFRWQCB
3.02.10.PDF (334 KI)

Robin,

I sent a copy of the attached letter, but wanted to send it by email as well.

There is now a question about the mitigations for the fill of wetlands in the northwest portion of the Staples Ranch site. The only certified CEQA document that covered the area in question was the 1989 Stoneridge Drive Specific Plan. There was never a defined mitigation measure for the fill of the wetlands in the northwest area of the Staples Ranch site, but the Specific Plan EIR did require California tiger salamander (CTS) surveys take place. The CTS surveys were not performed until after the wetlands that provided potential CTS breeding habitat were filled in 2003. The CEQA Guidelines provide "until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program." What mitigation measures will the City, as lead agency, implement for the fill of wetlands that occurred in 2003? Will this week's decision by the California Fish and Game Commission to list CTS as a State threatened species necessitate changes to the CEQA document currently under review?

Please contact me if you have any questions or need any further information.

Ralph Kanz
Conservation Director
Alameda Creek Alliance

Click <https://www.mailcontrol.com/sr/myiddvOrFQrTndxI!oX7UuoYlVmXKYhKla1IQ4oo61J!+tAIO7vXonZtQ14GMX1JD43poH8w84bfDqWPgPvXQw==> to report this email as spam.



Alameda Creek Alliance

PO Box 2626 : Niles, CA : 94536 : (510) 499-9185
e-mail: alamedacreek@hotmail.com
web site: <http://www.alamedacreek.org>

March 2, 2010

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay St., Ste. 1400
Oakland, CA 94612

Subject: Unpermitted Filling of Wetlands at Staples Ranch, Pleasanton, Alameda County

Dear Mr. Wolfe:

The Alameda Creek Alliance has followed and commented on the proposed developments at the Staples Ranch site in Pleasanton for a number of years. As a result of our research into the history of development, we have concluded that wetlands on the site were filled without Section 401 Clean Water Act (CWA) authorization from the San Francisco Bay Regional Water Quality Control Board (Board).

Staples Ranch History

The City of Pleasanton (City) approved the Stoneridge Drive Specific Plan (Specific Plan), including the Staples Ranch site, and certified the Environmental Impact Report (EIR) in 1989. The Specific Plan covered 293 acres. The Staples Ranch site is the final 124 acres covered by the Specific Plan that have not been developed. The Specific Plan called for the realignment of Arroyo Las Positas and the widening of Arroyo Mocho (Arroyos Project). The Specific Plan EIR was prepared by Alameda County, with direction from the City of Pleasanton.

In August 1993 Alameda County, owners of the Staples Ranch site, had a wetland delineation prepared for the Arroyos Project. The delineation only covered the areas of the site directly impacted by the Arroyos Project. The project boundary identified in the 1995 Corps permit for the Arroyos Project covered the entire Staples Ranch site along with properties to the East of El Charro Road in Livermore.

In March 1994 the County had a second wetland delineation prepared that analyzed the portions of the Staples Ranch site not included in the first delineation. This second wetland delineation did not include areas east of El Charro Road. The field work for both delineations was done at the same time. This second delineation identified "a network of natural undisturbed swales, two of which were inundated with water to a depth of 1 to 12 inches at the time of the survey."¹ LSA Associates, who prepared the delineations, identified 0.42 acres of potentially jurisdictional wetlands in this network. The Corps visited the site in 1994 and did not declare this area jurisdictional because it lacked connectivity. This inundated area in the northwest portion of the Staples Ranch site was apparently an alkali sink. In 1993 LSA identified 12 acres of occupied San Joaquin spearscale habitat in this portion of the site. The spearscale is a wetland indicator species, and often associated with alkaline soils.

¹ LSA Associates, *Determination of Corps Jurisdictional area on Staples Ranch Property near Pleasanton, CA*, prepared for Alameda County Planning Department, March 8, 1994

The Corps issued the County a Section 404 permit in October 1995 for the Arroyos Project. The Board adopted Resolution No. 95-179 on August 23, 1995 providing certification under Section 401 of the CWA. We recently reviewed the Board files for this case, and none of the supporting documents remain in the files. We do not know which delineation was submitted to the Board. We have no way of determining if the Board knew of the wetlands on the property before approving the Resolution. The RWQCB Resolution identifies the Specific Plan as the California Environmental Quality Act (CEQA) document that was prepared for the Arroyos Project. In addition to the filling of the wetlands in the sink, the description of the habitat indicates the inundated area was potential habitat for California tiger salamander (*Ambystoma californiense*) (CTS) and possibly vernal pool fairy shrimp (*Branchinecta lynchi*).

No further work was done on the Arroyos Project until 2000, when the County asked the Corps for an extension of the time in which to complete the Arroyos Project. The Corps granted the extension until October 2003. The County then approached Zone 7 Water Agency to act as the lead agency for an Initial Study/Mitigated Negative Declaration (IS/MND) that was prepared in 2002. ACA provided extensive comments on the IS/MND due to the project's initial lack of adequate provisions for fish passage. After ACA became involved, the County agreed to install fish ladders as part of the Arroyos Project.

At this point in 2003 the project had two CEQA documents with different lead agencies: the City of Pleasanton for the Specific Plan and Zone 7 for the IS/MND. However, the areas covered by the project descriptions did not match. The Specific Plan EIR covered the entire 124 acres of Staples Ranch, but not the area east of El Charro Road. The IS/MND only covered the areas directly impacted by the Arroyos Project, excluding the areas on the Staples Ranch site north of the original channel for Arroyo Las Positas.

On February 6, 2003 the Board staff provided Zone 7 with a letter finding "that the proposed project is consistent with the water quality certification issued in 1995, and the water quality certification issued under Resolution No. 95-179 remains valid for the revised project."

The 2003 IS/MND for the Arroyos Project includes a response to the comments by Board staff, stating that "Waste Discharge Requirements are only required if 'waters of the State' that are beyond the 'waters of the U.S.' will be affected, such as isolated wetlands that the Army Corps no longer regulates. As described in the IS/MND, affected waters are limited to the existing channel bottoms, and are all defined as 'waters of the U.S.' There are no isolated wetlands or other areas that could be considered 'waters of the State' that are not already included in the area covered by the Army Corps permit. Therefore, no WDR's, or waiver of WDR's, is required."²

Page 28 of the IS/MND declared that "The focus of the field survey was to document current site conditions and identify special-status species or suitable habitat on the project site. No special-status plant species were identified in the study area, nor is suitable habitat for special-status plants known in the project vicinity present on the site." Beyond failing to disclose the known presence of the San Joaquin spearscale on the Staples Ranch site, this statement also clarifies that the Arroyos project was not allowed to impact the wetlands in the northwest corner of Staples Ranch because it was not even in the "project vicinity." The maps supplied to the Army Corps show a line just north of the old Arroyo Las Positas channel as the limit of fill and the area for stockpiling soils was between the old Arroyo Las Positas channel and Arroyo Mocho.

²Zone 7, Arroyo Mocho Widening/Arroyo Las Positas Realignment Project Response to Comments Document, February 6, 2003.

The Arroyos Project was completed in 2003 and excavated soils were placed in the northwest corner of the Staples Ranch site, burying the area identified as wetlands in the March 1994 wetland delineation. Throughout the recent EIR process the County has maintained that they were permitted to bury the wetlands on the property because the Corps permit allowed for the spreading of soils on the entire Staples Ranch site. However, the IS/MND did not cover the entire Staples Ranch site, and the language of the Corps authorization only provided for the spreading soils on the "upland habitat area."

In March 2007, due to changes in project design, the City of Pleasanton posted a Notice of Preparation for a new EIR amending the Specific Plan. The Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR was certified on February 24, 2009. ACA, the Center for Biological Diversity, and neighbors led by Safe Streets Pleasanton brought suit over the inadequacy of the EIR, including deficiencies in the analysis of biological resources. A subsequent settlement provided for the preparation of a supplement to the EIR. The Draft Supplement to the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR (DSEIR) was released by the City of Pleasanton on October 29, 2009. Comments on the DSEIR were accepted until December 30, 2009. The lead agency's response to comments on the DSEIR are currently being prepared.

California Tiger Salamander (CTS)

The Department of Fish and Game (DFG) commented on the 1989 Specific Plan EIR that "the results of the survey for the California Tiger Salamander will be necessary" before permits are issued by DFG and the Response from the City was that the comment was noted. The IS/MND did not cover the area of the site where the potential CTS breeding habitat was located, and surveys for CTS were not commenced until the fall of 2006, three years after the potential breeding habitat had been filled during the Arroyos Project. We have been unable to find anything in the record indicating that the wetlands identified in 1994 were ever fully surveyed for biological resources prior to being filled in 2003 during the Arroyos Project.

San Joaquin Spearscale (*Atriplex joaquiniana*)

Our analysis of biological surveys and historic aerial photographs of the Staples Ranch site leads to the conclusion that there was once an approximately 12 acre alkali sink in the northwest portion of the site that was habitat for San Joaquin spearscale, a wetland indicator species.

The project proponents were aware of spearscale presence at the site: "On June 20, 1995, two biologists from Zander Associates visited the project site to survey for San Joaquin Spearscale. Approximately 800 to 1000 individual plants were estimated to exist in the area proposed for residential use."³

The DSEIR identified 1.70 acres of spearscale habitat in the northwest portion of the site, consistent with the 2006 Wetland Delineation showing 2.42 acres of wetlands.

³ Stoneridge Drive Specific Plan Amendment for Staples Ranch/DEIR. 1996.

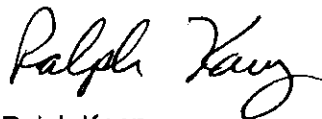
March 2, 2010

Conclusion

The filling of wetlands on the Staples Ranch site during the Arroyos Project in 2003 occurred without required Section 401 Certification from the Board. We have been unable to discover any information indicating that Board staff was ever informed that wetlands under the Board's jurisdiction would be filled, and in fact the IS/MND stated clearly that "there are no isolated wetlands or other areas that could be considered 'waters of the State' that are not already included in the area covered by the Army Corps permit." The IS/MND did not cover the entire area covered by the Corps permit, and Board staff was not informed that "waters of the State" would be filled because the IS/MND did not disclose all the impacts of the project as required by CEQA.

The currently proposed Staple Ranch project will not require Section 404 authorization. Based on the history of this proposed project, we anticipate that the City and County will claim no impacts to Corps jurisdictional wetlands for the Staples Ranch Project. Without that nexus, there will be no need for Section 401 Certification from the Board. We request that the Board investigate the improper filling of the wetlands on the Staples Ranch site and take appropriate actions to require mitigation for the losses.

Sincerely



Ralph Kanz
Conservation Director

Cc: Chuck Armor, California Department of Fish and Game
City of Pleasanton
Alameda County Surplus Property Authority

Robin Giffin

From: Ralph Kanz [REDACTED]
Sent: Friday, March 05, 2010 10:44 AM
To: Cook, Stuart, CDA
Cc: Cashman, Pat, CDA; Robin Giffin; Steven Bocian; Michael Roush; Brian Dolan; Mayor and City Council; Jeff Miller
Subject: Re: Public Records Act Request

Mr. Cook,

I have scheduled to be at your offices at 1:00 pm on Monday March 8 to review the records you are providing. Please inform me by email today if this needs to be rescheduled.

Thanks,

Ralph Kanz

Cook, Stuart, CDA wrote:

Mr. Kanz,

FYI, a response to your Public Records Act request has been mailed to the ACA office at

Thanks,

Stuart Cook

-----Original Message-----

From: Ralph Kanz [REDACTED]
Sent: Wednesday, February 24, 2010 1:38 PM
To: Cook, Stuart, CDA
Cc: Robin Giffin; 'Jeff Miller'; Steven Bocian; Michael Roush; Brian Dolan; [citycouncil](#)
Subject: Public Records Act Request

Mr. Cook,

Pursuant to the California Public Records Act I am requesting to inspect the following:

1) All records containing information in any way related to biological resources at the Staples Ranch site. This would include wetlands and wetland delineations.

2) All records to, from, concerning or related to biological consultants (including wetlands) in any way associated with the Staples Ranch site and project.

3) All records concerning or related in any way to the placement of soils and fill on the Staples Ranch site.

Please contact me if you have any questions.

Ralph Kanz

[REDACTED]
Conservation Director
Alameda Creek Alliance.

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Version: 9.0.733 / Virus Database: 271.1.1/2721 - Release Date: 03/03/10 11:34:00

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ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
SURPLUS PROPERTY AUTHORITY

April 1, 2010

Chris Bazar
Agency Director

Patrick Cashman
SPA Director

224
West Winton Avenue
Room 110

Hayward
California
94544-1215

phone
510.670.5333
fax
510.670.6374

www.acgov.org/cda

Mr. Bruce Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612

Re: Staples Ranch (Alameda County)

Dear Mr. Wolfe:

On behalf of the Alameda County Surplus Property Authority (the "County"), I am writing in response to the March 2, 2010 letter to you, from Ralph Kanz, (Alameda Creek Alliance) alleging that certain wetland fill activities were conducted on the Staples Ranch property, located in Pleasanton, California (the "Property"), without the necessary authorizations from the San Francisco Bay Regional Water Quality Control Board (the "Regional Board"). As set forth more fully below, in 1994 the U.S. Army Corps of Engineers determined that the 0.42 acre area identified by Mr. Kanz lacked the features necessary to characterize it as a jurisdictional wetland. The County relied upon this determination when it later filled the area in question.

This matter first arose in connection with the realignment of Arroyo Las Positas and the widening of Arroyo Mocho (the "Arroyos Project") which, as Mr. Kanz notes, was envisioned by the original 1989 Stoneridge Drive Specific Plan. In connection with the state and federal permitting of the Arroyos Project, the County originally submitted to the Corps a delineation report, produced by LSA Associates and dated August, 1993 (the "1993 LSA Report"), that focused on the arroyos themselves, and concluded that the Arroyos Project would result in the fill of 2.8 acres of jurisdictional wetlands. This delineation was confirmed by the Corps on October, 20, 1993.

In light of the fact that excavation material generated by the Arroyos Project likely would be deposited on the upland areas of the Staples Ranch property (the "Property"), following an interagency meeting, the Corps asked that the application materials for the Arroyos Project include a wetlands delineation for all of Staples Ranch. In response to this request, in 1994, Zander Associates, acting as an agent for Alameda County, submitted an application to the Corps that included a second LSA delineation report, dated March 1994 (the "1994 LSA Report"), which identified 0.42 acres on the Property (described in the 1994 LSA Report as "Area E") as containing wetland characteristics. The 1994 LSA Report concluded, however, that Area E was not jurisdictional due to its isolation from other navigable waters. The 1994 LSA Report also described four other areas on the Property (Areas A through D) as potentially

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APR - 6 2010

Bruce Wolfe
April 1, 2010
Page 2

jurisdictional, but concluded that those areas lacked the requisite wetland features to support a claim of jurisdiction. We are enclosing copies of both LSA Reports.

On September 12, 1994, the County of Alameda requested that the Corps visit the Property to confirm the extent of jurisdictional areas of the Property and provide a verification thereof. The Corps visited the site on October 26, 1994 and, on December 22, 1994 sent a letter and map (attached) to the County's consultant disclaiming jurisdiction over Areas A through E. Contrary to Mr. Kanz' assertion, the Corps did not disclaim jurisdiction over Area E because it was isolated from navigable waters. Rather, the Corps disclaimed jurisdiction because "the identified area did not have enough wetland characteristics to be jurisdictional."

In September 1995, the Corps issued to the County a Section 404 permit for the Arroyos Project (attached) and the Regional Board issued its water quality certification under Section 401 of the Clean Water Act (attached), both of which were based upon a wetlands mitigation and monitoring plan prepared by the County's consultants. For various reasons, the County did not immediately act on the Section 404 permit and, in January 2001, secured from the Corps an extension of that permit to October 2003 (attached).

In 2002, the Zone 7 Water Agency circulated a mitigated negative declaration (the "MND") for the Arroyos Project, which had been revised to incorporate certain additional environmental protections (including fish ladders). The Regional Board submitted two comment letters on the MND, concluding in the second letter that the proposed project was consistent with the water quality certification issued in 1995 and that such certification "remains valid for the revised Project." As noted by Mr. Kanz, the MND did not specifically discuss the upland areas on the Property and, in fact, it is not clear that anyone at the time was particularly focused on those areas. This is presumably because the Corps previously had disclaimed jurisdiction over the area. Moreover, when the Corps extended its Section 404 permit in January 2001, it did not suggest that an extension of the 1994 delineation was necessary (and the County was advised by its consultants that an extension was not needed).

The County has been unable to locate a copy of the materials that were submitted to the Regional Board in connection with the original certification request (which presumably would have included the LSA Reports and the Corps' disclaimer over Area E), although the Regional Board's resolution (attached) does state that the County submitted a complete application on January 23, 1995. The Corps' public notice for the Arroyos Project (dated June 8, 1995 (attached)) states that "[e]xcess material from widening and excavation, approximately 307,000 cubic yards, will be spread evenly throughout the upland project area" and indicates that all of the Property was included in the "project boundary." Given that the Regional Board was aware of the upland "fill" activities and certified the Corps' permit, and later confirmed the validity of that certification, it is reasonable to assume that the board was satisfied that the proposed upland activities would not result in fills requiring separate authorization from the Regional Board. Accordingly, when the County "filled" Area E in 2003, it justifiably relied upon the Corps' disclaimer of jurisdiction over Area E, the fact that the Corps had extended its 404 permit without the need for an updated delineation, and the Regional Board's confirmation that the revised Arroyos Project was consistent with the original water quality certification.

Bruce Wolfe
April 1, 2010
Page 3

I hope the above clarifies the issues raised in Mr. Kanz's letter. If you have any further questions, however, please feel free to contact me at the number identified above.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Cashman", with a long horizontal flourish extending to the right.

Patrick Cashman
Director, ACSPA

Attachments

cc: Brian Wines, RWQCB
City of Pleasanton



California Regional Water Quality Control Board

San Francisco Bay Region



1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

EXHIBIT I-3

May 6, 2010

Mr. Ralph Kanz
Alameda Creek Alliance
PO Box 2626
Niles, CA 94536

Subject: Response to Allegation of Illegal Fill by Alameda County at the Staples Ranch Development Site

Dear Mr. Kanz:

Thank you for your interest and concern for preservation of regional wetlands. After a thorough review of available records, I have concluded that jurisdictional wetlands were not present in the uplands of the Staples Ranch site in 1994 when the U.S. Army Corps of Engineers (Corps) issued a formal jurisdictional determination prior to issuing a federal Clean Water Act (CWA) Section 404 permit for wetland fill in 1995. The Water Board issued CWA Section 401 certification for the CWA Section 404 permit in Water Board Resolution No. 95-179. Although placement of fill in the uplands of the Staples Ranch site did not occur until 2003, under an extension to the 1995 Corps permit, we have found no evidence that jurisdictional wetlands had developed in uplands at the Staples Ranch site between 1995 and 2003. Therefore, we have found no evidence of illegal fill of jurisdictional wetlands by Alameda County. Based on this conclusion, we plan no further action on your request.

The 1994 Jurisdictional Delineation (JD) from the Corps disagreed with consultant LSA's conclusion that wetlands were present in the uplands at Staples Ranch. The 1994 JD concluded that these areas were not jurisdictional because they lacked sufficient wetland characteristics. The 1994 JD does not disclaim jurisdiction on the basis of the isolated nature of the potential wetlands. Thus, in 1994, we would have concurred that jurisdictional wetlands were not present in the uplands at Staples Ranch.

The information that you and the Alameda Creek Alliance (ACA) have mentioned does not support the existence of jurisdictional wetlands in the uplands at the Staples Ranch site. ACA noted that water-filled depressions were present in an historic aerial photograph of the site. However, a single photograph does not provide enough information to support the existence of hydric soils or wetland hydrology at the site, which are both necessary to support the presence of jurisdictional wetlands. ACA also refers to a survey of the plant San Joaquin Spearscale, which may be a facultative wetland indicator plant, at the site. Facultative status means the plant can be found in wetlands, but also grows in upland conditions and is not necessarily definitive for wetland presence. Therefore, in the absence of wetland soil and hydrology indicators, the mere

presence of the San Joaquin Spearscale does not correlate with the presence of jurisdictional wetlands.

Thus, based on the information available, I conclude that jurisdictional wetlands were not present in the uplands at the Staples Ranch site in 1995 when permits to fill wetlands were issued by the Corps and the Water Board. Although fill was not placed in the uplands at the Staples Ranch site until 2003, we have not been presented with evidence supporting the development of wetlands in the site's uplands between 1994 and 2003.

If you have any questions, please contact Brian Wines at (510)622-5680, or via e-mail at BWines@waterboards.ca.gov.

Sincerely,



Bruce H. Wolfe
Executive Officer

Digitally signed
by Bruce Wolfe
Date: 2010.05.06
17:48:37 -07'00'

Cc via email:

Brian Dolan, Director of Community Development, City of Pleasanton –
bdolan@ci.pleasanton.ca.us

Patrick Cashman, Director of Surplus Property Authority, Alameda County –
patrick.cashman@acgov.org

Robin Giffin

From: Ralph Kanz [REDACTED]
Sent: Friday, April 09, 2010 4:22 PM
To: Mayor and City Council
Cc: Robin Giffin; Maria Hoey; Steven Bocian; Michael Roush; Brian Dolan; Nelson Fialho; Jeff Miller; Jonathan Lowell
Subject: Staples Ranch EIR

Attachments: Congdon's tarplant emails.PDF



Congdon's tarplant
emails.PDF ...

Mayor Hosterman and City Council,

CEQA calls out for an EIR to be an informational document that provides the decision makers with the information necessary to make an informed decision. Attached is a series of emails and a memo concerning Congdon's tarplant, a rare plant species that may be present on the Staples Ranch site. Based on these emails a serious question is raised as to whether or not the City was fully informed about the Congdon's tarplant issue, and whether the environmental review for the Staples Ranch site properly addressed the issue.

We acknowledge that there could have been mistakes made by biologists regarding plant identifications. The disheartening element is the conclusion of the process. "Today I spoke with John Sporanza, head of PBSJ's (formerly EIP) natural resources department. Apparently the botanist who was claiming it was Congdon's no longer works for PBSJ and John said they were going to remove any reference to finding Congdon's on-site in the EIR that they are preparing." (Quoting the December 17, 2007 email from Stuart Cook of Alameda County.) From earlier emails it is clear City staff had some knowledge of this issue, but it is not clear if they were aware of the conclusion.

We do not know the identity of the PBSJ/EIP botanist who believed they had found the tarplant on the site, nor do we know the date and location on the site where the plant was observed. There was no effort to perform follow-up surveys to see if the species was present on the site.

There is no calling out of Congdon's tarplant in the April 2008 Staples Ranch EIR. On Page 3.3.9 Congdon's tarplant is listed with a number of other plant species, and in Appendix C the Special Status Species Potential to Occur table, it is listed as "Not Present Species not observed in project site during rare plant surveys." The species just above it in the table, the Rough sedge, is shown as having a "Low" potential, and notes that there are no recorded occurrences of the species within five miles of Staples Ranch. Figure 3.3.2 in the same EIR shows a Congdon's tarplant occurrence less than one-half mile from Staples Ranch on the Dublin side of I-580. Why is this not mentioned and why doesn't the table list the potential to occur as more than "not present?"


Wetland Research Associates (WRA) performed most of the biological surveys on the Staples Ranch site. The August 6, 2009 California red-legged frog (CRLF) survey report prepared for the October 2009 Supplemental EIR for Staples Ranch is contradictory. Page 1 states "the full U.S. Fish and Wildlife Service (USFWS) protocol was not conducted because no project-related impacts were identified in the secondary area." Page 3 states "Protocol-level surveys were conducted within the study area." The SEIR on Page 18 states "protocol level field surveys for CRLF were conducted." Just as follow-up plant surveys should have been performed at the appropriate time to determine presence or absence of Congdon's tarplant, full protocol-level surveys should have been conducted for CRLF. These discrepancies demand peer review of all the biological work on the Staples Ranch project.

WRA was the biological consultant for the preparation of the Oak Grove EIR. Are there any species that were left out of that EIR? Were all the surveys performed according to agency

mandated standards? There should be peer review of the biological section of the Oak Grove EIR.

PBSJ removed all reference to Condon's tarplant possibly occurring on the Staples Ranch site. What other information was left out of Staples Ranch EIR? Was any information about traffic impacts left out so that there would be no need to mitigate for them? The critical question is what information was withheld from the decision makers that would have altered their decision?

If you have any questions or require additional information please let me know.

Ralph Kanz
Conservation Director
Alameda Creek Alliance


Click [https://www.mailcontrol.com/sr/ocbenM9J6VrTndxI!
oX7UpIgrUnoDh5vD6IqUKzexvtyf3Ap95a0P!ueOwmgu3kkjrhgDryOVO8pdY6WjzZSeg==](https://www.mailcontrol.com/sr/ocbenM9J6VrTndxI!oX7UpIgrUnoDh5vD6IqUKzexvtyf3Ap95a0P!ueOwmgu3kkjrhgDryOVO8pdY6WjzZSeg==) to report this email as spam.

Cook, Stuart, CDA

From: Geoff Smick [smick@wra-ca.com]
Sent: Wednesday, December 19, 2007 10:24 AM
To: Cook, Stuart, CDA
Subject: RE: Congdon's tarplant - Staples Ranch

Stuart,

Very interesting. No word from John yet on my side. This all sounds good. I'll hang on to these specimens for a bit, just in case. Let us know if you need anything else, and keep us in the loop. Glad we went out there!

Geoff

From: Cook, Stuart, CDA [mailto:stuart.cook@acgov.org]
Sent: Monday, December 17, 2007 5:13 PM
To: Geoff Smick; greer@wra-ca.com
Cc: Jeff Dreier
Subject: RE: Congdon's tarplant - Staples Ranch

Geoff/Phil,

Today I spoke with John Spozanza, head of PBSJ's (formerly EIP) natural resources department. Apparently the botanist who was claiming it was Congdon's no longer works for PBSJ and John said they were going to remove any reference to finding Congdon's on-site in the EIR that they are preparing... He said he was also going to give you guys a call. I'd like to know if he does actually call you.

All's well that ends well.

Thanks,

Stuart

-----Original Message-----

From: Geoff Smick [mailto:smick@wra-ca.com]
Sent: Friday, December 14, 2007 8:59 AM
To: greer@wra-ca.com
Cc: Cook, Stuart, CDA; 'Jeff Dreier'
Subject: Congdon's tarplant - Staples Ranch

Phil,

The Staples Ranch client, Stuart Cook, wants to resolve this Congdon's tarplant situation as quickly as possible. He isn't sure how it will play out, but one thing he thought of was to have the EIP biologist(s) come to WRA to look at the samples under the scope with us. IF that is what happens it may happen sooner than later – and I am leaving town today at 11am through next Tuesday. Are you available to host a show-and-tell about how to differentiate the species if they were to come while I was away? – The client would certainly appreciate it. I'll leave the specimens I collected from Staples Ranch with you, and comparing those to your preserved specimens of Congdon's tarplant like we did yesterday will hopefully be convincing.

Many thanks,
Geoff

Geoff Smick
Associate Plant Ecologist
WRA, Inc.
2169-G East Francisco Blvd
San Rafael, CA 94901
Ph. 415/454-8868 ext. 150
Fax 415/454-0129
Cell 415/306-4003
www.wra-ca.com



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Cook, Stuart, CDA

From: Robin Giffin [rgiffin@ci.pleasanton.ca.us]
Sent: Monday, December 17, 2007 9:12 AM
To: rajeung@pbsj.com; Irwin, Natalie C
Cc: Cook, Stuart, CDA; Steven Bocian
Subject: FW: Tar Plants on Staples Ranch

Rod and Natalie:

The issue of whether or not there Congdon's tarplant on the site needs to be resolved. Please have your biologist work with WRA to resolve this issue. Below is an e-mail message from a WRA ecologist regarding his recent site visit.

Thanks,
Robin Giffin

-----Original Message-----

From: Geoff Smick [mailto:smick@wra-ca.com]
Sent: Thursday, December 13, 2007 5:02 PM
To: Cook, Stuart, CDA
Cc: 'Jeff Dreier'
Subject: RE: Staples Ranch

Just finished up. Good news - bottom line is the specimens you and I collected from the wetland area are not Congdon's tarplant.

Two other WRA botanists, including our Senior Plant Ecologist, looked at the specimens under the scope. Both sets of samples we collected (wetland and fence area) were identical and did not match the description of Congdon's tarplant (specifically they lacked "pappus"). And when compared to preserved material of Congdon's tarplant we have in the lab the differences are quite obvious to us.

Let me know whats next. I took some photos through the scope which won't be great but I think I should be able to point out the features on the collected specimens from Staples that do not have pappus and compare them to photos of our preserved specimens that do have pappus. That with a brief - one-page memo summarizing our findings might be good.

I was looking back over my pictures from a previous trip out there and there is one I took of the *Atriplex joaquiniana* patch - there are scads of flowering tarplant (common spikeweed) all over the place - I would have certainly taken a closer look. AND my wetland sample point data sheet from that areas also says *Hemizonia pungens* lending more evidence to this fact.

I might suggest to EIP to head back out after all and take a look. Like I mentioned in the field there are abundant small hairs on the receptacle that may be confused for pappus. We do see these two specimens growing side by side not infrequently - I suppose there is a very small chance that a few are out there and EIP sampled them but all of the 6 specimens I collected were not Congdons.

I am only around for a few hours tomorrow before I leave for Virginia.
Geoff

Geoff Smick

Associate Plant Ecologist
WRA, Inc.
2169-G East Francisco Blvd
San Rafael, CA 94901
Ph. 415/454-8868 ext. 150
Fax 415/454-0129
Cell 415/306-4003

www.wra-ca.com

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Cook, Stuart, CDA

From: Cook, Stuart, CDA
Sent: Thursday, December 13, 2007 5:14 PM
To: 'Geoff Smick'
Subject: RE: Staples Ranch

Thanks Geoff. I'm going to pass on this email to the city and eip. Enjoy your trip. A memo when you get back may be required. We'll see...
S.

-----Original Message-----

From: Geoff Smick [mailto:smick@wra-ca.com]
Sent: Thursday, December 13, 2007 05:02 PM Pacific Standard Time
To: Cook, Stuart, CDA
Cc: 'Jeff Dreier'
Subject: RE: Staples Ranch

Just finished up. Good news - bottom line is the specimens you and I collected from the wetland area are not Congdon's tarplant.

Two other WRA botanists, including our Senior Plant Ecologist, looked at the specimens under the scope. Both sets of samples we collected (wetland and fence area) were identical and did not match the description of Congdon's tarplant (specifically they lacked "pappus"). And when compared to preserved material of Congdon's tarplant we have in the lab the differences are quite obvious to us.

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Geoff

Geoff Smick
Associate Plant Ecologist
WRA, Inc.
2169-G East Francisco Blvd
San Rafael, CA 94901
Ph. 415/454-8868 ext. 150
Fax 415/454-0129
Cell 415/306-4003

Cook, Stuart, CDA

From: Cook, Stuart, CDA
Sent: Wednesday, December 12, 2007 9:37 AM
To: Geoff Smick
Subject: RE: Congdon's

Geoff,

I spoke to Pleasanton about this, and (at my suggestion) they're asking EIP to have their biologist meet us (you and me) out in the field as soon as possible to see if we can resolve this. Hopefully we can set something up this week or early next week that works for everyone.

Are you, in general, around? Are you amenable to doing this?

I agree that it's possible that there are Congdon's on site, and it wouldn't be that hard to mitigate. However, because we don't really have a place set aside to mitigate, I don't want the EIR saying there's a population out there if there's not.

Thanks,

Stuart

-----Original Message-----

From: Geoff Smick [mailto:smick@wra-ca.com]
Sent: Tue 12/11/2007 3:34 PM
To: Cook, Stuart, CDA
Subject: Congdon's

Stuart,

I just did a quick search of CNDDDB to see what was known from the area: map attached.

The main point besides that Congdon's tarplant is known from the area is that Robert Preston has a respectable number of species observations in CNDDDB and I think he would have seen the tarplant during his 1993 survey when he mapped the Spearscale if it was present on-site. It is possible that conditions that year did not support the species well and it didn't thrive, which also may have happened when WRA was out there - but this would be pretty unlikely and very coincidental.

A more likely situation (if it is out there) is that it is a recent colonization - certainly not out of the question given the proximity of the other populations, or of course I could have missed it and assumed it was the common one observed elsewhere on the property (gosh I hope not!). Bust seeing as how Ellen walked me straight to that patch of Spearscale and we were focusing on rare plants that day I would be very surprised if that were the case.

Obviously it would ideally not be present - but if it is the mitigation should be very simple and similar to the spearscale mitigation: Collect seeds and scatter them in a suitable area - like near the spearscale since it seems to be thriving. If you are in the area and have a minute swing by and grab whatever looks like it (if it is painful when you grab it it's probably the right plant!) in that wetland area where the spearscale is. Even if its dead and brown we should be able to open up some of the flower heads and see if there is pappus (hairs) present inside the inflorescence. You could probably even scan it or take a macro photo of an opened head and I could ID it over the computer.

Let me know how this pans out.

Geoff

Geoff Smick
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Memorandum

To:	Ellen Davis	From:	Geoff Smick smick@wra-ca.com
Cc:			
Date:	October 26, 2005		
Subject:	Staples Ranch Rare Plants		

Dear Ellen,

This memo presents the results of the October 25th rare plant survey performed by Geoff Smick, staff botanist with WRA, Inc.

38 plant species were listed on the CNPS nine quad rare plant search of the study area. Eight of those plants are known to exist within 5 miles of the project site based on CNDDDB records. One rare plant, San Joaquin spearscale (*Atriplex joaquiniana*, CNPS List 2) is historically known from the project site. Congdon's tarplant (*Hemizonia parryi* ssp. *congdonii*, CNPS List 3) was also thought to exist onsite.

Mr. Smick surveyed the entire site for rare plants thought to potentially occur at the site. Mr. Smick found many individuals of the plant thought to be Congdon's tarplant, but after keying out material from several specimens, the plant was identified as common spikeweed (*Hemizonia pungens*), a similar looking plant. The specimens in the field lacked pappus hairs on the disk flowers while the rare Congdon's tarplant should have pappus hairs.

Mr. Smick did find a few individuals of San Joaquin spearscale. Mr. Smick found two separate groupings of these plants with about five plants in each cluster. Most of the plants were dried up and difficult to see, but a few were still flourishing. Both clusters were located along the north side of the southernmost soil pile (see attached Figure) intermixed with the *Hemizonia* and yellow star thistle. Not other rare plants were observed. A spring rare plant survey should be performed in order to search for earlier blooming plants that would not be seen in this late-season survey.

Sincerely,

Geoff Smick



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EXHIBIT I-5

April 21, 2010

Mr. Steven Bocian
Assistant City Manager
City of Pleasanton
P.O. Box 520
Pleasanton, CA 94566

Subject: Staples Ranch EIR Comment on Administrative Draft Biology Section

Dear Mr. Bocian:

PBS&J has received a copy of the email sent from Ralph Kanz of the Alameda Creek Alliance regarding Staples Ranch. In the email, Mr. Kanz suggests that PBS&J changed its conclusions regarding the potential presence of a sensitive plant species, the Congdon's tarplant (on the California Native Plant Society Category 1B list), without justification or without explaining the ramifications to the City. This allegation is a serious one, and I feel that it is important that I respond so that the city, the public, and the resource agencies understand that the change was indeed justified and based on valid scientific reasons. PBS&J prepared an October 2007 administrative draft biology section that indicated the potential presence of Congdon's tarplant; however, in our subsequent January 2008 administrative draft biology section, it was reported that Congdon's tarplant was not detected based on rare plant surveys. Below is an explanation for that text revision.

PBS&J performed a number of biological field visits to the Staples Ranch site. Some were to conduct initial reconnaissance and to assist in performing peer reviews of the biological studies that were previously prepared for the site. Others were more targeted - to examine the trees and the habitat along the berm on the western periphery of the site or to identify wetland features. The results of our initial visits were combined with queries of applicable databases, such as the California Natural Diversity Database, the US Fish & Wildlife Service, and the California Native Plant Survey, and reported in the October 2007 administrative draft. Staffs review of this administrative document questioned the presence of Congdon's tarplant, based on then recent surveys of the site by Wetlands Research Associates that were undertaken specifically to identify rare plants in 2005 and 2006. In all of these previous surveys the Congdon's tarplant was not detected. The Congdon's tarplant appears very similar to the common spikeweed. There are, however, distinguishing features between these two species, and these features occur on the underside of the leaf and are best observed under a microscope. Based on review of previous plant surveys at the site, conversations with biologists and ecologists at Wetlands Research Associates, a follow-up site visit by Wetlands Research Associates in 2007, and review of the documentation by Wetlands Research Associates, including the wetland data sheets that identified common spikeweed and not Congdon's tarplant, our biologists concluded that there was sufficient evidence that we had misidentified the plant. In light of the information presented, we corrected the text regarding the Congdon's tarplant and submitted a revised administrative draft of the biology section in January 2008 with different conclusions about its presence.

As the City staff well know, a purpose of submitting an administrative draft is to provide the lead agency with an opportunity to review an early version of the document and identify concerns, correct factual mistakes, question assumptions and analyses, etc. This process of revising, updating, and correcting the report is not only commonplace, but expected, and occurs with every environmental document that is prepared - all in

April 21, 2010
Mr. Steven Bocian
Page 2

order to make the report as accurate as possible when it is released for public review and comment. During this process, a number of revisions occur and City staff was highly engaged and aware of these modifications. PBS&J appreciated the diligent, thorough, and exhaustive reviews and comments provided by City staff. As noted by Mr. Kanz, the EIR is intended to be an informational document. As such, we believe that the Staples Ranch EIR presented potential impacts so that the city, the community, and other interested entities could understand the implications of approving the project.

If you have additional questions regarding the Staples Ranch EIR or the conduct of the work, please feel free to contact me at the number below.

Sincerely,

A handwritten signature in black ink that reads "Rod Jeung". The signature is written in a cursive, slightly slanted style.

Rod Jeung, AICP
Senior Group Manager

The Supplement to the Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report (EIR) and Related California Environmental Quality Act (CEQA) Documents (CEQA Findings, Mitigation Monitoring and Reporting Plan (MMRP), and Statement of Overriding Considerations (SOC)), Case PSP-11 (Stoneridge Drive Specific Plan Amendment), Case PRZ-44 (Pre-Zoning /Rezoning of the Staples Ranch Site)

Consider and make a recommendation regarding: (1) Certification of the Supplement to the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR; (2) Rescission of: (a) CEQA Findings, MMRP, and SOC adopted by City Council on February 24, 2009 for the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR; (b) Stoneridge Drive Specific Plan Amendment (PSP-11) adopted by the City Council on February 24, 2009; and (c) Pre-zoning/Rezoning of the Staples Ranch site (PRZ-44) adopted by the City Council on March 3, 2009; (3) Adoption of: (a) CEQA Findings, MMRP, and SOC for the Stoneridge Drive Specific Plan Amendment/ Staples Ranch EIR, including the Supplement; (b) Stoneridge Drive Specific Plan Amendment (PSP-11); and (c) Pre-zoning/Rezoning of the Staples Ranch site (PRZ-44) to: PUD-C (Commercial), PUD-HDR/C (High Density Residential/ Commercial), PUD-P (Park), PUD-MDR (Medium Density Residential), or some similar combination of PUD zoning. The property is owned by Alameda County Surplus Property Authority and is located at the southwest intersection of I-580 and El Charro Road.

Brian Dolan introduced the item as a somewhat unusual event in which a Supplemental Environmental Impact Report (SEIR) is being brought before the Planning Commission, as well as some recommendations to rescind prior approvals that the Planning Commission will be requested to take. He then explained the sequence in which staff will present the application, starting with his discussion of the purpose of the meeting, some background information, and the purposes of the California Environmental Quality Act (CEQA) and the SEIR. He stated that Robin Giffin, Senior Planner, will then present the details of the SEIR findings, and he will then present concluding comments about some of the required findings, the significant unavoidable impacts, and the project benefits. He indicated that he will then close with some additional non-CEQA-related items for Commission consideration.

Before starting the staff presentation, Mr. Dolan acknowledged the presence of a number of people who have been involved in the project and who were present at the meeting to help respond to any Commission questions: Steve Bocian, Assistant City Manager, who has been very involved in the project from its inception; Michael Roush, former City Attorney, who's still on board to assist in the processing of this project which started before he retired; Mike Tassano, City Traffic Engineer; and Stuart Cook and Pat Cashman, who have been involved in the project as representatives of the Alameda County Surplus Property Authority (ACSPA), the project applicant and property owner. He added that also present to provide detailed technical assistance were project consultant Randy Waldeck from Charles Salter and Associates, and two consultants from the biological consulting firm of WRA – Jason Yakich and Geoff Smick.

Mr. Dolan stated that the purpose of the meeting is to present the project and lead the Commission to a point where it can make three different decisions: whether to recommend to the Council to (1) certify the SEIR; (2) rescind the previous CEQA

findings, Statement of Overriding Considerations, and Mitigation Monitoring Reporting Plan, as well as the actions taken by the Council approving the Specific Plan Amendment and the Pre-zoning and Re-zoning of the project site; and (3) approve the revised CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring Reporting Plan reflecting the preferred project, as well as the revised Specific Plan Amendment and the Pre-zoning and Rezoning of the property. He added that staff would also discuss some potential additional non-CEQA related actions for Commission consideration, should it be interested in recommending them to the City Council.

Mr. Dolan then presented a brief timeline of the important events that have occurred since the City Council certified the Final EIR and approved the Staples Ranch project in February 2009. He noted that the most critical date is September 2009, when a lawsuit against the City was settled, and as part of that agreement, the City agreed to prepare an SEIR to address some of the issues raised in that lawsuit. He added that at the same time, introduced into the process was the concept of an additional alternative, the Two-Lane Constrained Extension Alternative, which is discussed in the SEIR and the staff report.

Mr. Dolan then displayed a map of the area, showing the outline of the original Stoneridge Drive Specific Plan area, of which Staples Ranch is only a portion. He also displayed the Staples Ranch Land Use Map which showed the various proposed Staples Ranch projects: the continuing care retirement community facility, the auto mall, the neighborhood and community parks, and the area reserved for retail commercial. He noted that the Commission has already made a recommendation on the Planned Unit Development (PUD) approvals for the individual projects, which will come before the Council should the items being discussed tonight get approved by the Council.

Mr. Dolan indicated that the purpose of the SEIR is to address several issues as required by the settlement agreement: (1) determine whether the supplemental updated surveys for various plants and animals would result in impacts different than were identified in the Final EIR, in particular, the California tiger salamander, the California red-legged frog, the Western pond turtle, and the San Joaquin San Joaquin spearscale; (2) update the analysis related to greenhouse gas (GHG) emissions, which is primarily in response to an evolving regulatory world which, over the period of time that this project has been in process, has changed substantially and continues to evolve such that the conclusions have changed in this updated analysis; and (3) re-evaluate the previous analysis of the project's impacts on cumulative biological resources and noise impacts in relation to the nearby quarry operations.

Mr. Dolan stated that one of the biggest issues related to the request for an SEIR was the fact that the previous EIR did not include the precise project that the Council approved in February 2009. He noted that while all the information regarding its environmental impacts were in the environmental and other documents, the project was not explicitly identified as an alternative; thus, that particular project, and its impacts,

have been included in the SEIR. He indicated that the SEIR also included an additional alternative, a Two-Lane Constrained Extension Alternative, since that evolved as a potential policy choice that the Council may wish to consider.

Mr. Dolan stated that in terms of its scope, the SEIR is not an all inclusive document and is intended to be used in conjunction with the Final EIR. He noted that the SEIR only presents the information that was challenged as being inadequate, so it was not necessary to repeat everything that was included in the previously approved EIR. He added that the SEIR is just like a regular EIR in that staff prepared responses to the comments and recommendations received during the comment period from the public, the Commission, and outside agencies, and staff made revisions to the Draft EIR text where necessary.

Mr. Dolan then introduced Robin Giffin to present the more detailed discussion of the SEIR.

Ms. Giffin stated that the SEIR re-evaluated the potential biological impacts to several species. In regard to the California tiger salamander (CTS), WRA, the biological consultant, completed two years of surveys related to the species, and based on the surveys, concluded that CTS do not occur on the Staples Ranch site; as a result, the mitigation requiring the completion of the CTS survey has been removed (because all surveys have now been completed), and no new mitigation (other than what was identified previously) is proposed.

Ms. Giffin continued that WRA also re-evaluated its biological reports related to the California red-legged frog (CRLF), and based on the negative field results in 2009 as well as previous surveys conducted in 1993 and 2002, WRA concluded that the CRLF are not currently present in the Arroyo Mocho channel adjacent to the Staples Ranch property; hence, no new mitigation (other than what has been previously proposed) is proposed.

With respect to the Western pond turtle (WPT), Ms. Giffin stated that the 2004 Monitoring Report for the Arroyo realignment project noted that two WPTs were observed following the completion of that project; therefore, the Draft SEIR has been revised to reflect this. She indicated that the addition of this information does not change the conclusion that the proposed project could affect the WPT during bridge construction; accordingly, the mitigation measures for the WPT during bridge construction, as well as other mitigation measures concerning the WPT, are not proposed to change.

Ms. Giffin stated that the EIR determined that the San Joaquin San Joaquin spearscale (SJS) was mitigated as part of the Arroyo Las Positas realignment project and that as part of that mitigation, the County was required to collect SJS seeds and spread them on the banks of the Arroyo Mocho. She added that a recent 2009 survey and analysis determined that 1.7 acres of the San Joaquin San Joaquin spearscale habitat on the Staples Ranch property as well as .07 acre on the north bank of the Arroyo Mocho

would be lost due to the project. She noted that this is considered a significant impact, and to mitigate the impact, the ACSPA will purchase 1.77 acres worth of credits from the Springtown Natural Community Preserve in Livermore or permanently protect 1.77 acres of other San Joaquin San Joaquin spearscale habitat in Alameda Country through the use of a conservation easement or other similar method.

Ms. Giffin indicated that the SEIR also re-evaluated potential noise impacts along Stoneridge Drive, noting that without roadway and wall modifications, the traffic noise level by the two homes closest to the proposed bridges would be 64 dB. She stated that as part of the CEQA documents, staff is recommending that a mitigation measure be adopted, including repaving of Stoneridge Drive between Kamp Drive and Trevor Parkway with noise-attenuating pavement and installing a soundwall by the two homes closest to the proposed bridges on Curry Street and Maria Street. Ms. Giffin noted that staff has received a return call from one of these two residents stating that both he and his neighbor spoke about the proposed soundwall and that it was acceptable to them. She further noted that the proposed wall would be one foot higher than the existing wall and that the repaving and the new soundwall would reduce traffic noise levels near Staples Ranch to 60dB. She added that ACSPA has agreed to install the new soundwall and to contribute \$500,000 to the repaving of Stoneridge Drive between Kamp Drive and Trevor Parkway.

Ms. Giffin stated that it is important to note that even with this mitigation measure, there will still be a significant unavoidable noise impact since noise levels will increase by more than 4dB near Stoneridge Drive.

With respect to the GHG emissions, Ms. Giffin stated that even with the inclusion of Best Management Practices (BMPs) such as greenbuilding, bicycle parking, bicycle and pedestrian connections and bus stops, the GHG emission thresholds for this project will also still be exceeded, and, hence, GHG emissions are likewise a significant unavoidable impact.

Ms. Giffin indicated that the project staff is recommending is a Four-Lane Concurrent Extension Alternative with a phasing modification, called the Preferred Project in the staff report and related CEQA documents. She explained that under this alternative, Stoneridge Drive would be extended to El Charro Road, and the Stoneridge Drive bridges would be constructed to accommodate two lanes of travel in each direction, with both bridges being initially striped such that there would only be one lane of travel in each direction, with an expectation that in the future, the City Council would approve re-striping the bridges to accommodate two lanes of traffic in each direction. She added that because eventually there will be two lanes of traffic in each direction, the mitigation measures for the Preferred Project would be the same as for the Four-Lane Concurrent Extension Alternative without the phasing modification.

Ms. Giffin stated that as drafted, the Preferred Project provides flexibility and allows the City Council to gauge changing traffic conditions, the efforts of the City's regional partners to support funding, and construction timing of regional improvements. She

added that it also allows the City Council to make a determination to re-stripe the Stoneridge Drive bridges to two lanes in each direction even if the regional improvements have not been completed, thereby vesting the City Council with the freedom to exercise its discretion on how best to manage Pleasanton's roadways. She noted, however, that peak traffic volumes by the proposed bridges will be less when the bridges are initially striped for one lane in each direction.

Ms. Giffin stated that under the Preferred Project, seven intersections in Pleasanton are impacted but are proposed to be mitigated to a less-than-significant level: Hopyard Road at Owens Drive, Hopyard Road at Stoneridge Drive, Santa Rita Road at Stoneridge Drive, Santa Rita Road at Valley Avenue, Santa Rita Road at I-580EB off-ramp; West Las Positas Boulevard at Stoneridge Drive, and El Charro Road at I-580EB.

Ms. Giffin stated that the Alameda County Congestion Management Agency (ACCMA) requested that the City run ACCMA's traffic model and analyze impacts to its adopted link segments to determine if there are any impacts to the link segments resulting from the project. She noted that under the Preferred Project, there would be impacts to five of ACCMA's link segments: Stoneridge Drive east of Santa Rita Road, Stanley Boulevard east of Valley Avenue, SR-84 between Stanley Boulevard and Vineyard Avenue, SR-84 near Little Valley Road, and I-580 between Airway Boulevard and Isabel Avenue.

Mr. Dolan stated that after staff had gone through the analysis and identified the impacts and mitigations for the project, staff identified the following significant unavoidable impacts which are discussed in the SEIR:

1. The impacts to aesthetics and visual quality are purely related to the fact that the project would convert the site from a purely rural site to a developed site.
2. This project will have the same air quality impacts that the original approval had.
3. There would be climate change impacts that would exceed the current threshold, notwithstanding that threshold continued to evolve.
4. There would be a significant unavoidable noise impact related to the fact that the City's General Plan 2005-2025 has a new threshold which states that if noise increases more than 4dB, regardless of baseline noise levels, it is identified as a significant impact.
5. There are some impacts related to traffic; in particular, one outside of Pleasanton's jurisdiction at the intersection of Dublin Boulevard and Dougherty Road, in which the City of Dublin has indicated that it does not believe mitigation is feasible. There are also several roadway link segments between intersections where volume will exceed the ACCMA standards.

Mr. Dolan indicated that when there are significant impacts that are unavoidable, CEQA states that there is still an opportunity to move forward with the project by fully disclosing those impacts and making findings related to the benefits of the project, including why the benefits outweigh the significant unavoidable impacts. He noted that staff has prepared that analysis and that these benefits are the bases for the proposed Statement of Overriding Considerations. These include:

1. The project would allow the retention of the existing auto sales business in a facility that is very suitable for the business and which would provide benefits to the City, including jobs, convenience to residents, and tax revenue.
2. It would also provide a site for a senior continuing care community for which the City has a very demonstrated need. A large number of seniors in this community have shown interest in this project and cannot wait for that development to occur. There will even be a greater need for living arrangements and services for that segment of the City's population in the future.
3. It would allow for the ice center, which, together with its special events, will draw people from outside of town to do business at the City's hotels, stores, and restaurants.
4. A very specific direct benefit identified is that the ice center developer has offered to construct a substantial share of the community park.

Mr. Dolan then discussed some additional actions the Commission may want to take regarding non-CEQA-required matters that have been an important part of the ongoing evaluation of this project:

1. Work in cooperation with ACSPA to plant San Joaquin San Joaquin spearscale seeds on the community park site as part of the park construction. This is in response to input from members of the community who are interested in a greater level of mitigation for impacts to that particular species, as well as the interest of some in providing the opportunity for mitigation closer to the area where the impact would occur.
2. Construct a new soundwall along Stoneridge Drive between Guzman and Trevor Parkways, the only area along Stoneridge Drive that does not have a soundwall. This is part of the neighborhood where the front of the houses face Stoneridge Drive, thereby facing the noise source; however, the applicable standards for exterior usable space do not apply to the front yards, and, therefore, a sound wall is not required as CEQA-based mitigation. If this were to be pursued, there are multiple residents who would have to be surveyed; costs would have to be explored, and a specific design and detailed plan would have to be prepared and approved by the City Council before moving forward.

Mr. Dolan noted that these actions would be the financial responsibility of the City as they are not directly associated with an impact of the project.

Mr. Dolan then presented once again the actions the Commission could take: whether to recommend to the City Council to (1) certify the SEIR; (2) rescind the previous CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring Reporting Plan, as well as the actions taken by the Council approving the Specific Plan Amendment and the pre-zoning and re-zoning of the project site; and (3) approve the revised CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring Reporting Plan reflecting the preferred project, as well as the Specific Plan Amendment and the pre-zoning and rezoning of the property. He likewise presented the additional actions for Commission consideration regarding the non-CEQA-based items.

Commissioner Blank cited the traffic impact the project would have on the Dublin Boulevard/Dougherty Road intersection and inquired what the City of Pleasanton's responsibilities are towards impacts that occur outside its jurisdiction.

Mr. Dolan replied that the City's only responsibility is to identify the impact and disclose it.

Commissioner Blank further inquired if the City of Dublin could sue the City for impacting its intersection.

Mr. Roush replied that in addition to disclosing the item, one of mitigations is to engage in a cooperative process with cities that this project's traffic may impact to see if some cooperative agreement can be reached by which Pleasanton would agree to contribute to solve the problems in those communities if they are agreeable to paying for and helping to solve some of the problems their traffic creates in our community. He stated that it is a kind of *quid pro quo* and that the mitigation requires Pleasanton to engage in that process with its regional partners without necessarily reaching an agreement. Mr. Roush added that the answer to whether Dublin could sue Pleasanton is that it is a possibility; however, the City tries to create mitigation in such a way that part of the onus would be on Dublin to engage in that process and if it did not do so or chose not to do so, its lawsuit would not have a lot of merit.

Commissioner Blank requested confirmation that his understanding is correct that because Dublin did not believe the impact could be mitigated, it would engender a discussion about potential impacts in Pleasanton that Pleasanton believes Dublin might not be willing to mitigate.

Mr. Roush replied that there is an overarching attempt to reach a cooperative agreement that would mitigate all the intersections in Dublin that might be impacted by this project's traffic. He noted that Pleasanton has identified certain mitigations with respect to Dublin Boulevard and Dougherty Road that Dublin could do to render the level of service acceptable; however, essentially it would mean the intersection in

question would need to be made larger, and Dublin has concluded that it is not a feasible improvement for it to consider, which is what it has advised Pleasanton.

Mr. Dolan stated that it is important to note that this impact is identified as a cumulative impact, which means that it will occur whether or not the project is done.

Commissioner Blank requested clarification that the recommendation is to repave a portion of Stoneridge Drive with noise-attenuating pavement and to construct a soundwall and that ACSPA would contribute \$500,000 for that effort.

Ms. Giffin replied that ACSPA would pay for the entire soundwall and contribute \$500,000 toward the repaving between Kamp Drive and Trevor Parkway.

Commissioner Blank inquired if staff had any idea how much the repaving would cost and what percentage ACSPA's contribution would be.

Mr. Bocian replied that it would be a significant portion of the entire cost but that the actual percentage would not be known until the time the repaving would be done.

Commissioner Blank inquired what the life expectancy of this particular pavement is and if this is a specialty pavement that would reduce the life expectancy in comparison to regular pavement.

Mr. Bocian replied that it has the same life expectancy and is now being used throughout the City on major arterials.

Commissioner Blank inquired if the standard would be the 20 years.

Mr. Tassano confirmed that the standard was 20 years.

Commissioner Pentin inquired if the \$500,000 and the cost of the soundwall is part of the up-to-\$1.5 million for traffic mitigation from the ACSPA.

Ms. Giffin replied that the \$500,000 for the repaving is part of the \$1.5 million but that the soundwall is not.

Commissioner Pentin noted that there are two soundwalls under consideration and inquired if the second soundwall is included in the \$1.5 million as well.

Ms. Giffin replied it was not.

Mr. Bocian noted that, in relation to an earlier question regarding whether Dublin would sue the City, the comment letter received from Dublin stated that Dublin supports the full extension of the road, notwithstanding its impacts in Dublin.

With respect to the installation of the second soundwall in the additional actions, Commissioner Pentin noted Ms. Giffin's statement that the noise level would be within an acceptable limit of 60dB. He inquired if the noise level for these residences would be right at the limit.

Ms. Giffin replied that all the levels in the rear yards would be 60dB or below.

Commissioner Pentin inquired if the soundwall is being proposed as a "good neighbor" gesture.

Ms. Robin indicated that this is the only area along Stoneridge Drive where there are homes that might be said to front Stoneridge that do not have a soundwall.

Commissioner Pentin inquired if the noise level would exceed 60dB without a soundwall.

Mr. Dolan replied that it would in the front of the residences.

Commissioner Pentin inquired if a cost estimate of \$300,000 would still be a valid figure.

Mr. Bocian said yes.

Commissioner Pentin noted the use of the word "may" on page 8 of the staff report regarding lane-striping on the proposed bridges if the Preferred Project is approved. He inquired why the word "shall" is not used instead since the interim striping would be done if the Preferred Project were approved.

Mr. Roush replied that the word "may" is used because the timing regarding when the bridges will actually be constructed is not certain. He noted that it is possible that the regional improvements will have been constructed or be underway, such that it may not be necessary to do the interim striping if the bridges are actually built. He added that this provides the City Council with the flexibility to look at the traffic conditions, what efforts have been done by the regional partners, and what the concerns of the community are, and at that point then, the Council could make its decision.

Commissioner Blank commented that it would also provide the ability for the Council to put the four lanes in.

Mr. Roush replied that was correct. He added that while it may not necessarily be the case, it leaves the option open.

THE PUBLIC HEARING WAS OPENED.

Ralph Kanz, Conservation Director for the Alameda Creek Alliance, stated that his organization does not oppose the project but that what the organization opposes is not properly mitigating with regard to the biological resources on the site. He indicated that

more and more, it appears that the problem is that Alameda County does not want to invest the dollars to mitigate for this project, and that its bottom line is hanging this project up and will continue to do so. He added that he has tried multiple times for over a year to sit down and negotiate a good faith agreement with Alameda County about mitigation for biological resources, and it has not happened because his organization has not been able to get anybody to the table to negotiate in good faith.

Mr. Kanz noted that there was an email from the mayor dated December 2009 that was not included in the record. He further noted that he made an error in the email he sent yesterday, stating that in the last paragraph at the bottom of the first page, the date of the Streambed Alteration Agreement should read April 29, 2003, and not 2010.

Mr. Kanz stated that one thing that was never discussed in the EIR is the requirement in the Corps permit for the Arroyo project that a conservation easement be placed upon the mitigation areas along the Arroyo Mocho. He noted that this is important because of the potential impacts of the bridge construction, and it would add another mitigation in that any impacts in that area would have to be mitigated if it were a conservation easement.

With respect to the San Joaquin spearscale (SJS), Mr. Kanz stated that both the City of Pleasanton and Alameda County are party to the East County Conservation Strategy, which, at present, is proposing that the mitigation ratio for the SJS be 5:1, which means that for every acre, there would be five acres of mitigation replacement. He noted that if that is what the County and the City think is appropriate for the Strategy, then he would suggest that it would be appropriate for this project as well. He added that spreading seeds in the park is not advisable and has no benefit, as it is unlikely that the habitat in that particular location will be appropriate for that species.

Mr. Kanz stated that his review of certain emails brings him to the conclusion that Congdon's tarplant might be present on the site. He indicated that PBJ&S had a botanist who said that he found it there, and PBS&J later stated that since the botanist no longer works for PBJ&S, then PBJ&S need not worry about it. He stated that what should have happened at that point was that the site should have been surveyed; but no one went to the botanist to inquire where the plant that the botanist thought was tarplant was found on the site. He noted that every botanist has said that one can miss something once in a while, that maybe somebody found it, or maybe it does not exist there; but the issue is that no one knows at this point because whether or not it exists was never questioned. He indicated that it has been found across the freeway and that it would not be surprising to find it on the Staples Ranch site.

Mr. Kanz noted that on page 13 of the staff report, it is stated that one of the two biological mitigations from the 1988 Stoneridge Drive Specific Plan is a California tiger salamander (CTS) survey prior to realignment. He pointed out that no survey was done where the fill was placed prior to the realignment taking place. He added that there were surveys done in the old Arroyo Las Positas, but none on the higher land, a

potential wetland, which was a potential breeding habitat for CTS until it was filled in 2003.

Mr. Kanz stated that the biological resources section needs to be peer reviewed by an independent consultant because it contains contradictory information put out by the consultant on the issue.

The next speaker was Matt Morrison.

Commissioner Blank disclosed that he knows Mr. Morrison socially but they have not discussed this matter.

Mr. Morrison read the following prepared letter

"I urge the Planning Commission, following tonight's presentations, to schedule an additional meeting for public comment on the Supplement to the Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report. The Final SEIR and staff report total 372 pages, longer than the 344-page Draft EIR. Pleasanton citizens are at a disadvantage to thoroughly review these documents and prepare sufficient comment in less than two weeks. Please provide residents and other members of the public more time to review these documents.

"I also want to thank Ralph Kanz of Alameda Creek Alliance for reviewing and preparing comments on the biological sections of the EIR in the face of ongoing personal attacks from the mayor. As I note in my comments for the Draft EIR, in a December 9th, 2009 email that included distribution to City Staff, Mayor Hosterman called Mr. Kanz a "disgrace to the environmental movement" and "one of those hackers...."

"Yesterday, on May 25, 2009, Mayor Hosterman sent another email (attached) derogatory of Mr. Kanz and his comments. Mayor Hosterman copied her opinion to the Pleasanton City Council, in an apparent violation of the Brown Act. An important Brown Act interpretation is the inseparability of deliberation from the decision-making process:

"Deliberation and action are dual components of the collective decision-making process and the meeting concept cannot be split off and confined to one component. The term 'meeting' extends to informal sessions or conferences of members of legislative bodies designed for discussion of public business." (Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs. (1968) 263 Cal.App.2d.41)"

And

"The public has a right to notice of and attendance at such meetings irrespective of whether individual members of the council intend or do not intend to take "action" at such gatherings." (Ops.Cal.Atty.Gen. 61 1963)

"Conference calls and, presumably, email that involve a majority of council members are prohibited. Even the fact that no action is taken as a direct result of these communications does not relieve them of the requirement that they be public and properly noticed. The informal fact-finding and discussion phases of developing a 'collective concurrent' must be subject to public scrutiny and public input to the same degree as is the vote-taking at a scheduled meeting.

"As to the substance of Mayor Hosterman's comments, she accuses Alameda Creek Alliance of 'looking for a boondoggle' and that Alameda Creek Alliance 'no longer stands for anything.' Mayor Hosterman then directs her remarks to Jeff Miller, Alameda Creek Alliance's Executive Director that the group started out as 'a great grass roots organization, but with Ralph, you've diminished to the nth degree,' concluding with a cryptic 'Your call.'

"It is clear that by publishing her inflammatory and unsubstantiated views to the entire City Council, Mayor Hosterman is deliberating in the 'collective decision-making process' of the City Council while ignoring the public's right of notice and attendance. A violation of the Brown Act is a crime punishable as a misdemeanor.

"I ask the Planning Commission to determine whether Mayor Hosterman's email complies with the Brown Act and, if appropriate, to follow up with the District Attorney."

Mr. Morrison then submitted his letter to staff.

Chair Olson stated that Mr. Kanz stated that he was in favor of the project and asked Mr. Morrison if he was.

Mr. Morrison replied that he is not opposed to the project as it stands as long as it can appropriately mitigate for the biological impacts and the impacts on the neighbors and that the project is done in a proper way. He added that he agreed with Kay Ayala that the prior City Council had determined at the time that it was appropriate for Stoneridge Drive to go through when El Charro Road was extended to Stanley Boulevard. He indicated that he would approve the project at that time.

Richard Pugh stated that as a member of the Board of the Stoneridge Homeowners Association, he is interested in what goes on in the neighborhood. He indicated that he has comments on three areas of the documentation that came back with the preparation of the revised report. He referred to one of the items in the proposal for extra mitigations regarding the installation of the soundwall where none exists. He stated that it is a mystery to those who have property in that general region how the gap actually

went through in the design process, and no one knows how it happened and whether it was an architectural oversight or some other reason. He noted that the gap is significant for those who live in area and encouraged the Commission to consider that favorably.

With reference to the discussion on repaving the road from Trevor to Guzman Parkways, Mr. Pugh pointed out the block between Kamp and Rheem Drives was not specifically mentioned and must have been overlooked. He stated that there are over 200 homes in that area with no repaving proposed and urged the Commission to consider that suggestion.

Mr. Pugh indicated that he had talked to staff briefly about air quality and would like to recommend that the Commission ask staff to include one or two small extra explanatory paragraphs in the mitigation. He stated that the comments on air quality should not only focus on the ozone and other oxides and nitrogen issues but also on diesel. He noted that a good authority stated that particularly in Livermore, diesel is the cause for serious health problem for youth and those with asthma, as well as for the quality of life for senior citizens who will live in the project. He suggested that a specific call out be made for truck route enforcement, hours of operation, and gross tonnage restriction on Stoneridge Drive. He recommended that staff add mitigation to ensure that when it comes to establishing those issues at the PUD level, there can be enforcement and diesel trucks do not come pouring down Stoneridge Drive.

Lastly, Mr. Pugh stated that in relation to noise, there is a description in the documentation of 30-35 miles per hour for sound assessment and how adjustments would be made in the data provided to the City. He noted that it is common knowledge that 40 miles per hour is not an uncommon speed, despite the posted 35 miles per hour speed limit. He requested the Planning Commission to ask staff to add a paragraph on what the decibel reading and the impact might be for realistic driving speeds down that road and to see how that may be mitigated.

Patricia Kohnen, a Dublin resident since 1978, stated that she would like to move into the Stoneridge Creek Retirement Community in Pleasanton. She indicated that she and her husband were the first couple to put down the 10 percent in escrow for the project and that although the process is lengthy, she was optimistic it will happen. She noted that it is a wonderful project; as are the other elements of the Staples Ranch project, and will be good for Pleasanton and the Tri-Valley area of Pleasanton, Dublin, Livermore, and San Ramon. As hopefully a future resident of Pleasanton, she urged the Planning Commission to certify the SEIR, rescind the old documents, and approve the revised documents, including the Preferred Project.

John Carroll was the next speaker.

Commissioner Blank disclosed that he knows John Carroll socially but has not discussed the project with him.

Commissioner O'Connor likewise disclosed that he knows John Carroll socially but has not discussed the project with him.

John Carroll stated the he was opposed to certain aspects of project, noting that he likes the Continuing Life Communities project and some aspects of the park, and would like the auto mall to be maintained within Pleasanton. He indicated that early on at a City Council discussion, it was implied that the Stoneridge Drive extension was not going to be put through until SR-84 is widened, in order to alleviate the traffic that comes north on I-680 and then traverses SR-84 over to I-580. He added that promises were also made for a regional traffic agreement among Pleasanton's regional partners so the traffic impacts would not be as severe as they are today. He stated that he felt this project does not mitigate its impacts sufficiently in that the impacts will be much greater than anticipated. He noted that certain alternatives are shown as "Not Feasible" and that impacts are "Significant but Unavoidable"; he felt that Alameda County has not stepped up to provide the proper mitigations for the project.

Mr. Carroll stated that because the Stoneridge Drive extension will likely open before SR-84 is widened, before regional agreements are done, and before other anticipated arterials are open, the anticipated impacts will be much greater than originally anticipated by the community. He indicated that they stepped up and tried to work with the community, but at the last minute on February ²⁴, 2009, the Council pushed through the Stoneridge Drive extension in advance. He added that all materials provided before then indicated that there would be an emergency vehicle access (EVA) only connection. He noted that in his previous comments, he felt there was some obligation to provide clarification, but the response was there was no further clarification required. He stated that he was looking for the City to own up and say that it realizes that all information provided before February 2009 stated that the connection on Stoneridge Drive was going to be an EVA only and that only at the last minute, it became a four-lane connection right through a neighborhood community.

Mr. Carroll stated that he felt it is unfair for the City to push this through with only a small soundwall planned near the bridge area and possibly another soundwall between Guzman and Trevor Parkways, and these mitigations are fairly small in comparison with other mitigations that they had requested, such as air monitoring or air filtration in Mohr Elementary School or Hacienda School and the Saint Elizabeth Seton gym. He noted that with all this traffic coming through this neighborhood, there should be greater protections and more mitigations put in place. He added that there should be additional mitigation for Nielsen Park, which is right on Stoneridge Drive, which now has a small berm in place but should have something more substantial such as a soundwall to ensure that the public is protected. He indicated that he felt generally disappointed there is not more mitigation, that they were told they were going to be protected, and now they are being ignored. He noted that some of the biological mitigations are minimal, particularly the San Joaquin San Joaquin spearscale which should have a 5:1 ratio but has only a 1:1 ratio. He indicated that he was opposed to the approval of the SEIR at this point without additional mitigation.

Scott Raty, speaking on behalf of the Pleasanton Chamber of Commerce, stated that he was in support of the Staples Ranch project and the completion of the Stoneridge Drive extension. He indicated that Staples Ranch will be a fantastic addition to the community and that he appreciated the additional work that Alameda County and the City did for environmental concerns. He compared the current economic concerns to the project, noting that jobs these days are becoming, unfortunately, closely parallel to an endangered species.

With respect to the inadequacies of the mitigations that some have pointed out, Mr. Raty stated that he would like to recall when West Las Positas Boulevard was intended to be the road to connect with Livermore, parallel to the freeway, but the City wisely saw that it did not make any sense to go ahead with that project with numerous residential driveways abutting the road. He noted that the greatest single mitigation for that was Stoneridge Drive, where there is no single residential driveway that enters or exits onto Stoneridge Drive east of Santa Rita Road. He stated that the City made the right decision on West Las Positas Boulevard and having Stoneridge Drive go through is also the right thing to do. He urged the Commission to support the project unanimously and to move it forward to the City Council.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank asked staff to address the timing of this project in terms of moving it forward to the City Council.

Mr. Dolan replied that the item is tentatively scheduled for the June 15, 2010 City Council meeting.

Referring to a speaker's request to schedule an additional hearing before the Commission, Commissioner Blank inquired if doing that would disrupt further scheduling in terms of proposed tenancies or the projected completion dates.

Mr. Dolan replied that the future individual development entities are incredibly anxious to get through this process. He noted that the project was theoretically at this same point more than a year ago, and during this additional year the SEIR was prepared and issues were addressed. He indicated that staff believes all issues are on the table and have been available for review and that staff can recommend with confidence that the proper documentation is available for a decision.

Commissioner Blank stated that the speed limit in the document struck him as odd as he has seen people drive through that area at significantly higher speeds. He inquired if the standard is that a speed limit is chosen and it is assumed that people will follow that.

Mr. Dolan replied that the speed limit stated in the document is the actual speed limit.

Mr. Roush stated that there were speed surveys done on Stoneridge Drive in the past, and based on that information and taking other factors into consideration, the City

Council established that the speed limit would be a 35 miles per hour. He added that the posted speed limit is typically what is then used for purposes of doing the noise analysis under CEQA.

Commissioner Blank noted that the idea of gross tonnage restriction was brought up by one of the speakers and inquired if staff had considered this.

Mr. Dolan replied that many of those restrictions already exist. He asked Mike Tassano to address the issue.

Mike Tassano stated that the Pleasanton Municipal Code (PMC) identifies only one roadway segment which a vehicle exceeding three tons can utilize, and that is the segment on Sunol Boulevard/First Street/Stanley Boulevard, which is an established truck route. He added that the provisions in the PMC prohibit any vehicle over three tons from using any roadway within Pleasanton except when delivering to a set location; for example, the PMC would prohibit a truck exceeding three tons from exiting on El Charro Road, to Stoneridge Drive, and back on I-680 to bypass the I-580 congestion. He noted that this PMC provision is not planned to be changed. He indicated, however, that vehicles legally have the right to be on the roadway to deliver to the auto mall or another establishment along Stoneridge Drive.

Commissioner Blank inquired if this could become a Code enforcement issue.

Mr. Tassano replied that staff has conditioned previous development projects concerning truck routes. He added, however, that it cannot be done, for example, if there were an existing concrete company on Stoneridge Drive.

Commissioner Pentin inquired if a truck exceeding three tons delivering to CLC could get off at Stoneridge Drive, drive across town, and come across the bridge.

Mr. Tassano replied that the PMC stated that these trucks must use the most direct route. He noted that this is the same procedure staff requires for construction projects.

Commissioner Pentin inquired if it can be stipulated that deliveries must come via El Charro Road.

Mr. Roush replied that this is possibly already part of the PUD conditions that the Commission has looked at. He added that staff can certainly look at that and make a final recommendation to the City Council on whether or not that is the kind of condition that is appropriate to impose.

Commissioner Pearce stated that she recalls when the Commission considered the Home Depot project, there was a discussion about restricting truck routes through the city, and there was a discussion that when one roadway is specifically restricted from having trucks of a certain tonnage other than over three tons, another truck route must be designated. She inquired if this was accurate.

Mr. Tassano replied that he believes that situation came about because the proposed Home Depot just happened to be on the City truck route. He explained that delivery trucks could exit on Sunol Boulevard and drive to the site; some preferred that these deliveries be via SR-84. He added that there was a discussion about eliminating the established truck route and establishing a new one.

Commissioner Blank asked staff about the request for additional paving.

Ms. Giffin explained that the houses located west of Kamp Drive are multi-residential, and the threshold for multi-residential housing is 65dB instead of 60dB.

Commissioner Pentin inquired what the schedule was for repaving in this area as the Commission may not have to address the issue if that portion of the road may be repaved at about the same time.

Mr. Tassano replied that reviews are conducted on a two-year basis, and whether or not a road would be repaved would depend on the traffic volume on that roadway. He gave as an example that Santa Rita Road may be scheduled for repaving in 2014, and Stoneridge Drive is scheduled for 2012, but when staff reviews Santa Rita Road in 2012 and finds that the road has deteriorated to a point where it is worse than other roads, it would be scheduled for repaving instead of Stoneridge Drive. He indicated that Stoneridge Drive is not scheduled for repaving at this time but that it makes sense to repave the entire section at a single time from the viewpoint of cost savings.

Commissioner Blank noted that a couple of speakers spoke about the 5:1 ratio vs. the 1:1 ratio and asked staff to address the issue.

Mr. Dolan stated the 1:1 ratio was what was recommended by the consulting biologist, and that is what staff included as adequate mitigation.

With reference to the Congdon's tarplant, Commissioner Pentin stated that there was mention that there was one report that the species was present in the area, which was then withdrawn because another biologist stated that it was not there. He inquired if it was ever identified that spike weed was there instead.

Ms. Giffin replied that spike weed is present on site.

Commissioner Pentin commented that the first biologist may have been confused and inquired if something was done to address this confusion.

Ms. Giffin replied that PBS&J went back and looked through the records. She added that WRA also sent over information that, after looking at the plant found on the site under the microscope, WRA concluded that it was spike weed that was on the site.

Commissioner Pentin stated that he has heard of different mitigation ratios, including a 7:1 in connection with the golf course. He inquired who is responsible for determining ratios.

Mr. Dolan replied that there can be a ratio set forth in the General Plan, and there can be other guidance documents. He indicated that because there is no City-based CEQA threshold of significance that is extensive enough to apply to each different species, staff relies on the recommendation of professionals. He added that, theoretically, there is consistency from project to project relative to a particular species.

Commissioner Pearce noted that there are experts present and asked for their opinion.

THE PUBLIC HEARING WAS RE-OPENED.

Geoff Smick, senior biologist at WRA, stated that he has been working on the Staples Ranch project since 2006 and has documented the common spike weed in the area. He indicated that the spike weed is almost indistinguishable from the Congdon tarplant and that the two species are differentiated by the hairs inside the flower. He explained that one has to examine the flower very closely, and he always carries a hand lens in the field so he can see it magnified 20-fold. He stated that after it was reported that the Congdon tarplant was present on site, he went to that area where the first biologist thought he saw the plant, and he took samples of a number of plants from the area, every one of which was common spike weed. He added that he then went to other areas of the property and found quite a multitude of individual spike weeds. He noted that every sample he looked at was common spike weed and did not have the attributes of the Congdon tarplant. He added that he had specimens of both plants in his office, and he brought back some of those samples from the project site, looked at them with other senior biologist in his firm, and they all concluded that the samples were common spike weeds.

Mr. Smick stated that the San Joaquin Spearscale is a California Native Plant Society (CNPS) plant and is not State- or Federally-listed. He noted that the mitigation ratios for State- and Federally-listed species are typically much higher. He added that there is no one entity that necessarily sets mitigation ratios and that different documents can set ratios for specific plants. He indicated that the plant is a relatively common rare plant. He stated that he recommended a 1:1 ratio because this is a common species and the previous mitigation already has occurred and was clearly successful along the Arroyo Mocho.

THE PUBLIC HEARING WAS CLOSED.

With respect to the recommendation to construct additional soundwalls, Commissioner Pearce noted that there is not enough information at this time about what it looks like, whether it is feasible, what the cost would be, and if the neighbors want it. She inquired if, should the Commission decide to go in that direction but without sufficient information, the Commission should recommend "consider the construction."

Mr. Dolan said yes.

Commissioner Blank commented that, in effect, the Commission would be recommending the Council consider the feasibility of the construction.

Mr. Dolan stated that he thinks if the Council received a positive recommendation from the Commission, the Council would direct staff to explore that. He added that he did not know what the timing for such a soundwall would be.

Commissioner Pearce noted that one speaker mentioned air monitoring at Mohr Elementary School. She inquired if this has been discussed and if this was feasible. She stated that she has seen surveys for pollution in elementary schools, some of them adjacent to major roadway such as Alisal Elementary School.

Ms. Giffin replied that the California Air Resources Board recommends that these studies are to be done once the road reaches 100,000 ADT, and Stoneridge Drive is substantially less than that, which is the reason it is not recommended as mitigation.

Chair Olson noted that one speaker mentioned that there was not sufficient time to review the documents. He inquired what the requirement is for review and if the City has met it.

Mr. Dolan replied that the minimum time that the SEIR must be available is ten days.

Commissioner O'Connor inquired if staff tries to exceed that limit when there are hundreds of pages of documentation or for larger projects.

Mr. Dolan replied staff definitely padded that requirement by bringing the document to the Planning Commission and added that there will be additional time between now and when it comes before the City Council.

Commissioner Olson requested confirmation that the original EIR was available for over a year.

Commissioner O'Connor commented that, however, it is not the original EIR but the SEIR that is subject to review,

Mr. Dolan stated that the original EIR has been available for considerably longer than a year.

Commissioner O'Connor stated that there has been much controversy about the biological aspects of the SEIR. He noted that the Commission had heard from Mr. Kanz of the Alameda Creek Alliance about the 5:1 ratio, and the applicant's biological expert came up to present his findings. He requested Chair Olson to re-open the public

hearing to give Mr. Kanz an opportunity to respond to the biological expert's comments about the 1:1 ratio.

THE PUBLIC HEARING WAS RE-OPENED

Commissioner Pearce clarified that the public hearing is limited to just this one issue.

Mr. Kanz stated that he is on the User Advisory Group of the East Alameda County Conservation Strategy. He indicated that the City of Pleasanton is represented on the Steering Committee by Ms. Janice Stern and that the County has its own representative on the Committee as well. He indicated that the group has been working for two years on a Conservation Strategy, which deals with all the different special status species and some focal species for this part of the County. He stated that it was agreed to that for this species, the migration ratio should be 5:1. He noted that this could change but that this was the agreement among all the agencies, including the Fish and Wildlife Service, the California Department of Fish and Game, and all the local agencies who are parties to the Conservation Strategy. He indicated that the 5:1 ratio is a marked increase from what has been traditionally the mitigation ratio for this type of species. He added that the final product is due to come out in about a month.

THE PUBLIC HEARING WAS CLOSED.

Chair Olson inquired what is the impact of the 1:1 ratio vs. the 5:1 ratio. He stated that the biologist indicated that the measures that were taken along the Arroyo had been quite successful.

Mr. Dolan stated that basis for the biologist's recommendation is not only the relative scarcity of the plant but also the unique situation for this piece of property where mitigation for that species has already occurred as part of a previous project.

Mr. Roush indicated the Commission may wish to recommend to the City Council that the Council consider a higher ratio.

Commissioner Blank stated that it was his understanding that the County would buy 1.7 acres. He inquired if the City could ask the County to purchase more.

Mr. Roush replied that what he is saying is that if the Planning Commission feels that it would be a better policy to adopt a higher ratio, it could make that as part of its recommendation to the City Council.

Commissioner O'Connor inquired if staff had any guesstimate of how much an extra six or seven acres of that type of mitigation would cost.

Mr. Dolan replied that staff does not have that information.

Commissioner Pentin noted that page 12 of the staff report talks about the new soundwall and inquired if the funding for that soundwall is in addition to the \$1.5 million provided for off-site improvements.

Ms. Giffin said yes.

Commissioner Pentin inquired if that should be included in Exhibit G under No. 6.

Mr. Roush indicated that it is on page 59 of the redlined version.

Commissioner Blank moved to recommend to the City Council to: (1) certify the SEIR; (2) rescind the previous CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan, as well as the actions taken by the Council approving the Specific Plan Amendment and the Pre-zoning and Re-zoning of the project site; (3) approve the revised CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan reflecting the Preferred Project, as well as the Specific Plan Amendment and the Pre-zoning and Rezoning of the property; (4) consider directing staff to study the feasibility of installing a soundwall along the south side of Stoneridge Drive between Guzman and Trevor Parkways; (5) direct staff to work in cooperation with ACSPA to plant San Joaquin San Joaquin spearscale seeds on the community park site if appropriate; and (6) carefully consider the appropriate ratio for the mitigation of the San Joaquin San Joaquin spearscale as part of this project.

Commissioner Pearce inquired about the use of the phrase “as appropriate” as opposed to establishing a standard ratio with respect to the planting of San Joaquin spearscale seeds on the community park site.

Chair Olson indicated that he would like to have two motions, with the first including the required action and the second addressing the non-CEQA additional items

Commissioner Blank withdrew Nos. 4, 5, and 6 from his motion.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

**AYES: Commissioners Blank, O’Connor, Olson, Pearce, and Pentin.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Commissioner Narum.**

Resolutions Nos. PC-2010-10 recommending the certification of the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR Supplement (SEIR); PC-2010-11 recommending the rescission of the CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Plan related to the EIR for the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR adopted on February 24, 2009, and the approval of the revised CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Plan related to the EIR and SEIR for the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR; PC-2010-12 recommending the rescission of the Stoneridge Drive Specific Plan Amendment adopted on February 24, 2009 and the approval of the revised Stoneridge Drive Specific Plan Amendment; and PC-2010-13 recommending the rescission of the Pre-zoning and Rezoning of the Staples Ranch site (PRZ-44) and the adoption of an ordinance concerning Pre-zoning and Rezoning the same site, were entered and adopted as motioned.

Commissioner Blank inquired if it was staff's intent for the planting of the San Joaquin San Joaquin spearscale to be in lieu of the 1:1 ratio.

Mr. Bocian said no; it is in addition to the 1:1 ratio.

Commissioner Blank moved to recommend to the City Council to consider directing staff to study the feasibility of installing a soundwall along the south side of Stoneridge Drive between Guzman and Trevor Parkways; to direct staff to work in cooperation with ACSPA to plant San Joaquin spearscale seeds on the community park site as appropriate; and to carefully consider the appropriate ratio for the mitigation of the San Joaquin spearscale as part of this project. Commissioner Pentin seconded the motion.

Commissioner O'Connor proposed an amendment to the third item that a specific ratio be recommended in place of the term "appropriate."

Commissioner Blank stated that the reason he did not want to recommend a ratio was in deference to the difference in opinion in what was presented. He indicated that he thinks staff can determine the recommended ratio when it is taken to the City Council.

Commissioner O'Connor noted that this is just a recommendation; the Council does not have to accept it and can take it into consideration along with whatever staff recommends.

Commissioner Pentin stated that the Commission heard 5:1 ratio and 1:1 ratio and that he does not know which is right.

Commissioner O'Connor indicated that is why the Commission is making a recommendation.

Commission Blank indicated that he does not feel he is qualified to make that determination.

Commissioner Pentin stated he does not feel qualified either.

Chair Olson stated that the most qualified person in the field had indicated that it worked out pretty well with a 1:1 ratio.

Commissioner Pentin stated that the Council will have this recommendation, and when staff takes the report to the City Council, it will include the discussion of the Commission. He added that the Council would have the Minutes from the meeting, and it can go with the 1:1 ratio or modify the ratio.

Commissioner Pearce stated that picking a number is arbitrary and that she was not comfortable picking a number if she did not have the back-up information detailing the rationale behind the ratios employed by the various agencies.

Commissioner O'Connor indicated that other issues that were brought up include the truck route and the timing. He indicated that the Commission does not have the conditions of approval at hand, and, therefore, there is no way of knowing if these were included or not.

Commissioner Blank stated that the City Code has a provision for vehicles exceeding three tons.

Mr. Dolan indicated that staff has committed to adding those conditions if they are not already included in the PUD recommendation to the City Council.

Commissioner O'Connor stated that the only other item that has not been covered is the sound-attenuating pavement. He asked the Commissioners if they wanted to make a recommendation.

Commissioner Blank replied that the reason he did not include this was that when he initially asked the question, he was not aware that the threshold for multi-family residential units was 65dB. He added that Mr. Tassano had indicated that from the City's perspective, it would make sense to repave the entire area if the City is repaving in the area. He stated that he did not think it was not necessary to include this as a recommendation.

Commissioner O'Connor inquired if the Commission would like to recommend having the Council consider doing all the repaving at one time.

Commissioner Blank stated that he did not have data to make that call.

Commissioner O'Connor stated that he is trying to be sensitive to fact that he believes the Commission is recommending extending Stoneridge Drive earlier than when several

hundred residents thought it was going to happen, and he wanted to find a way to mitigate these earlier impacts. He added that most people know the road was going to come through at some point, but he believed there were some promises made, and these homeowners will undergo impacts earlier than when they anticipated. He noted that there were not going to have other mitigations in place, such as a bypass road, and he was looking at what can be done to reduce the impact.

Commissioner Blank stated that when this issue comes up, the homeowners can come forward and ask the City Council to repave all of Stoneridge Drive. He reiterated that he did not have enough data to make a recommendation, and Mr. Tassano was not ready either to speak in detail regarding the cost of that additional repaving.

ROLL CALL VOTE:

AYES: Commissioners Blank, Olson, Pearce, and Pentin.
NOES: Commissioner O'Connor.
ABSTAIN: None.
RECUSED: None.
ABSENT: Commissioner Narum.

Resolution No. PC-2010-14, recommending to the City Council to consider directing staff to study the feasibility of installing a soundwall, to work with ACSPA to plant San Joaquin San Joaquin spearscale seeds, and to carefully consider the appropriate ratio for the San Joaquin spearscale mitigation, was entered and adopted as motioned.

SUPPLEMENTAL MATERIAL
Provided to the Planning Commission
After Distribution of Packet

-----Original Message-----

From: Ralph Kanz [mailto:rkanz@sonic.net]

Sent: Tuesday, May 25, 2010 9:52 PM

To: 'stuart.cook@acgov.org'

Cc: Robin Giffin; 'Jeff Miller'; Steven Bocian; Michael Roush; Brian Dolan; Mayor and City Council; Pat.Cashman@acgov.org; Maria Hoey

Subject: Staples Ranch/Arroyos Project Mitigation Measures

Date Distributed: 5/26/2010 *ML*

Mr. Cook,

On April 5, 2010 I met with you and inspected a number of records relating to Staples Ranch and the Arroyos Project. I had specifically requested to inspect all records concerning biological resources at the Staples Ranch site. When I inquired as to the availability of biological monitoring reports for the Arroyos Project you stated that those records were in the possession of Hanson Aggregates Mid-Pacific, Inc. as they were the contractor for the project and as such were responsible for biological monitoring. Since meeting with you I obtained a copy of the June 25, 2004 letter from Zone 7 to you at the Surplus Property Association. The letter states that you are "the acting representative for Hanson Aggregates Mid-Pacific, Inc." for the Arroyos Project. As such the biological monitoring reports are public record and should have been produced on April 5, 2010.

I have made requests for every possible document related to biological resources at the Staples Ranch site. I have requested documents concerning mitigation measures for the Arroyos Project. For over two years I have been trying to confirm your claim that San Joaquin spearscale seed was collected and spread over the mitigation area along Arroyo Mocho. I have yet to see any document that can confirm such action occurred. The Corps Permit for the Arroyos project required not only the collection of seed, but also the scraping of topsoil in the areas supporting spearscale and the distribution of the soils in the mitigation area. Again I have found no record of compliance with this requirement.

The MOU between your agency and Zone 7 states "the Authority will procure, manage and (subject to any applicable provisions of the Reimbursement Agreement) finance all services necessary to comply with all environmental mitigation and monitoring requirements of Corps of Engineers permit 20564S (the "Permit") concerning the Arroyo Project, which requirements are intended to be performed after completion of revegetation."

The Corps Permit also required that "in order to ensure long term protection of the mitigation area, deed restrictions or a conservation easement will be made part of the offer of dedication to Zone 7." I have been unable to find any record of a deed restriction or a conservation easement.

The 1601Lake and Streambed Alteration Agreement issued to your agency on April 29, 2010 by the Department of Fish and Game for the Arroyos Project has 53 separate conditions. Based upon my review of provided records I have been unable to confirm that your agency complied with any of the conditions of the Permit. Again these records should have been provided on April 5, 2010.

ATTACHMENT 5

Please let me know when the biological resources records for the Arroyos Project are available for inspection.

Ralph Kanz
Conservation Director
Alameda Creek Alliance

Click

<https://www.mailcontrol.com/sr/yJZc2ruW8JnTndxI!oX7UhwuEZkwbUtUNmIxQykkEg9DtgOfH4x90bp6dkNEHEemlKffU8kae+aELIeSJhirLg==> to report this email as spam.

-----Original Message-----

From: Rongming Sun [mailto:rongming.sun@oracle.com]
Sent: Wednesday, May 26, 2010 3:30 PM
To: Robin Giffin
Cc: John Carroll
Subject: Stoneridge Extention

Dear Planning Commission Members,

I am supposed to attend this meeting tonight, but due to some other event, I am not able to attend it in person. But here is our concerns and requests

- We would like to have 1 or at most 2 lanes for each direction for this stoneridge extention you are going to build
- Add a sound wall along each sides where the residential houses exist
- Put two stop signs : One near Nielsen Park, One near Guzman pkwy which is very close to Mohr school
- During traffic hours, more control should be in place to limit the pass thru traffic. For example, extend the duration of red light to Stoneridge direction

Thanks for consideration.

Rongming Sun and Jiyun Zheng

2779 Huff Dr.
Pleasanton, CA 94588

Click

<https://www.mailcontrol.com/sr/Uam6kx559QPTndxI!oX7UpIgrUNoDh5vgQPe48uwEuKyuI71V7EJHONJJgtOYKB51KffU8kae+a6Rmyxrg+4Pw==> to report this email as spam.

SUPPLEMENTAL MATERIAL
Provided to the Planning Commission
After Distribution of Packet

Date Distributed: 5/26/2010 *mlt*

ATTACHMENT 6

Michael Roush

From: Ralph Kanz [rkanz@sonic.net]
Sent: Friday, June 04, 2010 6:30 PM
To: Mayor and City Council
Cc: 'stuart.cook@acgov.org'; Robin Giffin; 'Jeff Miller'; Steven Bocian; Michael Roush; Brian Dolan; Pat.Cashman@acgov.org; Maria Hoey; Jonathan Lowell
Subject: Staples Ranch Mitigation Measures

Mayor Hosterman and City Council Members,

For over two years we have been trying to work cooperatively with the City of Pleasanton and Alameda County to ensure that the mitigation measures for the Staples Ranch Project meet CEQA's requirements that impacts be mitigated to less than significant levels. Review of the Staples Ranch Final Supplement Environmental Impact Report (FSEIR) brings further question to whether the City is committed to meeting CEQA's minimum mitigation standards.

California Tiger Salamander (CTS)

The City was the lead agency for 1989 Staples Ranch EIR that did very little to address biological resources, but did require that surveys for CTS take place prior to development activities on the site (see page 13 of the May 26, 2010 Planning Commission Staff Report). This meant that CTS surveys were to be completed prior to any construction related activities on the site. Les McDonald Construction was allowed to deposit 60,000 cubic yards of excavated material on the site in 1991. In 1995 Kaufman Broad placed 120,000 cubic yards of fill on the site. Zone 7, as lead agency, produced a Mitigated Negative Declaration (MND) for the Arroyos Project in 2003. The 2003 MND for the Arroyos Project does not even mention CTS. The MND shows a project site that does not include the potential CTS habitat that was filled during project construction. There was no authority to place the fill in the area of Staples Ranch with potential CTS habitat. As CEQA Guidelines Section 15097.a. declares "until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program." Since surveys were not performed before the potential habitat was filled, how does the City propose to mitigate for the impacts to potential CTS habitat?

San Joaquin Spearscale

The spearscale occupied the same area as the potential CTS habitat. We do know there was 12 acres of occupied spearscale habitat before the fill was placed on the site without CEQA review. The MND declared that no special status species plants would be impacted, and the biological report supporting the project says no spearscale was present on the project site.

The City is a participant and sits on the steering committee for the East Alameda County Conservation Strategy (EACCS). The Draft Strategy (<http://eastalco-conservation.org/index.html>) provides a mitigation ratio of 5:1 for focal plant species, including San Joaquin spearscale and Congdon's tarplant. Up to this point in the EIR process, the City is only proposing mitigating at a ratio of 1:1 claiming that the EACCS guidelines are in draft form and therefore do not apply.

The April 8, 2010 letter from Jonathon Lowell to me concerning the Oak Grove Project EIR makes an important point relating to this issue. At the time the letter was drafted the proposed Greenhouse Gas Emissions CEQA Guidelines were in draft form. Regarding Greenhouse Gas Emissions Mr. Lowell

ATTACHMENT 7

6/7/2010

states: "So, with the Oak Grove project at 51 units, it would fall below the BAAQMD's proposed threshold of significance, and therefor not require further environmental review for greenhouse gas emissions." So, in the Oak Grove case the City is claiming draft regulations should apply, but in the case of Staples Ranch, draft mitigations to which the City is a party in drafting, should not apply. Based on Mr. Lowell's analysis the City needs to mitigate at a ratio of 5:1 for impacts to San Joaquin spearscale. There are 12 acres of documented occupied habitat on the site. Authority was never granted for burying any of the 12 acres of spearscale. "Until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program."

Congdon's Tarplant

Once again at the May 26, 2010 Planning Commission meeting, the so-called biologists from Wetland Research Associates (WRA) have proven they cannot keep their story straight. They continue to insist that Congdon's tarplant is not present on the site. The 12/11/2007 email from WRA's Geoff Smick to Stuart Cook states something different:

The main point besides that Congdon's tarplant is known from the area is that Robert Preston has a respectable number of species observations in CNDDDB and I think he would have seen the tarplant during his 1993 survey when he mapped the Spearscale if it was present on-site. It is possible that conditions that year did not support the species well and it didn't thrive, which also may have happened when WRA was out there - but this would be pretty unlikely and very coincidental.

A more likely situation (if it is out there) is that it is a recent colonization - certainly not out of the question given the proximity of the other populations, or of course I could have missed it and assumed it was the common one observed elsewhere on the property (gosh I hope not!). Bust seeing as how Ellen walked me straight to that patch of Spearscale and we were focusing on rare plants that day I would be very surprised if that were the case.

Obviously it would ideally not be present - but if it is the mitigation should be very simple and similar to the spearscale mitigation: Collect seeds and scatter them in a suitable area - like near the spearscale since it seems to be thriving. If you are in the area and have a minute swing by and grab whatever looks like it (if it is painful when you grab it it's probably the right plant!) in that wetland area where the spearscale is. Even if its dead and brown we should be able to open up some of the flower heads and see if there is pappus (hairs) present inside the inflorescence. You could probably even scan it or take a macro photo of an opened head and I could ID it over the computer.

"IT WOULD IDEALLY NOT BE PRESENT." That seems to be the goal of the analysis by WRA. Give the County what they want: no mitigation responsibility.

The facts are clear. Congdon's tarplant is found just across I-580 not far from the Staples Ranch site. Even WRA's Geoff Smick admits "I could have missed it."

Conclusion: Congdon's tarplant might be present on the Staples Ranch site and further surveys are required to make that determination. WRA should not be involved in further surveys as they clearly have a bias. We have been asking for peer review of the biological resources section of the EIR and this once

again confirms the need for that peer review.

Documents

My May 25, 2010 email to Stuart Cook on which you were cc'd asked for the County to provide all the records related to the Staples Ranch site that had been requested earlier this year. I have not heard anything from Mr. Cook. These documents are important to determining the status of biological resources on the Staples Ranch site.

If you have any further questions please let me know.

Ralph Kanz
Conservation Director
Alameda Creek Alliance

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From: Sangeet Kumar [mailto:sk.us@hotmail.com]
Sent: Monday, June 07, 2010 1:06 PM
To: Mayor and City Council
Subject: Soundwall alongside Snowdrop Circle

Hon'able Mayor & City Council Members-

There are many several conflicting news about the City/Planning Commis:
sound-wall alongside Stoneridge Drive stretch between Guzman & Trevor
wrought iron fence.
Please advise us on the latest update in this regard.

I reside on Snowdrop Circle and I respectfully request you to please ensui
wall alongside or in place of wrought iron fence duly approved and funde
order for residents not to get severely affected in view of Stoneridge Driv
I understand all studies regarding noise level. etc, have been carried cons
which may not be true measure for this stretch (alongside Snowdrop Circ
Trevor) of Stoneridge drive as houses are built sideways.

Please also advise whether there would be any expansion of the Stoneridg

Thank you and I look forward for your full support in retaining quality of li
general and Stoneridge neighborhoods in particular.

Warm regards,

SANGEET KUMAR & PAYAL BAGGA
2808 Cupflower Ct
Pleasanton California

The New Busy is not the too busy. Combine all your e-mail accounts wi

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ATTACHMENT 8