



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

Notice of Preparation

October 22, 2013

To: Reviewing Agencies  
Re: East Pleasanton Specific Plan (P13-1858)  
SCH# 2013102040

RECEIVED  
OCT 23 2013  
PLANNING UNIT

Attached for your review and comment is the Notice of Preparation (NOP) for the East Pleasanton Specific Plan (P13-1858) draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Janice Stern**  
City of Pleasanton  
P.O. Box 520  
Pleasanton, CA 94566-0802

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2013102040  
**Project Title** East Pleasanton Specific Plan (P13-1858)  
**Lead Agency** Pleasanton, City of

**Type** NOP Notice of Preparation  
**Description** The East Pleasanton Specific Plan serves as a detailed extension of the Pleasanton General Plan for a 1,110 acre portion of eastern Pleasanton. The purpose of the Plan is to provide guidance for the coordination of the basic land use pattern, development and design standards, circulation network and other public infrastructure, environmental protection, financing, and implementation requirement for development of the Specific Plan Area. Implementation of the Specific Plan would include rezoning, pre-zoning, and eventual annexation. A Preferred Plan and seven alternative plans are currently proposed ranging from 1,000 to 2,279 residential units and 1.59 to 2.7 million sf of retail, office, and industrial sf. The "no-project" and "no-project-no-build" alternatives will also be evaluated.

**Lead Agency Contact**

**Name** Janice Stern  
**Agency** City of Pleasanton  
**Phone** 925 931 5606 **Fax**  
**email**  
**Address** P.O. Box 520  
**City** Pleasanton **State** CA **Zip** 94566-0802

**Project Location**

**County** Alameda  
**City** Pleasanton  
**Region**  
**Cross Streets** Stanley Boulevard and Valley Avenue/Bernal Avenue  
**Lat / Long**  
**Parcel No.** Multiple  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** I-580  
**Airports** Livermore Municipal  
**Railways** UPRR  
**Waterways** Zone 7 Chain of Lakes, Arroyo Mocho  
**Schools** Mohr, Valley View ES  
**Land Use** PLU: industrial, surface mining, stormwater management  
 Z: Public & Institution, General Industrial

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing

**Reviewing Agencies** Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 3; Office of Emergency Management Agency, California; Native American Heritage Commission; Public Utilities Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Air Resources Board; Regional Water Quality Control Board, Region 2

**Date Received** 10/22/2013 **Start of Review** 10/22/2013 **End of Review** 11/20/2013

**NOP Distribution List**

<p><u>resources.Agency</u></p> <p><input type="checkbox"/> Resources Agency Nadell Gayou</p> <p><input type="checkbox"/> Dept. of Boating &amp; Waterways Nicole Wong</p> <p><input type="checkbox"/> California Coastal Commission Elizabeth A. Fuchs</p> <p><input type="checkbox"/> Colorado River Board Tamya Trujillo</p> <p><input type="checkbox"/> Dept. of Conservation Elizabeth Carpenter</p> <p><input type="checkbox"/> California Energy Commission Eric Knight</p> <p><input type="checkbox"/> Cal Fire Dan Foster</p> <p><input type="checkbox"/> Central Valley Flood Protection Board James Herola</p> <p><input type="checkbox"/> Office of Historic Preservation Ron Parsons</p> <p><input type="checkbox"/> Dept of Parks &amp; Recreation Environmental Stewardship Section</p> <p><input type="checkbox"/> California Department of Resources, Recycling &amp; Recovery Sue O'Leary</p> <p><input type="checkbox"/> S.F. Bay Conservation &amp; Dev't. Comm. Steve McAdam</p> <p><input type="checkbox"/> Dept. of Water Resources Agency Nadell Gayou</p>	<p><input type="checkbox"/> Fish &amp; Wildlife Region 1E Laurie Harnsberger</p> <p><input type="checkbox"/> Fish &amp; Wildlife Region 2 Jeff Drongesen</p> <p><input checked="" type="checkbox"/> Fish &amp; Wildlife Region 3 Charles Armor</p> <p><input type="checkbox"/> Fish &amp; Wildlife Region 4 Julie Vance</p> <p><input type="checkbox"/> Fish &amp; Wildlife Region 5 Leslie Newton-Reed</p> <p><input type="checkbox"/> Habitat Conservation Program Gabrina Galchel</p> <p><input type="checkbox"/> Fish &amp; Wildlife Region 6 Habitat Conservation Program Heidi Sickler</p> <p><input type="checkbox"/> Fish &amp; Wildlife Region 6 I/M Inyo/Mono, Habitat Conservation Program</p> <p><input type="checkbox"/> Dept. of Fish &amp; Wildlife M George Isaac</p> <p><input type="checkbox"/> Marine Region</p>	<p><input type="checkbox"/> Native American Heritage Comm. Debbie Treadway</p> <p><input checked="" type="checkbox"/> Public Utilities Commission Leo Wong</p> <p><input type="checkbox"/> Santa Monica Bay Restoration Guangyu Wang</p> <p><input type="checkbox"/> State Lands Commission Jennifer Deleong</p> <p><input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques</p>	<p><input type="checkbox"/> Caltrans, District 8 Dan Kopulsky</p> <p><input type="checkbox"/> Caltrans, District 9 Gayle Rosander</p> <p><input type="checkbox"/> Caltrans, District 10 Tom Durnas</p> <p><input type="checkbox"/> Caltrans, District 11 Jacob Armstrong</p> <p><input type="checkbox"/> Caltrans, District 12 Maureen El Harake</p>	<p><u>Business, Trans &amp; Housing</u></p> <p><input checked="" type="checkbox"/> Caltrans - Division of Aeronautics Philip Crimmins</p> <p><input type="checkbox"/> Caltrans - Planning Terni Pencovic</p> <p><input checked="" type="checkbox"/> California Highway Patrol Suzann Ikeuchi</p> <p><input type="checkbox"/> Office of Special Projects Housing Policy Division</p> <p><input type="checkbox"/> Housing &amp; Community Development CEQA Coordinator</p>	<p><input type="checkbox"/> Air Resources Board</p> <p><input checked="" type="checkbox"/> All Projects CEQA Coordinator</p> <p><input type="checkbox"/> Transportation Projects Jon Taylor</p> <p><input type="checkbox"/> Industrial Projects Mike Tolstrup</p> <p><input type="checkbox"/> State Water Resources Control Board Regional Programs Unit Division of Financial Assistance</p> <p><input type="checkbox"/> State Water Resources Control Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality</p> <p><input type="checkbox"/> State Water Resources Control Board Phil Crader Division of Water Rights</p> <p><input type="checkbox"/> Dept. of Toxic Substances Control CEQA Tracking Center</p> <p><input type="checkbox"/> Department of Pesticide Regulation CEQA Coordinator</p>	<p><u>Other Departments</u></p> <p><input type="checkbox"/> Food &amp; Agriculture Sandra Schubert Dept. of Food and Agriculture</p> <p><input type="checkbox"/> Dept. of General Services Public School Construction</p> <p><input type="checkbox"/> Dept. of General Services Anna Garbeff Environmental Services Section</p> <p><input type="checkbox"/> Dept. of Public Health Jeffery Worth Dept. of Health/Drinking Water</p> <p><input type="checkbox"/> Delta Stewardship Council Kevan Samsam</p>	<p><u>Regional Water Quality Control Board (RWQCB)</u></p> <p><input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)</p> <p><input checked="" type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)</p> <p><input type="checkbox"/> RWQCB 3 Central Coast Region (3)</p> <p><input type="checkbox"/> RWQCB 4 Teresa Rodgers Los Angeles Region (4)</p> <p><input type="checkbox"/> RWQCB 5S Central Valley Region (5)</p> <p><input type="checkbox"/> RWQCB 5F Central Valley Region (5) Fresno Branch Office</p> <p><input type="checkbox"/> RWQCB 5R Central Valley Region (5) Redding Branch Office</p> <p><input type="checkbox"/> RWQCB 6 Lahontan Region (6)</p> <p><input type="checkbox"/> RWQCB 6V Lahontan Region (6) Victorville Branch Office</p> <p><input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)</p> <p><input type="checkbox"/> RWQCB 8 Santa Ana Region (8)</p> <p><input type="checkbox"/> RWQCB 9 San Diego Region (9)</p> <p><input type="checkbox"/> Other</p> <p><input type="checkbox"/> Conservancy</p>
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U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Western-Pacific Region  
San Francisco Airports District Office

1000 Marina Blvd., Suite 220  
Brisbane, CA 94005-1835

October 25, 2013

Janice Stern  
Planning Manager  
City of Pleasanton  
Planning Division  
P. O. Box 520  
Pleasanton, CA 94566

RECEIVED  
OCT 27 2013  
PLANNING DIVISION

Subject: City of Pleasanton, Notice of Preparation East Pleasanton Specific Plan  
Environmental Impact Report (P13-1858)

Dear Ms. Stern:

On October 21, 2013, the Federal Aviation Administration (FAA) received a Notice of Completion and Environmental Document Transmittal with the City of Pleasanton's Notice of Preparation for the East Pleasanton Specific Plan (Specific Plan). The notices indicate that the East Pleasanton Specific Plan area (Plan Area) proposal is to develop 1,110 acres into approximately 179 acres of housing/residential units, 38 acres of office and commercial space, and 78 acres of industrial use area. Future land uses also include the potential relocation of Pleasanton Transfer Station and Recycling Center and development of passive recreational parks around the three ponds that are water filled former sand and gravel mining pits.

The Plan Area is located less than 6,000 feet southwest of the Livermore Municipal Airport, Livermore, California. Livermore Municipal Airport is an active General Aviation airport within the National Plan of Integrated Airport System that is owned and operated by the City of Livermore. Due to the proximity of the Plan Area to the airport, the City of Pleasanton should anticipate that airport and aircraft noise will be experienced in the area. It is advisable to incorporate an early notification process to advise future occupants and users of the Plan Area about the presence of the existing airport and the potential to hear noise from operations and aircraft over flight.

The FAA also recommends that the City of Pleasanton utilize the guidance provided in Advisory Circular (AC) 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*, enclosed, to ensure that the Specific Plan elements do not introduce wildlife hazards to the aviation operations in the area. As explained in the AC certain land use practices have the potential to attract wildlife that can be a threat to aviation safety. The land uses that individually, or in combination with each other, have the potential to attract hazardous wildlife include waste disposal operations, water management facilities, wetlands, and certain landscape features.

The FAA suggests that the City of Pleasanton coordinate its Specific Plan proposals with the Livermore Municipal Airport, Airport Manager, Mr. Leander Hauri to ensure the protection of aviation operations. Mr. Hauri can be reached at (925) 960-8230.

Projects that have the potential to affect navigable airspace as defined in 14 Code of Federal Regulations Part 77.9 must file a Notice of Proposed Construction or Alteration, Form 7460-1 with the FAA. The 7460-1 should be filed at least 45 days prior to the start of construction. Information about the Obstruction Evaluation/Airport Airspace Analysis and the Form 7460-1 are available at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

Your attention to these comments is appreciated. If you have any questions, I am available at (650) 827-7613.

Sincerely,



Camille Garibaldi  
Environmental Protection Specialist

Enclosure

cc:

Leander Hauri, City of Livermore



U.S. Department  
of Transportation

Federal Aviation  
Administration

# Advisory Circular

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**Subject: HAZARDOUS WILDLIFE  
ATTRACTANTS ON OR NEAR  
AIRPORTS**

**Date: 8/28/2007**

**AC No: 150/5200-33B**

**Initiated by: AAS-300 Change:**

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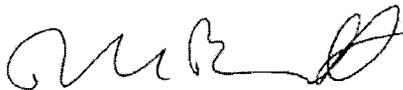
1. **PURPOSE.** This Advisory Circular (AC) provides guidance on certain land uses that have the potential to attract hazardous wildlife on or near public-use airports. It also discusses airport development projects (including airport construction, expansion, and renovation) affecting aircraft movement near hazardous wildlife attractants. Appendix 1 provides definitions of terms used in this AC.
2. **APPLICABILITY.** The Federal Aviation Administration (FAA) recommends that public-use airport operators implement the standards and practices contained in this AC. The holders of Airport Operating Certificates issued under Title 14, Code of Federal Regulations (CFR), Part 139, Certification of Airports, Subpart D (Part 139), may use the standards, practices, and recommendations contained in this AC to comply with the wildlife hazard management requirements of Part 139. Airports that have received Federal grant-in-aid assistance must use these standards. The FAA also recommends the guidance in this AC for land-use planners, operators of non-certificated airports, and developers of projects, facilities, and activities on or near airports.
3. **CANCELLATION.** This AC cancels AC 150/5200-33A, *Hazardous Wildlife Attractants on or near Airports*, dated July 27, 2004.
4. **PRINCIPAL CHANGES.** This AC contains the following major changes, which are marked with vertical bars in the margin:
  - a. Technical changes to paragraph references.
  - b. Wording on storm water detention ponds.
  - c. Deleted paragraph 4-3.b, *Additional Coordination*.
5. **BACKGROUND.** Information about the risks posed to aircraft by certain wildlife species has increased a great deal in recent years. Improved reporting, studies, documentation, and statistics clearly show that aircraft collisions with birds and other wildlife are a serious economic and public safety problem. While many species of wildlife can pose a threat to aircraft safety, they are not equally hazardous. Table 1

ranks the wildlife groups commonly involved in damaging strikes in the United States according to their relative hazard to aircraft. The ranking is based on the 47,212 records in the FAA National Wildlife Strike Database for the years 1990 through 2003. These hazard rankings, in conjunction with site-specific Wildlife Hazards Assessments (WHA), will help airport operators determine the relative abundance and use patterns of wildlife species and help focus hazardous wildlife management efforts on those species most likely to cause problems at an airport.

Most public-use airports have large tracts of open, undeveloped land that provide added margins of safety and noise mitigation. These areas can also present potential hazards to aviation if they encourage wildlife to enter an airport's approach or departure airspace or air operations area (AOA). Constructed or natural areas—such as poorly drained locations, detention/retention ponds, roosting habitats on buildings, landscaping, odor-causing rotting organic matter (putrescible waste) disposal operations, wastewater treatment plants, agricultural or aquaculture activities, surface mining, or wetlands—can provide wildlife with ideal locations for feeding, loafing, reproduction, and escape. Even small facilities, such as fast food restaurants, taxicab staging areas, rental car facilities, aircraft viewing areas, and public parks, can produce substantial attractions for hazardous wildlife.

During the past century, wildlife-aircraft strikes have resulted in the loss of hundreds of lives worldwide, as well as billions of dollars in aircraft damage. Hazardous wildlife attractants on and near airports can jeopardize future airport expansion, making proper community land-use planning essential. This AC provides airport operators and those parties with whom they cooperate with the guidance they need to assess and address potentially hazardous wildlife attractants when locating new facilities and implementing certain land-use practices on or near public-use airports.

**6. MEMORANDUM OF AGREEMENT BETWEEN FEDERAL RESOURCE AGENCIES.** The FAA, the U.S. Air Force, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture - Wildlife Services signed a Memorandum of Agreement (MOA) in July 2003 to acknowledge their respective missions in protecting aviation from wildlife hazards. Through the MOA, the agencies established procedures necessary to coordinate their missions to address more effectively existing and future environmental conditions contributing to collisions between wildlife and aircraft (wildlife strikes) throughout the United States. These efforts are intended to minimize wildlife risks to aviation and human safety while protecting the Nation's valuable environmental resources.



DAVID L. BENNETT  
Director, Office of Airport Safety  
and Standards

Table 1. Ranking of 25 species groups as to relative hazard to aircraft (1=most hazardous) based on three criteria (damage, major damage, and effect-on-flight), a composite ranking based on all three rankings, and a relative hazard score. Data were derived from the FAA National Wildlife Strike Database, January 1990–April 2003.<sup>1</sup>

Species group	Ranking by criteria			Composite ranking <sup>2</sup>	Relative hazard score <sup>3</sup>
	Damage <sup>4</sup>	Major damage <sup>5</sup>	Effect on flight <sup>6</sup>		
Deer	1	1	1	1	100
Vultures	2	2	2	2	64
Geese	3	3	6	3	55
Cormorants/pelicans	4	5	3	4	54
Cranes	7	6	4	5	47
Eagles	6	9	7	6	41
Ducks	5	8	10	7	39
Osprey	8	4	8	8	39
Turkey/pheasants	9	7	11	9	33
Hérons	11	14	9	10	27
Hawks (buteos)	10	12	12	11	25
Gulls	12	11	13	12	24
Rock pigeon	13	10	14	13	23
Owis	14	13	20	14	23
H. larks/bunting	18	15	15	15	17
Crows/ravens	15	16	16	16	16
Coyote	16	19	5	17	14
Mourning dove	17	17	17	18	14
Shorebirds	19	21	18	19	10
Blackbirds/starling	20	22	19	20	10
American kestrel	21	18	21	21	9
Meadowlarks	22	20	22	22	7
Swallows	24	23	24	23	4
Sparrows	25	24	23	24	4
Nighthawks	23	25	25	25	1

<sup>1</sup> Excerpted from the *Special Report for the FAA, "Ranking the Hazard Level of Wildlife Species to Civil Aviation in the USA: Update #1, July 2, 2003"*. Refer to this report for additional explanations of criteria and method of ranking.

<sup>2</sup> Relative rank of each species group was compared with every other group for the three variables, placing the species group with the greatest hazard rank for  $\geq 2$  of the 3 variables above the next highest ranked group, then proceeding down the list.

<sup>3</sup> Percentage values, from Tables 3 and 4 in Footnote 1 of the *Special Report*, for the three criteria were summed and scaled down from 100, with 100 as the score for the species group with the maximum summed values and the greatest potential hazard to aircraft.

<sup>4</sup> Aircraft incurred at least some damage (destroyed, substantial, minor, or unknown) from strike.

<sup>5</sup> Aircraft incurred damage or structural failure, which adversely affected the structure strength, performance, or flight characteristics, and which would normally require major repair or replacement of the affected component, or the damage sustained makes it inadvisable to restore aircraft to airworthy condition.

<sup>6</sup> Aborted takeoff, engine shutdown, precautionary landing, or other.

8/28/2007

AC 150/5200-33B

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8/28/2007

AC 150/5200-33B

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**SECTION 1.****GENERAL SEPARATION CRITERIA FOR HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AIRPORTS.**

**1-1. INTRODUCTION.** When considering proposed land uses, airport operators, local planners, and developers must take into account whether the proposed land uses, including new development projects, will increase wildlife hazards. Land-use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife strikes.

The FAA recommends the minimum separation criteria outlined below for land-use practices that attract hazardous wildlife to the vicinity of airports. Please note that FAA criteria include land uses that cause movement of hazardous wildlife onto, into, or across the airport's approach or departure airspace or air operations area (AOA). (See the discussion of the synergistic effects of surrounding land uses in Section 2-8 of this AC.)

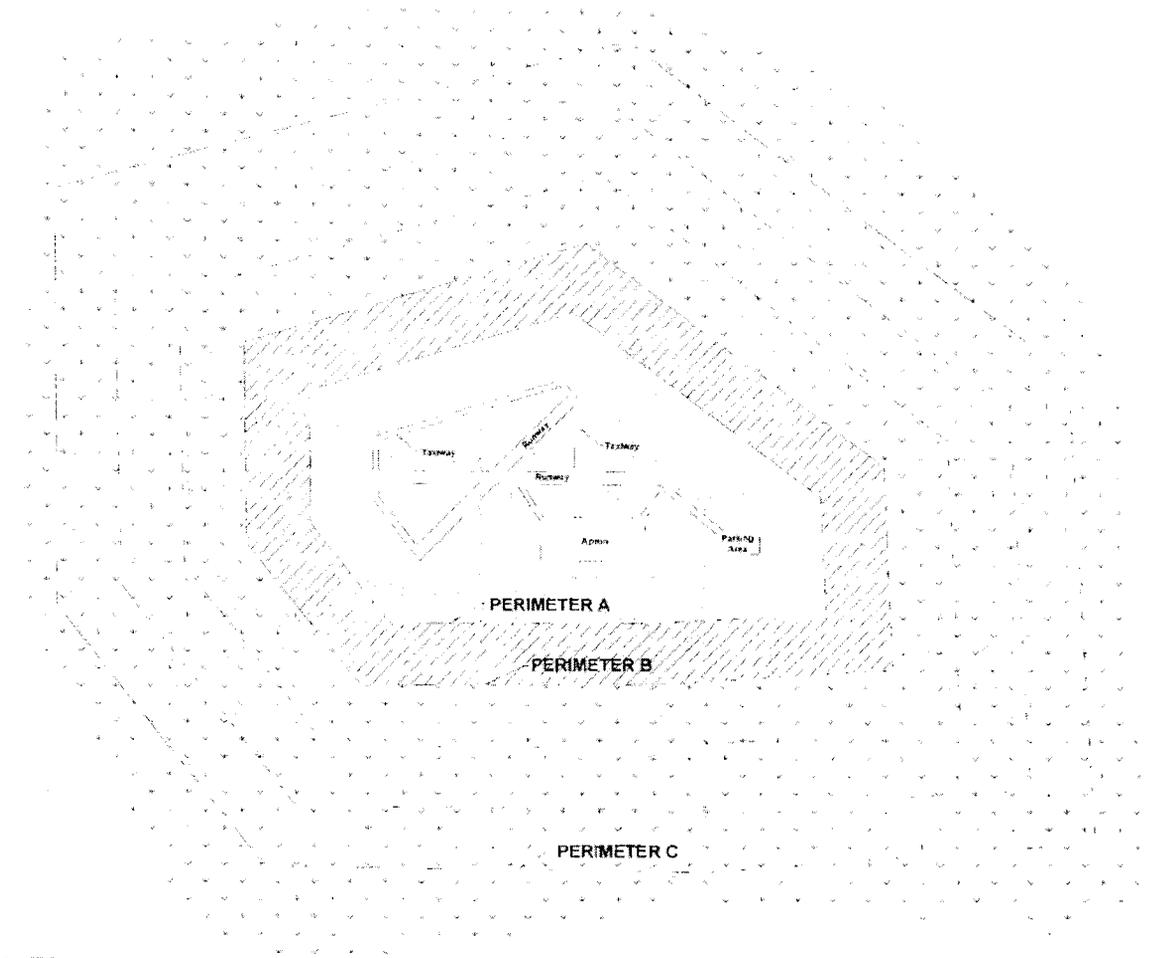
The basis for the separation criteria contained in this section can be found in existing FAA regulations. The separation distances are based on (1) flight patterns of piston-powered aircraft and turbine-powered aircraft, (2) the altitude at which most strikes happen (78 percent occur under 1,000 feet and 90 percent occur under 3,000 feet above ground level), and (3) National Transportation Safety Board (NTSB) recommendations.

**1-2. AIRPORTS SERVING PISTON-POWERED AIRCRAFT.** Airports that do not sell Jet-A fuel normally serve piston-powered aircraft. Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 5,000 feet at these airports for any of the hazardous wildlife attractants mentioned in Section 2 or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's AOA and the hazardous wildlife attractant. Figure 1 depicts this separation distance measured from the nearest aircraft operations areas.

**1-3. AIRPORTS SERVING TURBINE-POWERED AIRCRAFT.** Airports selling Jet-A fuel normally serve turbine-powered aircraft. Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 10,000 feet at these airports for any of the hazardous wildlife attractants mentioned in Section 2 or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's AOA and the hazardous wildlife attractant. Figure 1 depicts this separation distance from the nearest aircraft movement areas.

**1-4. PROTECTION OF APPROACH, DEPARTURE, AND CIRCLING AIRSPACE.** For all airports, the FAA recommends a distance of 5 statute miles between the farthest edge of the airport's AOA and the hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace.

Figure 1. Separation distances within which hazardous wildlife attractants should be avoided, eliminated, or mitigated.



PERIMETER A: For airports serving piston-powered aircraft, hazardous wildlife attractants must be 5,000 feet from the nearest air operations area.

PERIMETER B: For airports serving turbine-powered aircraft, hazardous wildlife attractants must be 10,000 feet from the nearest air operations area.

PERIMETER C: 5-mile range to protect approach, departure and circling airspace.

## SECTION 2.

### LAND-USE PRACTICES ON OR NEAR AIRPORTS THAT POTENTIALLY ATTRACT HAZARDOUS WILDLIFE.

**2-1. GENERAL.** The wildlife species and the size of the populations attracted to the airport environment vary considerably, depending on several factors, including land-use practices on or near the airport. This section discusses land-use practices having the potential to attract hazardous wildlife and threaten aviation safety. In addition to the specific considerations outlined below, airport operators should refer to *Wildlife Hazard Management at Airports*, prepared by FAA and U.S. Department of Agriculture (USDA) staff. (This manual is available in English, Spanish, and French. It can be viewed and downloaded free of charge from the FAA's wildlife hazard mitigation web site: <http://wildlife-mitigation.tc.faa.gov/>.) And, *Prevention and Control of Wildlife Damage*, compiled by the University of Nebraska Cooperative Extension Division. (This manual is available online in a periodically updated version at: <http://www.unl.edu/wildlife/solutions/handbook/>.)

**2-2. WASTE DISPOSAL OPERATIONS.** Municipal solid waste landfills (MSWLF) are known to attract large numbers of hazardous wildlife, particularly birds. Because of this, these operations, when located within the separations identified in the siting criteria in Sections 1-2 through 1-4, are considered incompatible with safe airport operations.

**a. Siting for new municipal solid waste landfills subject to AIR 21.** Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) (AIR 21) prohibits the construction or establishment of a new MSWLF within 6 statute miles of certain public-use airports. Before these prohibitions apply, both the airport and the landfill must meet the very specific conditions described below. These restrictions do not apply to airports or landfills located within the state of Alaska.

The airport must (1) have received a Federal grant(s) under 49 U.S.C. § 47101, et. seq.; (2) be under control of a public agency; (3) serve some scheduled air carrier operations conducted in aircraft with less than 60 seats; and (4) have total annual enplanements consisting of at least 51 percent of scheduled air carrier enplanements conducted in aircraft with less than 60 passenger seats.

The proposed MSWLF must (1) be within 6 miles of the airport, as measured from airport property line to MSWLF property line, and (2) have started construction or establishment on or after April 5, 2001. Public Law 106-181 only limits the construction or establishment of some new MSWLF. It does not limit the expansion, either vertical or horizontal, of existing landfills.

NOTE: Consult the most recent version of AC 150/5200-34, *Construction or Establishment of Landfills Near Public Airports*, for a more detailed discussion of these restrictions.

- b. **Siting for new MSWLF not subject to AIR 21.** If an airport and MSWLF do not meet the restrictions of Public Law 106-181, the FAA recommends against locating MSWLF within the separation distances identified in Sections 1-2 through 1-4. The separation distances should be measured from the closest point of the airport's AOA to the closest planned MSWLF cell.
- c. **Considerations for existing waste disposal facilities within the limits of separation criteria.** The FAA recommends against airport development projects that would increase the number of aircraft operations or accommodate larger or faster aircraft near MSWLF operations located within the separations identified in Sections 1-2 through 1-4. In addition, in accordance with 40 CFR 258.10, owners or operators of existing MSWLF units that are located within the separations listed in Sections 1-2 through 1-4 must demonstrate that the unit is designed and operated so it does not pose a bird hazard to aircraft. (See Section 4-2(b) of this AC for a discussion of this demonstration requirement.)
- d. **Enclosed trash transfer stations.** Enclosed waste-handling facilities that receive garbage behind closed doors; process it via compaction, incineration, or similar manner; and remove all residue by enclosed vehicles generally are compatible with safe airport operations, provided they are not located on airport property or within the Runway Protection Zone (RPZ). These facilities should not handle or store putrescible waste outside or in a partially enclosed structure accessible to hazardous wildlife. Trash transfer facilities that are open on one or more sides; that store uncovered quantities of municipal solid waste outside, even if only for a short time; that use semi-trailers that leak or have trash clinging to the outside; or that do not control odors by ventilation and filtration systems (odor masking is not acceptable) do not meet the FAA's definition of fully enclosed trash transfer stations. The FAA considers these facilities incompatible with safe airport operations if they are located closer than the separation distances specified in Sections 1-2 through 1-4.
- e. **Composting operations on or near airport property.** Composting operations that accept only yard waste (e.g., leaves, lawn clippings, or branches) generally do not attract hazardous wildlife. Sewage sludge, woodchips, and similar material are not municipal solid wastes and may be used as compost bulking agents. The compost, however, must never include food or other municipal solid waste. Composting operations should not be located on airport property. Off-airport property composting operations should be located no closer than the greater of the following distances: 1,200 feet from any AOA or the distance called for by airport design requirements (see AC 150/5300-13, *Airport Design*). This spacing should prevent material, personnel, or equipment from penetrating any Object Free Area (OFA), Obstacle Free Zone (OFZ), Threshold Siting Surface (TSS), or Clearway. Airport operators should monitor composting operations located in proximity to the airport to ensure that steam or thermal rise does not adversely affect air traffic. On-airport disposal of compost by-products should not be conducted for the reasons stated in 2-3f.

- f. **Underwater waste discharges.** The FAA recommends against the underwater discharge of any food waste (e.g., fish processing offal) within the separations identified in Sections 1-2 through 1-4 because it could attract scavenging hazardous wildlife.
- g. **Recycling centers.** Recycling centers that accept previously sorted non-food items, such as glass, newspaper, cardboard, or aluminum, are, in most cases, not attractive to hazardous wildlife and are acceptable.
- h. **Construction and demolition (C&D) debris facilities.** C&D landfills do not generally attract hazardous wildlife and are acceptable if maintained in an orderly manner, admit no putrescible waste, and are not co-located with other waste disposal operations. However, C&D landfills have similar visual and operational characteristics to putrescible waste disposal sites. When co-located with putrescible waste disposal operations, C&D landfills are more likely to attract hazardous wildlife because of the similarities between these disposal facilities. Therefore, a C&D landfill co-located with another waste disposal operation should be located outside of the separations identified in Sections 1-2 through 1-4.
- i. **Fly ash disposal.** The incinerated residue from resource recovery power/heat-generating facilities that are fired by municipal solid waste, coal, or wood is generally not a wildlife attractant because it no longer contains putrescible matter. Landfills accepting only fly ash are generally not considered to be wildlife attractants and are acceptable as long as they are maintained in an orderly manner, admit no putrescible waste of any kind, and are not co-located with other disposal operations that attract hazardous wildlife.

Since varying degrees of waste consumption are associated with general incineration (not resource recovery power/heat-generating facilities), the FAA considers the ash from general incinerators a regular waste disposal by-product and, therefore, a hazardous wildlife attractant if disposed of within the separation criteria outlined in Sections 1-2 through 1-4.

**2-3. WATER MANAGEMENT FACILITIES.** Drinking water intake and treatment facilities, storm water and wastewater treatment facilities, associated retention and settling ponds, ponds built for recreational use, and ponds that result from mining activities often attract large numbers of potentially hazardous wildlife. To prevent wildlife hazards, land-use developers and airport operators may need to develop management plans, in compliance with local and state regulations, to support the operation of storm water management facilities on or near all public-use airports to ensure a safe airport environment.

- a. **Existing storm water management facilities.** On-airport storm water management facilities allow the quick removal of surface water, including discharges related to aircraft deicing, from impervious surfaces, such as pavement and terminal/hangar building roofs. Existing on-airport detention ponds collect storm water, protect water quality, and control runoff. Because they slowly release water

after storms, they create standing bodies of water that can attract hazardous wildlife. Where the airport has developed a Wildlife Hazard Management Plan (WHMP) in accordance with Part 139, the FAA requires immediate correction of any wildlife hazards arising from existing storm water facilities located on or near airports, using appropriate wildlife hazard mitigation techniques. Airport operators should develop measures to minimize hazardous wildlife attraction in consultation with a wildlife damage management biologist.

Where possible, airport operators should modify storm water detention ponds to allow a maximum 48-hour detention period for the design storm. The FAA recommends that airport operators avoid or remove retention ponds and detention ponds featuring dead storage to eliminate standing water. Detention basins should remain totally dry between rainfalls. Where constant flow of water is anticipated through the basin, or where any portion of the basin bottom may remain wet, the detention facility should include a concrete or paved pad and/or ditch/swale in the bottom to prevent vegetation that may provide nesting habitat.

When it is not possible to drain a large detention pond completely, airport operators may use physical barriers, such as bird balls, wires grids, pillows, or netting, to deter birds and other hazardous wildlife. When physical barriers are used, airport operators must evaluate their use and ensure they will not adversely affect water rescue. Before installing any physical barriers over detention ponds on Part 139 airports, airport operators must get approval from the appropriate FAA Regional Airports Division Office.

The FAA recommends that airport operators encourage off-airport storm water treatment facility operators to incorporate appropriate wildlife hazard mitigation techniques into storm water treatment facility operating practices when their facility is located within the separation criteria specified in Sections 1-2 through 1-4.

- b. New storm water management facilities.** The FAA strongly recommends that off-airport storm water management systems located within the separations identified in Sections 1-2 through 1-4 be designed and operated so as not to create above-ground standing water. Stormwater detention ponds should be designed, engineered, constructed, and maintained for a maximum 48-hour detention period after the design storm and remain completely dry between storms. To facilitate the control of hazardous wildlife, the FAA recommends the use of steep-sided, rip-rap lined, narrow, linearly shaped water detention basins. When it is not possible to place these ponds away from an airport's AOA, airport operators should use physical barriers, such as bird balls, wires grids, pillows, or netting, to prevent access of hazardous wildlife to open water and minimize aircraft-wildlife interactions. When physical barriers are used, airport operators must evaluate their use and ensure they will not adversely affect water rescue. Before installing any physical barriers over detention ponds on Part 139 airports, airport operators must get approval from the appropriate FAA Regional Airports Division Office. All vegetation in or around detention basins that provide food or cover for hazardous wildlife should be eliminated. If soil conditions and other requirements allow, the FAA encourages

the use of underground storm water infiltration systems, such as French drains or buried rock fields, because they are less attractive to wildlife.

- c. **Existing wastewater treatment facilities.** The FAA strongly recommends that airport operators immediately correct any wildlife hazards arising from existing wastewater treatment facilities located on or near the airport. Where required, a WHMP developed in accordance with Part 139 will outline appropriate wildlife hazard mitigation techniques. Accordingly, airport operators should encourage wastewater treatment facility operators to incorporate measures, developed in consultation with a wildlife damage management biologist, to minimize hazardous wildlife attractants. Airport operators should also encourage those wastewater treatment facility operators to incorporate these mitigation techniques into their standard operating practices. In addition, airport operators should consider the existence of wastewater treatment facilities when evaluating proposed sites for new airport development projects and avoid such sites when practicable.
- d. **New wastewater treatment facilities.** The FAA strongly recommends against the construction of new wastewater treatment facilities or associated settling ponds within the separations identified in Sections 1-2 through 1-4. Appendix 1 defines wastewater treatment facility as "any devices and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes." The definition includes any pretreatment involving the reduction of the amount of pollutants or the elimination of pollutants prior to introducing such pollutants into a publicly owned treatment works (wastewater treatment facility). During the site-location analysis for wastewater treatment facilities, developers should consider the potential to attract hazardous wildlife if an airport is in the vicinity of the proposed site, and airport operators should voice their opposition to such facilities if they are in proximity to the airport.
- e. **Artificial marshes.** In warmer climates, wastewater treatment facilities sometimes employ artificial marshes and use submergent and emergent aquatic vegetation as natural filters. These artificial marshes may be used by some species of flocking birds, such as blackbirds and waterfowl, for breeding or roosting activities. The FAA strongly recommends against establishing artificial marshes within the separations identified in Sections 1-2 through 1-4.
- f. **Wastewater discharge and sludge disposal.** The FAA recommends against the discharge of wastewater or sludge on airport property because it may improve soil moisture and quality on unpaved areas and lead to improved turf growth that can be an attractive food source for many species of animals. Also, the turf requires more frequent mowing, which in turn may mutilate or flush insects or small animals and produce straw, both of which can attract hazardous wildlife. In addition, the improved turf may attract grazing wildlife, such as deer and geese. Problems may also occur when discharges saturate unpaved airport areas. The resultant soft, muddy conditions can severely restrict or prevent emergency vehicles from reaching accident sites in a timely manner.

**2-4. WETLANDS.** Wetlands provide a variety of functions and can be regulated by local, state, and Federal laws. Normally, wetlands are attractive to many types of wildlife, including many which rank high on the list of hazardous wildlife species (Table 1).

**NOTE:** If questions exist as to whether an area qualifies as a wetland, contact the local division of the U.S. Army Corps of Engineers, the Natural Resources Conservation Service, or a wetland consultant qualified to delineate wetlands.

- a. **Existing wetlands on or near airport property.** If wetlands are located on or near airport property, airport operators should be alert to any wildlife use or habitat changes in these areas that could affect safe aircraft operations. At public-use airports, the FAA recommends immediately correcting, in cooperation with local, state, and Federal regulatory agencies, any wildlife hazards arising from existing wetlands located on or near airports. Where required, a WHMP will outline appropriate wildlife hazard mitigation techniques. Accordingly, airport operators should develop measures to minimize hazardous wildlife attraction in consultation with a wildlife damage management biologist.
- b. **New airport development.** Whenever possible, the FAA recommends locating new airports using the separations from wetlands identified in Sections 1-2 through 1-4. Where alternative sites are not practicable, or when airport operators are expanding an existing airport into or near wetlands, a wildlife damage management biologist, in consultation with the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the state wildlife management agency should evaluate the wildlife hazards and prepare a WHMP that indicates methods of minimizing the hazards.
- c. **Mitigation for wetland impacts from airport projects.** Wetland mitigation may be necessary when unavoidable wetland disturbances result from new airport development projects or projects required to correct wildlife hazards from wetlands. Wetland mitigation must be designed so it does not create a wildlife hazard. The FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations identified in Sections 1-2 through 1-4.
  - (1) **Onsite mitigation of wetland functions.** The FAA may consider exceptions to locating mitigation activities outside the separations identified in Sections 1-2 through 1-4 if the affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water recharge, which cannot be replicated when moved to a different location. Using existing airport property is sometimes the only feasible way to achieve the mitigation ratios mandated in regulatory orders and/or settlement agreements with the resource agencies. Conservation easements are an additional means of providing mitigation for project impacts. Typically the airport operator continues to own the property, and an easement is created stipulating that the property will be maintained as habitat for state or Federally listed species.

Mitigation must not inhibit the airport operator's ability to effectively control hazardous wildlife on or near the mitigation site or effectively maintain other aspects of safe airport operations. Enhancing such mitigation areas to attract hazardous wildlife must be avoided. The FAA will review any onsite mitigation proposals to determine compatibility with safe airport operations. A wildlife damage management biologist should evaluate any wetland mitigation projects that are needed to protect unique wetland functions and that must be located in the separation criteria in Sections 1-2 through 1-4 before the mitigation is implemented. A WHMP should be developed to reduce the wildlife hazards.

**(2) Offsite mitigation of wetland functions.** The FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations identified in Sections 1-2 through 1-4 unless they provide unique functions that must remain onsite (see 2-4c(1)). Agencies that regulate impacts to or around wetlands recognize that it may be necessary to split wetland functions in mitigation schemes. Therefore, regulatory agencies may, under certain circumstances, allow portions of mitigation to take place in different locations.

**(3) Mitigation banking.** Wetland mitigation banking is the creation or restoration of wetlands in order to provide mitigation credits that can be used to offset permitted wetland losses. Mitigation banking benefits wetland resources by providing advance replacement for permitted wetland losses; consolidating small projects into larger, better-designed and managed units; and encouraging integration of wetland mitigation projects with watershed planning. This last benefit is most helpful for airport projects, as wetland impacts mitigated outside of the separations identified in Sections 1-2 through 1-4 can still be located within the same watershed. Wetland mitigation banks meeting the separation criteria offer an ecologically sound approach to mitigation in these situations. Airport operators should work with local watershed management agencies or organizations to develop mitigation banking for wetland impacts on airport property.

**2-5. DREDGE SPOIL CONTAINMENT AREAS.** The FAA recommends against locating dredge spoil containment areas (also known as Confined Disposal Facilities) within the separations identified in Sections 1-2 through 1-4 if the containment area or the spoils contain material that would attract hazardous wildlife.

**2-6. AGRICULTURAL ACTIVITIES.** Because most, if not all, agricultural crops can attract hazardous wildlife during some phase of production, the FAA recommends against the used of airport property for agricultural production, including hay crops, within the separations identified in Sections 1-2 through 1-4. . If the airport has no financial alternative to agricultural crops to produce income necessary to maintain the viability of the airport, then the airport shall follow the crop distance guidelines listed in the table titled "Minimum Distances between Certain Airport Features and Any On-Airport Agricultural Crops" found in AC 150/5300-13, *Airport Design*, Appendix 17. The cost of wildlife control and potential accidents should be weighed against the income produced by the on-airport crops when deciding whether to allow crops on the airport.

- a. **Livestock production.** Confined livestock operations (i.e., feedlots, dairy operations, hog or chicken production facilities, or egg laying operations) often attract flocking birds, such as starlings, that pose a hazard to aviation. Therefore, The FAA recommends against such facilities within the separations identified in Sections 1-2 through 1-4. Any livestock operation within these separations should have a program developed to reduce the attractiveness of the site to species that are hazardous to aviation safety. Free-ranging livestock must not be grazed on airport property because the animals may wander onto the AOA. Furthermore, livestock feed, water, and manure may attract birds.
- b. **Aquaculture.** Aquaculture activities (i.e. catfish or trout production) conducted outside of fully enclosed buildings are inherently attractive to a wide variety of birds. Existing aquaculture facilities/activities within the separations listed in Sections 1-2 through 1-4 must have a program developed to reduce the attractiveness of the sites to species that are hazardous to aviation safety. Airport operators should also oppose the establishment of new aquaculture facilities/activities within the separations listed in Sections 1-2 through 1-4.
- c. **Alternative uses of agricultural land.** Some airports are surrounded by vast areas of farmed land within the distances specified in Sections 1-2 through 1-4. Seasonal uses of agricultural land for activities such as hunting can create a hazardous wildlife situation. In some areas, farmers will rent their land for hunting purposes. Rice farmers, for example, flood their land during waterfowl hunting season and obtain additional revenue by renting out duck blinds. The duck hunters then use decoys and call in hundreds, if not thousands, of birds, creating a tremendous threat to aircraft safety. A wildlife damage management biologist should review, in coordination with local farmers and producers, these types of seasonal land uses and incorporate them into the WHMP.

## 2-7. GOLF COURSES, LANDSCAPING AND OTHER LAND-USE CONSIDERATIONS.

- a. **Golf courses.** The large grassy areas and open water found on most golf courses are attractive to hazardous wildlife, particularly Canada geese and some species of gulls. These species can pose a threat to aviation safety. The FAA recommends against construction of new golf courses within the separations identified in Sections 1-2 through 1-4. Existing golf courses located within these separations must develop a program to reduce the attractiveness of the sites to species that are hazardous to aviation safety. Airport operators should ensure these golf courses are monitored on a continuing basis for the presence of hazardous wildlife. If hazardous wildlife is detected, corrective actions should be immediately implemented.
- b. **Landscaping and landscape maintenance.** Depending on its geographic location, landscaping can attract hazardous wildlife. The FAA recommends that airport operators approach landscaping with caution and confine it to airport areas not associated with aircraft movements. A wildlife damage management biologist should review all landscaping plans. Airport operators should also monitor all landscaped areas on a continuing basis for the presence of hazardous wildlife. If

hazardous wildlife is detected, corrective actions should be immediately implemented.

Turf grass areas can be highly attractive to a variety of hazardous wildlife species. Research conducted by the USDA Wildlife Services' National Wildlife Research Center has shown that no one grass management regime will deter all species of hazardous wildlife in all situations. In cooperation with wildlife damage management biologist, airport operators should develop airport turf grass management plans on a prescription basis, depending on the airport's geographic locations and the type of hazardous wildlife likely to frequent the airport

Airport operators should ensure that plant varieties attractive to hazardous wildlife are not used on the airport. Disturbed areas or areas in need of re-vegetating should not be planted with seed mixtures containing millet or any other large-seed producing grass. For airport property already planted with seed mixtures containing millet, rye grass, or other large-seed producing grasses, the FAA recommends disking, plowing, or another suitable agricultural practice to prevent plant maturation and seed head production. Plantings should follow the specific recommendations for grass management and seed and plant selection made by the State University Cooperative Extension Service, the local office of Wildlife Services, or a qualified wildlife damage management biologist. Airport operators should also consider developing and implementing a preferred/prohibited plant species list, reviewed by a wildlife damage management biologist, which has been designed for the geographic location to reduce the attractiveness to hazardous wildlife for landscaping airport property.

- c. **Airports surrounded by wildlife habitat.** The FAA recommends that operators of airports surrounded by woodlands, water, or wetlands refer to Section 2.4 of this AC. Operators of such airports should provide for a Wildlife Hazard Assessment (WHA) conducted by a wildlife damage management biologist. This WHA is the first step in preparing a WHMP, where required.
- d. **Other hazardous wildlife attractants.** Other specific land uses or activities (e.g., sport or commercial fishing, shellfish harvesting, etc.), perhaps unique to certain regions of the country, have the potential to attract hazardous wildlife. Regardless of the source of the attraction, when hazardous wildlife is noted on a public-use airport, airport operators must take prompt remedial action(s) to protect aviation safety.

**2-8. SYNERGISTIC EFFECTS OF SURROUNDING LAND USES.** There may be circumstances where two (or more) different land uses that would not, by themselves, be considered hazardous wildlife attractants or that are located outside of the separations identified in Sections 1-2 through 1-4 that are in such an alignment with the airport as to create a wildlife corridor directly through the airport and/or surrounding airspace. An example of this situation may involve a lake located outside of the separation criteria on the east side of an airport and a large hayfield on the west side of an airport, land uses that together could create a flyway for Canada geese directly across the airspace of the airport. There are numerous examples of such situations;

therefore, airport operators and the wildlife damage management biologist must consider the entire surrounding landscape and community when developing the WHMP.

**SECTION 3.****PROCEDURES FOR WILDLIFE HAZARD MANAGEMENT BY OPERATORS OF PUBLIC-USE AIRPORTS.**

**3.1. INTRODUCTION.** In recognition of the increased risk of serious aircraft damage or the loss of human life that can result from a wildlife strike, the FAA may require the development of a Wildlife Hazard Management Plan (WHMP) when specific triggering events occur on or near the airport. Part 139.337 discusses the specific events that trigger a Wildlife Hazard Assessment (WHA) and the specific issues that a WHMP must address for FAA approval and inclusion in an Airport Certification Manual.

**3.2. COORDINATION WITH USDA WILDLIFE SERVICES OR OTHER QUALIFIED WILDLIFE DAMAGE MANAGEMENT BIOLOGISTS.** The FAA will use the Wildlife Hazard Assessment (WHA) conducted in accordance with Part 139 to determine if the airport needs a WHMP. Therefore, persons having the education, training, and expertise necessary to assess wildlife hazards must conduct the WHA. The airport operator may look to Wildlife Services or to qualified private consultants to conduct the WHA. When the services of a wildlife damage management biologist are required, the FAA recommends that land-use developers or airport operators contact a consultant specializing in wildlife damage management or the appropriate state director of Wildlife Services.

**NOTE:** Telephone numbers for the respective USDA Wildlife Services state offices can be obtained by contacting USDA Wildlife Services Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD, 20737-1234, Telephone (301) 734-7921, Fax (301) 734-5157 (<http://www.aphis.usda.gov/wsf/>).

**3-3. WILDLIFE HAZARD MANAGEMENT AT AIRPORTS: A MANUAL FOR AIRPORT PERSONNEL.** This manual, prepared by FAA and USDA Wildlife Services staff, contains a compilation of information to assist airport personnel in the development, implementation, and evaluation of WHMPs at airports. The manual includes specific information on the nature of wildlife strikes, legal authority, regulations, wildlife management techniques, WHAs, WHMPs, and sources of help and information. The manual is available in three languages: English, Spanish, and French. It can be viewed and downloaded free of charge from the FAA's wildlife hazard mitigation web site: <http://wildlife-mitigation.tc.faa.gov/>. This manual only provides a starting point for addressing wildlife hazard issues at airports. Hazardous wildlife management is a complex discipline and conditions vary widely across the United States. Therefore, qualified wildlife damage management biologists must direct the development of a WHMP and the implementation of management actions by airport personnel.

There are many other resources complementary to this manual for use in developing and implementing WHMPs. Several are listed in the manual's bibliography.

**3-4. WILDLIFE HAZARD ASSESSMENTS, TITLE 14, CODE OF FEDERAL REGULATIONS, PART 139.** Part 139.337(b) requires airport operators to conduct a Wildlife Hazard Assessment (WHA) when certain events occur on or near the airport.

Part 139.337 (c) provides specific guidance as to what facts must be addressed in a WHA.

**3-5. WILDLIFE HAZARD MANAGEMENT PLAN (WHMP).** The FAA will consider the results of the WHA, along with the aeronautical activity at the airport and the views of the airport operator and airport users, in determining whether a formal WHMP is needed, in accordance with Part 139.337. If the FAA determines that a WHMP is needed, the airport operator must formulate and implement a WHMP, using the WHA as the basis for the plan.

The goal of an airport's Wildlife Hazard Management Plan is to minimize the risk to aviation safety, airport structures or equipment, or human health posed by populations of hazardous wildlife on and around the airport.

The WHMP must identify hazardous wildlife attractants on or near the airport and the appropriate wildlife damage management techniques to minimize the wildlife hazard. It must also prioritize the management measures.

**3-6. LOCAL COORDINATION.** The establishment of a Wildlife Hazards Working Group (WHWG) will facilitate the communication, cooperation, and coordination of the airport and its surrounding community necessary to ensure the effectiveness of the WHMP. The cooperation of the airport community is also necessary when new projects are considered. Whether on or off the airport, the input from all involved parties must be considered when a potentially hazardous wildlife attractant is being proposed. Airport operators should also incorporate public education activities with the local coordination efforts because some activities in the vicinity of your airport, while harmless under normal leisure conditions, can attract wildlife and present a danger to aircraft. For example, if public trails are planned near wetlands or in parks adjoining airport property, the public should know that feeding birds and other wildlife in the area may pose a risk to aircraft.

Airport operators should work with local and regional planning and zoning boards so as to be aware of proposed land-use changes, or modification of existing land uses, that could create hazardous wildlife attractants within the separations identified in Sections 1-2 through 1-4. Pay particular attention to proposed land uses involving creation or expansion of waste water treatment facilities, development of wetland mitigation sites, or development or expansion of dredge spoil containment areas. At the very least, airport operators must ensure they are on the notification list of the local planning board or equivalent review entity for all communities located within 5 miles of the airport, so they will receive notification of any proposed project and have the opportunity to review it for attractiveness to hazardous wildlife.

**3-7 COORDINATION/NOTIFICATION OF AIRMEN OF WILDLIFE HAZARDS.** If an existing land-use practice creates a wildlife hazard and the land-use practice or wildlife hazard cannot be immediately eliminated, airport operators must issue a Notice to Airmen (NOTAM) and encourage the land-owner or manager to take steps to control the wildlife hazard and minimize further attraction.

**SECTION 4.****FAA NOTIFICATION AND REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS****4-1. FAA REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS.**

- a. The FAA discourages the development of waste disposal and other facilities, discussed in Section 2, located within the 5,000/10,000-foot criteria specified in Sections 1-2 through 1-4.
- b. For projects that are located outside the 5,000/10,000-foot criteria but within 5 statute miles of the airport's AOA, the FAA may review development plans, proposed land-use changes, operational changes, or wetland mitigation plans to determine if such changes present potential wildlife hazards to aircraft operations. The FAA considers sensitive airport areas as those that lie under or next to approach or departure airspace. This brief examination should indicate if further investigation is warranted.
- c. Where a wildlife damage management biologist has conducted a further study to evaluate a site's compatibility with airport operations, the FAA may use the study results to make a determination.

**4-2. WASTE MANAGEMENT FACILITIES.**

- a. **Notification of new/expanded project proposal.** Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) limits the construction or establishment of new MSWLF within 6 statute miles of certain public-use airports, when both the airport and the landfill meet very specific conditions. See Section 2-2 of this AC and AC 150/5200-34 for a more detailed discussion of these restrictions.

The Environmental Protection Agency (EPA) requires any MSWLF operator proposing a new or expanded waste disposal operation within 5 statute miles of a runway end to notify the appropriate FAA Regional Airports Division Office and the airport operator of the proposal (40 CFR 258, *Criteria for Municipal Solid Waste Landfills*, Section 258.10, *Airport Safety*). The EPA also requires owners or operators of new MSWLF units, or lateral expansions of existing MSWLF units, that are located within 10,000 feet of any airport runway end used by turbojet aircraft, or within 5,000 feet of any airport runway end used only by piston-type aircraft, to demonstrate successfully that such units are not hazards to aircraft. (See 4-2.b below.)

When new or expanded MSWLF are being proposed near airports, MSWLF operators must notify the airport operator and the FAA of the proposal as early as possible pursuant to 40 CFR 258.

- b. Waste handling facilities within separations identified in Sections 1-2 through 1-4.** To claim successfully that a waste-handling facility sited within the separations identified in Sections 1-2 through 1-4 does not attract hazardous wildlife and does not threaten aviation, the developer must establish convincingly that the facility will not handle putrescible material other than that as outlined in 2-2.d. The FAA strongly recommends against any facility other than that as outlined in 2-2.d (enclosed transfer stations). The FAA will use this information to determine if the facility will be a hazard to aviation.
- c. Putrescible-Waste Facilities.** In their effort to satisfy the EPA requirement, some putrescible-waste facility proponents may offer to undertake experimental measures to demonstrate that their proposed facility will not be a hazard to aircraft. To date, no such facility has been able to demonstrate an ability to reduce and sustain hazardous wildlife to levels that existed before the putrescible-waste landfill began operating. For this reason, demonstrations of experimental wildlife control measures may not be conducted within the separation identified in Sections 1-2 through 1-4.

**4-3. OTHER LAND-USE PRACTICE CHANGES.** As a matter of policy, the FAA encourages operators of public-use airports who become aware of proposed land use practice changes that may attract hazardous wildlife within 5 statute miles of their airports to promptly notify the FAA. The FAA also encourages proponents of such land use changes to notify the FAA as early in the planning process as possible. Advanced notice affords the FAA an opportunity (1) to evaluate the effect of a particular land-use change on aviation safety and (2) to support efforts by the airport sponsor to restrict the use of land next to or near the airport to uses that are compatible with the airport.

The airport operator, project proponent, or land-use operator may use FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, or other suitable documents similar to FAA Form 7460-1 to notify the appropriate FAA Regional Airports Division Office. Project proponents can contact the appropriate FAA Regional Airports Division Office for assistance with the notification process.

It is helpful if the notification includes a 15-minute quadrangle map of the area identifying the location of the proposed activity. The land-use operator or project proponent should also forward specific details of the proposed land-use change or operational change or expansion. In the case of solid waste landfills, the information should include the type of waste to be handled, how the waste will be processed, and final disposal methods.

- a. Airports that have received Federal grant-in-aid assistance.** Airports that have received Federal grant-in-aid assistance are required by their grant assurances to take appropriate actions to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations. The FAA recommends that airport operators to the extent practicable oppose off-airport land-use changes or practices within the separations identified in Sections 1-2 through 1-4 that may attract hazardous wildlife. Failure to do so may lead to noncompliance with applicable grant assurances. The FAA will not approve the placement of airport

development projects pertaining to aircraft movement in the vicinity of hazardous wildlife attractants without appropriate mitigating measures. Increasing the intensity of wildlife control efforts is not a substitute for eliminating or reducing a proposed wildlife hazard. Airport operators should identify hazardous wildlife attractants and any associated wildlife hazards during any planning process for new airport development projects.

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**APPENDIX 1. DEFINITIONS OF TERMS USED IN THIS ADVISORY CIRCULAR.**

1. **GENERAL.** This appendix provides definitions of terms used throughout this AC.
  1. **Air operations area.** Any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An air operations area includes such paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runway, taxiways, or apron.
  2. **Airport operator.** The operator (private or public) or sponsor of a public-use airport.
  3. **Approach or departure airspace.** The airspace, within 5 statute miles of an airport, through which aircraft move during landing or takeoff.
  4. **Bird balls.** High-density plastic floating balls that can be used to cover ponds and prevent birds from using the sites.
  5. **Certificate holder.** The holder of an Airport Operating Certificate issued under Title 14, Code of Federal Regulations, Part 139.
  6. **Construct a new MSWLF.** To begin to excavate, grade land, or raise structures to prepare a municipal solid waste landfill, as permitted by the appropriate regulatory or permitting agency.
  7. **Detention ponds.** Storm water management ponds that hold storm water for short periods of time, a few hours to a few days.
  8. **Establish a new MSWLF.** When the first load of putrescible waste is received on-site for placement in a prepared municipal solid waste landfill.
  9. **Fly ash.** The fine, sand-like residue resulting from the complete incineration of an organic fuel source. Fly ash typically results from the combustion of coal or waste used to operate a power generating plant.
  10. **General aviation aircraft.** Any civil aviation aircraft not operating under 14 CFR Part 119, Certification: Air Carriers and Commercial Operators.
  11. **Hazardous wildlife.** Species of wildlife (birds, mammals, reptiles), including feral animals and domesticated animals not under control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard
  12. **Municipal Solid Waste Landfill (MSWLF).** A publicly or privately owned discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR § 257.2. An MSWLF may receive

other types wastes, such as commercial solid waste, non-hazardous sludge, small-quantity generator waste, and industrial solid waste, as defined under 40 CFR § 258.2. An MSWLF can consist of either a stand alone unit or several cells that receive household waste.

13. **New MSWLF.** A municipal solid waste landfill that was established or constructed after April 5, 2001.
14. **Piston-powered aircraft.** Fixed-wing aircraft powered by piston engines.
15. **Piston-use airport.** Any airport that does not sell Jet-A fuel for fixed-wing turbine-powered aircraft, and primarily serves fixed-wing, piston-powered aircraft. Incidental use of the airport by turbine-powered, fixed-wing aircraft would not affect this designation. However, such aircraft should not be based at the airport.
16. **Public agency.** A State or political subdivision of a State, a tax-supported organization, or an Indian tribe or pueblo (49 U.S.C. § 47102(19)).
17. **Public airport.** An airport used or intended to be used for public purposes that is under the control of a public agency; and of which the area used or intended to be used for landing, taking off, or surface maneuvering of aircraft is publicly owned (49 U.S.C. § 47102(20)).
18. **Public-use airport.** An airport used or intended to be used for public purposes, and of which the area used or intended to be used for landing, taking off, or surface maneuvering of aircraft may be under the control of a public agency or privately owned and used for public purposes (49 U.S.C. § 47102(21)).
19. **Putrescible waste.** Solid waste that contains organic matter capable of being decomposed by micro-organisms and of such a character and proportion as to be capable of attracting or providing food for birds (40 CFR §257.3-8).
20. **Putrescible-waste disposal operation.** Landfills, garbage dumps, underwater waste discharges, or similar facilities where activities include processing, burying, storing, or otherwise disposing of putrescible material, trash, and refuse.
21. **Retention ponds.** Storm water management ponds that hold water for several months.
22. **Runway protection zone (RPZ).** An area off the runway end to enhance the protection of people and property on the ground (see AC 150/5300-13). The dimensions of this zone vary with the airport design, aircraft, type of operation, and visibility minimum.
23. **Scheduled air carrier operation.** Any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial

operator for which the air carrier, commercial operator, or their representative offers in advance the departure location, departure time, and arrival location. It does not include any operation that is conducted as a supplemental operation under 14 CFR Part 119 or as a public charter operation under 14 CFR Part 380 (14 CFR § 119.3).

24. **Sewage sludge.** Any solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment process; and a material derived from sewage sludge. Sewage does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (40 CFR 257.2)
25. **Sludge.** Any solid, semi-solid, or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect. (40 CFR 257.2)
26. **Solid waste.** Any garbage, refuse, sludge, from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including, solid liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954, as amended, (68 Stat. 923). (40 CFR 257.2)
27. **Turbine-powered aircraft.** Aircraft powered by turbine engines including turbojets and turboprops but excluding turbo-shaft rotary-wing aircraft.
28. **Turbine-use airport.** Any airport that sells Jet-A fuel for fixed-wing turbine-powered aircraft.
29. **Wastewater treatment facility.** Any devices and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes, including Publicly Owned Treatment Works (POTW), as defined by Section 212 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-576) and the Water Quality Act of 1987 (P.L. 100-4). This definition includes any pretreatment involving the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. (See 40 CFR Section 403.3 (q), (r), & (s)).

- 30. Wildlife.** Any wild animal, including without limitation any wild mammal, bird, reptile, fish, amphibian, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, including any part, product, egg, or offspring thereof (50 CFR 10.12, *Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants*). As used in this AC, wildlife includes feral animals and domestic animals out of the control of their owners (14 CFR Part 139, *Certification of Airports*).
- 31. Wildlife attractants.** Any human-made structure, land-use practice, or human-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the airport's AOA. These attractants can include architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.
- 32. Wildlife hazard.** A potential for a damaging aircraft collision with wildlife on or near an airport.
- 33. Wildlife strike.** A wildlife strike is deemed to have occurred when:
- a. A pilot reports striking 1 or more birds or other wildlife;
  - b. Aircraft maintenance personnel identify aircraft damage as having been caused by a wildlife strike;
  - c. Personnel on the ground report seeing an aircraft strike 1 or more birds or other wildlife;
  - d. Bird or other wildlife remains, whether in whole or in part, are found within 200 feet of a runway centerline, unless another reason for the animal's death is identified;
  - e. The animal's presence on the airport had a significant negative effect on a flight (i.e., aborted takeoff, aborted landing, high-speed emergency stop, aircraft left pavement area to avoid collision with animal) (Transport Canada, Airports Group, *Wildlife Control Procedures Manual*, Technical Publication 11500E, 1994).

**2. RESERVED.**

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF AERONAUTICS

1120 N STREET, Suite 3300

P. O. BOX 942874, MS-40

SACRAMENTO, CA 94274-0001

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October 29, 2013

Ms. Janice Stern  
City of Pleasanton  
P.O. Box 520  
Pleasanton, CA 94566-0802

Dear Ms. Stern:

Re: Notice of Preparation for the East Pleasanton Specific Plan; SCH# 2013102040

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

The proposal is for the East Pleasanton Specific Plan which will include an amendment to the city's general plan.

In accordance with California Public Utilities Code (PUC) Section 21676 *et seq.*, prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission (ALUC), the local agency shall first refer the proposed action to the ALUC.

Government Code section 65302.3 requires each local agency having jurisdiction over land uses within the ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan.

The proposal should also be coordinated with Livermore Municipal Airport staff to ensure its compatibility with future as well as existing airport operations.

CEQA, Public Resources Code 21096, requires the California Airport Land Use Planning Handbook (Handbook) be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two nautical miles of an airport. The Handbook provides a "General Plan Consistency Checklist" in Table 5A and a "Possible Airport Combining Zone Components" in Table 5B. The Handbook is a resource that should be applied to all public use airports and is available on-line at:

<http://www.dot.ca.gov/hq/planning/aeronaut/documents/alucp/AirportLandUsePlanningHandbook.pdf>

Ms. Janice Stern  
October 29, 2013  
Page 2

California Public Utilities Code (PUC) Section 21659 prohibits structural hazards near airports. The planned height of buildings, antennas, and other objects should be checked with respect to Federal Aviation Regulation (FAR) Part 77 criteria if development is close to the airport, particularly if situated within the runway approach corridors. General plans must include policies restricting the heights of structures to protect airport airspace. To ensure compliance with FAR Part 77 "Objects Affecting Navigable Airspace" submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) may be required. Form 7460-1 is available on-line at <https://oecaaa.faa.gov/oecaaa/external/portal.jsp> and should be submitted electronically.

Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353 address buyer notification requirements for lands around airports and are available on-line at <http://www.leginfo.ca.gov/calaw.html>. Any person who intends to offer subdivided lands, common interest developments and residential properties for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

Land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. The Federal Aviation Administration (FAA) recommends that landfills, wastewater treatment facilities, surface mining, wetlands and other uses that have the potential to attract wildlife, be restricted in the vicinity of an airport. FAA Advisory Circular (AC150/5200-33B) entitled "Hazardous Wildlife Attractants on or Near Airports" and AC 150/5200-34 entitled "Construction or Establishment of Landfills near Public Airports" address these issues. For further information, please refer to the FAA website <http://wildlife-mitigation.tc.faa.gov/>. For additional information concerning wildlife damage management, you may wish to contact the United States Department of Agriculture, Wildlife Services, at (916) 979-2675.

These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. We advise you to contact our District 4 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please contact me at (916) 654-6223, or by email at [philip\\_crimmins@dot.ca.gov](mailto:philip_crimmins@dot.ca.gov).

Sincerely,



PHILIP CRIMMINS  
Aviation Environmental Specialist

c: State Clearinghouse, Alameda County ALUC, Livermore Airport

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
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FAX (510) 288-5559  
TTY 711



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November 13, 2013

ALA680368  
ALA-680-R12.44  
SCH#2013102040

Ms. Janice Stern  
City of Pleasanton  
P.O. Box 520  
Pleasanton, CA 94566-0802

Dear Ms. Stern:

**East Pleasanton Specific Plan – Notice of Preparation**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the East Pleasanton Specific Plan. The following comments are based on the Notice of Preparation. As lead agency, the City of Pleasanton is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits.

***Community Planning***

Caltrans encourages the City of Pleasanton to locate any needed housing, jobs and neighborhood services near major mass transit nodes, and connect these nodes with streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the state highways.

Please consider developing and applying pedestrian, bicycling and transit performance or level/quality of service measures and modeling pedestrian, bicycle and transit trips that your project will generate. Mitigation measures resulting from the analysis could improve pedestrian and bicycle access to transit facilities, thereby reducing traffic impacts on state highways.

In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. Describe any pedestrian and bicycle mitigation measures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on state highways.

Ms. Janice Stern/City of Pleasanton  
November 13, 2013  
Page 2

***Traffic Impact Study***

The environmental document should include an analysis of the impacts of the proposed project on State highway facilities in the vicinity of the project site. Please ensure that a Traffic Impact Study (TIS) is prepared providing the information detailed below:

1. Information on the plan's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed. The study should clearly show the percentage of project trips assigned to State facilities.
2. Current Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets, highway segments and intersections.
3. Schematic illustration and level of service (LOS) analysis for the following scenarios: 1) existing, 2) existing plus project, 3) cumulative and 4) cumulative plus project for the roadways and intersections in the project area.
4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State highway facilities being evaluated.
5. The procedures contained in the 2010 update of the Highway Capacity Manual should be used as a guide for the analysis. We also recommend using Caltrans' *Guide for the Preparation of Traffic Impact Studies*: it is available on the following web site:  
[http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)
6. Mitigation measures should be identified where plan implementation is expected to have a significant impact. Mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

We encourage the City of Pleasanton to coordinate preparation of the study with our office, and we would appreciate the opportunity to review the scope of work.

We look forward to reviewing the TIS, including Technical Appendices, and environmental document for this project. Please send two copies to the address at the top of this letterhead, marked ATTN: Yatman Kwan, AICP, Mail Stop #10D.

Should you have any questions regarding this letter, please call Yatman Kwan, AICP of my staff at (510) 622-1670.

Sincerely,



ERIK ALM, AICP  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse



100 Civic Plaza  
Dublin, California 94568  
Phone: (925) 833-6650  
Fax: (925) 833-6651

November 19, 2013

Janice Stern  
City of Pleasanton Planning Division  
P.O. Box 520  
Pleasanton, CA 94566

Subject: Comments on East Pleasanton Specific Plan EIR

Dear Ms. Stern:

Thank you for giving us the opportunity to comment on the East Pleasanton Specific Plan. It is our understanding that this project is proposing to zone 1,759 residential units on 179.0 acres, 442,000 square-feet of office space on 29 acres, 137,000 square-feet of commercial uses on 9 acres, and approximately 1.1 million square-feet of industrial uses on 78 acres. The proposed plan area is situated in the eastern part of the City of Pleasanton.

The following are our comments on the subject specific plan for your consideration:

1. Considering the proximity of the proposed Specific Plan Area to Fallon/El Charro I580 interchange, it is requested that the specific plan address the completion of interchange improvements in coordination with the cities of Dublin and Livermore. This may also entail creating/updating the funding and cost sharing agreement(s) and the scheduling of improvements accordingly.
2. The City of Dublin requests the evaluation of existing, interim, and build out traffic circulation and access along adjacent arterials to I580 in Dublin as part of the East Pleasanton Specific Plan Environmental Impact Report (EIR). It is also requested that this analysis consider the extension of Dublin Boulevard to North Canyons Parkway to SR 84/Isabel Avenue in Livermore, and Stonebridge Drive extension to Jack London Boulevard to SR 84/Isabel Avenue in Livermore.
3. With the development of the Specific Plan Area, access to regional transit such as BART will be crucial to address congestion. It is requested that parking needs and traffic circulation at BART stations and Park and Ride lots in the City of Dublin; and access via Iron Horse Trail and roadways to BART stations, be specifically evaluated in the Specific Plan EIR.

**City Council**  
(925) 833-6650  
**City Manager**  
(925) 833-6650  
**Community Development**  
(925) 833-6610  
**Economic Development**  
(925) 833-6650  
**Finance/Admin Services**  
(925) 833-6640  
**Fire Prevention**  
(925) 833-6606  
**Human Resources**  
(925) 833-6605  
**Parks & Community Services**  
(925) 556-4500  
**Police**  
(925) 833-6670  
**Public Works/Engineering**  
(925) 833-6630



It is further recommended that the Specific Plan consider the SMART parking technologies at BART stations and Park and Ride Lots along I580 and connectivity of WHEELS buses from Park and Ride Lots to BART Stations. This technology would require fast speed electronic communication linkage along and across I580 to enable relaying real-time parking condition information to motorists along I580.

If you have any questions regarding the above comments, please do not hesitate to contact me at 925-833-6630 or [obaidd.khan@dublin.ca.gov](mailto:obaidd.khan@dublin.ca.gov).

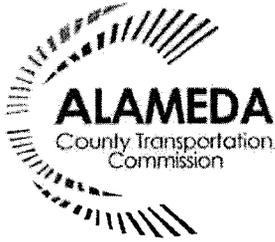
Sincerely,



Obaid Khan, P.E.  
Senior Civil Engineer (Traffic/Transportation)

cc: Jeff Baker, Assistant Community Development Director

G:\CORRESPONDENCE, STAFF MISC\Obaid\Comment Letter on City of Pleasanton Specific Plan.docx



November 25, 2013

Janice Stearn  
Planning Manager  
City of Pleasanton  
Planning Division  
P.O. Box 520  
Pleasanton, CA 94566

SUBJECT: Response to Notice of Preparation of an Environmental Impact Report for the East Pleasanton Specific Plan (P13-1858)

Dear Ms. Stearn,

Thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the East Pleasanton Specific Plan. The Project location is generally east of Valley Avenue and Busch Road and north of Stanley Boulevard. The Specific Plan boundaries encompass approximately 1,110 acres located partially within the City of Pleasanton and partially within the unincorporated jurisdiction of Alameda County. The entire Specific Plan Area is within the Pleasanton General Plan Planning Area and Pleasanton's Sphere of Influence. The preferred project consists of 1,759 housing units, including 65 percent single-family and 35 percent multi-family units; 91,000 square feet of retail space; 442,000 square feet of office space; 1,057,000 of industrial space; 3 acres of destination use; 45 acres of public park; 35 acres of private open space; and 17 acres of public and institutional use.

The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

Basis for CMP Review

- The City of Pleasanton adopted Resolution No. 92-135 on July 7, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). It appears that the proposed project will generate at least 100 p.m. peak hour trips over existing conditions, and therefore the CMP Land Use Analysis Program requires the City to conduct a transportation impact analysis of the project.

Use of Countywide Travel Demand Model

- The Alameda Countywide Travel Demand Model should be used for CMP Land Use Analysis purposes. The CMP was amended on March 26<sup>th</sup>, 1998 so that local jurisdictions are responsible for conducting travel model runs themselves or through a consultant. The City of Pleasanton and the Alameda CTC signed a Countywide Model Agreement on May 25, 2009. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of a sample letter agreement is available

upon request. The most current version of the Alameda CTC Countywide Travel Demand Model is the August 2011 update.

### Impacts

- The DEIR should address all potential impacts of the project on the Metropolitan Transportation System (MTS) roadway network.
  - MTS roadway facilities in the project area include Interstate 580, Interstate 680, Stanley Boulevard/1<sup>st</sup> Street/Sunol Boulevard, Santa Rita Road, Isabel Avenue, Vallecitos Road, and Airway Boulevard.
  - For the purposes of CMP Land Use Analysis, the Highway Capacity Manual 2010 freeway and urban streets methodologies are the preferred methodologies to study vehicle delay impacts.
  - The Alameda CTC has *not* adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2011 CMP for more information).
- The DEIR should address potential impacts of the project on Metropolitan Transportation System (MTS) transit operators.
  - MTS transit operators potentially affected by the project include BART, ACE, and LAVTA.
  - Transit impacts to consider include the effects of project vehicle traffic on mixed flow transit operations, transit capacity, transit access/egress, need for future transit service, and consistency with adopted plans. See Appendix L of the 2013 CMP document for more details.
- The DEIR should address potential impacts of the project to cyclists on the Countywide Bicycle Network.
  - Countywide bicycle facilities in the project area include the Iron Horse Trail, Stoneridge Drive, and the Arroyo Mocho Trail.
  - Bicycle related impacts to consider include effects of vehicle traffic on bicyclist conditions, site development and roadway improvements, and consistency with adopted plans. See Appendix L of the 2013 CMP document for more details.
- The DEIR should address potential impacts of the project to pedestrians in Countywide Pedestrian Plan Areas of Countywide Significance.
  - The southern portion of the Project planning area overlaps with an Area of Countywide Pedestrian Significance
  - Bicycle related impacts to consider include effects of vehicle traffic on pedestrian conditions, site development and roadway improvements, and consistency with adopted plans. See Appendix L of the 2013 CMP document for more details.

### Mitigation Measures

- Alameda CTC policy regarding mitigation measures is that to be considered adequate they must be:
  - Adequate to sustain CMP roadway and transit service standards;
  - Fully funded; and
  - Consistent with project funding priorities established in the Capital Improvement Program of the CMP, the Countywide Transportation Plan (CWTP), and the Regional Transportation Plan

(RTP) or the federal Transportation Improvement Program, if the agency relies on state or federal funds programmed by Alameda CTC

- The DEIR should discuss the adequacy of proposed mitigation measure according to the criteria above. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and the effect on service standards if only the funded portions of these mitigation measures are built prior to Project completion. The DEIR should also address the issue of transit funding as a mitigation measure in the context of the Alameda CTC mitigation measure criteria discussed above.
- Jurisdictions are encouraged to discuss multimodal tradeoffs associated with mitigation measures that involve changes in roadway geometry, intersection control, or other changes to the transportation network. This analysis should identify whether the mitigation will result in an improvement, degradation, or no change in conditions for automobiles, transit, bicyclists, and pedestrians. The HCM 2010 MMLOS methodology is encouraged as a tool to evaluate these tradeoffs, but project sponsors may use other methodologies as appropriate for particular contexts or types of mitigations.
- The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Alameda CTC CMP Menu of TDM Measures and TDM Checklist may be useful during the review of the development proposal and analysis of TDM mitigation measures (See Appendices G and H of the 2013 CMP).

#### Other

- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.

Thank you for the opportunity to comment on this NOP. Please contact me at (510) 208-7405 or Matthew Bomberg of my staff at (510) 208-7444 if you have any questions.

Sincerely,



Tess Lengyel  
Deputy Director of Planning and Policy

cc: Matthew Bomberg, Assistant Transportation Planner

file: CMP/Environmental Review Opinions/2013



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

100 NORTH CANYONS PARKWAY • LIVERMORE, CA 94551 • PHONE (925) 454-5000 • FAX (925) 454-5727

December 6, 2013

Janice Stern  
Planning Division  
P.O. Box 520  
Pleasanton, CA 94566

Re: *Comments on NOP for East Pleasanton Specific Plan EIR*

Janice:

Zone 7 Water Agency (Zone 7) has reviewed the referenced Notice of Preparation in the context of Zone 7's mission to provide drinking water, non-potable water for agriculture/irrigated turf, flood protection, and groundwater and stream management within the Livermore-Amador Valley. We have the following comments for your consideration:

1. Zone 7's long-range plans for Chain of Lakes.

- The Chain of Lakes (COLs) is a series of former quarry lakes named Lakes A through I and Cope Lake. The 1981 Specific Plan for Livermore-Amador Valley Quarry Area Reclamation designated overall uses for the COLs area, but recognized the need for Zone 7 to have flexibility in determining the ultimate use and operation of the lakes for water management. Zone 7 currently owns Lake I and Cope Lake. Lake H becomes available to be deeded to Zone 7 by the end of 2014; the other lakes will be transitioned to Zone 7 as mining is completed over the next twenty to fifty years. The general vision is that Zone 7 would use the lakes for water management and related purposes. Water management includes but is not limited to groundwater recharge, surface water storage and conveyance, and flood protection. Our plans can change as we adjust to the quarry operator's mining reclamation plans; sufficient flexibility in the EPSP is required to ensure maximum opportunity for future water management at the COLs.

2. Recent & near-term infrastructure projects to be aware of:

- Vulcan has completed the construction of a discharge pipeline from their facilities, across Arroyo Mocho, and into the northeast corner of the southeastern cell of Cope Lake. Presented on drawing, below.
- Zone 7 is currently working on a transfer pipeline to move water from Cope Lake westerly into Lake I. Zone 7's current plan is to release water into Cope Lake up to elevation 340. Presented on drawing, below.
- Zone 7 has plans for a pipeline connecting the El Charro Pipeline to the vineyard Pipeline near the intersection of Busch and Valley (and potentially new wells). Zone 7 may need easements for this future pipeline. Presented on drawing, below.

- Up to three additional municipal supply wells in the areas around Lakes H and Cope have been identified in the Zone 7 Well Master Plan.
  - A diversion structure is in the process of being permitted for diverting water from the Arroyo Mocho into Lake H. The construction is anticipated to be completed by 2015. Presented on drawing, below.
  - Lakes H and Cope will eventually be used to capture and detain potential flood waters from the Arroyo Mocho and or Arroyo Las Positas. Although not yet designed, we envision the construction of additional diversion and outfall structures, and pipelines and pump stations for this purpose within the EPSP area.
3. The EIR should acknowledge and take into account Zone 7's planned uses of Lakes H, I and Cope for surface water conveyance and storage, floodwater capture and detention, and artificial aquifer recharge. These future operations will likely result in variable water levels both seasonally and annually. Additional uses may include recreation, education, habitat conservation, and recycled water storage.
  4. The EIR should evaluate impacts to surface and groundwater quality, including salt management, from activities such as construction, use of recycled water, and urban runoff. Per agreement, Zone 7 will allow stormwater discharges from portions of the former Hanson Aggregates parcels to Cope Lake. Because waters stored in Cope Lake will be periodically conveyed to Lakes H and I, and subsequently used to augment the recharge of drinking water aquifers, the potential water quality impacts of the project's stormwater discharge should be based on use of Cope Lake for water supply conveyance.
  5. The EIR should recognize the need for emergency and routine maintenance access (current and future) to Zone 7's facilities, streams and lakes, including safe access to all gates, slopes, and wells.
  6. Zone 7 would like to review with the City any technical reports for the EPSP concerning projected water use, hydrology, slope stability, structure set-backs, or similar, as well as any public use or modifications being considered for the Zone 7 properties and perimeters.

We appreciate the opportunity to comment on this NOP. If you have any questions on this letter, please feel free to contact me at (925) 454-5005 or via email at [erank@zone7water.com](mailto:erank@zone7water.com).

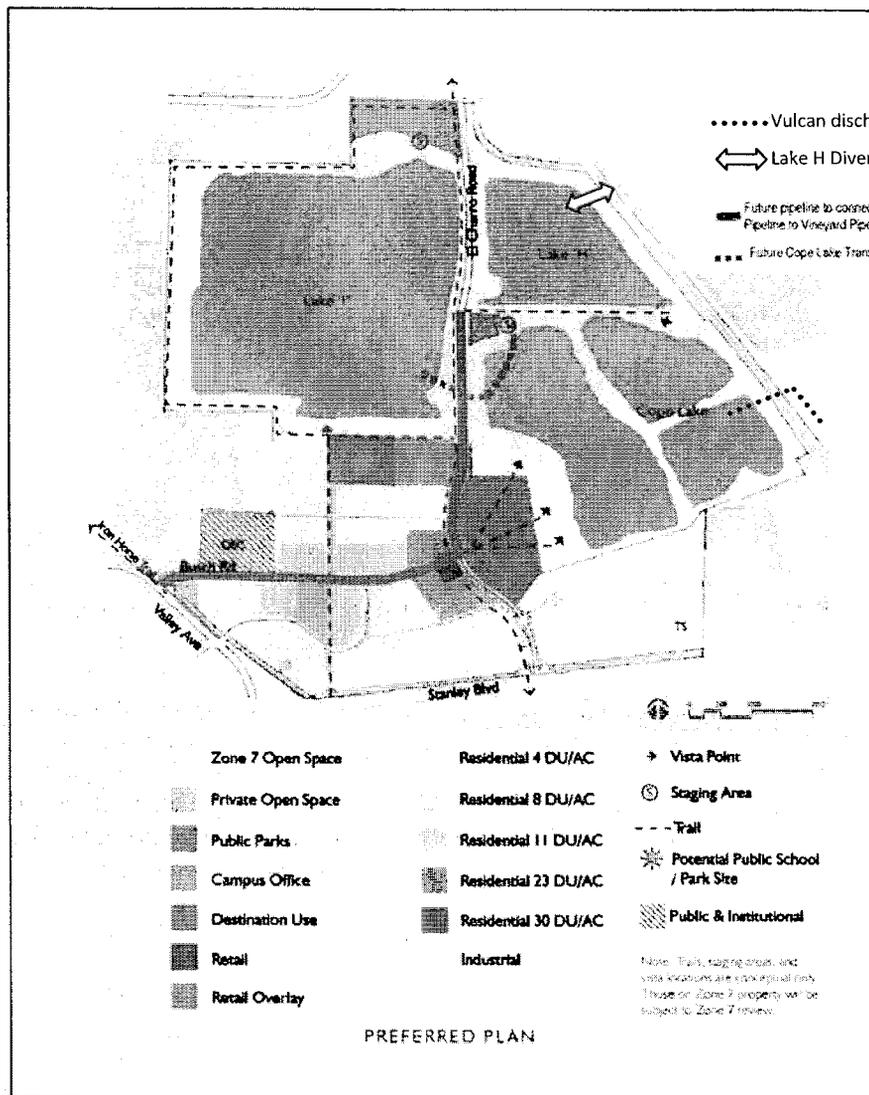
Note that **Colleen Winey** continues to be Zone 7's primary liaison to the EPSP planning effort.

Sincerely,



Elke Rank

cc: Carol Mahoney, Colleen Winey, file

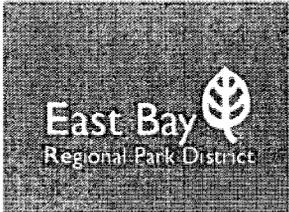


Source: City of Pleasanton, 2013

### Exhibit 3 Preferred Plan

42300001 • 10/2013 | 3\_preferred.cdr

CITY OF PLEASANTON • EAST PLEASANTON SPECIFIC PLAN  
NOTICE OF PREPARATION



2950 PERALTA OAKS COURT P.O BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TDD: 510-633-0460 WWW.EBPARKS.ORG

December 10, 2013

Janice Stern, Planning Manager  
City of Pleasanton  
Planning Division  
P.O. Box 520  
Pleasanton, CA 94566

Sent via e-mail to  
[JStern@cityofpleasantonca.gov](mailto:JStern@cityofpleasantonca.gov)  
And regular mail  
On December 10, 2013 *NL*

**RE: Notice of Preparation of an Environmental Impact Report, East Pleasanton Specific Plan**

Dear Ms. Stern,

The East Bay Regional Park District ("District") appreciates the opportunity to provide comments on the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the East Pleasanton Specific Plan (EPSP), located at the intersection of Valley Ave and Stanley Blvd. The proposed EPSP is adjacent to the District's Iron Horse Trail, Shadow Cliffs Regional Recreation Area and a master plan identified potential EBRPD parkland at Chain of Lakes.

The District has a long term commitment to protecting and maintaining open space in Alameda County and providing public access and recreation opportunities. The District operates Shadow Cliffs Regional Recreation Area and the Iron Horse Trail, which both might be directly impacted by the proposed specific plan area. The District would like the City of Pleasanton to fully evaluate and avoid, or fully mitigate, the impacts on the existing park and trail use.

The District has reviewed the Notice of Preparation and is concerned that the EPSP has the potential to conflict with public recreational use of Shadow Cliffs. Furthermore, the District would like to insure that the proposed Iron Horse Trail segments are included in the EIR.

As the project moves forward and environmental review is undertaken, we recommend that access to trails(staging), trail alignment and the El Charro Rd/Stanley Blvd intersection be addressed in greater detail, particularly in regard to the following:

- 1) *Iron Horse Trail:* The District's Iron Horse Trail is a regionally important trail that stretches from Concord to Livermore. The Iron Horse Trail is also a vital transportation and recreational component of the EPSP. The area defined by the EPSP represents the last remaining significant gap between Concord and Livermore. The District would like to see a land-use designation in the specific plan that identifies the final trail alignment as well as an interim trail alignment along the eastern side of Valley Ave, crossing at Stanley Blvd and connecting to existing sidewalk and trail on the southern side of Stanley Blvd. The EIR should analyze the potential trail alignments and select preferred and interim alignments. The EIR should also consider the safety of all trail users as well as slopes, views, site

Board of Directors

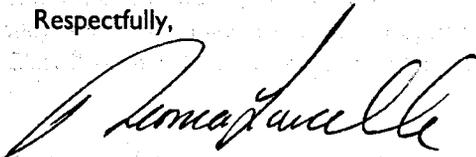
John Sutter President Ward 2	Ayn Wieskamp Vice-President Ward 5	Whitney Dotson Treasurer Ward 1	Ted Radke Secretary Ward 7	Beverly Lane Ward 6	Carol Severin Ward 3	Doug Siden Ward 4	Robert E. Doyle General Manager
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features, and impact on resources. All analysis should be based on the fact the Iron Horse Trail is a Class 1, at-grade separated, 10 ft. wide trail.

- 2) *Potential EBRPD Parkland:* The 2013 EBRPD Master Plan identifies potential EBRPD parkland at Chain of Lakes. There is significant local stakeholder interest in a regional park at Chain of Lakes and the District would like to see a specific area designated for the potential parkland at Chain of Lakes. The EIR should evaluate the potential impacts of regional parkland located at Chain of Lakes.
- 3) *Intersection at El Charro Rd and Stanley Blvd:* Analyze the effect of extending to El Charro Rd to Stanley Blvd and the potential impact the extension could have on Shadow Cliffs in regard to park access and safety at the intersection.
- 4) *Staging:* Address location, size, general function, traffic impacts and long-term management of a parking or staging area to provide additional access to the trail for visitors from outside the immediate neighborhood.

The District is happy to assist with the process of project refinement and environmental review, and as such, we are open to meeting with the City as needed. We also appreciate receiving future information about this project as it becomes available. Please feel free to contact me at (510) 544-2626, or by e-mail at [nlavalle@ebparks.org](mailto:nlavalle@ebparks.org), should you have any questions.

Respectfully,



Neoma Lavallo  
Acting Senior Planner

cc: Ann Wieskamp, EBRPD Board of Directors  
Robert Doyle, EBRPD General Manager  
Bob Nisbet, Land Division Assistant General Manager  
Larry Tong, Interagency Planning Manager



**KINGSLEYBOGARD**

ATTORNEYS

E-mail: rkingsley@kblegal.us

December 10, 2013

**VIA FACSIMILE AND FIRST CLASS U.S. MAIL**

City of Pleasanton  
Attn: Ms. Janice Stern, Planning Manager  
Community Development Department  
P.O. Box 520  
Pleasanton, CA 94566

Re: East Pleasanton Specific Plan  
Comments on behalf of the Pleasanton Unified School District Regarding the  
Notice of Preparation & Notice of Scoping for an Environmental Impact  
Report

Dear Ms. Stern:

On behalf of our client, the Pleasanton Unified School District ("District"), we express our appreciation for this opportunity to present these comments to the City of Pleasanton in response to it's Notice of Preparation and Notice of Scoping for an Environmental Impact Report ("NOP") for the East Pleasanton Specific Plan ("EPSP").

Our comments are brief and relate primarily to the need for the developer to mitigate the impact of the project on the School District.

- SCHOOL SITE and SCHOOL CONSTRUCTION:** The District affirms its previous comments that the developer(s) must designate an elementary school site in the EPSP. Further, since the District does not have the financial capability to either purchase school sites or to construct, furnish and operate the needed facilities created by this project, the site should be donated to the District without charge and complete with an elementary school that has been constructed, and paid for, by the developer(s). The District will work with the developer(s) to



KINGSLEY BOGARD LLP

Ms. Janice Stern  
December 10, 2013  
Page 2

create and implement a plan to accomplish these objectives. Construction of the school would be phased to coincide with the build out of the EPSP.

2. **PREFERRED PLAN:** The Preferred Plan for development is acceptable to the District provided the school site, and the surrounding roads, are designed to handle the traffic impact in, around, and to the school location. At a minimum, the Preferred Plan generates the need for at least one new school site to serve K-5 grade students, as well as the need for additional classroom capacity for students in grades 6 through 12. Obviously, these new students will create a significant impact upon the District.
  
3. **SCHOOL LOCATION:** The location of the school site that is set forth in the NOP is acceptable to the District, subject to: (1) a satisfactory Due Diligence review of the site, and (2) subject to final site approval by the State Department of Education as required by law. Additional general background information regarding the State's current guidelines for new school site selection criteria is available on the State's website at <http://www.cde.ca.gov/ls/fa/sf/sitereview.asap>. We would respectfully request that this criteria be referenced as school sites are being designated and ultimately determined through this process and the future tentative map process as well. The District reserves the right to add additional criteria in the future as it deems pertinent.

Should you have any questions about these comments, please contact me at (916) 932-2500. Thank you once again for all of your hard work on this project.

Very truly yours,

KINGSLEY BOGARD LLP

ROBERT KINGSLEY

Attorney for Pleasanton Unified School District

REK:ma

Attachment

cc: Parvin Ahmadi, Superintendent  
Luz Cázares, Deputy Superintendent for Business Services  
Board of Trustees, Pleasanton Unified School District

File

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Developer Mitigation\EPSP  
NOP\Comments\Stern\Ltr\120113

December 10, 2013

Janice Stern, Planning Manager  
City of Pleasanton  
P.O. Box 520  
Pleasanton, CA 94566

**SUBJ: East Pleasanton Specific Plan**

Dear Ms. Stern,

Thank you for the opportunity to review the Notice of Preparation for the EIR for the East Pleasanton Specific Plan (EPSP) project and provide comments. Under the Preferred Plan scenario, the project would consist of 1,759 housing units (single family and multi-family), two areas of campus office uses, retail uses, industrial uses, a "destination" use, public parkland including 31 acres of passive recreation park, and a 12-acre active recreation park, and a 2-acre village green. In addition, the Preferred Plan map indicates a potential public school site. The following comments are for your consideration as the CEQA process moves forward.

**AIRPORT LAND USE COMPATIBILITY**

The Alameda County Airport Land Use Commission (ALUC) has adopted an updated Airport Land Use Compatibility Plan (ALUCP) for the Livermore Municipal Airport in July 2012. This document can be viewed at <http://www.acgov.org/cda/planning/generalplans/airportlandplans.htm>

This review utilizes this ALUCP, and comments here reflect the four airport compatibility factors of Noise, Safety, Airspace Protection, and Overflight discussed fully in the ALUCP.

**NOISE**

Portions of the project site are located within the 55CNEL Noise contour. Please refer to Section 3.3.1: Noise, Table 3-1: Noise Compatibility Criteria and Figure 3-2: Noise Compatibility Zones for guidance when evaluating potential noise impacts on proposed land uses.

**SAFETY**

The proposed project site is located wholly within the Airport Influence Area (AIA) for the Livermore Municipal Airport. Portions of the site are also located within Safety Zone 6: Traffic Pattern Zone, Safety Zone 7: Other Airport Environs within the AIA, Safety Zone 4: Outer Approach/Departure Zone, and the Airport Protection Area (APA). Each of these zones and areas has specific requirements for the proposed land uses.

Please refer to Section 3.3.2: Safety, Table 3-2: Safety Compatibility Criteria, and Figure 3-3: Safety Compatibility Zones for detailed information regarding potential compatibility issues and requirements for the proposed land uses in the EPSP.

#### **AIRSPACE PROTECTION**

All proposed development within the project site is subject to Federal Aviation Administration (FAA) Part-77 regulations regarding allowable heights of structures near the airport environs. Please refer to Section 3.3.3: Airspace Protection, and Figure 3-4: FAA Part 77 Surfaces. This section of the Plan includes a thorough discussion of all policies related to a variety of airspace protection issues including FAA notification requirements, and Obstruction Marking and Lighting. In addition, please refer to Appendix C: Federal Aviation Regulations, Part 77 *Objects Affecting Navigable Airspace* provides guidance on allowable heights of buildings near airports.

#### **OVERFLIGHT**

All areas within an Airport Influence Area (AIA) are subject to noise from overflight of aircraft. Unlike other compatibility factors such as noise, safety, or airspace protection, overflight compatibility policies do not restrict how land can be developed or used; rather, the policies in this section form the requirements for notification about airport proximity and aircraft overflight. The East Pleasanton Specific Plan area appears to be wholly located within the Real Estate Disclosure Zone as identified in Figure 3-5: Overflight Compatibility Zones. Please refer to Section 3.3.4: Overflight, and in particular Section 3.3.4.6: Buyer Awareness Measures for further guidance.

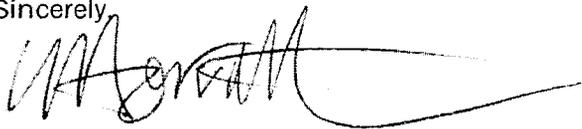
#### **ADDITIONAL FACTORS TO CONSIDER**

- **PROPOSED SCHOOL SITE** - Appendix A: State Law Related to Airport Land Use Planning includes information from State Education Code Section 17215: Site Near Airport, and Section 81033 (c) (d): Investigation: Geologic and Soil Engineering Studies: Airport in Proximity for the steps required by the California Department of Education to evaluate a proposed school site.
- **PARKS/RECREATION AREAS** – Appendix: C FAA Airspace Protection Guidance includes FAA Advisory Circular AC No: 150/5200-33B: Hazardous Wildlife Attractants on or Near Airports. Please utilize this document for guidance regarding mitigating potential wildlife habitat impacts in the parks and recreation areas proposed within the EPSP.
- **THE AIRPORT PROTECTION AREA (APA)** - The APA for the Livermore Municipal Airport was established by City of Livermore Resolution 192-91 (adopted June 10, 1991), and adopted by the ALUC as an amendment to the Alameda County Airport Land Use Policy Plan on January 13, 1993. The APA specifically prohibits new residential land use designation, or the intensification of existing residential land use within its boundaries. Please refer to Section 3.3.2.6: Airport Protection Area (APA) and Appendix H: Airport Protection Area for further guidance regarding proposed housing.



Again, thank you for the opportunity to review this project. Please do not hesitate to contact me at (510) 670-6511 if you have any questions about this letter or require additional information as this project moves forward.

Sincerely,



Cindy Horvath  
Senior Transportation Planner

- c: Members, Alameda County Airport Land Use Commission  
Albert Lopez, Alameda County Planning Director, ALUC Administrative Officer





December 11, 2013

City of Pleasanton  
Planning Division  
P.O. Box 520  
Pleasanton, CA 94566  
Attn: Janice Stern, Planning Manager

Dear Ms. Stern:

Thank you for the opportunity to review and provide comments on the Notice of Preparation for the proposed East Pleasanton Specific Plan. The City of Livermore submits the following comments:

1. The quarry pits filled with water for groundwater recharge (Chain of Lakes) are within and adjacent to the East Pleasanton Specific Plan Area. The lakes are currently either filled with water or will be filled with water and they are in the floodplain. The Arroyo Mocho through the quarries is undersized and so spills water naturally onto the floodplain through this area. Please look at impacts to the existing floodplain and any mitigation or remapping that may be needed to develop this area. Also please look at the impacts of a higher future groundwater table from additional water stored in the Chain of Lakes.
2. This plan area is also adjacent to the Livermore Airport. Please consider impacts to the airport from this development (including bird strike, noise, light, air safety, etc.) and consider noise impacts to the new development. Avigation Easements/noise disclosures to all new tenants and owners would be one example of appropriate mitigations to consider.
3. Consider impacts of the new development on quarry truck traffic and quarry truck traffic on the new development for as long as the quarries are in operation.
4. Please consider and plan for flood protection identified by Zone 7 in their Stream Management Master Plan and subsequent planning and environmental documents.
5. Please consider the regional trail connection to the Iron Horse Trail and trail under El Charro Road, along the Arroyo Las Positas and along Jack London Blvd.

Janice Stern, Planning Manager  
December 11, 2013  
Page 2 of 2

6. Please include the following intersections in Livermore for traffic impact analysis: Stanley Boulevard/Isabel Parkway; Jack London Boulevard/Isabel Parkway; El Charro Road/I-580 east- and west-bound ramps.
7. Describe the proposed use of recycled water within the specific plan area, including total estimated annual recycled water use (acre-feet/year) and potential recycled water supply sources that may be expected to serve the specific plan area.

If you have any questions, please contact Ben Murray, Senior Planner at (925) 960-4472.

Sincerely,



Susan Frost  
Principal Planner  
Planning Division  
Community and Economic Development Department  
(925) 960-4450

cc: Paul Spence, Planning Manager  
Ben Murray, Senior Planner  
Bob Vinn, Assistant City Engineer  
Pam Lung, Associate Civil Engineer

Donald G. Kahler

September 10, 2013

Attn: Brian Dolan  
Director of Community Development  
200 Old Bernal Ave  
P. O. Box 520  
Pleasanton Ca. 94566-0802

Re: East Pleasanton Specific Plan—RHNA Housing

Dear Brian:

As you know, I have been involved with the aggregate operations operated by Vulcan for decades. I have no doubt that building housing adjacent to these aggregate operations and adjacent lakes would be unwise.

The aggregate operations pose inherent dangers, particularly to children, for the following reasons.

First, the water and fish in Lake I and Lake H have tempted trespassers for many years. Holes in the fences must be constantly repaired. These Lakes have slippery 2:1 slopes, meaning that while it may be easy to go down it can be difficult or impossible to get back. Drowning is a real risk.

Second, the Outlet Mall, horse ranch, golf course and airport all tempt children to cross El Charro Road. This is a very dangerous road used by heavy trucks with very limited ability to stop.

Third, the Arroyo Mocho can be dangerous in rainy weather and is a hidden pathway to the Vulcan processing plant that has dangerous equipment, heavy truck traffic and unstable piles of gravel.

Kay Ayala stated that the EPSP Plan is not next to mass transit. There are many other sites located next to mass transit, such as East Pleasanton and West Pleasanton BART, also the ACE train. See attachment showing the sites.

My bottom line is that children and gravel operations are an inherently dangerous combination. I urge Pleasanton to locate housing in a safe location.

Thank you for your consideration.

Very truly yours,



Donald Kahler

Cc: Janice Stern, AICP, Planning Manager

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ARNOLD & PORTER LLP

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Thomas A. Larsen  
Thomas.Larsen@aporter.com  
+1 415.471.3160  
+1 415.471.3400 Fax  
10th Floor  
Three Embarcadero Center  
San Francisco, CA 94111-4024

November 1, 2013

**FEDERAL EXPRESS**

Zone 7 Alameda County Flood Control and  
Water Conservation District  
5997 Parkside Dr.  
Pleasanton, CA 94566.

Stuart Cook  
Surplus Property Authority  
224 W Winton Ave, Room 110  
Hayward, CA 94544

Cheri Sheets and City Attorney  
City of Livermore  
1052 S. Livermore Ave.  
Livermore, CA 94550

James Sorenson and County Counsel  
Alameda County Planning Department  
County of Alameda  
224 West Winton, Room 151  
Hayward, CA 94544

Douglas Reynolds  
Vulcan Materials Company, Western Division  
365 North Canyons Parkway, Suite 209  
Livermore, CA 94551

Re: East Pleasanton Specific Plan ("EPSP")  
Proposed Extension of El Charro Road

Ladies and Gentlemen:

We represent Pleasanton Gravel Co. ("PGC"). PGC and its affiliates own over 1,200 acres of land, including Lake H, in Alameda County between Livermore and Pleasanton. The purpose of this letter is to notify you that PGC objects to the extension of El Charro Road as proposed in the EPSP and to outline PGC's legal rights pertaining to that proposed extension.

November 1, 2013

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A. Scope of the EPSP

The EPSP proposes to convert the private Hanson Haul Road into a public extension of El Charro Road that would connect I-580 and Stanley Boulevard adjacent to Lake H in order to facilitate a new development of between 1000 and 1710 residential units along with significant retail, office and industrial development. Most, if at all, of the land in question is in Alameda County and most, if not all, would be annexed into the City of Pleasanton. We believe that the extension of El Charro Road would conflict with PGC's contractual rights as outlined below.

B. The April 20, 1988 Agreement Between Zone 7 of the Alameda County Flood Control and Water Conservator District and Pleasanton Gravel Company (the "Zone 7 Agreement")

The Zone 7 Agreement requires PGC to deed Lake H together with a strip 25 feet wide surrounding the perimeter to Zone 7 for "water management and related purposes". Section 6.1 states: "The grant deed shall contain a twenty-five (25) year right of reversion which provides that any of the property conveyed to Zone 7 not used by Zone 7 solely for Water Management and related purposes throughout the first twenty-five years following conveyance shall immediately revert to the sole ownership of PGC . . .".

An extension of El Charro Road through the Lake H perimeter to service the proposed EPSP developments would trigger a reversion to PGC of title to Lake H and the 25 foot perimeter around Lake H because the conversion of the Hanson Haul Road to service a large residential, retail and office development would not be "solely for water management" as required by the Zone 7 Agreement.

Further, Section 6.3 requires Zone 7 to grant PGC "without cost, appropriate use licenses or easements on said lands for uses which will not create unreasonable interference with Zone 7's water management goals and objectives." Section 6.4 states: "All grants under this Section 6 shall reserve to PGC all riparian water, oil, gas, hydrocarbon and mineral (including rock, sand and gravel) rights." These licenses, easements and reserved rights could have considerable value to PGC.

November 1, 2013

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Finally, the proposed development is contrary to the understanding of the parties at the time the Zone 7 Agreement was executed. Exhibit A to the Zone 7 Agreement defines the available land use of the "PGC Properties" and the land use of the proposed EPSP area as Class 1, Class 2 and Class 3 developments, *i.e.*, industrial uses. PGC and Zone 7 entered into the Zone 7 Agreement in reliance upon adjacent industrial land use classifications that protected PGC's sand and gravel mining operations.

We note that Section 17.9 provides that the prevailing party in any legal action will be entitled to recover its costs and expenses, including attorneys' fees.

C. The September 18, 2007 Pre-Development And Cooperation Agreement between Alameda County, Pleasanton, Livermore and Vulcan Materials Company (the "Cooperative Agreement")

PGC, as a Quarry Owner of Quarry Lands, is a third party beneficiary of the Cooperative Agreement. Section 7.1 states that Alameda County, Pleasanton and Livermore "each acknowledge that it is vital to the continued viability of the Quarry Owners and Quarry Lands-related businesses and operations that El Charro Road remains fully available for continuous and uninterrupted truck use between the Quarry Lands and I-580." Section 7.1 further prohibits any Prohibited Access Restrictions, which is defined in Section 2.34(a)(i) to preclude imposition of "a material economic or operational hardship to the Quarry Owners or their respective trucking contractors." Section 18.15 provides that the prevailing party in any action to enforce or interpret the Cooperative Agreement will be entitled to recover its costs and expenses, including attorneys', experts' and consultants' fees and costs.

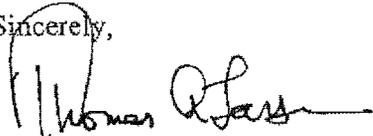
The additional traffic generated by a connection between the El Charro intersection at I-580 and Stanley Boulevard coupled with the substantial traffic that would be generated by any of the proposed EPSP developments would be in violation of Section 7.1 of the Cooperative Agreement.

November 1, 2013  
Page 4

D. Conclusion

We hope these comments will enable us to avoid significant litigation and appreciate your attention to these serious issues. Please respond to this letter by November 22, 2013.

Sincerely,



Thomas A. Larsen

cc: Via Federal Express

Brian W. Ferris, Esq., Vulcan Materials Company  
David Preiss, Esq., Wendel, Rosen, Black & Dean LLP  
Public Works Director, Alameda County Public Works Agency  
Rob Wilson and City Attorney, City of Pleasanton

Donald G. Kahler

November 12, 2013

Attn: Planning Commission Members

Re: Preparation and Scoping Meeting for EPSP -EIR

In reference to the letter I sent to Brian Dolan, the Director of Community Development on September 10th, 2013. -The letter I read to the EPSP Task Force, The Planning Commission, & City Council Members at their meetings.

How will you eliminate the prevalent issue of adolescents cutting holes in the fence and gaining access to the lake? This has happened in the past and continues to be a problem to this day. Holes are constantly being repaired in the fences leading up to the lakes. Two areas this issue is especially prevalent are: 1) on the east side of the Arroyo Mocho and 2) On the south side of Stanley Blvd., due to Kids from the nearby neighborhoods in Livermore cutting holes in the fence to go swimming in the lake "A". Cemex has to repair holes there on a continual basis.

The water level in Lake "A" is at ground elevation, whereas Lake "H" and Lake "I" have slippery 2:1 slopes with the water level hovering around 50ft. below ground level. Hypothetically speaking, if someone were to fall into either one of those lakes, it would be difficult if not impossible for them to get back out. In fact, several years ago this hypothetical situation became a reality when two young boys cut a hole in the fence on the south side of Stanley Blvd. and drowned in the lake while attempting to go frogging.

Even though both mining operators have security services in place (security guards as well as cameras), trespassers still gain access through the fences unnoticed. This is a huge liability being that there is no surefire way to keep this kind of tragic event from happening in the future.

Thank you for your consideration.

Sincerely,



Donald Kahler

Cc: Janice Stern, AICP, Planning Manager

IRONWOOD COMMUNITY CONCERNS TO BE ADDRESSED BY ENVIRONMENTAL IMPACT REPORT FOR THE EAST PLEASANTON SPECIFIC PLAN – November 13, 2013

1. My name is Dr. Sidney Cohen.
2. I am a resident of
3. At the last city council meeting the group I represent presented a petition with >90 signatures (represents the majority of Ironwood homes) expressing concerns about the East Pleasanton Specific Plan. The group has asked me to speak on their behalf.
4. Appreciate the opportunity to summarize our thoughts about what should be included in Environmental Impact Report and we look forward to be part of the process.
5. We feel it is important for us to be heard as we are the residential section most impacted by the proposed project, although our concerns involve all of Pleasanton.
6. We plan to submit details of our questions by the deadline and will only summarize key questions we are interested in having the EIR evaluate.
  - a. We are not happy with the 1759 number being pushed as the preferred plan. First, this unnecessarily burdens the East Pleasanton area with the higher density building and with the environmental impact. Second, the preferred plan is being driven by the infrastructure costs and by satisfying RHNA numbers thru 2030 rather than thru 2024. Third, the scenarios being evaluated only assume worst-case assumptions and we feel that is not correct to only evaluate this assumption. We request that the EIR also evaluate best case and moderate case scenarios. We also feel that the process used to obtain a vote on the “preferred plan” did not involve a vote of all individuals on the task force commission but was done by consensus with several members not in attendance due to a last minute change in meeting date.
  - b. We are very concerned that the proposed size of this project is enormous for the East Pleasanton area and will have a dramatic effect on the environment of East Pleasanton and all of Pleasanton. Pleasanton has a unique character and the environmental impact on noise, pollution, traffic, infrastructure requirements, etc. are enormous. We need to have a clear and unbiased understanding of the environmental impact of the proposed projects. Bottom line, we are concerned that this will not maintain Pleasanton as the Pleasanton we all love and we want to make sure we maintain our small town feel. If development is to occur, we want to make sure that any build-out is in character with the current Pleasanton culture.
7. Key concerns:
  - a. Examples of question we have concerning traffic and the effect of traffic on the character of Pleasanton, including, for example:
    - i. Updated and more accurate and current traffic counts be obtained and used in this report. Specifically, the Traffic Analysis of October 2012 should not be used as it is outdated. (for example, Stoneridge Drive opening and the Paragon Outlet opening and Auf De Maur development).
    - ii. The analysis should include the impact of the surrounding city built-out including the Livermore build-out. (Project should bear all of its burdens – need to include Infrastructure costs and impact of other development on this cost).

IRONWOOD COMMUNITY CONCERNS TO BE ADDRESSED BY ENVIRONMENTAL IMPACT REPORT FOR THE EAST PLEASANTON SPECIFIC PLAN – November 13, 2013

- iii. Impact of moving the Urban Growth Boundary going to a vote.
  - iv. Given that many of us will be considering the need for senior housing in the near future, the Traffic report should consider the effect of including senior housing as a mitigation factor to reduce traffic.
  - v. Effect on safety of increased pedestrian traffic with increased automobile traffic.
  - vi. Analyze effect not completing the El Charro extension as well as analyze not completing El Charro south of Stoneridge.
  - vii. Evaluate not completing El Charro extension to Stanley (avoid infrastructure costs of bypass).
  - viii. Evaluate effect of making El Charro 2 lanes rather than 4 lanes. (decrease cut thru traffic).
  - ix. Provide a detailed list of funded and scheduled city capital improvement projects (CIP) that would affect the traffic analysis such as improvements along Valley Avenue (traffic improvements between Stanley and Santa Rita).
  - x. Noise level of increased traffic
  - xi. Evaluate the EIR impact of not only the proposed elementary school but also include the impact of additional traffic due to more trips for additional students to the existing intermediate and high schools
  - xii. The land use designation of public facility of the city's operations service area (OSC) will remain in place but will be rezoned as public/institutional. The traffic report should evaluate alternate permitted use in the public/institutional designation in its report, such as location of a private school at this location.
- b. The Pleasanton School superintendent stated in an email that this development will exceed current school capacity and that the funding from builder fees will not cover the cost of the facilities required to house the increment in students. The EIR should evaluate need for land and buildings for new schools or the need to expand current school buildings as well as the full cost of these infrastructure developments. We need to know what the cost to the community will be for the difference between builder paid fees and the true cost of these projects.
- c. Since there are no discussed plans for additional middle or high school buildings, what will be the impact on school safety of the larger student body in current facilities.
- d. Risk study of opening up the lakes area to the public
- e. Risk study of drowning risk for putting a school in proximity to the lakes.
- f. Impact on wildlife of this development - the lakes provides a wild-life corridor – will extension of El Charro be a barrier to wild-life (foxes, deer, mountain lions, etc.).
- g. Environment impact of two scenarios:
- i. Zoning for full project
  - ii. Phased zoning to match the two RHNA phases. (do not need to rezone the entire area – now to 2022 and 2022 to 2030)

**IRONWOOD COMMUNITY CONCERNS TO BE ADDRESSED BY ENVIRONMENTAL IMPACT REPORT FOR THE EAST PLEASANTON SPECIFIC PLAN – November 13, 2013**

- h. Study the effect of traffic on quality of life from the additional 30,000 car rides/day detailed by the preliminary traffic report**
- i. Need to include Auf De Meir in all calculations as this is an approved project.**
- j. Ask the planning commission to extend the public comment period due to the holidays from Nov. 25 to December 10 as a courtesy to the public.**

**Maria Hoey**

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**Subject:** East Side EIR NOP Comments

**From:** Matt Sullivan  
**Sent:** Wednesday, November 13, 2013 9:25 AM  
**To:** Maria Hoey  
**Cc:** Janice Stern; Brian Dolan; Nelson Fialho  
**Subject:** East Side EIR NOP Comments

Dear Planning Commissioners and Staff,

I would like to suggest an additional alternative to be evaluated with the East Side EIR that is on your agenda tonight. The EIR Notice of Preparation (NOP) provides a very limited range of options for consideration: all alternatives are in excess of 1000 new residential units, and four out of five are roughly 1500 or more. All the alternatives anticipate that full build out of infrastructure take place immediately – including the very costly El Charro extension and railroad underpass. These alternatives all represent “maximum growth” scenarios, and no true phased or slower-growth scenario is being considered.

After the loss of our Housing Cap, the previous Council adopted policies and a Growth Management Ordinance that essentially put a floating “RHNA Housing Cap” in place to prevent runaway development. As such, the Preferred Plan SHOULD be one that phases approvals that tracks future RHNA allocations. Since our estimated additional unit allocation through 2022 is 751 units, approving a plan with 1759 as recommended is clearly in conflict with our growth management policies, and I believe, in conflict with what most of Pleasanton would like to see.

Staff has “backed-in” to the 1759 unit plan by estimating the infrastructure costs for an arbitrary full build-out scenario (essentially a scenario acceptable by the property owners and developers) and approving enough development to pay for that infrastructure. This is backward. The city – and the citizens – need to decide what level of development is appropriate for the site and then evaluate what infrastructure is necessary and how it will be funded. Since the citizens I have talked to who were on the East Side Committee are opposed to the level of development in the current Preferred Plan, my conclusion is that this is really the “Developer’s Preferred Plan”.

I urge you to add a phased, RHNA-tracking scenario to be evaluated with the EIR. If phased properly, the infrastructure could also be funded and constructed in the same phased manner. We need a better understanding of the traffic impacts of this development as well as the cut-through traffic effects of extending El Charro in the “full build out” as well as phased scenario

The Preferred Plan, as well as the current alternatives, fly in the face of over 20 years of slow growth policy in Pleasanton. This, combined with recent city action to abolish what was essentially a “traffic cap” on development in Hacienda, hinted changes to the Growth Management Ordinance, and the Council majority’s attempts to undermine Measure PP, sends a clear signal that the city establishment is poised to kick the doors open for fast-track development.

Other areas that should be examined with the EIR include:

- An analysis of the project alternatives (including the Phased Alternative) as suggested above with and without the El Charro extension, and the timing of the need for the extension if a phased approach is taken.
- A full fiscal and economic analysis of the alternatives, including the Phased Alternative.
- The effects on traffic – and especially the need for the El Charro extension – if an ACE station is sited on the East Side.
- The effect on wildlife habitat, especially waterfowl and migrating birds, in the Chain of Lakes area, from the intensified development envisioned.

While not strictly an EIR issue, the proposal to extend development outside the UGB is not acceptable without approval by the people at a public vote. This is a core tenant of the UGB ordinance passed by the voters in 1996, and some of us have long enough memories to hold the city accountable to this mandate from the public.

Thanks you for the opportunity to provide input.

Matt Sullivan  
Former City Councilmember  
Former Planning Commissioner  
Resident of Pleasanton, CA

--

Matt Sullivan

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**From:** nancy allen  
**Sent:** Wednesday, November 13, 2013 11:47 PM  
**To:** Janice Stern  
**Cc:** Brian Dolan; nancy allen  
**Subject:** EPSP EIR requests

Hi Janice,

Below are EIR scope requests I discussed tonight in written form. Thank you for considering.

1) Do full economic and fiscal analysis for each scenario. This should include running not only a most conservative view, but also running a best case and a most likely case (sensitizing key cost drivers across all scenarios). Primary concern is economics as highly sensitive to changes in assumptions.

For example, the current economic study assumes 20% of the homes are IZO and do not pay for themselves, thus needing more houses to break even. More likely view is that developers pay fee of \$3-4K into housing fund and have 100% market rate housing.

2) Do detailed study of 3 El Charro Road variations with supporting economics and traffic impacts (**including weekend traffic impacts as heavily impacts quality of life to residents in nearby areas**). Apply as overlay to all alternatives.

1. 4 Lane El Charro Road as you have with underpass
2. 2 Lane El Charro Road with underpass
3. No El Charro road.

My gut says we need El Charro and it will reduce traffic. However, without seeing actual traffic data we are all guessing and could be surprised. Could 1000 or 1200 homes without El Charro road have less traffic on Valley than 2200 homes with El Charro, most especially on weekends? If so, how much money could we save (and how many fewer homes needed?)

2 ½) Include weekend impact of traffic in all studies as has significant impact on quality of life during traditional “down time’s” for residents

3) Run one new alternative that uses a different approach than all the existing options. In statistical terms, it would be the “optimized solution.”

- *What is the least amount of homes we can build (65/35 mix) while still breaking even if we assume more moderate or likely financial assumptions (including possibly a less costly El Charro option).*

4) Identify different approaches for funding project and risk levels for each.

5) Identify incremental impact on schools for each option

6) Overlay senior housing scenario on all options: Identify reduced traffic and school impact if x% (33%?) of housing was designated for seniors.

I know seniors were not primary audience in needs analysis/settlement. However, as we look 20 year out, senior are fastest growing segment of population and in 20 years we will have served families with existing projects. Questions related to this are:

i. What can we do to have seniors count toward RHNA and also not be in conflict with lawsuit as we look at this long term plan?

ii. What can we do to be able to categorize seniors in our zoning requirement?

Nancy Allen

Pleasanton

Thomas A. Larsen  
Thomas.Larsen@aporter.com  
+1 415.471.3160  
+1 415.471.3400 Fax  
10th Floor  
Three Embarcadero Center  
San Francisco, CA 94111-4024

November 19, 2013

**FEDERAL EXPRESS**

Janice Stern, Planning Manager  
City of Pleasanton, Planning Division  
200 Old Bernal Avenue  
Pleasanton, CA 94566

Re: East Pleasanton Specific Plan (EPSP): Comments to Scoping Notice

Dear Ms. Stern:

We represent Pleasanton Gravel Company (PGC). PGC and its affiliates own 1200 acres of land, including Lake H, in Alameda County that would be adversely impacted by the EPSP. The purpose of this letter is to express serious concerns regarding the scope of the Environmental Impact Review (EIR) that the City of Pleasanton (the "City") intends to draft with regard to this project.

The EPSP and the supporting documents neglect many issues we believe are essential and should be studied in the EIR. Under the California Environmental Quality Act (Cal. Public Resources Code Section 21050, et seq.) you must give "major consideration to preventing environmental damage when regulating activities affecting the quality of the environment." *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal. App. 3d 433, 437. This is primarily accomplished through the EIR. "The EIR is . . . intended to demonstrate to an apprehensive public that the agency has, in fact analyzed and considered the ecological implications of its action [in approving a project]." *No Oil Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 86. We believe that the EIR must address the following potential environmental impacts of the EPSP.

1. **Land Use and Planning:** The EIR should address the project's impact on existing land uses. Currently, the discussion focuses solely on the land upon which the development will take place. As you know, there are heavy industrial uses in this area as well as the Paragon outlet mall that could be severely impacted by the proposed development.

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# ARNOLD & PORTER LLP

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Janice Stern, Planning Manager  
November 19, 2013  
Page 2

2. **Mineral Resources:** The nearby land has been mined for many years. PGC owns oil and gas and mineral rights to its land and respecting Lake H. The EPSP has the potential to impair the extraction of these resources.
3. **Traffic:** Increased traffic caused by the EPSP would significantly impact the intersection of El Charro Road and the 580 Freeway. This increased traffic could pose costly delays as well as safety hazards. Air quality also could be adversely affected due to idling vehicles.
4. **Hazards:** Residential and school development adjacent to industrial aggregate mining, processing, and hauling would be dangerous.  
  
Additionally, the quarry lakes, including Lake H, are dangerous, with steep sides and limited emergency access. Developing a residential neighborhood, a school and recreational uses near these lakes would likely create dangers.
5. **Geology:** The EIR should study the stability of the lakes and surrounding areas to determine whether they are seismically sound.
6. **Cumulative Impacts:** The City must consider the cumulative impacts of other projects that have been approved but not completed and could impact the EPSP.
7. **Alternatives:** Alternatives should be more carefully considered, particularly as to other locations for affordable housing.

Thus far, the City has narrowly focused on the land existing within the EPSP boundaries. It does not consider the impacts of such a large development outside the EPSP area. We respectfully request that the City consider all likely environmental impacts of the EPSP.

Sincerely,



Thomas A. Larsen

cc: Nelson Fialho, City Manager  
Jonathan Lowell, City Attorney



**PAUL E. WHITE**  
Director of Real Estate  
(402) 271-2809 (402) 271-2830 fax  
paul.white@kiewit.com

December 10, 2013

Janice Stern, Planning Manager  
City of Pleasanton  
Planning Division  
P.O. Box 520  
Pleasanton, CA 94566

RE: Environmental Impact Report ("EIR") for the East Pleasanton Specific Plan (P13-1858)

Dear Janice:

In response to your Notice of Preparation and Scoping Meeting, dated October 24, 2013, for the EIR referenced above ("Notice"), we submit the following comments:

1. In Section 1.3.1 of the Notice, there is reference to the need of "eventual annexation of the Specific Plan Area to the City of Pleasanton". We request that in the EIR, it should be clear that certain portions of the Specific Plan Area are already annexed into the City of Pleasanton and these areas should be identified in writing and with a map.
2. In the Traffic Analysis portion of the EIR, we request that the analysis determine the timing at which four lanes will be required for El Charro Boulevard. The studies should identify whether or not the improvements for El Charro may be phased and at what time the full improvements would be required (for example, build only two lanes until 65% of the land uses are occupied).

Also, we request that the Traffic Analysis study what traffic flows would occur if El Charro were to connect to Interstate 580 but not connect to Stanley per the proposed undercrossing; and, likewise what traffic flows would occur if El Charro connected to Stanley but not to I-580 (only go south from Busch/El Charro intersection).

Thank you for addressing our comments in the Draft EIR.

If you have any questions please contact our representative, Patrick Costanzo, at 408-888-4224.

Sincerely,  
KIEWIT INFRASTRUCTURE CO.

Paul E. White  
Director of Real Estate

c: Pat Costanzo – via e-mail

8025

## Pleasanton, CA 94588-2889

Janice Stern, Planning Manager , and  
Planning Commission  
City of Pleasanton  
Pleasanton, CA 94566

December 10, 2013

### **RE: IRONWOOD COMMUNITY CONCERNS TO BE ADDRESSED BY ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE EAST PLEASANTON SPECIFIC PLAN**

Dear Ms. Stern and Planning Commission:

The Ironwood Estates and Classics previously presented a petition with over 90 signatures (representing the majority of Ironwood homes) to City Council expressing concerns about the East Pleasanton Specific Plan. In this letter, we detail our comments about what should be included in the Environmental Impact Report for the East Pleasanton Specific Plan. As the residential section most impacted by the proposed project, we feel our thoughts should receive particular attention although our concerns involve all residents of Pleasanton.

We are very concerned that the proposed size of this project is **enormous** for the East Pleasanton area and will have a dramatic effect on the environment of not only East Pleasanton but all of Pleasanton. It is by far the largest specific plan process in our collective memory involving Pleasanton. Pleasanton has a unique character and the environmental impact on noise, pollution, traffic, infrastructure requirements, etc. are **enormous**. We need to have a clear and unbiased understanding of the environmental impact of the proposed projects. Bottom line, we are concerned that this plan will **NOT** maintain the current environment in Pleasanton as the Pleasanton we all love; we want to make sure that all plans assessed maintain the current small town feel of Pleasanton. If development is to occur, we want to make sure that any build-out is in character with the current Pleasanton culture.

We are concerned that the underlying reason for the East Pleasanton Plan will not be achieved by this development. The nature of Pleasanton by its demographics is that people who live in Pleasanton do not work in Pleasanton (80% work outside the tri-valley area) and that just building these type homes will not ensure that people living in these units will work in Pleasanton.

We are very unhappy with the 1759 number being pushed as the "preferred plan". First, this unnecessarily burdens the East Pleasanton area compared to the rest of Pleasanton with higher density building that will disproportionately impact the local East Pleasanton environment. The "preferred plan" is clearly being driven, in part, by infrastructure costs and by an approach of satisfying RHNA numbers thru 2030 rather than thru 2022.

We are concerned by the processes being used in the Task Force planning process. Comments from several members indicate that some Task Force members were actively discouraged from asking questions or making comments. We have heard some members felt a clear sense of antagonism from some city employees toward anyone not supporting what was designated as the "preferred plan". Some Task Force members were not in attendance for the "vote" due to a last minute change in meeting date. We have heard from several sources that the group was pressured to accept the "preferred plan" proposal and that the task force was explicitly told by a city employee not to focus on the actual number being proposed in the proposal in order to move the process forward in a timely manner. The process used to obtain a vote on the "preferred plan" did not involve a vote of all individuals on the task force commission. The vote was done by consensus and not by individual voting. **These actions give the appearance of impropriety and improper influence being introduced into the planning process and has us greatly concerned.** The "preferred plan" does not reflect the actual preferences of the majority of residents of the Ironwood Community nor those of several task force members we have spoken to and, I suspect, would not reflect the opinion of the residents of East Pleasanton.

We list below our requests for specific items to be addressed in the EIR. These items address concerns regarding aesthetics and visual impacts, the effects on traffic, safety, and public welfare, the infrastructure requirements (and costs), and the changes that this proposal would have on the character of Pleasanton. We request the following be included in the EIR:

1. EIR should evaluate whether the proposed density of the project will be compatible with the density of the surrounding neighborhoods.
2. EIR should evaluate the effect on aesthetics and visual impacts of keeping current urban growth boundary vs. extending urban growth boundary.
3. That an updated and more accurate and current traffic counts be obtained and used in this report. Specifically, the Traffic Analysis of October 2012 should not be used, as it is outdated (for example, the opening of the Stoneridge Drive extension, the opening of the Paragon Outlet, and the Auf De Maur development all occurred after the October 2012 Traffic Analysis was completed).
4. We believe it is important to assume completion of the Auf De Meir project in all calculations, as this is an approved project that will be completed and must be considered in calculations provided by this EIR.
5. That the traffic analysis include expected effects of the plan not just on weekday but also on weekend traffic.
6. Light industrial companies, such as Redimix and Old Town, still use Busch Road due to an existing agreement that gives light industrial users rights to use Busch Road



18. The EIR should evaluate the effect of not completing the El Charro Road extension as well as analyze not completing El Charro Road south of Stoneridge Drive. For clarification, we are very concerned with the plan for El Charro Road to Busch Road and/or Boulder Street being the sole access for the development.
19. The EIR should evaluate not completing El Charro Road extension to Stanley, thereby avoiding the infrastructure costs of the required bypass.
20. The EIR should evaluate the effect of making El Charro Road 2 lanes rather than 4 lanes, thereby decreasing cut-through traffic.
21. The EIR should provide a detailed list of funded and scheduled city capital improvement projects (CIP) that would affect the traffic analysis such as improvements along Valley Avenue (traffic improvements between Stanley Blvd and Santa Rita Road).
22. The EIR should evaluate the effect on noise levels of the increased traffic.
23. The EIR should evaluate the impact of not only the proposed elementary school but also include the impact of additional traffic due to more trips for additional students to the existing intermediate and high schools.
24. The EIR should evaluate the effect of rezoning the current land use designation of the public facility involving the city's operations service area (OSC) to use as public/institutional.
25. The EIR should evaluate alternate permitted use of the public/institutional designation of the OSC in its report, such as location of a private school at this site.
26. The Pleasanton School superintendent stated in an email that this development will exceed current school capacity and that the funding from builder fees will not cover the cost of the facilities required to house the increase in students. The EIR should evaluate need for land and buildings for new schools or the need to expand current school buildings as well as the full cost of these infrastructure developments. We need to know what the cost to the community will be for the difference between builder paid fees and the true cost of these projects.
27. Since there are no discussed plans for additional middle or high school buildings, the EIR should address the impact on school safety of the larger student body in current school facilities.
28. The EIR should include a risk study of opening up the lakes area to the public.

29. While we are comforted that no drownings have occurred despite the proximity of the Mohr school to the lakes, we are very concerned that both the large increase in population and the increased access to the area from completion of El Charro Road will significantly increase the risk of "break-ins" by teenagers and vandals through the fences surrounding the lakes. The EIR should include a risk study of the drowning risk by the increase in local population, of putting an additional school in proximity to the lakes, and of increased access to the area by new road construction.

30. The EIR should evaluate the impact on public safety of both a large increase in local population and the increased access to the East Pleasanton area due to the completion of El Charro Road.

31. The EIR should evaluate the impact on wildlife of this development. The lakes currently provide a wildlife corridor for animals such as fox, deer, mountain lions, etc. Included in the analysis should be the effect of the extension of El Charro as a physical barrier to wildlife movement and any risk to new or nearby homeowners of being located in this wildlife corridor.

32. The EIR should evaluate the environment impact of two scenarios:  
a) Zoning for the entire project  
b) Phased zoning to match the two RHNA phases. (do not need to rezone the entire area – now to 2022 and 2022 to 2030). This is important because RHNA numbers for Phase II may change over the next 8 years and economic and other conditions may affect the viability of a second phase so it is important to understand the impact of only Phase I zoning.

33. The EIR should evaluate the effect of traffic on quality of life from the additional 30,000 car rides/day detailed by the preliminary traffic report

We thank the planning commission in advance for its willingness to include each of these items in the EIR for the East Pleasanton Specific Plan and look forward to reviewing the report

Sincerely,



Sidney A. Cohen, MD, PhD

On Behalf of the Ironwood Estates and Classics Community

**From:**  
**To:** [Janice Stern](#)  
**Subject:** EIR East Pleasanton Specific Plan  
**Date:** Tuesday, December 10, 2013 1:55:43 PM

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Janice,  
I'm out of town but just wanted to confirm my request made at the Planning Comm. scoping meeting for the East side.  
I requested the envir. impacts regarding schools with attention to the Vineyard Avenue Corridor Specific Plan draft EIR.  
If the EIR for the East Side could mirror the school information contained in that Specific Plan, I think we would have all the information needed to evaluate are present needs. Schools were studied on pg. 4.8-37-40 in the Vineyard Avenue Corridor Specific Plan, November 1998.

Please let me know if this information is sufficient.  
Kay Ayala

Click [here](#) to report this email as spam.

# *Citizens for a Caring Community*

*P.O. Box 1781 , Pleasanton CA 94566*

December 10, 2013

City of Pleasanton  
Planning Division  
P.O. Box 520  
Pleasanton CA 94566  
ATTN: Janice Stern, Planning Manager

Dear Ms. Stern

Thank you for the opportunity to comment on issues related to the Draft Environmental Impact Report for the East Pleasanton Specific Plan (EPSP). As affordable housing advocates we have been concerned for many years about Pleasanton's jobs/housing imbalance and the impacts of the City's lack of affordable workforce housing. Long commutes, rising fuel prices, and high housing costs most directly and negatively affect employees with income levels too low to access housing close to their workplace. However, the air pollution caused by long unwanted drives to work affect everyone in the form of reduced air quality and global warming caused by greenhouse gas emissions.

Because commute traffic and vehicle miles traveled are a primary generator of greenhouse gasses, it has become the responsibility of all California cities to reduce emissions through land use planning designed to shorten the distance between its businesses and their employees. This involves planning for and facilitating the development of housing affordable to the workforce. Therefore, the DEIR should quantify greenhouse gas emissions generated by the EPSP at build-out from automobile commuting by its residents and businesses. The DEIR should also consider the related impact of lower-income housing demand created by the market rate residential and commercial portions of the development.

According to the 2013 "*Pleasanton Economic Development Strategic Plan Background Report*" (PEDSP), 75.7% of the City's nonresident workforce commutes into Pleasanton from outside the Tri-Valley area. Of employed Pleasanton residents, 72.6% commute to jobs outside the Tri-Valley. The percentages of Pleasanton's in-commute and out-commute have increased inexorably since 1990.

## **In and Out Commuting - 1990 to 2010**

### **Portion of Pleasanton jobs held by employees commuting in from beyond the Tri-Valley:**

1990 Census - 36.6% 2000 Census: 47.1% 2010 Census: 75.7%

### **Portion of Pleasanton residents working in Pleasanton:**

1990 Census - 27.3% 2000 Census - 19.8% 2010 Census - 15.4%

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Sources: "*Economic Development Strategic Plan Background Report*" 2006, Bay Area Economics

*"Pleasanton Economic Development Strategic Plan Background Report" 2013, Strategic Economics*

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Applying the metrics of Pleasanton's recently completed "*Non-Residential Development Housing Linkage Fee Nexus Study*", the "*Nexus-Based Affordable Housing Fee Analysis for For-Sale Housing*", and the "*Nexus-Based Affordable Housing Fee Analysis for Rental Housing*", all the alternatives proposed will generate demand for housing affordable to households with incomes below 80% and 50% AMI in excess of the amount of such housing provided. The EPSP assumes, optimistically, that plan will provide only 15% of the 30 du/acre portion of the development in apartments affordable to households earning less than 80% and/or 50% AMI. This is far less affordable housing than the need generated by the Plan's proposed market rate residential and commercial development. In addition, some of the Alternatives, including the Preferred Plan, fail to provide adequate (market rate) housing to accommodate the workforce demand generated by proposed nonresidential development. (See attached table).

The nexus study also notes that, "...According to the U.S. Census Bureau's 'On the Map', 49.6 percent of all jobs located in the City of Pleasanton in 2010 paid less than \$40,000 per year, which equates to the 'very low income' level for the County." Although Pleasanton has recently experienced a dramatic increase in higher paying jobs in the Information industry sector, the PEDSP also indicates that "...Pleasanton comprises nearly 40 percent of the Tri-Valley's 13.4 million square feet of retail in Pleasanton, Dublin, and Livermore...(and) leads the Tri-Valley in total taxable retail sales..." Retail sales jobs are among the lowest paying and, from 1995 to 2009, increased as a portion of Pleasanton's total jobs from 9% to 11%. The industry sector of Administration, Support, Waste Management & Remediation, another area providing Very Low Income jobs, also increased as a portion of all jobs, from 5.4% to 6.9%. Additionally, this sector led all others in startups, with an average of 112 annually, in contrast to the Information sector's 19 startups. The lowest paying Accommodations and Food Services sector also grew from 2,520 to 3,658 jobs, though it fell as a portion of the whole from 6.1% to 5.4%.

Notwithstanding the lower wages paid by these industry sectors, Pleasanton encourages their growth, and reaps benefits from substantial sales tax revenue. However, the lower pay required to provide competitively priced goods and services currently precludes these sectors' employees from finding housing in Pleasanton, resulting in long commutes, and increasing greenhouse gas emissions. Given the rising percentage of employees commuting from beyond the Tri-Valley, the DEIR should identify, based on current Pleasanton employment for all industry sectors, (see Figure 19 of the "Pleasanton Economic Development Strategic Plan Background Report"), the amount of housing in the EPSP that will be affordable to employees currently holding jobs in Pleasanton.

Also, per the Pleasanton Nexus Studies, please analyze project impacts based on generation of unmet lower income housing demand. Review the commute pattern information provided in the PEDSP (Figures 9-13), and additional information from U.S. Census Longitudinal Employer-Household Dynamics, 2010. Also review housing prices within Pleasanton's commute shed to determine where the additional lower income employees will reside if the EPSP builds out with the very limited amount of affordable workforce housing currently proposed. Then determine the air quality impacts of the additional in-commute of lower income workers who will provide services to EPSP residents and businesses.

Also, please estimate the air quality impacts of EPSP residents' out-commuting, based on income requirements to rent or purchase housing in the Plan area as well as the location and numbers of jobs that meet those income requirements. Determine whether build-out of the EPSP area will contribute to the continued decline in the percentage of employees that both live and work in Pleasanton.

Finally, analyze whether these impacts can feasibly be mitigated with a somewhat different mix of housing that utilizes nonprofit developers to deepen the level of affordability and increase the percentage of affordable units in order to create a plan that, at a minimum, mitigates its own housing impacts and, ideally, makes a net contribution to addressing Pleasanton's longstanding jobs/housing imbalance. If a self mitigating plan proves infeasible, and the Preferred Plan or an Alternative is developed, address where else in Pleasanton the additional housing demands created above and beyond the current RHNA requirements, could best be addressed. If no plan can result in self-mitigation, reconsider this land use.

Please feel free to contact me if you have any questions. Thank you for your consideration.

Sincerely,

*Becky Dennis*

Citizens for a Caring Community

1 ATTACHMENT

**ATTACHMENT 1**

**EAST PLEASANTON SPECIFIC PLAN ALTERNATIVES - Comparison of Affordable Housing Demand Generated and Proposed**

Plan Alternatives	DEMAND				EPSP Affordable Units Proposed vs. Demand Generated		
	Residential/Commercial	<50% AMI	Residential/Commercial	<60% AMI	<80% AMI	<50% - <80% AMI units proposed vs. Total Demand Generated (%)	81% - 120% AMI units proposed vs. Demand Generated* (%)
Preferred Plan		134/487	85/160	64/411	56/1,341 (4%)	560/584 (96%)	
Alternative 1 and 1A		81/643	52/210	39/517	46/1,542 (3%)	454/775 (59%)	
Alternative 4		87/935	52/303	42/716	59/2,135 (3%)	584/1,134 (51%)	
Alternative 5A		129/487	77/160	62/411	77/1,326 (6%)	709/584 (121%)	
Alternative 5B		126/487	76/160	60/411	86/1,322 (7%)	783/584 (134%)	
Alternative 6		153/487	86/160	72/411	86/1,369 (6%)	871/584 (149%)	
Alternative 8		112/487	69/160	54/411	50/1,293 (4%)	450/584 (77%)	

\* Commercial demand only

**Assumptions:**

- 1) Generation of Residential and Commercial demand calculated using metric from the 2013 Pleasanton Nexus Studies for nonresidential development and residential developments.
- 2) Mix of housing sizes:  
 4 du/acre for developments <200 units assumes 50% 4000sf, 50% 3500sf. For >200 units assumes 33.33% each 4000sf, 3500sf, and 3000sf.  
 8 du/acre assumes 17% 1500sf, 33% 2000sf, 34% 2500sf, and 16% 3000sf.  
 11 du/acre assumes for-sale, 50% 1000sf and 50% 1500sf.  
 23 and 30 du/acre assumes rental with a mix of 17% studio, 35% 1BR, 43% 2BR, and 8% 3BR.
- 3) Below Market Rate (BMR) units are assumed to be 15% of 30 du/acre portions of each Alternative. This number was subtracted from the total before calculating the impact of market rate 30 du/acre units.
- 4) Commercial demand was calculated using household formation rates of 89.9% for Retail and 96.8% for all other Commercial development.
- 5) Retail square footage was assumed to have 33% Food Service component. Housing demand was adjusted to account for lower earnings of food service workers.
- 6) AMI bands for Industrial use were assumed to be an average of Light Manufacturing, Office (Nexus study metrics), service commercial (such as retail leasing and delivery services), and wholesale warehouse use. Employee density was calculated as an average using information from the Land Use Element of Pleasanton's General Plan and the 2013 Nexus nonresidential nexus study.
- 7) Industrial AMI Bands averaging uses above: <50% =22%, <60% = 7%, <80% =15%, 80% to 120% =27%
- 8) All Market Rate rental units (23 and 30 du/acre) are assumed affordable to Moderate Income households.

**Maria Hoey**

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**Subject:** EPSP Concerns from the Ironwood Community  
**Attachments:** IronwoodLetter\_PleasantonCityCouncil\_Oct152013.docx; ATT00001..htm  
**Importance:** High

**From:**  
**Sent:** Wednesday, November 06, 2013 9:43 PM  
**To:** Janice Stern  
**Subject:** Fwd: EPSP Concerns from the Ironwood Community

My neighborhood has asked that their concerns be forwarded to the task force. As you know, I will be unable to attend Thursday.

Thank you.

Erin

Begin forwarded message:

**From:** "Carol Cohen (Fisher)"  
**Date:** November 6, 2013 at 8:17:02 PM PST  
**To:**  
**Subject:** EPSP Concerns from the Ironwood Community

Hi Erin. I was asked to contact you by the leadership group representing the 90 people who recently signed a petition letter (see attached) expressing our serious concerns with the proposed development of the East Pleasanton Site. As our representative, we ask you to voice our concerns at each public meeting such as this Thursday's (November 8, 2013) East Pleasanton Specific Plan Task Force Meeting. Specifically as our representative we are asking you to voice publicly each of the following concerns:

- Traffic congestion
- Impact on already crowded schools
- Disproportional number of units to the East Pleasanton proposed site
- RHNA allocations
- IZO numbers

I look forward to seeing you at the meeting and appreciate your willingness to voice our concerns.

Thank you,  
Carol Cohen

Carol A. Cohen

Dear City Council Members:

We are residents of the Ironwood Community of Pleasanton and are writing to express our concerns regarding the selected "Preferred Plan" with its **high number of units** per the East Pleasanton Specific Plan (EPSP) Task Force. Many of our concerns result from high infrastructure costs that the developers will incur and their need to increase the number of housing units to then make the plan financially feasible.

Like you, we moved to Pleasanton because of its well-planned community and good schools. The current City composition is about 75% single family housing and owner occupied. We would like to see all future development in Pleasanton continue in this manner. We are concerned that East Pleasanton is being asked to take a high disproportional number of total units due to its open space and perceived ability to get approvals without neighbors nearby. We are the neighbors nearby; we are displeased about these assumptions; and we are voicing our concerns. We the neighbors will be significantly impacted by any development in the EPSP area. Our roads and schools will be significantly impacted. What are the current strategies the city is employing for lessening these inevitable impacts? **We request the City Council to address the potential impacts and mitigations PRIOR to committing to the "Preferred Plans". In addition, why move forward with any plans at this time, if most of the RHNA requirements would not start until 2022?**

**A summary of some concerns are:**

- **Least amount of units which are still feasible**
- **Traffic Impact** on Valley Avenue, Santa Rita, First Street, and multiple other streets.
- El Charro Road Extension
- **Reduce the total # of units for preferred plan with good balance of SF and MF**
- **Balance of RHNA numbers across the City when built out**
- **Build in (RHNA) Phases**
- IZO (Inclusionary Zoning Ordinance) Concerns/Balance
- Gradual Build out: Keep/Reduce Annual Growth Management Ordinance of 250 units/year throughout the City
- Impact on Schools
- Strategy for cutting infrastructure costs
- Aesthetics

Following are additional details on the concerns from residents of our community for your consideration:

(1) High total number of units required to support the infrastructure costs incurred by the land owners/developers. We are requesting further investigation to determine how to decrease these costs so that total number of units can be decreased. Expansion of El Charro will benefit both Pleasanton and Livermore communities and should also be funded by sources other than East Pleasanton Developers. Also, are there options for reducing the future infrastructure costs via design (reduce number of lanes, ...) and/or contribution towards infrastructure costs from the City general fund monies to help defray expenses?

(2) Very high traffic volumes to the area! The traffic layout should be designed so Busch Rd is not the primary collector carrying most of the vehicle volume as it connects to Valley Ave. The East Pleasanton internal street network should distribute and disperse traffic to provide less impact to Valley Ave. It is congested at all commute hours, and which is already one of the most heavily traveled streets in the city. While we are happy to see Boulder Street extended, this will not address the traffic on Valley Ave as cars coming off Busch & Boulder will further contribute and exacerbate the traffic jams on Valley Avenue. Please be reminded that when Ironwood Development was in its planning stages, it was determined that the addition of ~180 new housing units would be an unacceptable and major impact to the residents by Mohr Avenue. This resulted in a barrier being located between the Ironwood Classis and Estates housing units. If 180 new housing units were identified as causing a major traffic impact to the Mohr Ave community, it's difficult to imagine the impact of 1750+ units. Other than a major impact on Valley Avenue, other areas of Pleasanton will also be severely impacted such as Santa Rita & First Street. One specific option for reducing traffic would be to allocate Senior Housing.

(3) While we appreciate the efforts of the Task Force, Planning Commission and City Council to do its best to preserve at least a 65/35% ratio single family to multi-family housing, we are still **extremely concerned with the total units of 1759 reflected in the Preferred Plan, as well as the balance of RHNA allocations across the city.**

**Specifically:**

-- Build in Phases: Although we understand the feasibility to include 2 RHNA cycles in this plan, we request calling out that 2022-2030 RHNA allocations are 'not' pulled back into 2014-2022. For example, the latest numbers for 2014-2022 (after accounting for carryover) are:

Very-Low/Low/Moderate	Above Moderate
----- 325	----- 344

This is total of 669 units. If allocate this requirement 'fairly' across Pleasanton, allocating ~25%, this leaves 167 'total units' which will need to be built in East Pleasanton between 2014-2022. This should not require large infrastructure costs.

We request the city to break out the two RHNA cycles to guarantee 2022-2030 RHNA allocations are not pulled back into 2014-2022. **Let's slow down some and wait for the next RHNA cycle to begin building and approving for that cycle.**

- Balance of IZO -- Maintain 15% IZO(including subsidized/section 8 housing). We are concerned that some recent High Density housing projects have been provided the opportunity to pay fee-in-lieu, and eventually the housing built in East Pleasanton will be required to take on higher IZO requirements (ie. it is not fair for other parts of the city to have 10-20% IZO, and East Pleasanton to have 30-100% IZO).
- What would be required for the City to bring the EPSP Proposal forward as city-wide vote on this high amount of planned housing, for example, putting it on a Ballot?
- Our understanding is one of the main themes for RHNA satisfaction was that the

housing units should be transit-oriented with easy access to mass-transit systems. East Pleasanton does not meet this criteria, thus questioning over 1700 housing units and the intensity of development envisioned by the preferred plan.

-- We ask the city to consider the Auf De Mar site when planning for the EPSP.

(4) We ask City Council members to continue the City's program of **controlled and balanced growth** so that East Pleasanton will not be flooded with an inordinate amount of new houses over a short period time. In order to meet the expected infrastructure costs, developers will be seeking a glut of housing approvals right up front. Again, what other options can reduce the infrastructure costs that are driving the developers/land owners to increase the number of housing units?

(5) We would like to see an option where the Operations Service Center (OSC) is moved so the new development can be better blended with existing homes.

(6) We hope that as our elected representatives, you will continue to fight to maintain local control in our City planning. We desire a pushback on RHNA and The Association of Bay Area Governments (ABAG) and its One Bay Area decentralized planning. We don't want Pleasanton planned by planners in Oakland!

We ask that land is not rezoned for housing until it is required (**Do not rezone the planned 2022-2030 land at this time**). At some point ABAG/RHNA may be deemed invalid as a result of lawsuits?

(7) Moving forward we are requesting to have a group of our residents **meet individually with the City Council members to further discuss how we can decrease the impacts this will have on our community** (such as decreasing infrastructure costs, other sites in Pleasanton to satisfy RHNA numbers, proposing a Bond, ...)

(8) Impact on schools. Although the future of schools are being management by Pleasanton Unified School District (PUSD), city council could have a big say on the impact by controlling the growth of our City, studying every new development being proposed, and determining the impact on our schools and quality of education. We have a concern that the current council pushing for jobs could result in even higher housing unit requirements in our already over-impacted city (note the recent article on Pleasanton Weekly indicating more jobs would mean additional housing requirement). If more jobs results in increased RHNA requirements, how do you balance the increase in revenue from these jobs to the decrease in property tax revenues as the Pleasanton housing loses equity if the new housing is not managed correctly?

We appreciate your consideration of the above issues. Your actions and vision are essential to keep our Pleasanton beautiful so that our next generations will all be proud of !!

Thank you and sincerely yours,

Carol and Sidney Cohen

# Valley Trails Homeowners Association



City of Pleasanton  
P.O. Box 520  
Pleasanton, CA 94566

December 5, 2013

Attn: Janice Stern

Attached is my April 23, 2013 letter to East Pleasanton Task Force, regarding the history of flood issues in Pleasanton.

We are asking the East Pleasanton Task Force Specific EIR to address the following:

- Is Pleasanton prepared for the 100 Year Flood?
- How does this East Pleasanton property impact flood control for Pleasanton?
- What water retention plans are impacted by development of this site?
- What are the environmental effects on developing this land?
- What existing Pleasanton neighborhoods will be impacted by development of this land?
- How does the expansion of El Charro reduce or expand the flood potential for Pleasanton homes?
- Is Zone 7 cleaning out the West Las Positas Arroyo in order to not impede the water flow during the 100 Year Flood when it occurs

We are concerned that building pretty homes, parks, roads and expanding El Charro into a 4-lane road has the potential to put some Pleasanton homes back in the flood zone, because the water storage capacity will be reduced.

Sincerely,

Connie Cox

President of the Valley Trails Homeowners Association

# Valley Trails Homeowners Association



East Pleasanton Specific Task Force,

I was disappointed at the last task force meeting when both Zone 7 and the City were asked how many days a year Cope Lake was under water. It was a perfect time to remind all present, that the Chain of Lakes is the key to removing all of Pleasanton out of the 100 year flood zone and keeping them out! The lives and property of our Pleasanton residents depend on what is done on this task force!

In the 1980's much of Pleasanton was in a designated flood zone with residents required to pay hefty flood insurance. This included parts of Valley Trails, Ponderosa, Val Vista and some of the area around Pimlico Dr., as well as parts of other neighborhoods.

The Valley Trails Home Owners Association spent many years working with the City of Pleasanton, Alameda County Board of Supervisors, FEMA, our Federal Representatives, Fish and Game, Zone 7, etc. to affect change to the flood zone maps.

We were instrumental in getting the old Bernal Bridge abutments removed from the Arroyo in order to keep a damming effect from debris should 100 year flood occur. Additionally, we worked with the Bernal property task force to make sure that alleviating potential flood issues was part of the plan for that property. This includes a walk way and park along the Arroyo instead of buildings.

After many years, we were successful in getting many Pleasanton homes out of the flood zone, *not just Valley Trails homes.*

All the agencies we worked with, on the flood zone project, told us the Chain of Lakes property was key to keeping us permanently out of the flood zone. We were advised to carefully monitor development of that property, because it impacts long term permanent elimination of potential flooding in the 100 year flood zone.

Although we have made this point abundantly clear at repeated public hearings, we bring this to your attention now (in writing) to reinforce that whatever is done, on that site, needs to be planned with the safety of all Pleasanton residents in mind. All plans the task force considers must keep potential flood control as the #1 priority. The lives and property of Pleasanton residents depends on your action.

Thank you,  
Connie Cox, President

April 2013

**3358 Ledgestone Court  
Pleasanton, CA 94588-2889  
sidneyacohen@mac.com  
925-461-2821**

Janice Stern, Planning Manager , and  
Planning Commission  
City of Pleasanton  
Pleasanton, CA 94566

December 10, 2013

**RE: IRONWOOD COMMUNITY CONCERNS TO BE ADDRESSED BY ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE EAST PLEASANTON SPECIFIC PLAN**

Dear Ms. Stern and Planning Commission:

The Ironwood Estates and Classics previously presented a petition with over 90 signatures (representing the majority of Ironwood homes) to City Council expressing concerns about the East Pleasanton Specific Plan. In this letter, we detail our comments about what should be included in the Environmental Impact Report for the East Pleasanton Specific Plan. As the residential section most impacted by the proposed project, we feel our thoughts should receive particular attention although our concerns involve all residents of Pleasanton.

We are very concerned that the proposed size of this project is **enormous** for the East Pleasanton area and will have a dramatic effect on the environment of not only East Pleasanton but all of Pleasanton. It is by far the largest specific plan process in our collective memory involving Pleasanton. Pleasanton has a unique character and the environmental impact on noise, pollution, traffic, infrastructure requirements, etc. are **enormous**. We need to have a clear and unbiased understanding of the environmental impact of the proposed projects. Bottom line, we are concerned that this plan will **NOT** maintain the current environment in Pleasanton as the Pleasanton we all love; we want to make sure that all plans assessed maintain the current small town feel of Pleasanton. If development is to occur, we want to make sure that any build-out is **in character** with the current Pleasanton culture.

We are concerned that the underlying reason for the East Pleasanton Plan will not be achieved by this development. The nature of Pleasanton by its demographics is that people who live in Pleasanton do not work in Pleasanton (80% work outside the tri-valley area) and that just building these type homes will not ensure that people living in these units will work in Pleasanton.

We are very unhappy with the 1759 number being pushed as the "preferred plan". First, this unnecessarily burdens the East Pleasanton area compared to the rest of Pleasanton with higher density building that will disproportionately impact the local East Pleasanton environment. The "preferred plan" is clearly being driven, in part, by infrastructure costs and by an approach of satisfying RHNA numbers thru 2030 rather than thru 2022.

We are concerned by the processes being used in the Task Force planning process. Comments from several members indicate that some Task Force members were actively discouraged from asking questions or making comments. We have heard some members felt a clear sense of antagonism from some city employees toward anyone not supporting what was designated as the "preferred plan". Some Task Force members were not in attendance for the "vote" due to a last minute change in meeting date. We have heard from several sources that the group was pressured to accept the "preferred plan" proposal and that the task force was explicitly told by a city employee not to focus on the actual number being proposed in the proposal in order to move the process forward in a timely manner. The process used to obtain a vote on the "preferred plan" did not involve a vote of all individuals on the task force commission. The vote was done by consensus and not by individual voting. **These actions give the appearance of impropriety and improper influence being introduced into the planning process and has us greatly concerned.** The "preferred plan" does not reflect the actual preferences of the majority of residents of the Ironwood Community nor those of several task force members we have spoken to and, I suspect, would not reflect the opinion of the residents of East Pleasanton.

We list below our requests for specific items to be addressed in the EIR. These items address concerns regarding aesthetics and visual impacts, the effects on traffic, safety, and public welfare, the infrastructure requirements (and costs), and the changes that this proposal would have on the character of Pleasanton. We request the following be included in the EIR:

1. EIR should evaluate whether the proposed density of the project will be compatible with the density of the surrounding neighborhoods.
2. EIR should evaluate the effect on aesthetics and visual impacts of keeping current urban growth boundary vs. extending urban growth boundary.
3. That an updated and more accurate and current traffic counts be obtained and used in this report. Specifically, the Traffic Analysis of October 2012 should not be used, as it is outdated (for example, the opening of the Stoneridge Drive extension, the opening of the Paragon Outlet, and the Auf De Maur development all occurred after the October 2012 Traffic Analysis was completed).
4. We believe it is important to assume completion of the Auf De Meir project in all calculations, as this is an approved project that will be completed and must be considered in calculations provided by this EIR.
5. That the traffic analysis include expected effects of the plan not just on weekday but also on weekend traffic.
6. Light industrial companies, such as Redimix and Old Town, still use Busch Road due to an existing agreement that gives light industrial users rights to use Busch Road

for Pleasanton based businesses. Please make sure the big trucks from these activities are considered in the Traffic Analysis.

7. The traffic report should include in its assumptions all approved private tutoring, private schools/tutoring and/or Churches and/or similar uses that create more traffic than office or commercial uses in the Quarry Business Park.

8. The traffic analysis should include impact on entry and exit from key highway intersections, including Bernal Avenue to Route 680 and Route 580 to Route 680 (and Route 580 to 680).

9. Please provide a detailed listing of all Assigned Distribution of Use of Traffic Patterns for key intersections on Valley Avenue between Stanley Blvd and Santa Rita Road.

10. The analysis should include the impact of the surrounding city built-outs including the Livermore build-out. The East Pleasanton Project should bear all of its burdens; the EIR needs to include Infrastructure costs and the impact of other development on this cost).

11. Evaluate the impact on this project of putting to a vote moving the Urban Growth Boundary.

12. The traffic report should consider the effect of including senior housing as a mitigation factor to reduce traffic.

13. The traffic report should evaluate the effect on safety of increased pedestrian traffic with increased automobile traffic

14. The analysis should detail the fiscal impact of this project on the City of Pleasanton and its residents.

15. The fiscal analysis of the EIR should evaluate alternative funding sources for the construction of El Charro Road such as cost sharing with adjacent communities or the County of Alameda.

16. The EIR should address the infrastructure costs for the builders vs. the community.

17. The EIR should evaluate if there is another alternative alignment for the El Charro Road extension to Stanley Blvd that would reduce cost.



29. While we are comforted that no drownings have occurred despite the proximity of the Mohr school to the lakes, we are very concerned that both the large increase in population and the increased access to the area from completion of El Charro Road will significantly increase the risk of "break-ins" by teenagers and vandals through the fences surrounding the lakes. The EIR should include a risk study of the drowning risk by the increase in local population, of putting an additional school in proximity to the lakes, and of increased access to the area by new road construction.

30. The EIR should evaluate the impact on public safety of both a large increase in local population and the increased access to the East Pleasanton area due to the completion of El Charro Road.

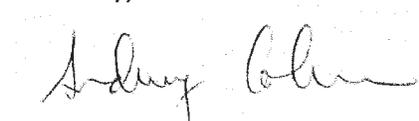
31. The EIR should evaluate the impact on wildlife of this development. The lakes currently provide a wildlife corridor for animals such as fox, deer, mountain lions, etc. Included in the analysis should be the effect of the extension of El Charro as a physical barrier to wildlife movement and any risk to new or nearby homeowners of being located in this wildlife corridor.

32. The EIR should evaluate the environment impact of two scenarios:  
a) Zoning for the entire project  
b) Phased zoning to match the two RHNA phases. (do not need to rezone the entire area – now to 2022 and 2022 to 2030). This is important because RHNA numbers for Phase II may change over the next 8 years and economic and other conditions may affect the viability of a second phase so it is important to understand the impact of only Phase I zoning.

33. The EIR should evaluate the effect of traffic on quality of life from the additional 30,000 car rides/day detailed by the preliminary traffic report

We thank the planning commission in advance for its willingness to include each of these items in the EIR for the East Pleasanton Specific Plan and look forward to reviewing the report

Sincerely,



Sidney A. Cohen, MD, PhD  
On Behalf of the Ironwood Estates and Classics Community