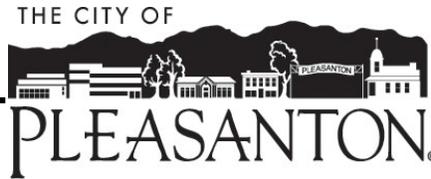


**Appendix A:
Notice of Preparation and Public Comment Letters**

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City of Pleasanton

**Notice of Program EIR Preparation and Notice of Program EIR Public Scoping Meeting
City of Pleasanton 2023-2031 (6th Cycle) Housing Element Update Program EIR**

Date: April 6, 2022

To: State Clearinghouse and Interested Public Agencies, Organizations, and Parties

From: Megan Campbell, Associate Planner, Community Development Department, City of Pleasanton

Subject: Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting

The City of Pleasanton (City), located in the eastern San Francisco Bay Area (see Exhibit 1) will be the Lead Agency in preparing and evaluating the City of Pleasanton 2023-2031 (6th Cycle) Housing Element Update (Housing Element Update). To support the Housing Element Update, the City has identified a total of 25 sites for potential rezoning (see Table 1 and Exhibit 2).

The City will prepare the City of Pleasanton 2023-2031 (6th Cycle) Housing Element Update Program Environmental Impact Report (Program EIR). The Program EIR will focus on the sites identified in the Housing Element Update that could potentially be rezoned for residential uses (referred to herein as the “potential sites for rezoning” or “rezoning sites”). The project description, location, and potential environmental effects are described below.

The City is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the Program EIR, and the environmental issues and alternatives to be addressed in the Program EIR. Public agencies may need to use the Program EIR when considering permitting or other approvals that are germane to the agencies’ responsibilities in connection with the Housing Element Update.

Because of time limits mandated by State law, responses must be sent at the earliest possible date, but not later than the close of the Program EIR public scoping period, which runs as follows: Wednesday, April 6, 2022, through Thursday, May 5, 2022. Commenters are also encouraged to attend the Program EIR public scoping session to be held as part of the City of Pleasanton Planning Commission meeting on Wednesday, April 13, 2022, at 7:00 p.m. This hearing will be held virtually. Interested parties should visit the Pleasanton Planning Commission web page to confirm the meeting, time, date, and instructions on joining the meeting: <http://www.cityofpleasantonca.gov/gov/depts/cd/planning/commission/default.asp>

Please send written comments to the City of Pleasanton at the address shown below. Email is the preferred method of communication. If you wish to be placed on the notification list for this project, or if you have any questions or need additional information, please contact the project manager for this effort, Megan Campbell, with contact information below. Public agencies providing comments are requested to include a contact person for their respective agency.

Megan Campbell, Associate Planner
City of Pleasanton
Community Development Department
Post Office Box 520
Pleasanton, CA 94566
Phone: (925) 931-5610
Email: mcampbell@cityofpleasantonca.gov

CITY OF PLEASANTON 2023-2031 (6TH CYCLE) HOUSING ELEMENT UPDATE PROGRAM EIR

Project Location and Setting

Pleasanton is in Alameda County, California, one of the nine Bay Area counties bordering the San Francisco Bay (Exhibit 1) and is generally bound to the west by Pleasanton Ridgeland; to the north by Interstate 580 (I-580) and the City of Dublin; to the east by unincorporated land, including existing and former quarry lands, and by the City of Livermore; and to the south by the San Francisco Water Department lands and other ridgeland. I-680 runs north to south and bisects the western portion of the city.

The Pleasanton Sphere of Influence (SOI), which signifies the probable ultimate physical boundary and service area, includes 42.2 square miles (27,200 acres). The SOI has been adopted by the Alameda County Local Agency Formation Commission (LAFCo). The SOI includes lands incorporated within the City of Pleasanton's city limit lines and unincorporated land, over which Alameda County has zoning and land use authority.

City staff has identified a total of 25 sites for potential rezoning, listed in Table 1 and in Exhibit 2. All these sites, aside from Sites 1 and 22, are located within the incorporated area. Site 22 is located just outside of City of Pleasanton's limit line, but within the SOI and Urban Growth Boundary (UGB). Site 1 is also located just outside of city limits, however the western half of Site 1 is located just outside the UGB (Exhibit 3). The Program EIR focuses on the sites identified in the Housing Element Update that could potentially be zoned for residential use (referred to herein as the "potential sites for rezoning" or "rezoning sites").

Table 1: Potential Sites for Rezoning

Site No.	Name	Density	APN	Existing Uses	Existing General Plan Land Use Designation	Existing Zoning Designation	Location	Total Acres	Buildable Acres	Density Range (du/ac)		Maximum Capacity
1	Lester	Low	941 250000200, 941 250000300, 941 260000206, 941 270000200, 941 130800700.	Vacant	LDR, A, PHS	Prezoned–A, LDR Unincorporated Alameda County	10807 and 11033 Dublin Canyon Road	128.5	12.9	2	2	31
2	Stoneridge Shopping Center (Mall)	High	941 120109200, 941 120109500, 941 120109403, 941 120102800, 941 120102900, 941 120103106.	Underutilized–parking lot	C, MU	CR-(m) District and PUD-MU District	1008, 1300, 1400, 1500, 1600, and 1700 Stoneridge Mall Road	64.82	18	50	80	1,440
3	PUSD–Donlon	Low	941 130800700	Vacant–surplus portion of Donlon School site	PI	R-1-65 District	4150 Dorman Road	19	5.5	5	5	28
4	Owens (Motel 6 and Tommy T)	High	941 130101303, 941 130104701.	Underutilized–two parcels; currently developed with commercial uses (hotel and restaurant) and parking	C	C-F District	5102-5102 Hopyard Road	2.36	2.36	30	40	94
5	Laborer Council	High	941 277103300	Underutilized–developed with existing office building and parking	MU, BP	PUD-I/C-O District	4780 Chabot Drive	1.39	1.36	30	40	54
6	Signature Center	High	941 130105700, 941 130105800, 941 130105900, 941 130106001.	Underutilized–developed with existing office buildings and parking structure	BP	PUD-I/C-O District	4900-5000 Hopyard Road	14.38	11	30	40	440
7	Hacienda Terrace	High	941 276100403	Underutilized–Developed with existing office building; housing site is two-acre portion of existing parking lot	MU, BP	PUD-I/C-O District	4309 Hacienda Drive	16.37	2	30	40	80
8	Muslim Community Center	Medium	941 276201301	Underutilized–developed with existing office building	MU, BP	PUD-I/C-O District	5724 W Las Positas Boulevard	5	5	15	25	125

Site No.	Name	Density	APN	Existing Uses	Existing General Plan Land Use Designation	Existing Zoning Designation	Location	Total Acres	Buildable Acres	Density Range (du/ac)		Maximum Capacity
9	Metro 580	High	941 277900900	Underutilized—developed with existing commercial/retail uses (Kohl’s, Party City) and parking; housing site is the five-acre portion of excess parking	MU, BP	PUD-I/C-O District	4515-4575 Rosewood Drive	15.52	5	45	75	375
11	Old Santa Rita Area	High	941 283000200, 941 283000300, 941 283000400, 941 283000500, 941 283000600, 941 283000700, 941 283000800, 941 283002800, 941 283002900, 946 110000203, 946 110000300, 946 110000500, 946 110000600, 946 110000800, 946 110000900, 946 110001100, 946 110001200, 946 110001402, 946 110001701, 946 110002900, 946 110003000, 946 110003103, 946 320000205.	Underutilized—approximately 20 parcels, developed with a variety of low-intensity service commercial and light industrial uses	C	C-S, PUD-C-O, PUD-O, PUD-C-S, PUD-C, PUD-C-C	3534-3956 Old Santa Rita Road	21.85	21.85	30	60	1,311
12	Pimlico Area (North side)	High	946 110103102, 946 11010200, 946 11010604.	Underutilized—developed with existing commercial uses (car wash, car rental)	C	PUD-C District and C-F District	4003-4011 Pimlico Drive	2.12	2.12	30	40	85
14	St. Elizabeth Seton	Medium	946 455001704	Vacant—adjacent to 4001 Stoneridge Drive	MDR	A District	4001 Stoneridge Drive	2.85	2.85	12	18	51

Site No.	Name	Density	APN	Existing Uses	Existing General Plan Land Use Designation	Existing Zoning Designation	Location	Total Acres	Buildable Acres	Density Range (du/ac)		Maximum Capacity
15	Rheem Drive Area (southwest side)	Low/Medium	946-455000700, 946-455000800, 946-455001001, 946-455001100, 946-455001200, 946-455001300, 946-455001400, 946-455002700, 946-455002800, 946-455002900, 946-455003000, 946-455003100.	Underutilized—Eleven parcels, developed with light industrial/service commercial uses	I	PUD-I District	2110-2182 Rheem Drive	9.77	9.77	8	14	137
16	Tri-Valley Inn	Medium	946 329500104	Underutilized—34-room motel and surface parking	C	C-F District	2025 Santa Rita Road	2.47	2.47	15	25	62
18	Valley Plaza	High	946 329500900, 946 32950202, 946 32950306, 946 32950600, 946 32950700, 946 329501000, 946 32950100, 946 32950200, 946 32950300.	Underutilized—eight parcels under separate ownership; developed with multi-tenant commercial center, stand-alone fast-food restaurants and parking	C	PUD-C District	1803-1811 Santa Rita Road and 4301-4307 Valley Avenue	7.33	5.5	30	40	220
19	Black Avenue	Medium	946 338000600	Underutilized—vacant office building and parking	PI	P District	4400 Black Avenue	2.59	2.59	15	25	65
20	Boulder Court	High	946 125101300, 946 12510000.	Underutilized—two parcels, occupied by construction contractor and concrete mix supplier	I	I-G-40 District	3400 and 3500 Boulder Street	9.45	9.45	30	40	378
21a	Kiewit	High	946 125100704	Vacant—short-term lease for outdoor storage yard for crane equipment company	Various*	I-G-40 District	3300 Busch Road	50.4	5	30	40	200
21b	Kiewit	Low/Medium	946 125100704	Vacant—short-term lease for outdoor storage yard	Various*	I-G-40 District	3300 Busch Road	50.4	40	8	14	560

Site No.	Name	Density	APN	Existing Uses	Existing General Plan Land Use Designation	Existing Zoning Designation	Location	Total Acres	Buildable Acres	Density Range (du/ac)		Maximum Capacity
22	Merritt	Low	941 095000301, 941 09500303, 941 09500311, 941 09500312.	Vacant	LDR	Unincorporated Alameda County	4131 and 4141 Foothill Road	45.59	45.59	2	2	91
23	Sunol Boulevard	High	947 000400105, 947 00040107, 947 00040214, 947 00040304, 947 00040501.	Underutilized—five parcels, developed with hardware store/lumber yard, public storage, and warehouse/distribution	I	I-P District	5505-5675 Sunol Boulevard	23.89	23.89	30	40	956
24	Sonoma Drive Area	Medium	948 000900100, 948 000900200, 948 000900300, 948 000900401, 948 000900600, 948 00090900, 948 000901000, 948 000901100, 948 000901200, 948 000901300, 948 000901600, 948 000901700.	Underutilized/vacant—twelve parcels; two vacant with remainder developed with low-intensity commercial uses and parking	I	I-P District	5674-5791 Sunol Boulevard and 5600 Sunol Boulevard	6.51	6.51	15	25	163
25	PUSD—District	Medium	094 000100103	Underutilized—occupied with PUSD administrative office, preschool, and maintenance yard; PUSD seeking to re-locate facilities	PI	P District	4750 First Street	10.17	10.17	8	16	163
26	St. Augustine	Low	946 255001401	Vacant	PI	A District	3949 Bernal Avenue	6.31	4.15	2	7	29
27	PUSD—Vineyard	Low	946 461900100	Vacant	PI	PUD-School District	Vineyard Ave-between Thiessen Street and Manoir Lane	10.3	5	3	5	25
29	Oracle	High	941 277800305	Vacant—surplus portion of Oracle campus site	MU, BP	PUD-I/C-O District	5805 Owens	20.44	3	45	75	225
Total												7,388

Site No.	Name	Density	APN	Existing Uses	Existing General Plan Land Use Designation	Existing Zoning Designation	Location	Total Acres	Buildable Acres	Density Range (du/ac)	Maximum Capacity
Notes: APN = Assessor’s Parcel Number du/ac = dwelling unit per acre PUSD = Pleasanton Unified School District High-density sites are denoted with purple shaded background and the medium-and low-density sites are denoted with the green shaded background. * The General Plan land use map depicts multiple potential land uses within the entire East Pleasanton area, which includes the Sites 21a and 21b. Program 6.1 of the General Plan indicates that allowable uses in this area are to be considered through a Specific Plan process. Source: City of Pleasanton 2022.											
General Plan Land Use Designations					Zoning District						
LDR	Residential–Low Density		ICO	Industrial/Commercial/Office	A	Agriculture District		MU	Mixed Use District		
MDR	Residential–Medium Density		I	General and Limited Industrial	R-1-65	One-Family Residential District, 6,500 square feet minimum lot size		I-P	Industrial Park District		
HDR	Residential–High Density		MU	Mixed Use	RM	Multi-Family Residential Districts		I	Industrial District		
C	Retail/Highway/Service Commercial/Business and Professional Offices		CF	Community Facilities	C	Commercial District		I/C-O	Industrial/Commercial Office District		
BP	Business Park		PI	Public and Institutional	C-C	Central Commercial District		I-G-40	General Industrial District, 40,000 square feet minimum lot size		
			A	Agriculture and Grazing	C-S	Services Commercial District		Q	Rock, Sand and Gravel Extraction District		
			OS	Open Space	C-F	Freeway Interchange Commercial District		P	Public and Institutional District		
			PHS	Public Health and Safety	CR-(m)	Regional Commercial District (mall)		PUD	Planned Unit Development District		
			PR	Parks and Recreation	O	Office District		LDR	Low Density Residential District		
								MDR	Medium Density Residential District		
								HDR	High Density Residential District		
								OS	Open Space District		

Potential Sites for Rezoning

Pursuant to Housing Element law, a housing element must identify potential sites suitable for redesignation and/or rezoning to accommodate housing needs for all segments of the community. The potential sites for rezoning were developed consistent with provisions of Government Code Section 65583.1, which states, in part, that:¹

The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, may allow a city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories.

City staff has identified potential sites to be rezoned that can accommodate future housing to meet the Regional Housing Needs Assessment (RHNA) target. These sites are presented in Table 1 and Exhibit 2.² The existing General Plan land use and zoning designation for each site are provided in Exhibits 4a and 4b, respectively. To present a conservative analysis of potential environmental impacts, the Program EIR assumes a maximum number of residential units on each site totaling 7,388 units. It should be noted that while it is unlikely that all the sites would develop at maximum density, it is entirely too speculative to identify which sites would or would not develop at maximum density at this time. Therefore, because it is reasonably foreseeable that some sites would develop at or near to maximum density, this approach provides a conservative analysis with respect to environmental impacts. Assuming 11.5 accessory dwelling units (ADUs) would be built per year, over the course of the 8-year planning period,³ it is anticipated that 93 ADUs would also be constructed.

In 2018, Assembly Bill (AB) 2923 was adopted by the State, which established new minimum zoning standards for Bay Area Rapid Transit (BART)-owned properties, including a minimum density of 75 dwelling unit per acre (du/acre) for the Dublin-Pleasanton BART station property (see Figure 1). Though the Dublin-Pleasanton BART station property is not included as a potential site for rezoning, the Housing Element Update assumes this increased density to 75 du/acre, and this Program EIR incorporates analysis of an incremental increase in allowable residential units (314 units).⁴ Therefore, the Program EIR assumes a maximum of 7,795 dwelling units. Assuming factors of 2.99, 2.48, and 2.2 persons per household for low,⁵ medium,⁶ and high

¹ California Legislative Information. No date. California Government Code Article 10.6. Housing Elements [65580-65589.11]. Website: https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=7.&part=&chapter=3.&article=10.6. Accessed February 10, 2022.

² The numbering of the sites does not correspond to site rankings. The sites are numbered throughout this Program EIR consistent with the numbering provided by the City. Therefore, some numbers are missing because those sites were included in the initial evaluation but removed upon further City discussion.

³ The ADU estimate is based on the average past 5 years of actual production within the City of Pleasanton, which is consistent with HCD guidance. Given that the Program EIR considers the maximum number of units on the potential sites for rezoning, should any of the Housing Element Update policies facilitate the production of ADUs, any additional units over the 93 units would be accounted for within the evaluation because it is unlikely that all of the sites will develop at maximum density.

⁴ The 2015-2023 (5th Cycle) Housing Element assumed 294 units at the property. Pursuant to AB 2923, and as evaluated in this Program EIR, the property would have a density of 75 dwelling unit/acre (du/acre), resulting in a total of 593 potential units, or 314 additional units to what was evaluated in the Final Supplemental Environmental Impact Report for the City of Pleasanton Housing Element and Climate Action Plan General Plan Amendment and Rezoning.

⁵ Low density includes a density range of 2-7 du/acre. Typical housing types include detached single-family units and duplexes.

⁶ The medium density classes includes both low medium density and medium density. Low medium includes a density range of 8-14 du/acre. Typical housing types include small lot single-family homes, townhomes, and small-scale apartment buildings. Medium density includes a density range of 15-25 du/acre. Typical housing types include attached apartments, condominiums, and townhomes with surface parking.

density housing types,⁷ respectively, the Program EIR assumes the Housing Element Update could result in a maximum of 18,044 new residents.^{8,9,10,11}

The final list of approved sites to be adopted by the City Council would be accompanied by the General Plan and Specific Plan Amendments and rezoning actions to accommodate residential housing development, which are described in more detail below and will be analyzed in the Program EIR.

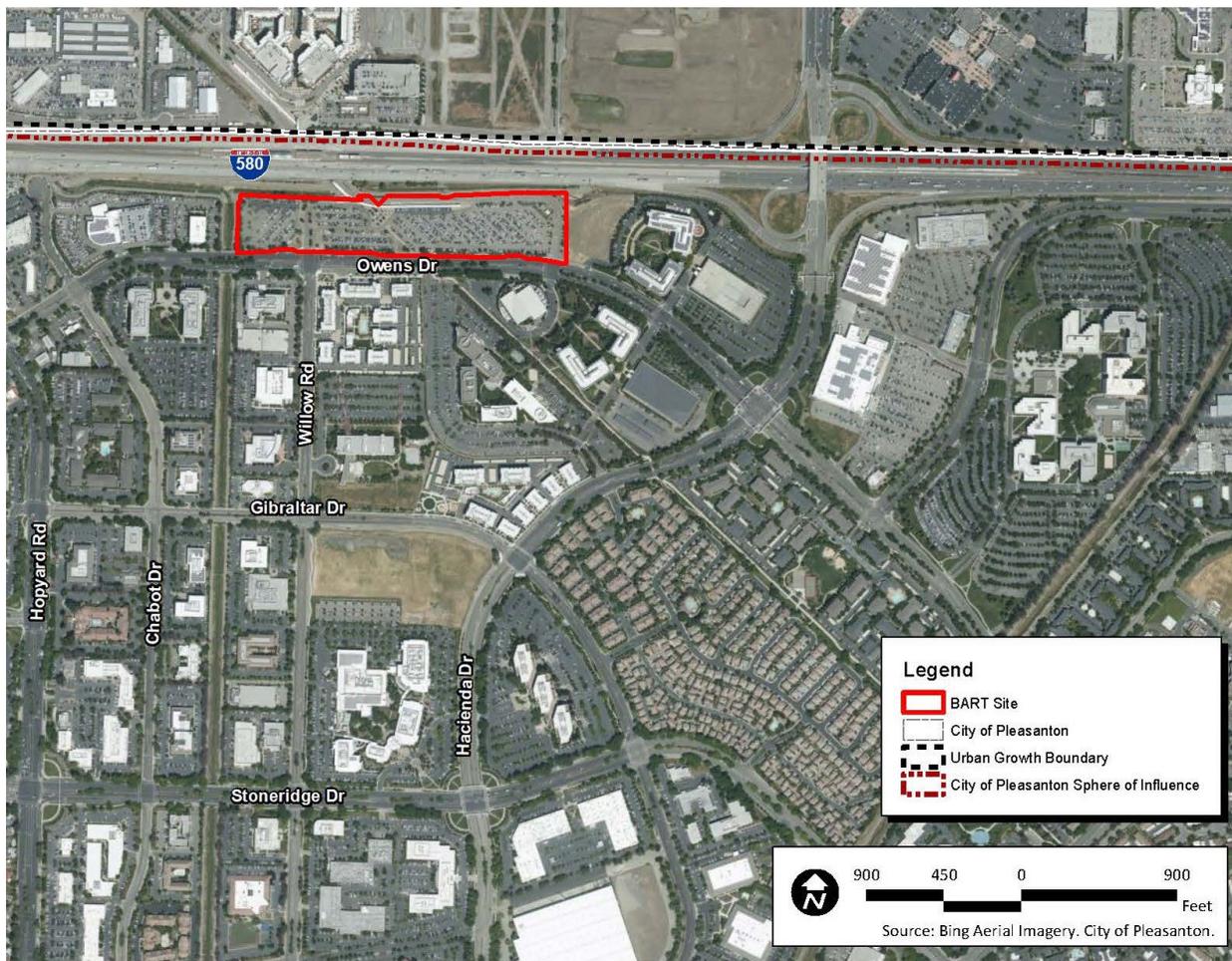


Figure 1: Dublin-Pleasanton BART Station Property

⁷ High density includes a density range of more than 30 du/acre. Typical housing types include attached apartments and condominiums with structured parking.

⁸ United States Census Bureau. 2019. S2504: Physical Housing Characteristics for Occupied Housing Units. Website: <https://data.census.gov/cedsci/table?q=S2504%3A%20PHYSICAL%20HOUSING%20CHARACTERISTICS%20FOR%20OCCUPIED%20HOUSING%20UNITS&g=1600000US0657792&y=2019&tid=ACSST5Y2019.S2504>. Accessed: March 8, 2022.

⁹ United States Census Bureau. 2019. B25124: Tenure By Household Size By Units In Structure. Website: <https://data.census.gov/cedsci/table?q=B25124%3A%20TENURE%20BY%20HOUSEHOLD%20SIZE%20BY%20UNITS%20IN%20STRUCTURE&g=1600000US0657792&tid=ACSST5Y2019.B25124>. Accessed: March 8, 2022.

¹⁰ United States Census Bureau. 2019. B25033: Total Population in Occupied Housing Units By Tenure By Units In Structure. Website: <https://data.census.gov/cedsci/table?q=population%20BY%20UNITS%20IN%20STRUCTURE&g=1600000US0657792&tid=ACSST5Y2019.B25033>. Accessed: March 8, 2022.

¹¹ For Sites 15 and 21b, the low density, 2.99, persons per household factor was utilized because that results in a higher population estimate, which presents a conservative population estimate. For ADUs, the high density, 2.2, persons per household factor was utilized because ADUs are accessory units that, by their nature, house less people. Therefore, given the density classes being evaluated in this Program EIR, the high density persons per household factor is the most reasonable to utilize for ADUs.

Densities and Affordability Assumptions

State Housing Law provides for a series of “default densities” which are zoning minimums that, if applied, can be assumed to yield lower-income housing units.¹² For Pleasanton, the minimum default density for units to be counted as lower-income units in the inventory is 30 du/ac and between 20 and 29 du/ac to be counted as moderate-income units. Although the City may count all units in the inventory zoned at 30 units per acre or more as affordable or lower-income (or 20-29 dwelling units per acre as moderate-income), it is not required to do so, and could assume that higher density projects would yield moderate or above moderate units as well.

Table 2 summarizes the above density and affordability assumptions, for reference.

Table 2: Affordability and Default Densities

Density Category	Density Range	Income Level Potentially Accommodated in Inventory		
		Above-Moderate Income	Moderate Income	Low Income
Low Density	2-7 dwelling unit/acre	X	—	—
Low/Medium Density	8-14 dwelling unit/acre	X	—	—
Medium Density	15-25 dwelling unit/acre	X	—	—
High Density	30 plus dwelling unit/acre	X	X	X

Source: City of Pleasanton. 2022. City Council Agenda: Item 10: Continued Housing Element Update: Sites Inventory Consideration. January 25.

Density Ranges and Housing Types

Development on most of the potential sites for rezoning would require a General Plan Amendment and would also require adopting a zoning designation that would allow the residential development in the range of densities as provided in Table 1. The proposed General Plan land use and zoning designation for each site are provided in Table 3 and Exhibits 5a and 5b, respectively. Table 3 also provides the physical changes anticipated on-site to accommodate housing.

¹² “No net loss” provisions are a component of the Housing Accountability Act, which, whenever a project is approved with few units, or less affordability than cited in the Housing Element, requires findings to be made that adequate zoning capacity remains in the inventory to accommodate the units not built, or for the City to rezone additional sites to accommodate that number of units.

Table 3: Proposed General Plan Land Use and Zoning Designations

Site No.	Name	Density Range (du/ac)		Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation	Existing Zoning Designation	Proposed Zoning Designation	Anticipated Changes on Site
1	Lester	2	2	LDR, A, PHS	LDR, A, PHS	Prezoned-A Unincorporated Alameda County	PUD-LDR-A-OS District	Construction of new single-family residential units, including demolition and replacement of two existing homes; construction of a new East Bay Regional Park District staging area, grading and site improvements.
2	Stoneridge Shopping Center (Mall)	50	80	C, MU	MU	C-R(m) District and PUD-MU District	PUD-MU District	Construction of new residential dwelling units and structured parking on existing surface parking areas. Extent of any potential demolition currently unknown.
3	PUSD-Donlon	5	5	PI	MDR	R-1-65 District	PUD-MDR District	Construction of new single-family homes on vacant lot.
4	Owens (Motel 6 and Tommy T)	30	40	C	MU	C-F District	PUD-MU District	Construction of new residential units. Existing restaurant expected to be demolished; unknown if existing hotel building would remain.
5	Laborer Council	30	40	MU, BP	MU, BP	PUD-I/C-O District	PUD-MU District	Demolition of existing office building and replacement with new residential units.
6	Signature Center	30	40	BP	MU	PUD-I/C-O District	PUD-MU District	Construction of new residential units (housing to replace two existing parking structures); existing office buildings to remain.
7	Hacienda Terrace	30	40	MU, BP	MU, BP	PUD-I/C-O District	PUD-MU District	Construction of new residential units on a 2-acre portion of existing parking area, at north part of site.
8	Muslim Community Center	15	25	MU, BP	MU, BP	PUD-I/C-O District	PUD-MU District	Construction of new residential units; existing office building likely to be demolished.
9	Metro 580	45	75	MU, BP	MU, BP	PUD-I/C-O District	PUD-MU District	Construction of new residential units on 5-acre portion of existing site that includes parking and three existing commercial buildings, potentially to be demolished.

Site No.	Name	Density Range (du/ac)		Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation	Existing Zoning Designation	Proposed Zoning Designation	Anticipated Changes on Site
11	Old Santa Rita Area	30	60	C	MU	C-S, PUD-C-O, PUD-O, PUD-C-S, PUD-C, PUD-C-C	PUD-MU District	Construction of new residential units on various parcels; extent of existing development to be demolished unknown and would vary from parcel to parcel.
12	Pimlico Area (North side)	30	40	C	MU	PUD-C District and C-F District	PUD-MU District	Construction of new residential units; extent of existing development to be demolished unknown and would vary from parcel to parcel.
14	St. Elizabeth Seton	12	18	MDR	HDR	A District	PUD-HDR District	Construction of new residential units on vacant portion of church-owned property.
15	Rheem Drive Area (southwest side)	8	14	I	MU	PUD-I District	PUD-MU District	Construction of new residential units; extent of existing development to be demolished unknown and would vary from parcel to parcel.
16	Tri-Valley Inn	15	25	C	MU	C-F District	PUD-MU District	Construction of new residential units, likely requiring demolition of existing motel units and restaurant.
18	Valley Plaza	30	40	C	MU	PUD-C District	PUD-MU District	Construction of new residential units and some replacement commercial space on approximately 5.5 acres, within which most existing buildings expected to be demolished.
19	Black Avenue	15	25	PI	HDR	P District	PUD-MU District	Construction of new residential units; existing office building expected to be demolished.
20	Boulder Court	30	40	I	MU	I-G-40 District	PUD-MU District	Construction of new residential units; some or all existing structures on site expected to be demolished.
21a	Kiewit	30	40	Various*	MDR-HDR	I-G-40 District	PUD-MDR-HDR District	Construction of new residential units on vacant site.
21b	Kiewit	8	14	Various*	MDR-HDR	I-G-40 District	PUD-MDR-HDR District	Construction of new residential units on vacant site.
22	Merritt	2	2	LDR	LDR	Unincorporated Alameda County	PUD-LDR District	Construction of new residential units on vacant site.
23	Sunol Boulevard	30	40	I	MU	I-P District	PUD-MU District	Construction of new residential units; extent of existing development to be demolished unknown and would vary from parcel to parcel.

Site No.	Name	Density Range (du/ac)		Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation	Existing Zoning Designation	Proposed Zoning Designation	Anticipated Changes on Site
24	Sonoma Drive Area	15	25	I	MU	I-P District	PUD-MU District	Construction of new residential units; extent of existing development to be demolished unknown and would vary from parcel to parcel.
25	PUSD–District	8	16	PI	MU	P District	PUD-HDR District	Construction of new residential units; existing development on site expected to be demolished.
26	St. Augustine	2	7	PI	MDR	A District	PUD-MDR District	Construction of new residential units on vacant portion of church-owned property.
27	PUSD–Vineyard	3	5	PI	MDR	PUD-School District	PUD-MDR District	Construction of new residential units on vacant site.
29	Oracle	45	75	MU, BP	MU, BP	PUD-I/C-O District	PUD-MU District	Construction of new residential units on vacant portion of property.

Notes:
 High-density sites are denoted with purple shaded background and the medium-and low-density sites are denoted with the green shaded background.
 * The General Plan land use map depicts multiple potential land uses within the entire East Pleasanton area, which includes the Kiewit site. Program 6.1 of the General Plan indicates that allowable uses in this area are to be considered through a Specific Plan process.
 Source: City of Pleasanton 2022.

General Plan Land Use Designations				Zoning District			
LDR	Residential–Low Density	ICO	Industrial/Commercial/Office	A	Agriculture District	MU	Mixed Use District
MDR	Residential–Medium Density	I	General and Limited Industrial	R-1-65	One-Family Residential District, 6,500 square feet minimum lot size	I	Industrial District
HDR	Residential–High Density	MU	Mixed Use	RM	Multi-Family Residential Districts	I/C-O	Industrial/Commercial Office District
C	Retail/Highway/Service Commercial/Business and Professional Offices	CF	Community Facilities	C	Commercial District	I-P	Industrial Park District
BP	Business Park	PI	Public and Institutional	C-C	Central Commercial District	I-G-40	General Industrial District, 40,000 square feet minimum lot size
		A	Agriculture and Grazing	C-S	Services Commercial District	Q	Rock, Sand and Gravel Extraction District
		OS	Open Space	C-F	Freeway Interchange Commercial District	P	Public and Institutional District
		PHS	Public Health and Safety			PUD	Planned Unit Development District
		PR	Parks and Recreation			LDR	Low Density Residential District
						MDR	Medium Density Residential District
						HDR	High Density Residential District
						OS	Open Space District

This Program EIR conservatively analyzes impacts of the development of all the potential sites for rezoning listed above. However, the City has the ultimate discretion to identify the appropriate opportunity sites to meet project objectives, including adequate sites that would be available to accommodate the RHNA.

The proposed rezonings would not alter the Wildland Overlay or the Public Health and Safety Land Use Designations of the potential sites for rezoning that fall within those areas.

Project Characteristics

Housing Element Update Policies and Programs

In addition to the RHNA, the Housing Element Update includes several programs intended to improve the quality of the housing inventory, conserve existing neighborhoods, increase housing affordability, and remove potential governmental and non-governmental constraints to housing for lower-income households and persons with special needs. Based on guidance from the State, constraints to housing production can include concerns such as availability of infrastructure, lengthy processing or permitting timeframes, and costs of construction and other similar factors. Programs in the Housing Element Update would specify actions the City could undertake to overcome such constraints, such as providing streamlined project review for residential developments, completing needed plans for infrastructure and ensuring Capital Improvement and developer funding supports necessary improvements, and providing city grants or other funding to help subsidize production of lower-income housing units.

It is not anticipated that these policies or programs would result in physical changes to the environment. Although the Housing Element Update is designed to encourage and facilitate new housing construction, the Housing Element Update does not propose or confer any specific development projects. The Program EIR focuses on policies that could have environmental impacts.

General Plan Amendments

The Program EIR will address the environmental impacts related to implementation of the proposed Housing Element Update and associated land use and zoning revisions. In accordance with State law, Pleasanton proposes to adopt a General Plan Amendment to update the General Plan's existing Housing Element including designating sites and identifying updated goals, policies, and actions, along with revisions to the General Plan Land Use Element to ensure consistency between it and the Housing Element—i.e., updating the General Plan land use plan to expand the inventory of land available for the development of new housing and making text amendments to ensure density ranges for Mixed Use designated projects are consistent with those described in the Land Use Element.

The City would also rezone several of the sites identified in Table 1 as shown in Table 3, sufficient to meet the remaining unmet housing need.

Specific Plan and Planned Unit District Development Amendments

Amendments to the Hacienda Planned Unit District (PUD) Development Plan and the Vineyard Corridor Avenue Specific Plan may be necessary and will be addressed programmatically in the Program EIR. Exhibit 3 depicts the sites within Specific Plan areas.

Required Discretionary Approvals

If the Program EIR is certified by the City Council, several actions may be undertaken by the City Council, including adoption of the Housing Element Update and adoption of the amendments and rezonings to implement the Housing Element Update programs to increase the inventory of land available for the development of housing. These actions could occur after any required review by the Planning Commission. Individual housing development projects would be reviewed and approved as required by the procedures of the City's Municipal Code and may require additional environmental review, as appropriate.

Although the Housing Element Update does not require other public agency approvals, the City is required to submit a draft of the Housing Element Update to the California Department of Housing and Community Development (HCD), per Section 65585 of the State Government Code, and consider HCD's findings on the Housing Element Update before it can be adopted by the City Council.

Regulatory Requirements, Permits, and Approvals

City of Pleasanton

The City of Pleasanton City Council, as the city's legislative body, is the approving authority for the Housing Element Update. As part of the approval, the City Council will consider the following discretionary actions:

- Adoption of the City of Pleasanton 2023-2031 (6th Cycle) Housing Element Update.
- Certify the City of Pleasanton 2023-2031 (6th Cycle) Housing Element Update Program EIR.
- Amendments to the General Plan Land Use Element, including modifying the General Plan land use map to indicate applicable designations for each housing site, along with rezoning of land consistent with the programs contained in the Housing Element Update to expand the inventory of land available for the development of housing. Pursuant to State law, the City has up to 3 years following adoption of the Housing Element Update to rezone sites. Conservatively, this Program EIR assumes that rezoning would occur at the time of adoption of the Housing Element Update.
- Amendments to the Hacienda PUD Development Plan and the Vineyard Avenue Corridor Specific Plan as necessary dependent on the specific sites to be rezoned.

Subsequent actions that may be taken by the City with respect to the Housing Element Update include, but are not limited to, the following:

- Annexation of sites currently located in Alameda County and associated modifications to the General Plan land use map and rezoning of these sites, which would occur in conjunction with approval of proposed development projects on such sites.
- Approval of subsequent development applications for residential and mixed use development such as PUD approval and project-related approvals such as growth management approval, design review approval, tentative map approval, final map approval, and grading and building permit approval.

- Implementation of the programs set forth in the Housing Element Update.
- Approval of subsequent public facility and roadway improvement projects in support of such residential and mixed use development.

Other Government Agency Approvals

Additional subsequent approvals and permits that may be required for future residential development projects from local, regional, State, and federal agencies including but are not limited to the following:

- California Department of Fish and Wildfire
- Bay Area Air Quality Management District
- California Department of Transportation
- San Francisco Regional Water Quality Control Board
- Alameda County Airport Land Use Commission
- Alameda County Flood Control and Water Conservation District's Zone 7
- Dublin-San Ramon Services District
- Pleasanton Unified School District
- Livermore-Pleasanton Fire Department
- East Bay Regional Parks District
- Bay Area Rapid Transit District
- Alameda County Local Agency Formation Commission

Environmental Review

Purpose

In accordance with California Environmental Quality Act (CEQA) Guidelines (14 California Code of Regulations [CCR] § 15082), the City has prepared this Notice of Preparation (NOP) to inform agencies and interested parties that a Program EIR will be prepared for the proposed Housing Element Update. The purpose of an NOP is to provide sufficient information about the Housing Element Update to allow agencies and interested parties the opportunity to provide a meaningful response related to the scope and content of the Program EIR including mitigation measures that should be considered and alternatives that should be addressed (CEQA Guidelines 14 CCR § 15082(b)).

Environmental Review Process

Following completion of the 30-day NOP public review period, the City will incorporate relevant information into the Program EIR, including results of public scoping and technical studies. Subsequently, the Program EIR will be circulated for public review and comment for a 45-day public review period.

The City requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b). All parties that have submitted their names and email or mailing addresses will be notified throughout the CEQA review process.

A copy of the NOP (in full color) as well as all project information can be found on the project website at <https://www.pleasantonhousingelement.com/> and on file at the City of Pleasanton, Community Development Department, Post Office Box 520, Pleasanton, CA 94566.

If you wish to be placed on the email distribution list or need additional information, please contact Megan Campbell, Associate Planner, Community Development Department, City of Pleasanton, at 925.931.5610 or mcampbell@cityofpleasantonca.gov.

Potential Environment Effects

Consistent with the currently adopted CEQA Statute and Guidelines, the Program EIR will evaluate potential environmental impacts associated with the adoption of the Housing Element Update. Pursuant to Section 15063(a) of the CEQA Guidelines, no Initial Study will be prepared. The Program EIR will evaluate the full range of environmental issues contemplated under CEQA and the CEQA Guidelines. The following issues will be central to the environmental analysis as described below:

- Aesthetics
 - Agriculture and Forestry Resources
 - Air Quality
 - Biological Resources
 - Cultural Resources and Tribal Cultural Resources
 - Energy
 - Geology, Soils, and Seismicity
 - Greenhouse Gas Emissions
 - Hazards and Hazardous Materials
 - Hydrology and Water Quality
 - Land Use and Planning
 - Noise
 - Population and Housing
 - Public Services and Recreation
 - Transportation
 - Utilities and Service Systems
 - Wildfire
- **Aesthetics**—This section will analyze potential impacts to aesthetics, including scenic vistas, scenic resources, visual character and quality, and light and glare with respect to the potential sites for rezoning.
 - **Agriculture and Forestry Resources**—Site 22 is mapped as Unique Farmland by the California Department of Conservation Farmland Mapping Program.¹³ The Program EIR will include an evaluation of converting this site from Unique Farmland to nonagricultural use.
 - **Air Quality**—An air quality analysis will be prepared in accordance Bay Area Air Quality Management District (BAAQMD) requirements. A discussion of the Housing Element Update’s contribution to regional air quality impacts will be included.
 - **Biological Resources**—This section will address direct and indirect impacts to regulated waterways and wetlands, sensitive habitats and mature native trees, sensitive plants and wildlife, and wildlife movement corridors.
 - **Cultural Resources and Tribal Cultural Resources**—The Program EIR will examine potential adverse impacts the Housing Element Update would have on historical resources (or eligible historical resources), archaeological, and tribal cultural resources.

¹³ California Department of Conservation. 2018. Alameda County Important Farmland 2018.

- **Energy**—This section will include a discussion of the potential energy consumption and/or impacts from implementation of the Housing Element Update, with an emphasis on avoiding or reducing inefficient, wasteful, or unnecessary consumption of energy.
- **Geology, Soils, and Seismicity**—This section will analyze potential impacts related to geology, soils, seismicity, and paleontological resources from implementation of the Housing Element Update.
- **Greenhouse Gas Emissions**—The Program EIR will analyze the Housing Element Update’s contribution to greenhouse gas (GHG) emissions and potential impacts to climate change.
- **Hazards and Hazardous Materials**—This section will discuss potential exposure to hazardous substances resulting from implementation of the Housing Element Update.
- **Hydrology and Water Quality**—The Program EIR will analyze impacts of the Housing Element Update on drainage patterns and water quality.
- **Land Use and Planning**—This section will summarize the land use pattern for the potential sites for rezoning, and determine the potential environmental effects of the proposed project related to land use and planning.
- **Noise**—This section will analyze short-term impacts to noise-sensitive receptors and long-term noise exposure.
- **Population and Housing**—This section will analyze potential impacts to population and housing that could result from implementation of the Housing Element Update.
- **Public Services and Recreation**—The Program EIR will analyze impacts on public services, including police, fire, and schools, as well as potential impacts on recreational and open space resources, from implementation of the Housing Element Update.
- **Transportation**—The Program EIR will analyze the proposed project’s impacts on the circulation system including all modes of transit, Vehicle Miles Traveled (VMT), roadway safety hazards, and emergency access.
- **Utilities and Service Systems**—This section will analyze the potential impacts associated with water supply, wastewater services, and other utilities and service systems.
- **Wildfire**—This section will analyze the potential impacts to wildfire risks, adopted emergency and evacuation plans, infrastructure, and land and drainage stability.

Effects Found not to be Significant

Unless specific comments are received during the NOP public comment period that indicate a potential for the Housing Element Update to result in significant impacts, the following issues will be addressed in the Effects Found not to be Significant section of the Program EIR.

Mineral Resources

Most of the sites are urban infill sites and are developed or partially developed with existing uses (see Table 1). No activities related to mineral resources currently occur within the potential sites for rezoning and none of the sites are designated for this use. These conditions preclude the

possibility of impacts on mineral resources; therefore, this issue will not be analyzed further by the Program EIR.

EIR Public Scoping Meeting Information

The City will conduct an EIR public scoping meeting related to the proposed project in accordance with CEQA Section 21083.9. The EIR public scoping meeting is an opportunity for the public to learn about environmental review for the proposed project and to comment on environmental issues that the EIR will address.

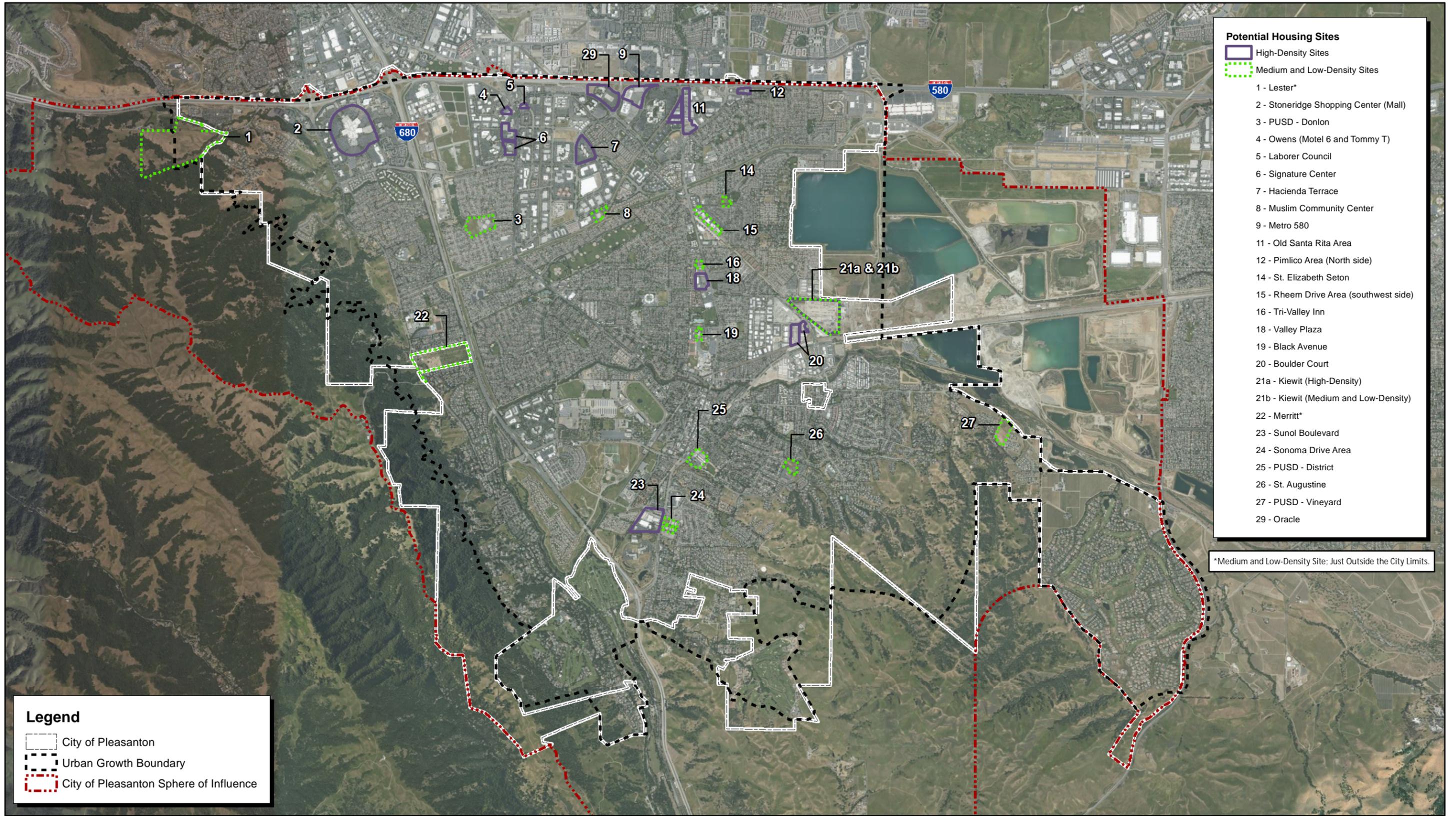
Date: Wednesday, April 13, 2022

Time: 7:00 p.m.

Location: This hearing will be held virtually. Interested parties should visit the Pleasanton Planning Commission web page to confirm the meeting, time, date, and instructions on joining the meeting:

<http://www.cityofpleasantonca.gov/gov/depts/cd/planning/commission/default.asp>

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- Potential Housing Sites**
- High-Density Sites
 - Medium and Low-Density Sites
- 1 - Lester*
 - 2 - Stoneridge Shopping Center (Mall)
 - 3 - PUSD - Donlon
 - 4 - Owens (Motel 6 and Tommy T)
 - 5 - Laborer Council
 - 6 - Signature Center
 - 7 - Hacienda Terrace
 - 8 - Muslim Community Center
 - 9 - Metro 580
 - 11 - Old Santa Rita Area
 - 12 - Pimlico Area (North side)
 - 14 - St. Elizabeth Seton
 - 15 - Rheem Drive Area (southwest side)
 - 16 - Tri-Valley Inn
 - 18 - Valley Plaza
 - 19 - Black Avenue
 - 20 - Boulder Court
 - 21a - Kiewit (High-Density)
 - 21b - Kiewit (Medium and Low-Density)
 - 22 - Merritt*
 - 23 - Sunol Boulevard
 - 24 - Sonoma Drive Area
 - 25 - PUSD - District
 - 26 - St. Augustine
 - 27 - PUSD - Vineyard
 - 29 - Oracle

*Medium and Low-Density Site; Just Outside the City Limits.

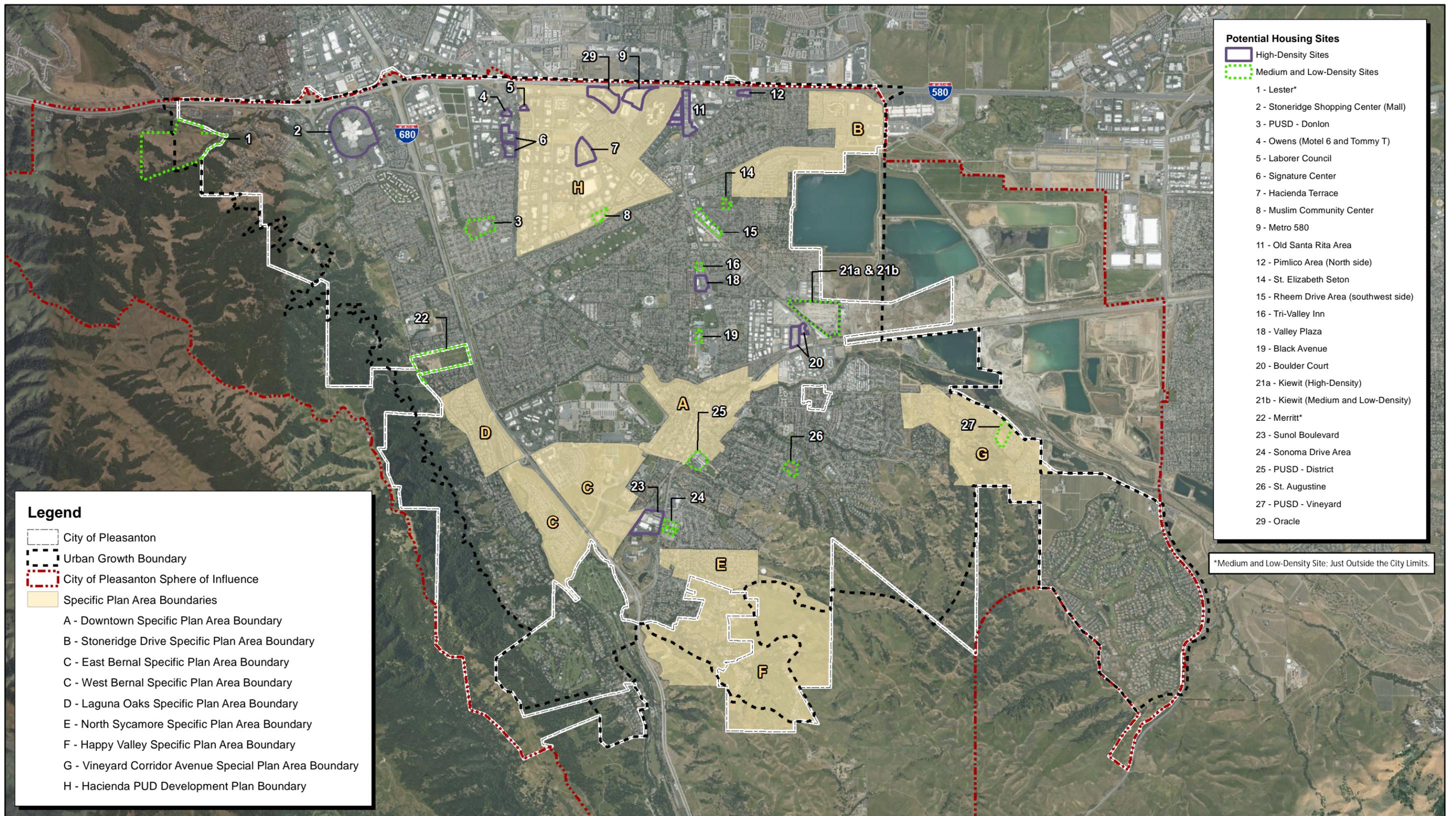
Legend

- City of Pleasanton
- Urban Growth Boundary
- City of Pleasanton Sphere of Influence

Source: Bing Aerial Imagery, City of Pleasanton.

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Legend

- City of Pleasanton
- Urban Growth Boundary
- City of Pleasanton Sphere of Influence
- Specific Plan Area Boundaries
 - A - Downtown Specific Plan Area Boundary
 - B - Stoneridge Drive Specific Plan Area Boundary
 - C - East Bernal Specific Plan Area Boundary
 - C - West Bernal Specific Plan Area Boundary
 - D - Laguna Oaks Specific Plan Area Boundary
 - E - North Sycamore Specific Plan Area Boundary
 - F - Happy Valley Specific Plan Area Boundary
 - G - Vineyard Corridor Avenue Special Plan Area Boundary
 - H - Hacienda PUD Development Plan Boundary

Potential Housing Sites

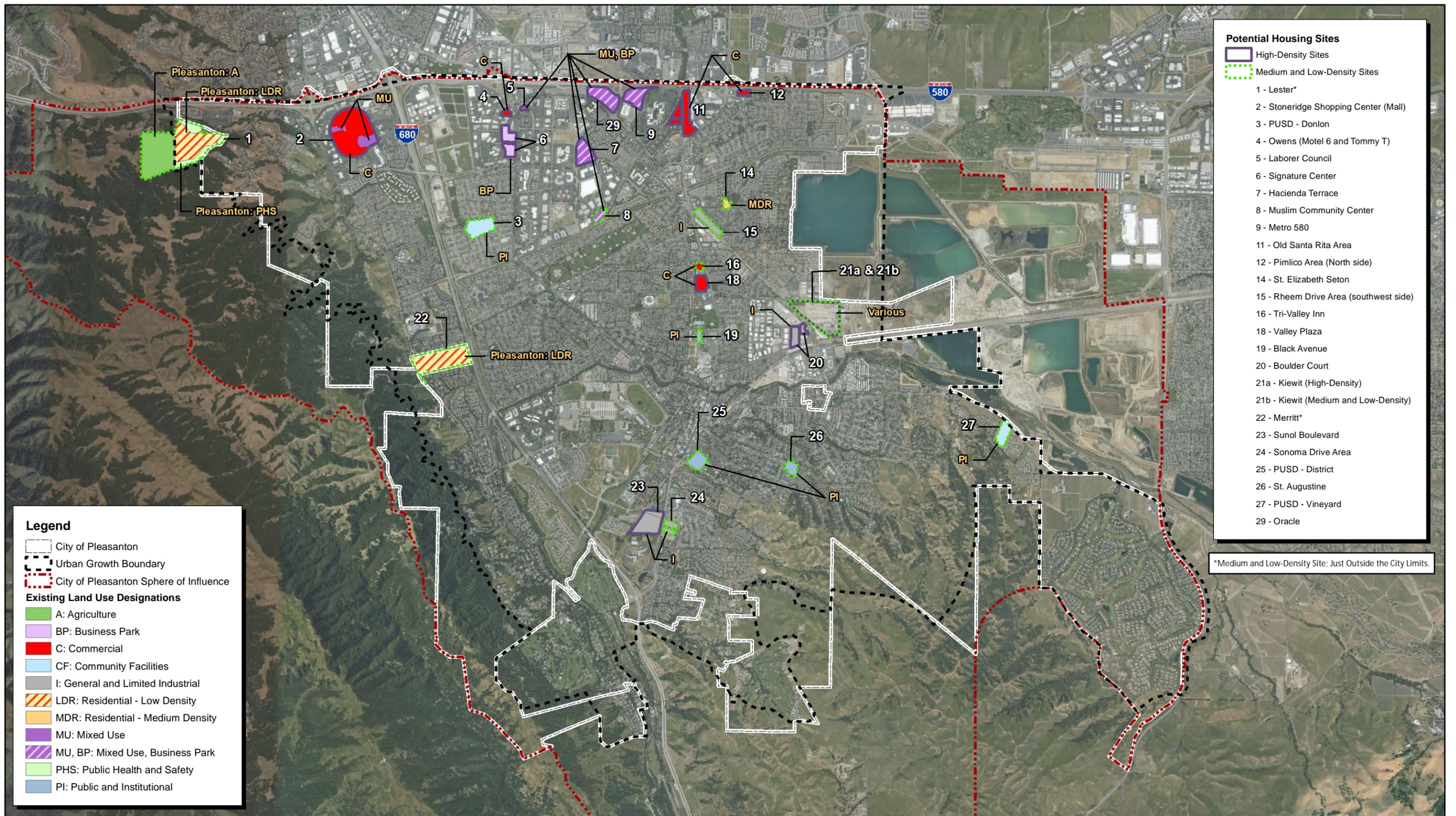
- High-Density Sites
- Medium and Low-Density Sites

- 1 - Lester*
- 2 - Stoneridge Shopping Center (Mall)
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- 26 - St. Augustine
- 27 - PUSD - Vineyard
- 29 - Oracle

*Medium and Low-Density Site; Just Outside the City Limits.

Source: Bing Aerial Imagery, City of Pleasanton.



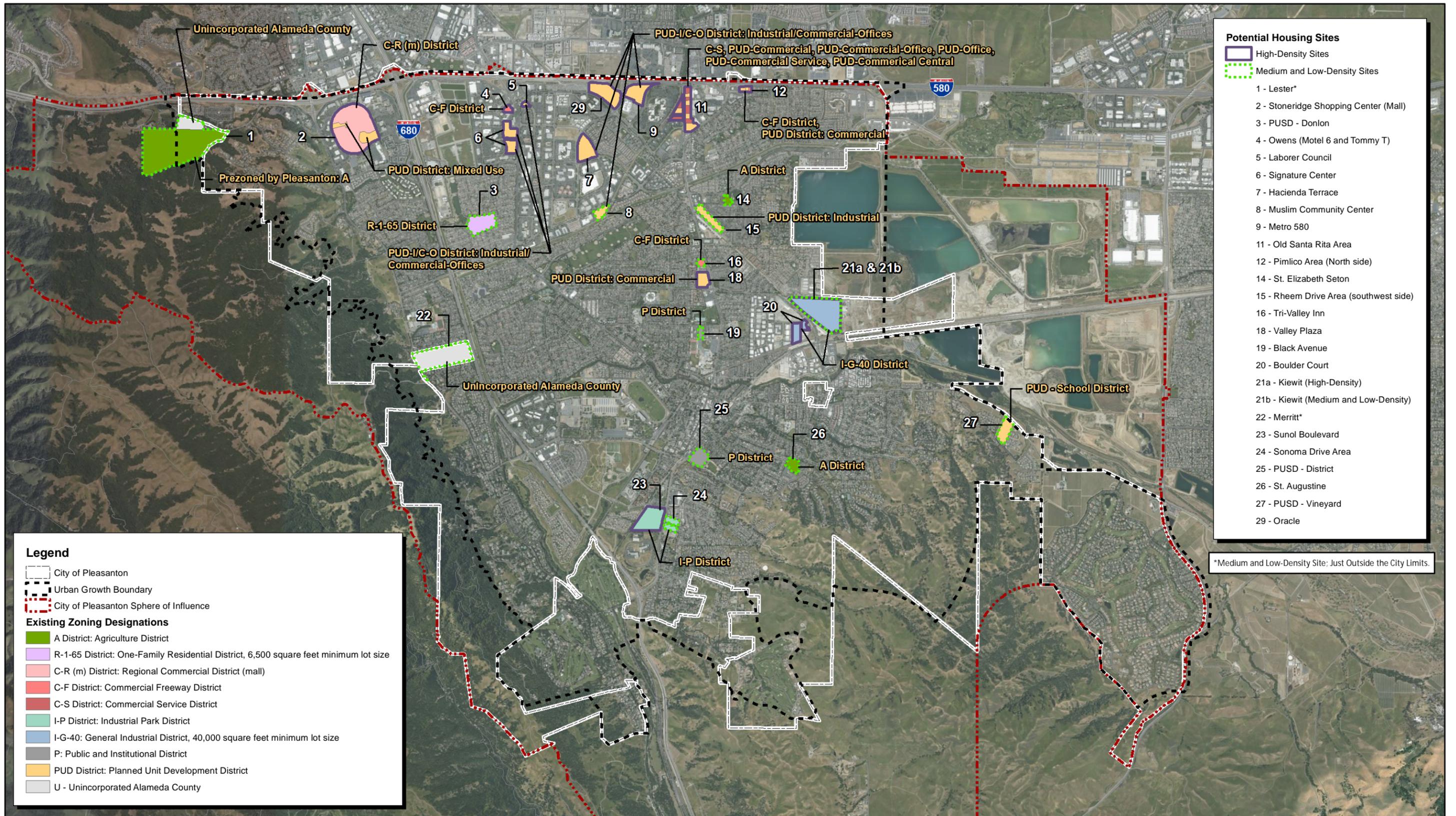


Source: Bing Aerial Imagery, City of Pleasanton.



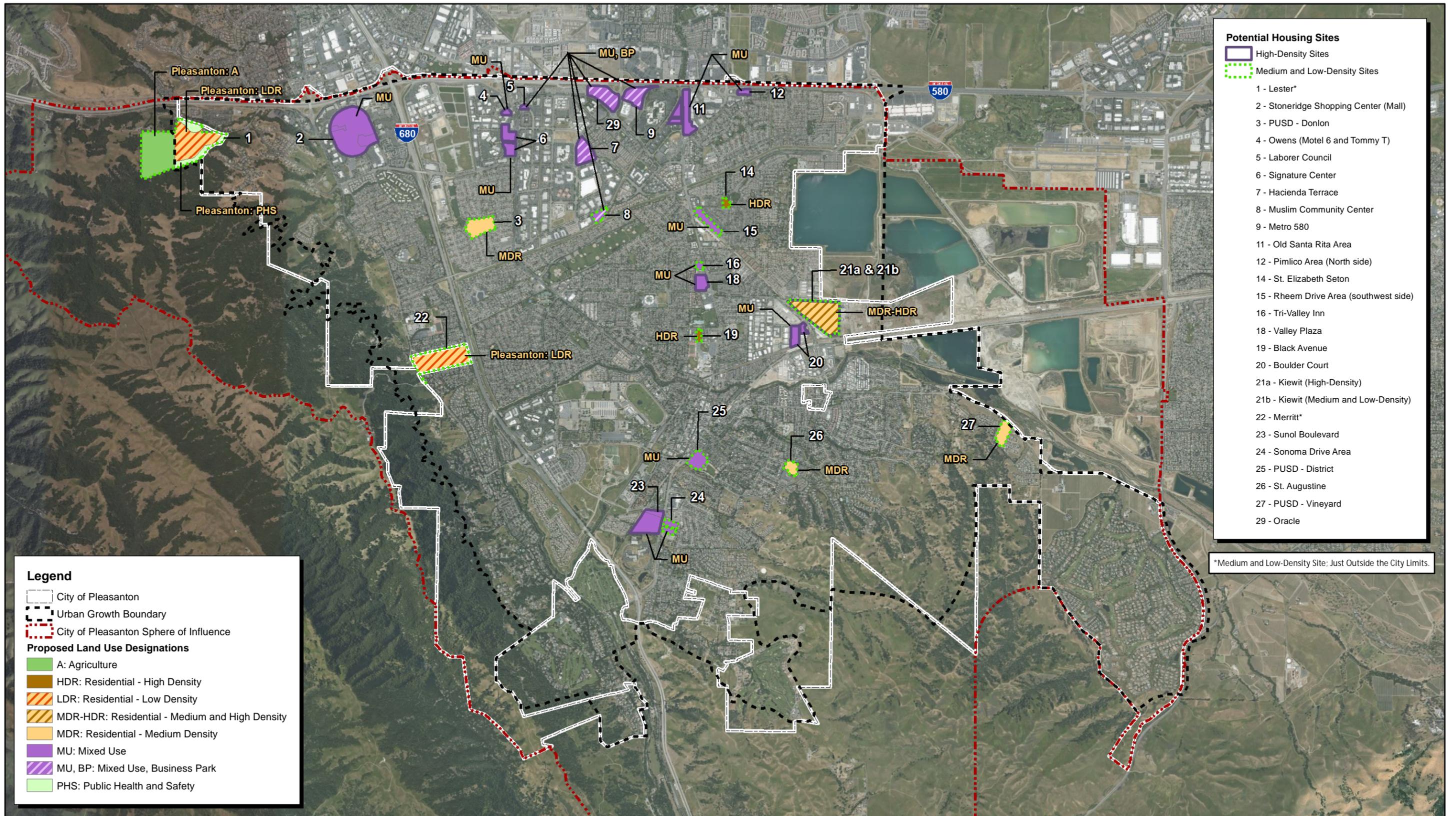
21480022 • 04/2022 | 4a_existing_GPLU.mxd

Exhibit 4a
Existing General Plan Land Use



Source: Bing Aerial Imagery. City of Pleasanton.





- Potential Housing Sites**
- High-Density Sites
 - Medium and Low-Density Sites
- 1 - Lester*
 - 2 - Stoneridge Shopping Center (Mall)
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 - 4 - Owens (Motel 6 and Tommy T)
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 - 23 - Sunol Boulevard
 - 24 - Sonoma Drive Area
 - 25 - PUSD - District
 - 26 - St. Augustine
 - 27 - PUSD - Vineyard
 - 29 - Oracle

Legend

- City of Pleasanton
- Urban Growth Boundary
- City of Pleasanton Sphere of Influence

Proposed Land Use Designations

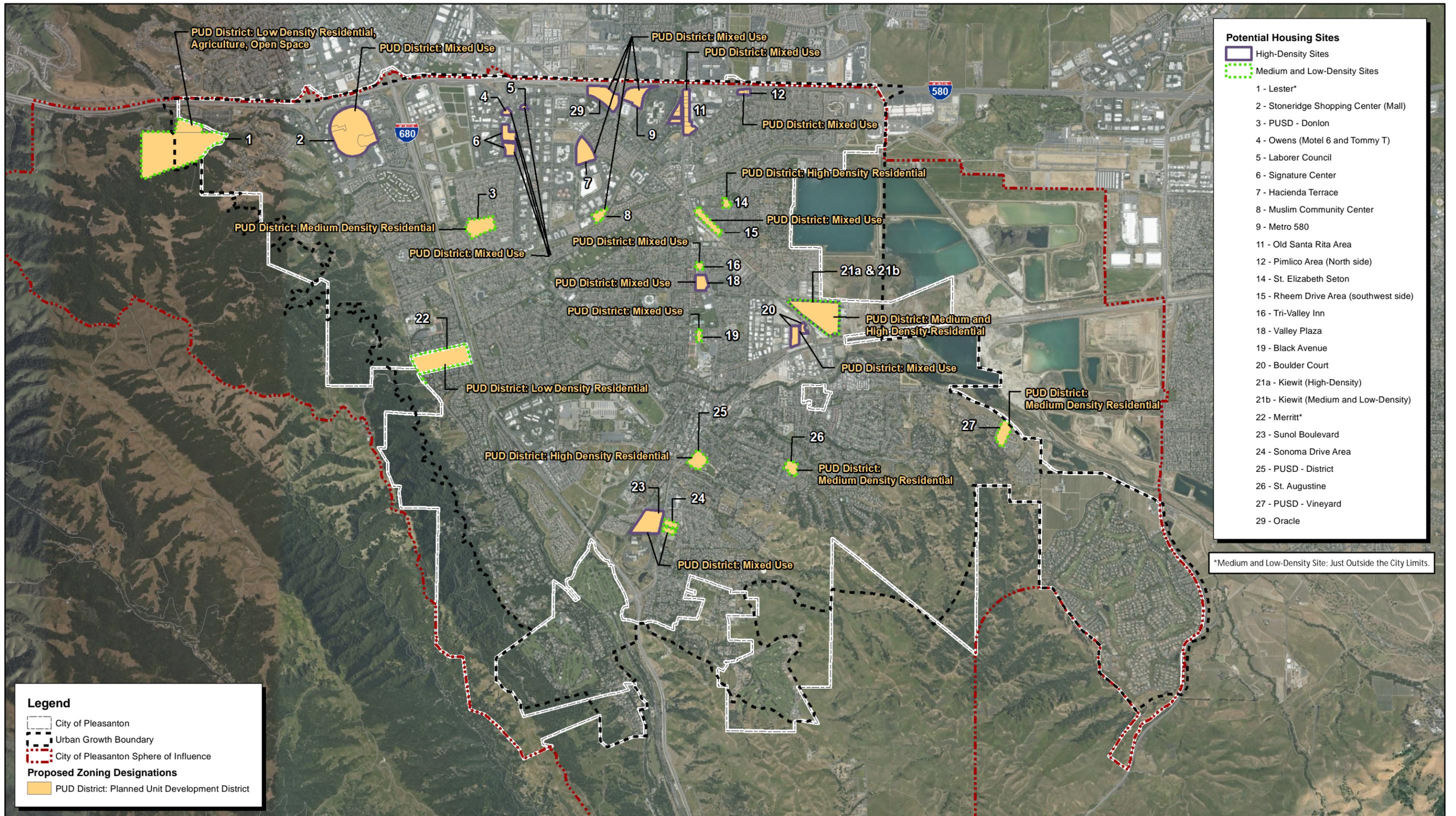
- A: Agriculture
- HDR: Residential - High Density
- LDR: Residential - Low Density
- MDR-HDR: Residential - Medium and High Density
- MDR: Residential - Medium Density
- MU: Mixed Use
- MU, BP: Mixed Use, Business Park
- PHS: Public Health and Safety

*Medium and Low-Density Site; Just Outside the City Limits.

Source: Bing Aerial Imagery, City of Pleasanton.



Exhibit 5a
Proposed General Plan Land Use Designations



- Potential Housing Sites**
- High-Density Sites
 - Medium and Low-Density Sites
 - 1 - Lester*
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*Medium and Low-Density Site; Just Outside the City Limits.

Legend

- City of Pleasanton
- Urban Growth Boundary
- City of Pleasanton Sphere of Influence

Proposed Zoning Designations

- PUD District: Planned Unit Development District

Source: Bing Aerial Imagery, City of Pleasanton.

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NATIVE AMERICAN HERITAGE COMMISSION

April 15, 2022

Governor's Office of Planning & Research

Apr 15 2022

Megan Campbell, Associate Planner
City of Pleasanton
P.O. Box 250
Pleasanton, CA 94566

STATE CLEARINGHOUSE

Re: 2022040091, City of Pleasanton 2023-2031 (6th Cycle) Housing Element Project, Alameda County

Dear Ms. Campbell:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok/Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a.** A brief description of the project.
- b.** The lead agency contact information.
- c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a.** Alternatives to the project.
- b.** Recommended mitigation measures.
- c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a.** Type of environmental review necessary.
- b.** Significance of the tribal cultural resources.
- c.** Significance of the project's impacts on tribal cultural resources.
- d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

Megan Campbell

From: James Paxson <james@hacienda.org>
Sent: Wednesday, April 27, 2022 10:13 AM
To: Megan Campbell
Cc: Ellen Clark
Subject: Housing Element Environmental Analysis

Follow Up Flag: Follow up
Flag Status: Flagged

Megan -

I wanted to thank you again for taking the time to discuss the Housing Element EIR with me last week. The information you provided was very helpful.

As the city prepares to have the environmental analysis performed, there are a number of considerations concerning the scope of the analysis as it relates to Hacienda that we want to make sure are addressed. Some of the key considerations we believe need to be incorporated into the analysis are as follows:

- There have been a number of discussions around appropriate sites for densification beyond levels that have currently been seen in Pleasanton projects. We believe that both the BART site and the Oracle site are prime candidates for this type of evaluation. While there may be others, including other sites in Hacienda, we believe that it is particularly important to look at the opportunities for both higher density and taller structures at these two locations given their proximity to resources that will support such density and the ability to integrate such projects within Hacienda.
- It has been Hacienda's expressed interest, which is also supported within the PUD, that residential development within Hacienda not displace current non-residential entitlement. For this reason, it is particularly important that the EIR conduct a buildout analysis that considers development of office that is not currently entitled. We have worked with the Traffic Engineering Department in the past to help provide reasonable assumptions about where future un-entitled office development might occur so that the traffic model used for the environmental analysis can be properly structured to consider both uses in an evaluation of future residential additions.
- Further to the previous point, we also want to make sure that reasonable assumptions are made to consider both near-term and long-term development and that care is provided to examine what projects are likely to advance in each timeframe.

Thank you for the opportunity to comment. Please let me know if any clarification of the foregoing is needed or if I can provide any additional information. We look forward to working with staff as the Housing Element progresses.

Regards

James Paxson
General Manager, Hacienda

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



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

May 5, 2022

Ms. Megan Campbell
Associate Planner
Community Development Department, City of Pleasanton
Post Office Box 520
Pleasanton, CA 94566
MCampbell@cityofpleasantonca.gov

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF PLEASANTON 2023-2031 (6th CYCLE) HOUSING ELEMENT UPDATE PROGRAM – DATED APRIL 2022 (STATE CLEARINGHOUSE NUMBER: 2022040091)

Dear Ms. Campbell:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of a Draft Environmental Impact Report (NOP of DEIR) for the City of Pleasanton 2023-2031 (6th Cycle) Housing Element Update Program (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

The [Ponderosa Homes](#) Site is a DTSC Site located at 4131 Foothill Road in Pleasanton which is currently inactive but needs further evaluation regarding previously detected volatile organic chemicals (VOCs) and organochlorine pesticides in soil and groundwater. This location appears to be in the vicinity of the #22 Merritt location proposed for Residential–Low Density housing. DTSC recommends that any parties interested in further development of the [Ponderosa Homes](#) Site enter into a [Voluntary Cleanup Agreement](#) with DTSC in order to assure that any contaminants of potential concern are addressed.

In addition, DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the DEIR:

1. The DEIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The DEIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the DEIR.
3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the DEIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 [Abandoned Mine Land Mines Preliminary Assessment Handbook](#).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers](#).

5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the DEIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the DEIR. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3582 or via email at Brian.McAloon@dtsc.ca.gov.

Sincerely,



Brian McAloon
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

May 5, 2022

Via Email mcampbell@cityofpleasantonca.gov
Megan Campbell, Associate Planner
City of Pleasanton
Community Development Department
Post Office Box 520
Pleasanton, CA 94566

**Re: Comments on Notice of Preparation of the City of Pleasanton 2023-2031
(6th Cycle) Housing Element Update Program EIR**

Dear Ms. Campbell:

This letter provides comments on the NOP for the EIR the City will be preparing for its new Housing Element,¹ which I am submitting on behalf of our client, Simon Property Group (SPG). The NOP states that the City will be studying the impacts of designating an unspecified 18 acres within Stoneridge Mall for residential uses at a density of 50 to 80 units per acre. Much of that property is owned by SPG. Our comments are focused on ensuring that the EIR studies a complete, stable and finite project description.

1. The EIR must indicate more clearly what land is proposed for residential development within Stoneridge Mall. The NOP references APNs and addresses that encompass the store buildings and existing structured parking (at the former Sears site), and it refers vaguely to “parking lots.” The NOP lists 18 acres for redevelopment, whereas there is about twice that amount in open parking lot areas that are not within the areas already zoned mixed use, and these open parking lots straddle parcel lines for properties owned by at least six distinct ownership entities. The project description should clarify which of these areas are proposed to be redeveloped, and the EIR should study the impacts of that development. SPG offers to assist the City with identifying specific areas at Stoneridge Mall.
2. The NOP does not mention the possibility that density bonus units could be developed, even though the City must ministerially approve those additional units when sufficient affordable units are included in the base project. Density bonus units are especially likely given the affordability requirements the City is intending to assign. The City should make a good faith, reasonable projection of how many projects will propose density bonus units and study those additional units in the EIR. Alternatively, if the EIR is to study only 80 units per acre as the maximum, the project description should be revised to specify that the maximum allowable density will be 53 units per acre, such that the current maximum 50% State Law density bonus would result in the 80 units per acre the City proposes to study in the EIR.

¹ Available at https://static1.squarespace.com/static/60774c0969df227a3b4ab0a6/t/624e281ad5018c40c4dea7bd/1649289250681/21480022+City+of+Pleasanton+NOP_Compressed.pdf

3. The NOP project description does not include the additional redevelopment that will be triggered by redevelopment of the proposed sites into housing. Specifically, the EIR must project how the parking needs of the commercial development at Stoneridge Mall will be met, and study the impacts associated with development of those replacement parking facilities. Similarly, with respect to Stoneridge Mall, the NOP states: “Extent of any potential demolition currently unknown.” The EIR must make a good faith effort to project what demolition will occur, and study the impacts of that demolition.
4. Incorporating more than one affordability level in a single “low income” category in the site inventory does not allow for a complete and accurate project description, since affordability levels may affect at least some of the impact analyses. Because the City has indicated to SPG in connection with its current residential project that the City intends to apply the no net loss law in a way that assigns specific affordability levels to each site, the new Housing Element must identify specific affordability levels. The City cannot omit a description of how specific affordability levels will be distributed at each site, and then surprise developers as they come forward with individual projects by announcing that no net loss requirements would be triggered by previously undisclosed affordability level requirements.
5. In a similar vein, the project description should clarify the number and level of affordability of units per parcel. The Stoneridge site is comprised of six parcels owned by several entities. Other sites may also be comprised of more than one parcel. If, as staff is proposing in connection with SPG’s current residential project, the City will take the position that 100% of the affordable units must be developed in the area that happens to be developed first, the project description should so state. For example, for Stoneridge Mall, the project description should note that though six parcels are listed in the inventory, all the affordable housing is projected to be sited on the first parcel(s) to be developed, and the remaining parcels will then be removed from the housing site inventory. If this approach is not consistent with the position the City intends to take (and we hope it is not), the EIR should confirm that affordable units will be distributed among parcels without regard to the order of development, according to a disclosed formula that provides a reliable measure of equal treatment to each ownership.
6. The EIR must address the feasibility of mitigation in light of the economic consequences of the City’s proposed site inventory. As currently proposed, the Housing Element relies upon the Government Code presumption that high densities can be assumed to be affordable. It includes 100% of the high density units in the site inventory, then indicates the inventory will reflect a total number of units that leaves a “buffer” in case 100% of the high density units are not developed as affordable units. The result is that the actual projection for the high density sites is somewhat less than 100% affordable but likely well over 50% affordable. Deed restricting more than 50% of the units in a project to affordable levels is generally not feasible absent substantial subsidies. Even if such projects were economically feasible to build, it likely would not be economically feasible for them to fund many mitigation measures. The EIR must assess the feasibility of implementing mitigation measures in light of these factors.

7. For sites carried over from the prior cycle, the project description must indicate how the City proposes to create a zoning district that will allow residential units by right for those developers who choose to include 20% affordable, pursuant to Government Code section 65583.2(c). The PUD-MUR district proposed for Stoneridge Mall does not meet this requirement. (We note that some staff reports regarding the new Housing Element stated erroneously that Stoneridge Mall was previously designated for 400 affordable units. To the contrary, the 2015 Housing Element site inventory clearly lists only 88 affordable units at Stoneridge Mall.)
8. Finally, the NOP indicates that a program EIR will be prepared. In order to facilitate development of housing before expiration of the 6th Cycle, the EIR should be as detailed as possible. A conceptual EIR may be appropriate for a project that proposes only broad rules or policies that will be implemented with more specific rules later, but the Housing Element is not such a project. It proposes specific densities on identified sites, making detailed analysis not only possible, but appropriate. A detailed study is necessary to address the project details required by Housing Element law, and to avoid hindering the timely development of housing projects. As stated in CEQA Guideline 15168:

A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

If, however, the city nonetheless chooses to provide only a conceptual analysis, then the Housing Element must evaluate the constraint that will be created by having to conduct more detailed environmental review later.

Thank you for considering these comments.

Sincerely,



Marie Cooper

cc: Ellen Clark, Community Development Director
Charles Davis, Simon Property Group
Cecily Barclay, Perkins Coie

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