

Lawsuit to Challenge Staples Ranch EIR

March 26, 2009

By Independent News

The Center for Biological Diversity, Alameda Creek Alliance, and Safe Streets Pleasanton have notified the City of Pleasanton of intent to file a law suit under the California Environmental Quality Act. Their suit will charge that the environmental impact report (EIR) failed to properly assess and mitigate the environmental impacts of the proposed Staples Ranch development and Stoneridge Drive extension.

The Pleasanton City Council certified the EIR and approved the extension of Stoneridge Drive at its Feb. 24 meeting. The vote was 3 to 2 with Matt Sullivan and Cindy McGovern opposed.

The groups in the lawsuit are requesting that the city withdraw its certification of the EIR, prepare a new report that properly analyzes the impacts of the proposed project, and provide mitigations consistent with legal requirements and adequate to maintain native wildlife species.

Concerns are related to the potential negative impacts to habitat for sensitive species at the site, such as the California red-legged frog, California tiger salamander, western pond turtle, San Joaquin spearscale, and steelhead trout.

The letter noted that the environmental impact report prepared for the adjacent city of Livermore's El Charro Project contains a mitigation measure requiring the control of bullfrogs in Arroyo Las Positas, Cottonwood Creek, and the golf course ponds. The bullfrogs are detrimental to salamanders and red-legged frogs.

"The EIR fails to meet the legal requirements to reduce environmental impacts to less than significant levels and does not adequately address the biological impacts of the development and proposed road extension," said Ralph Kanz, conservation director for the Alameda Creek Alliance. "This site is adjacent to important aquatic habitat in Arroyo Mocho that needs to be protected and have adequate stream buffers."

The Staples Ranch is currently owned by Alameda County. Under the development proposal, the property would be annexed to Pleasanton. Two tributaries of Alameda Creek, Arroyo Las Positas and Arroyo Mocho, flow together adjacent to the project site.

"The impacts of the Stoneridge Drive Extension on the arroyos and the riparian habitat created by the Arroyos project must be analyzed to ensure that sensitive plant and wildlife populations will continue to survive in the area," said Kanz.

In addition, a letter sent to the city asserts that the EIR does not analyze the impacts of extending Stoneridge Drive on nearby residential neighborhoods and the environment, nor were potential mitigation measures that would have reduced the impacts of the project on neighborhoods, traffic, and the environment considered.

Residents affiliated with Safe Streets Pleasanton submitted EIR comments pointing out that the draft environmental impact report expressly and unequivocally assured the interested public that Stoneridge Drive would not be extended to connect to El Charro Road as part of the Staples Ranch development project.

City attorney Michael Roush stated, "The city council found the documents to be adequate to allow approval of the Stoneridge Drive extension. We will defend the EIR based on that position."

The Stoneridge Drive extension has been controversial. Those opposed to the extension say that it will create a freeway through the city. They note that the council majority had approved a process for the eventual extension of the road, a process that they could buy into. The process the council agreed to would have involved talks with Dublin, Livermore and Alameda County regarding road improvements and potential funding and timing of the projects. In voting to approve the extension, residents said the council had gone back on the agreement.

City staff had recommended that the council approve option one. The option did not include extending the road as part of the development of Staples Ranch. Rather it upheld a memorandum of understanding (MOU) between Alameda County and the city to preserve the right-of-way for the road. It would have allowed all of the proposed development to proceed.

Roush said that staff lays out a variety of options for the council to consider in making a decision. "Approval of the extension was one option. You have to look at the traffic analysis for the existing Stoneridge Specific Plan and the cumulative impacts studied in the most recent EIR. Put together, staff felt

the analysis was adequate and that LAFCO is satisfied."

Alameda County representatives at the council meeting insisted that the road be part of any development. Pat Cashman, Director of the county's Surplus Property Authority, told the council, "We are not prepared to go to LAFCO to request annexation to Pleasanton without this road. I think our position is clear."

Roush said of the potential impact on development plans, "There are not any inherent delays in a lawsuit unless one party obtains an injunction. We will continue to process the planned unit development (PUD) proposals. If the court says step aside, we will step back."