

Staples Ranch Lawsuit Settled

October 29

Conservation groups and neighbors have reached a settlement agreement with the City of Pleasanton on a lawsuit that challenged the adequacy of the environmental review for the proposed Staples Ranch development and Stoneridge Drive extension.

The suit had asked the court to require the City to set aside its approval of the project and prohibit further physical activity on the project until a supplemental environmental impact report (SEIR) is prepared, circulated and certified.

Under the agreement, the city will study the project's effects on wildlife and the impacts of the extension of Stoneridge Drive. After completing the supplemental environmental study, the city will reconsider the project approvals in light of the new information.

According to City Attorney Michael Roush, the supplemental study is expected to be ready this week. The city began working on it since last June.

The agreement dismisses the lawsuit. If the city does not rescind the approvals, the conservation groups can re-file the lawsuit challenging the February 2009 approvals. The supplemental report, even though certified, would not be admissible in the case. The conservation groups retain the option to challenge any new or revised project approvals, and to limit the extension of Stoneridge Drive through the project area, biological impacts, greenhouse gas emissions, and cumulative impacts associated with a nearby mining operation. Roush said that those bringing the lawsuit wanted legal options left to them, in the event the council did not change the project.

Roush said that as a practical matter, there will be a rehearing of the entire project. The council will take into consideration information in the supplemental review in order to modify the approvals. "If the council decides either not to certify the supplemental study or not to approve a different project, the lawsuit can be reinstated."

Jeff Miller, a conservation advocate with the Center for Biological Diversity. "We will be looking for stronger protection of the creek corridor next to the arroyos and adequate mitigations for wildlife impacts after the additional study and Pleasanton's reconsideration of its approval of the development."

The Center for Biological Diversity, Alameda Creek Alliance, and Safe Streets Pleasanton sued the city in March 2009 under the California Environmental Quality Act for failing to properly assess and mitigate the environmental impacts of the proposed development and road extension. The suit alleged that the environmental impact report certified by the Pleasanton City Council in February 2009 did not adequately address impacts to habitat for sensitive species such as the California red-legged frog, California tiger salamander, western pond turtle, and an endangered plant, the San Joaquin spearscale.

Ralph Kanz, conservation director for the Alameda Creek Alliance, said, "The project is adjacent to important aquatic and riparian habitat in Arroyo Mocho. There should be adequate stream buffers and mitigation for aquatic species and San Joaquin spearscale habitat when the project is reconsidered."

The Staples Ranch is located on 124 acres at the intersection of Interstate 580 and El Charro Road. The land is currently owned by Alameda County. Under the development proposal, the property would be annexed to Pleasanton. Planned are a senior living community, an auto mall, retail center, and a community park with an ice rink.

The original environmental impact report did not analyze the impacts of the Stoneridge Drive Extension on nearby residential neighborhoods and the environment. The extension was added to the project at the last minute, at the request of Alameda County. Residents affiliated with Safe Streets Pleasanton submitted comments pointing out that the draft report assured the interested public that Stoneridge Drive would not be extended to connect to El Charro Road as part of this project.

Under the agreement, Pleasanton is prohibited from undertaking any ground-disturbing activities that would significantly alter the site (other than construction activities along the eastern edge of the project site associated with the development of Livermore's El Charro Specific Plan, such as the construction of El Charro Road) until 30 days after a final decision regarding the project.

Roush anticipated the supplemental information and the project would likely go to the city council early next year. Once the study is issued, the Planning Commission will hold a public hearing to take input. In addition, there will be a 45 day written comment period.

He said as far as he is aware, the developers of the various areas are still on board. "There was some question about Fremont Land, which would build the retail center. Everyone else is just hoping to get going."