

From: Frank Martin [REDACTED]
Sent: Wednesday, November 4, 2020 4:40 PM
To: Chris Jordan <cjordan@losaltosca.gov>
Subject: Fwd: 11/10/2020 City Council Packet

Chris,

The agenda for this meeting is not going to be able to fit in both dog parks and bocce ball. There will be many speakers for both - perhaps 25-40 each. I suggest you postpone bocce ball to avoid frustration for the public speakers and council members.

Frank

----- Forwarded message -----

From: [REDACTED]
To: [Public Comment](#)
Subject: Agenda Item #12 - November 10, 2020
Date: Monday, November 2, 2020 10:56:13 PM

Dear Mayor Pepper and Council Members.

We strongly oppose off-leash hours at Heritage Oaks Park.

We are long-time residents of the Loyola Corners area. We take daily walks in our neighborhood. On at least five of those days each week, we walk through or by Heritage Oaks Park.

Per the PARC report, there was "Significant opposition from Heritage Oaks Park neighbors." According to the statistics provided by PARC, only 51.3% of the people attending were in favor of having off-leash hours at Heritage Oaks Park. Of the people attending both meetings, 66% were dog-owners, and 34% were not dog owners. ("188 dog owners and 96 non-dog owners".) These statistics in no way indicate a desire for off-leash hours at Heritage Oaks Park.

"Thirty (30) individuals spoke at the meeting: five (5) were in favor and twenty-five (25) were in opposition to the off-leash program in Heritage Oaks Park." **Where is the consensus, and why is this being recommended by PARC??**

I strongly doubt whether the \$6,275 budgeted for BOTH proposed parks for 9 months will be sufficient to allow for cleaning up at the park after Off-Leash Dog hours.

"Owners must clean up after their dogs." Who is going to enforce this? Most dog owners are responsible, but not all !! The off-leash hours may be limited, but for those of us who currently enjoy walking through Heritage Oaks Park, having to watch carefully where we walk because of dog doo-doo will prevent us from enjoyment of our neighborhood park 24/7.

Please do not approve off-leash hours at Heritage Oaks Park.

Thank you.

Sandra Salinger

From: Vladimir Rubashevsky
1301 McKenzie Ave
Los Altos CA 94024
[REDACTED]

To: Los Altos City Council
Re: Dog Park Proposal

Dear Sir/Madam.

This letter is to express my opposition to the current Dog Park proposal. Below are the reasons for it:

1. The current proposal was voted for on the incorrect data showing highly inflated number of Dog Park supporters. The data sources used by Subcommittee (survey and Dog Park Workshop) were collected from predominantly dog owners sample of residents and used with incorrect assumptions aimed to exaggerate the amount of supporters. Real number between 17 and 22% instead of 43% as used by Subcommittee. (See proof and calculations in **Exhibit 1**).

2. The Proposal baselessly assumes that all dog-owners who take advantage of the proposed program will suddenly start obeying the proposed Dog Park rules.

There are plenty of conscious dog owners who obey the rules and will obey them in the future. However there are many dog owners who violate the basic dog ownership rules.

- The Subcommittee used a number of unlicensed dogs in Los Altos and estimated it at 400. So according to the Subcommittee's own calculations there are 400 dog owners (which is roughly 10%) who violate even the registration and licensing rules.
- There are dog excrement in the Park (**See Exhibit 2**) which were not cleaned by the dog owners.
- One argument used by the proponents of the Proposal was that the illegal running unleashed dogs is happening now and it is a big problem for the neighborhood and they claim that establishing unleashed Dog Hours would fix this issue. This so-called "solution" is worse than the problem itself. It is similar to "solution to cure shoplifting problem" by "establishing special 'legalized shoplifting' hours in the shops which currently suffer from illegal shoplifting"

Since these people **violate the basic dog ownership rules** we can not expect them to follow scheduling and other rules stated in the proposal.

3. Heritage Oaks Park is unfit for the proposed program.

3.1. According to the School of Veterinary Medicine (UC Davis) one of the most important rules in establishing a dog park is:

"Do not establish a dog park immediately adjacent to residential property lines."

<http://thestantonfoundation.org/assets/canine/Dog-Park-Resources/UC-Davis-Study-Dog-Park-Maintenance.pdf> (**See Exhibit 3**)

3.2. The PARC at the May 9, 2018 meeting produced criteria which have to be satisfied for a Park to become candidate for Dog Park (see **Exhibit 4**).

https://www.losaltosca.gov/sites/default/files/fileattachments/parks_and_recreation_commission/meeting/43250/item_2_attachment_a_dog_committee_report.pdf

Heritage Oaks Park did not meet these criteria including “proximity of residences” and “insufficient parking”.

Nothing has changes since but somehow the same body without any justification designated this Park for the unleashed dog hours.

3.3. The Heritage Oaks Park has a very popular place for sport activities: soccer for kids, volleyball for adults. (See **Exhibit 5**) Also a lot of people are currently using the grassy area for picnicking and sun basing. Designation the very same grassy area by this proposal as the unleashed dogs area would make these activities pretty much impossible because of the grass contamination by the dogs urine and excrement. Currently there is a very small amount of unleashed dogs in the park on a daily basis and the dog excrement is left there in violation of the dog owner’s responsibility to pick up after the dogs (See pictures in **Exhibit 2**) but because the amount of dogs is small they are only few of them - so the grass condition is OK. However if the Park becomes the place for unleashed dogs for all 4000 dogs in Los Altos the amount of dogs would increase dramatically and the excrement and urine contamination would make the grass unusable for these activities.

4. Prioritizing questionable additional benefits of dogs over real benefits of humans is wrong

At this point the parents with children as well as dog owners with leashed dogs are main users of the Heritage Oaks Park. During my conversation with Commissioners I asked a specific question: who would have priority using the Park during unleashed dog hours? They explained to me that **unleashed dogs would** and if a person is afraid of dogs he or she should not use the Park during these times. The priority of the dogs over people invalidates the declared “space sharing” and would provide the “exclusive right” to use the park to the dog owners.

I do not think that dog owners should have more rights than other taxpayers in regards to the resource which has been built and maintained using the taxpayers’ money.

5. Property Value Loss.

Being across street from park is almost like having a “Waterfront property”. Nice scenery. So the “across Park” is a component of a value structure for all McKenzie residences. We were paying premiums for our properties and the City was getting its share of our property taxes. This proposal is going to

- a) convert the “Beautiful lake” into “a dog poop and urine contaminated dump”.
- b) convert a quiet neighborhood street into a busy traffic congested area.
- c) Destroy “quiet enjoyment” environment by noise contamination with barking dogs.

During Property Sale the Sellers have to disclose “Neighborhood noise problems and other nuisances” in the Transfer Disclosure Statement (**Exhibit 6 Para C11**) and more details: Noise,... traffic, parking congestion,... litter,...odor etc. In Property Questionnaire (**Exhibit 7, Para 15**).

The scientific Noise Impact study (see **Exhibit 8**) shows that property values drop ~10% just because of noise (no “a” and “b” issues). Let’s be conservative and use just a 10% reduction in value (ignoring “a” and “b” factors).

There are 11 houses directly adjacent to the Park with average value ~3.5M with the total value (per Zillow) of ~\$38M. 10% loss will be equal to \$3.8M. And these losses will be just to give additional questionable benefits to some dogs and to some dog owners. I understand, that the City has a police power and can pursue Eminent Domain law to get our properties. But this law is calling for compensation. **Is the City going to compensate us for this \$3.8M loss? Is the City ready to lose its part of the tax revenue from \$3.8M loss year after year?**

6. City will get potential liability for any dog-involving accidents.

The proposed space sharing between people and unleashed dogs will create unsafe environment for humans and specifically for children and therefore will make the City liable for the dog-biting incidents in spite of attempts to put the liability on the individual dog owners.

Conclusion:

The proposal of unleashed dog hours in Heritage Oaks Park should be denied because:

- a) its justification is based on false assumptions,
- b) it does not reflect opinion of a majority of Los Altos Residents
- c) it violates the Parks and Recreation Commission recommended Dog Park standards (Meeting from May 9, 2018, "Item 2: ATTACHMENT A Dog Park Committee report"
- d) it puts dogs above people
- e) it takes the family Park which was built with Los Altos residents' money and transfer it during the unleashed dog hours to exclusive usage by a very few dogs accompanied by their owners.
- f) it will cause severe damage to the Heritage Oaks Park and its neighbors.
- g) it will create a huge financial liability for the City of Los Altos with potential litigation with the victims of dog bites and the residents who lose property values.

Sincerely,

Vladimir Rubashevsky

Exhibit 1.

Incorrect premises and inflated numbers of residents who support the Dog Park cause.

1.1. Incorrect assumption that 43% of Los Altos households have dogs.

The Commission did not take into consideration the amount of dogs per "dog household" and uses the total amount of dogs in Los Altos instead. *"there are over 3,800 licensed dogs in the city of Los Altos. Given that there are 10,700 residences in the city, between 35 and 40% of the homes in the city have dogs"*.

I don't think anybody would reasonably support the presence of "unlicensed dogs" in justification to establish the dog park. So let's try to properly calculate the amount of Households with dogs based on the number provided by the Commission (3800).

Per <https://www.avma.org/> the average amount of dogs per US Household is 1.6

This will give us the total amount of Households with dogs (HHD) as $3800/1.6=2375$. The total number of Households in Los Altos (HH) is 10,700. This means that the number of Households with dogs (HHD) is **2,375** and the share of the HHD is $2,375/10,700 = 22\%$ of total Households in Los Altos (HH).

1.2. Incorrect Assumption that the unleashed dog hours are good for dogs

The 2 articles below talk about dog parks from dog owner's point of view. According to them, the Dog Parks **especially** incorrectly designed can be bad for dogs. Articles:

~ <https://docplayer.net/>

~ <https://www.nytimes.com/>

1.3. Incorrect Assumption that all dog owners are supporting the unleashed dog hours.

188 dog owners attended The Dog Park Workshop. Altogether only 152 attendees supported the unleashed dog hours. **Even if we assume** that all 152 'Yes' votes belonged to the dog owners and all "dogless" people voted 'No', then at least 36 dog owners were against the proposal (of the 188 dog owner attendees).

Therefore, the dog owners supporting the unleashed hours is only 81% ($152/188=81\%$)

This means that among 2,375 HHDs (see #1.1 above) there are only $2,375*81%=1,923$ who support the "Off-Leash hours at a non-fenced-in park".

Based on the numbers, there is less than 20% of Los Altos Households that support the dog park off leash hours.

Calculation is:

1,923 / **10,700** = **18%**.

Supporters / Total Households = % supporting off leash hours.

1.4. Incorrect counting of support by households instead of by people.

The recommendation ignores the fact that households with children (usually larger households) are less likely have dogs than the households with fewer people (with no children).

<https://www.urban.org/urban-wire/housing-survey-reveals-five-trends-about-american-pet-owners> This means, that calculating “by household” favors dogs over people.

1.5. Data from a single-sided “Dog Park workshop” named in the way which discourage people with no dogs from attendance.

The workshop was named “**Dog Park workshop**”. Would you attend “Elephant Handling workshop”? Probably not if you do not have elephant. So, the people who did not have dogs did not attend.

The attendance numbers confirm this fact: 188 dog owners; 96 non-dog owners attended. That’s twice as many dog owners that came to the workshop than non dog owners.

Assuming the Subcommittee’s statements that all “dogless” attendees voted against the Proposal (1.3) we can easily estimate the numbers which would they would have received if the event was correctly represented.

Here is the calculation:

There were 188 dog owners participating in the workshop. 146 participants supported unleash dog hours. They were supposed to be 43% per Subcommittee statement or 22% by the above calculation at 1.1 above.

Both scenarios:

43%(Per Subcommittee)

$$188 \quad / \quad 43\% = 437$$

Dog owners / Ratio = Total participants

22%(Per Calculation 1.1 above)

$$188 \quad / \quad 22\% = 854$$

Dog owners / Ratio = Total participants

Supporter Ratio

$$146 \quad / \quad 437 = 33\%$$

supporters / Total participants = Pro %

$$146 \quad / \quad 854 = 17\%$$

supporters / Total participants = Pro %

The “corrected survey” would show only 17% of support of the Unleashed Dog Park Hours proposal.

Exhibit 2
DOG EXCREMENT FOUND ON THE GRASS



Exhibit 3

GUIDELINES FOR ESTABLISHMENT AND MAINTENANCE OF SUCCESSFUL OFF-LEASH DOG EXERCISE AREAS

Produced by:
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GUIDELINES FOR ESTABLISHMENT AND MAINTENANCE OF SUCCESSFUL OFF-LEASH DOG EXERCISE AREAS

General Comments

There are many perspectives and types of information that need to be taken into consideration when developing and managing off-leash dog parks that are successful in terms of harmony with the surrounding community as well as with the park users. Community support and involvement is integral to this process, especially in promoting a harmonious relationship with the neighbors of the park. Maintenance, along with the proper selection of a location, is essential in the continued success of a park. Indeed, our research, based on a study of 17 off-leash dog parks, profiles maintenance of the park as probably the single most important determinant of success. Although our research did not show a statistically significant correlation of dog park club involvement and perceived success, the correlation was positive. Managers of parks repeatedly stressed the importance of an active dog park club, and we strongly recommend that these clubs be involved in the planning process, as well as helping to maintain an ongoing relationship with the management of the park. The lines of communication must remain open between the municipality or organization managing the park and the community to promptly address actual or perceived problems, and to profile the benefits that a dog park can bring to the community. Under various headings below, we describe suggested guidelines that should be considered in establishing and managing an off-leash dog park. The specific recommendations are a reflection of conclusions from data analysis of our study of off-leash dog parks, as well as a reflection of repeated comments from interviewed managers and park users.

The topics discussed first involve the primary concerns expressed by community officials, namely safety to humans and other dogs, noise generated from a concentration of barking dogs, and sanitation problems from the build-up of feces. As it turns out, these concerns do not represent the issues deserving of the most attention, because problems in these areas appear to be relatively infrequent, at least in the dog parks that we visited.

Some community decision-makers and park managers mentioned a concern about possible disturbance of wildlife or native plants. Our study focused mainly on urban parks and disturbance of wildlife in these parks did not appear to be an issue. This topic could be addressed in a study that includes more parks established within natural reserves or nature areas.

Finally, in the way of general comments, we strongly encourage communities seriously considering establishing or modifying a dog park to retain a professional consultant knowledgeable in helping to prevent and resolve problems or concerns about off-leash parks.

Safety

Park managers and community officials ranked the safety of people and dogs as a primary concern in dealing with dog parks. However, our study, as well as those conducted elsewhere, reveal that injuries to people and dogs from dog bites at legal off-leash areas are rare. One possible reason for the low risk of a dog bite may be that park users almost always do not bring dogs that are likely to bite other dogs or people. However, overly assertive, overly unruly, and undersocialized dogs can negatively impact the behavior and welfare of other dogs visiting the park. To help ensure that this does not become an issue, the following suggestions should be implemented:

1. Overtly aggressive, overly assertive, overly unruly, and undersocialized dogs should be discouraged from visiting the parks. Park users should be educated in the signs that dogs display when performing these behaviors. While not aggressive to the point of fighting with other dogs, a dog that displays these types of behaviors can cause other dogs to become excessively fearful.
2. Park users should be discouraged from bringing young puppies or fearful dogs to parks, as they may be made more fearful by highly assertive dogs, highly interactive dogs, or rough play. A fearful dog may snap or bite as a way of defending itself, and perhaps develop problems that can be seen outside of the confines of a dog park.
3. The park users must have their dog under voice control.
4. Children should always be closely supervised by a responsible adult.
5. Owners should carry their leash on them at all times.
6. One activity for a dog park club is to help monitor interactions between dogs and other dogs and between dogs and people. The best option for an organization is to obtain indemnification from potential liability from their local government. If a local government has this sort of expectation from a dog park user group, then the governmental entity should be required to indemnify the group and absorb any legal liability (and legal costs) that might ensue.

Noise

This is another frequently mentioned concern of community officials. The noise level at parks invariably increased over baseline in the area of the highest concentration of activity during peak use. The degree that the surrounding community will notice this depends upon the degree to which the noise level potentially reflects an increase in ambient noise from such things as noise from increased automobile traffic. It should be kept in mind that sound level declines exponentially with distance from the source of the sound. Our research revealed no correlation approaching significance between the increase in noise level at dog parks during times of heavy use and ranking of park success. In park locations where noise from dogs may be an issue, we suggest the following:

1. Do not establish a dog park immediately adjacent to residential property lines.
2. If the dog park must be located immediately adjacent to residential property lines, create sound buffers with plants, fencing or earthen berms if needed.
3. If an established park shares a border with residential property lines, move the area of heaviest usage away from that boundary.

Sanitation

This is the third most highly profiled concern of community officials and park managers. However, our study found no significant correlation between fecal counts and success. The absence of a correlation may indicate a rather low occurrence of residual fecal droppings in parks. The median was 1 fecal dropping per 100 square meters (120 square yards). Clearly almost all users of dog parks are conscientious about picking up after their dogs. We did find a correlation between the number of signs reminding users to pick up after their dogs and a lower fecal count. The posting of signs highlighting the rule of picking up feces appeared to be more important than the number of refuse cans available – as long as the cans were accessible and not overflowing. To help assure compliance with community expectations of a clean park, we suggest the following:

1. Plan and budget for an appropriate maintenance and cleaning schedule, done by the municipality or organization managing the dog park.
2. Place signs stating the rules at the entrance(s) to the park, as well as within the park, profiling the rule that owners must pick up the feces of their dogs. Be sure that the signs are well maintained.
3. Provide adequate disposable bags, or other means of removing feces, and refuse cans for feces cleanup.
4. Suggest that an active dog park club help monitor the sanitation of the park.

Location

Our research indirectly points out the important role that the location of a park can have in its perceived success. In some instances, good use may be made of areas that are not in high demand for human-only use. As an extreme, one park was located underneath a freeway. In other instances, a location previously used by transients was upgraded as a community resource by the presence of off-leash dog use. The establishment of a well-maintained and responsibly-used dog park may actually improve the value of some neighborhoods. Another benefit for a well-located park, according to park managers, is that the availability of an off-leash park reduced the tendency for people to allow their dogs off-leash in areas where it is not legal.

Park size is important. We found a correlation between the size of the park and ranking of park success, with larger parks being ranked as more successful. Even for parks less than 3 acres, the larger the better. If everything else is equal, choose the larger of 2 possible locations. As observed by our study investigators, and verified by the manager interviews, it was not uncommon for users to allow their dogs off-leash when coming to or leaving a dog park, even though there were rules against allowing dogs off-leash away from the park. Locating a park close to convenient parking spaces for cars may reduce or eliminate this problem. The following are specific suggestions regarding location:

1. The size of the park should be as large as feasible. However, the municipality or organization managing the park needs to be able to adequately maintain the space.
2. Utilize alternate or nontraditional locations, if needed, to help decrease the chance for conflict with other community users.

1. Locate the park so that it is not directly adjacent to residential property lines, to help decrease the chance of actual and perceived problems between park users and the neighbors. However, the park should be close enough to a residential area that dog owners will take their dogs to the park and not allow them off-leash elsewhere.
2. Provide adequate parking for the dog park users, as most users (95%) drive to them. In addition, locate the off-leash area close to the parking lot as possible to discourage owners letting their dogs off-leash between the dog park and parking.
3. If applicable requirements of the Americans with Disabilities Act (ADA) must be taken into consideration.

Maintenance

If asked about the three things that influence how well an off-leash dog park works, one could answer maintenance, maintenance, and maintenance. This is a factor that proved to significantly correlate with ranking of park success, regardless of park size or whether dog-exclusive or multiple-use. The bottom line is that before establishing on an off-leash park, the community must plan ahead and commit resources for maintenance. The monetary costs and time for maintenance should be budgeted and taken into consideration prior to approval of the park. The factors that are part of maintenance include, but are not limited to, are: frequency of emptying refuse cans; re-supplying disposable plastic pick up bags; replacing or fixing broken, bent, or weathered signs displaying rules; filling holes dug by dogs; irrigation and maintenance of vegetation and turf; repairing fencing. Maintenance also includes cleaning restrooms and other park user amenities, such as benches. One perspective is that, as in reducing the occurrence of graffiti in urban areas by promptly removing graffiti, promptly removing fecal droppings encourages people to follow the rules about cleanliness. The following are our recommendations:

1. Plan and budget for appropriate maintenance and a cleaning schedule, which includes adequate sanitation procedures, filling of holes that are dug by dogs, proper maintenance of the substrate, and proper maintenance of fencing and amenities.
2. It is suggested that an active dog park club help advise the municipality as to the needed resources to maintain the park, and to help monitor their condition. However, do not rely on the club to handle the required maintenance.

Substrate

While the substrate within a park is undoubtedly important and correlates with park success, this is often the most difficult topic for which to make specific recommendations. All substrate types, whether turf, ground tree bark, decomposed granite, or heavily compacted base rock, may be appropriate for some parks or some areas in parks. It is important to choose an appropriate substrate for the location and resources available for adequate maintenance. Some thought must also be given for what is best for the dogs. The following are some guidelines:

- 1. Turf.** This is a favorable substrate if the location is appropriate and the municipality is able to undertake fairly intensive maintenance. If turf is planted, it must be adequately maintained to help prevent degeneration into dirt or mud, which includes irrigation, mowing, and weeding. Some parks are closed periodically for reseeded/resodding the grass. Feces may be hard to detect in turf, especially if it is long.

1. **Bark or wood chips.** This substrate is easily maintained. It needs to be replenished periodically, but does afford adequate drainage. Care should be taken when selecting a wood product so that dogs do not get splinters. Wood chips that are used for playgrounds are a good choice. Feces may be difficult to detect on the wood chips, but are easily removed. To some people wood chips are not very aesthetically pleasing.
2. **Decomposed granite.** As with wood chips this is relatively easily maintained. It needs to be replenished periodically. If deep enough and graded well, it allows adequate drainage. Feces are easily detected and removed from this substrate. Maintenance of holes dug by dogs needs to be addressed, because if there is not an adequate depth dogs may dig down to dirt, resulting in muddy holes.
3. **Sand.** This is the natural substrate in parks at the waterfront or on the beach. There is no worry about refilling holes dug by dogs, unless they are extremely large. It affords adequate drainage, and feces are easily detected and removed from this substrate. However, it is difficult for municipalities to maintain and keep clean, often requiring specialized equipment. Sand may become too hot for dogs' feet during warm weather.
4. **Heavily compacted base rock.** This may be the only option available, depending on the location. If used there are precautions to observe. First, pavement may get very hot if in direct sunlight. Secondly, users should be made aware that a dog might develop abrasions on the pads of their feet if they are not accustomed to spending a fair amount of time on this substrate. It is very low maintenance, and feces are easily detected and removed from this substrate. To help decrease odors, an enzyme-based disinfectant/deodorant can be sprayed on this substrate.
5. **Multiple different substrates used together.** Turf, bark, and concrete/asphalt trails may be used in different locations within a park. This offers dogs the opportunity to encounter and choose different types of footing. Trails encourage park users to walk with their dogs, therefore decreasing the density of dogs in one particular area. This also allows the human users the option to exercise themselves more easily.

Rules

We found that invariably all parks had rules. However, there was a wide disparity in how visible the rules were. The rules must be highly visible, so that everyone is well informed as to what is expected. We found a significant correlation between the number of signs posting fecal cleanup rules and the fecal count per 100 square meters (120 square yards). Short versions of the rules emphasizing clean-up should be posted in locations throughout the park, as well as at the entrance(s). This is an area where an active dog club may be very helpful by helping self-patrol the area. Park managers mentioned that “self-policing” and peer-pressure by park users helps the other users be more aware of the stated rules.

A charged issue about rules is placing a limit on the number of dogs allowed per user. The main concern is with regard to dogwalkers who may bring in as many as 15 dogs at a time. Our observations, reinforced by comments from users of the park, suggest that dogwalkers, and others with more than 3 dogs, are less conscientious about picking up fecal droppings or monitoring interactions with other dogs or people. In light of these observations it seems that limiting the number of off-leash dogs to 3 per adult user is not unreasonable. Here are our suggestions regarding rules:

1. Post rules in several visible locations; keep the signs well-maintained.
2. Rules should profile user responsibility, especially regarding clean-up.
3. Limit the number of dogs per adult allowed in the park. We suggest no more than 3 per adult user.
4. The park users must have their dog under voice control.
5. Do not allow dogs that are aggressive to other dogs or people into the park.
6. Unsupervised children under the age of 14 should not be allowed into the park for safety reasons.
7. Enforce leash laws in areas surrounding the dog park to decrease the number of dogs illegally off-leash going to and from the park.

Dog Park Clubs

The parks visited in our research had a range of dog park club involvement characterized as: none, currently inactive; moderately active with little financial or club newsletter involvement; quite active with a newsletter, and/or dues and meetings; and very active, involved with park management, self-policing by users and with dues, a newsletter and meetings. Clearly, an active dog park club is important to the success of a park and the more active the better. We suggest the following on this topic:

1. Suggest that an active dog park club participate in the planning of a dog park.
2. Suggest meetings of dog park club officials and the park management to review success and address any problems, or when serious problems arise.
3. Suggest that the dog park club sponsor an on-line and/or paper newsletter, and potentially an e-mail listserve, and charge reasonable dues.
4. Encourage the dog park club sponsor fundraiser with park users and periodically contribute proceeds to non-dog related functions, such as science and biology teaching in schools, to help increase harmony with the surrounding community.

Exhibit 4

PARC Criteria for Dog Park

(Attachment for Item 2, May 9, 2018 meeting)

The subject of a Los Altos dog park has been considered for many years. According to the discussion in the 2012 Master Los Altos Parks Plan, "A CIP was created in 2009 for construction of a dog park. That project was funded but placed on hold until a site was selected." This report from the sub-committee of the current Parks and Recreation Commission will

- 1) submit the criteria for a dog park,
- 2) present the pro's and cons of various dog park locations,
- 3) make a recommendation for the location best suited for an off-leash dog park in Los Altos,
- 4) make a recommendation for a pilot program that allows dogs to be off-leash and owner-supervised (without fences) at suggested locations in town at specified times of the day.

DOG PARK CRITERIA

*A minimum of 10,000 square feet for off-leash activities for dogs of all sizes. (Carmel Village on San Antonio Rd. has 7,500 sf and Mitchell Park in Palo Alto has 22,000 sf.)

*Sufficient parking

*Access to bathrooms

*Sufficient buffer between the park and residences/places of worship

*Access to a water fountain designed for people and pooches

*Adequate shade

*ADA compliant

*Appropriate hours including periods closed for maintenance

*A 4' or 6' fence surrounding the dog area with a double entry system

*Properly engineered drainage, surface medium and maintenance regimen that ensures sanitary conditions and a pleasant visit

*Clear and well-placed signs that post park rules

*Seating and small tables

*Covered trashcans

*Free doggie bags

*Waste disposal Stations

DOG PARK LOCATIONS DISCUSSED

- 1) **Grant Park**-fields are heavily used and they could not spare the 10,000-sf needed for a fence enclosure, neighborhood setting would not absorb additional traffic and parked cars, especially from users coming from nearby Cupertino and Sunnyvale
- 2) **Heritage Oaks Park**-although the undeveloped back end of the park is large enough for a fenced dog park with nearby bathrooms and ample shade, the parking is insufficient and the residences are too close
- 3) **Marymeade Park, McKenzie Park and Shoup Park**-the space required for a dog park on the grassy field would virtually eliminate the picnics, Frisbee tosses and open space enjoyment that goes on now.
- 4) **Montclair Park**-no space

- 5) **Redwood Grove**-The close proximity to residences, the quiet enjoyment of a natural setting and the parking demands including Shoup Park and Garden House negate this as a possible dog park location
- 6) **Rosita Park**-The sports fields should not be disturbed. The small area alongside the parking lot is only 20% of the size required.
- 7) **Village Park**-Before this park was renovated, it might have been an anchor activity destination downtown for dogs and dog owners to commune. Too much money has been invested to consider a do-over.
- 8) **Lincoln Park**-There are two sides to Lincoln Park.
 - a. The side between Edith and Main Street is a naturally beautiful grassy field with mature redwoods. But its limited parking, lack of bathrooms, closeness to residences, and its use as a venue for the 4+ decades old *Fine Art in the Park* makes this side of Lincoln inappropriate for a dog park.
 - b. The other side, between Main Street and the start of Orange Ave along Lincoln Avenue would not provide the required 10,000 square feet of land without interfering with places of worship, bathrooms would be needed at great expense, parking would be inadequate when nearby organizations were active and errant balls and Frisbees would require golf range type netting to guard against traffic disruption on the busy Foothill Expressway. If we are willing to settle for a long, narrow dog park with restrictions on playing fetch, such a park exists not too far away in Los Altos Hills at Purissima and Elena Roads.
- 9) **Hillview Park**-The committee unanimously agreed that the 10,000 square foot area for future expansion included in the new Hillview Community Center architectural plans would satisfy all of the criteria for a fenced in dog park. The dog park could be operated on this part of the Hillview Community Center until such time as an additional wing would be added to the Center. In the meantime, the dog park would provide a popular amenity that would build community among 1,000's of potential users and on-lookers. Who doesn't like to watch dogs at play whether they currently own a dog or not?

OFF-LEASH DOG PILOT PROGRAM

The Municipal Code does not permit dogs to be off-leash anywhere in Los Altos. And yet, single or groups of dog owners regularly let their dogs off-leash to play and exercise. The sub-committee recommends that a few parks meeting the selection criteria allow dogs to be off-leash from sunrise to 9am, 7 days a week for a test period to be decided by the full Commission (6 to 12 months?). The program could be canceled at certain parks at any time or at all off-leash parks based on a staff review of complaints and at their sole discretion.

OFF-LEASH PARK CRITERIA

*Trial area designated should not be used as a sports field

*At least one trial location should be convenient to north and south Los Altos

*Sufficient parking

- *Sufficient buffer between the park and residences/places of worship
- *Clear and well-placed signs that post off-leash park rules
- *Covered trashcans
- *Free doggie bags (The City should consider free doggie bag dispensing stations at all Los Altos parks at multiple locations in each park to make it easy for dog owners to succeed in cleaning up after their dogs)
- *Waste disposal Stations

OFF-LEASH LOCATIONS DISCUSSED

- 1) **Grant Park**-A small area alongside the basketball courts and near the playground might provide an early morning off-leash area should the trial program be successful. The small area might require activity limitations.
- 2) **Heritage Oaks Park**-The undeveloped back end of the park might be considered for off-leash activities following a successful trial program elsewhere. The land will need to be reviewed for ground and landscaping improvements to make this space safe and useable.
- 3) **Marymeade Park**-The grassy field is too close to the busy Fremont Road thoroughfare.
- 4) **McKenzie Park**-Dog owners already meet in the morning between the two playgrounds at either end of the grassy field. This park qualifies as our south Los Altos trial location.
- 5) **Shoup Park**- Dog owners already meet in the morning on the grassy field. This park qualifies as our north Los Altos trial location.
- 6) **Montclair Park**-no space
- 7) **Redwood Grove**-The close proximity to residences, the quiet enjoyment of a natural setting, the fragile native vegetation and the parking demands including Shoup Park and Garden House negate this as a possible off-leash dog park location.
- 8) **Rosita Park**- A very small rectangular area alongside the parking lot might provide an early morning off-leash area should the trial program be successful. The small area will require activity limitations.
- 9) **Village Park**-The layout of the space with its close proximity to two busy streets require all dogs to be on-leash at all times of the day or night.
- 10) **Lincoln Park**-There are two sides to Lincoln Park.
 - a. The side between Edith and Main Street is a naturally beautiful grassy field with mature redwoods and is used frequently by owners of small to big dogs to exercise and socialize with other dogs and dog owners. This location provides an alternative north location to Shoup Park or an additional trial park to Shoup with an even larger off-leash area for use from sunrise to 9am. While ball throwing is very controllable, flying discs should be disallowed to discourage errant discs from entering the Foothill Expressway corridor.
 - b. The other side, between Main Street and the start of Orange Ave along Lincoln Avenue could provide an off-leash area limited to small dogs only. Because of the narrow parcel so close to the street, all fetching activities might be disallowed.

11) **Hillview Park**-Although the Little League field is used now for dog obedience training and unpermitted off-leash visits, its use as a sports field disqualifies it as a trial candidate. There is a future possibility that after a successful early morning off-leash trial program, the ball field could be tested as an off-leash area during the baseball off-season. Damage to the field from overuse or dog digging would have to be considered and monitored.

Exhibit 5 Park usage





Exhibit 6

REAL ESTATE TRANSFER DISCLOSURE STATEMENT (CALIFORNIA CIVIL CODE §1102, ET SEQ.) (C.A.R. Form TDS, Revised 6/20)

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF Los Altos, COUNTY OF Santa Clara, STATE OF CALIFORNIA, DESCRIBED AS 1301 McKenzie Ave, Los Altos, CA 94024-5629.

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH SECTION 1102 OF THE CIVIL CODE AS OF (date) _____. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I. COORDINATION WITH OTHER DISCLOSURE FORMS

This Real Estate Transfer Disclosure Statement is made pursuant to Section 1102 of the Civil Code. Other statutes require disclosures, depending upon the details of the particular real estate transaction (for example: special study zone and purchase-money liens on residential property).

Substituted Disclosures: The following disclosures and other disclosures required by law, including the Natural Hazard Disclosure Report/Statement that may include airport annoyances, earthquake, fire, flood, or special assessment information, have or will be made in connection with this real estate transfer, and are intended to satisfy the disclosure obligations on this form, where the subject matter is the same:

- Inspection reports completed pursuant to the contract of sale or receipt for deposit.
- Additional inspection reports or disclosures: _____

No substituted disclosures for this transfer.

II. SELLER'S INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

Seller is isnot occupying the property.

A. The subject property has the items checked below: *

- | | | |
|--|---|--|
| <input type="checkbox"/> Range
<input type="checkbox"/> Oven
<input type="checkbox"/> Microwave
<input type="checkbox"/> Dishwasher
<input type="checkbox"/> Trash Compactor
<input type="checkbox"/> Garbage Disposal
<input type="checkbox"/> Washer/Dryer Hookups
<input type="checkbox"/> Rain Gutters
<input type="checkbox"/> Burglar Alarms
<input type="checkbox"/> Carbon Monoxide Device(s)
<input type="checkbox"/> Smoke Detector(s)
<input type="checkbox"/> Fire Alarm TV
<input type="checkbox"/> Antenna
<input type="checkbox"/> Satellite Dish
<input type="checkbox"/> Intercom
<input type="checkbox"/> Central Heating
<input type="checkbox"/> Central Air Conditioning
<input type="checkbox"/> Evaporator Cooler(s)
Exhaust Fan(s) in _____ 220 Volt Wiring in _____ | <input type="checkbox"/> Wall/Window Air Conditioning
<input type="checkbox"/> Sprinklers
<input type="checkbox"/> Public Sewer System
<input type="checkbox"/> Septic Tank
<input type="checkbox"/> Sump Pump
<input type="checkbox"/> Water Softener
<input type="checkbox"/> Patio/Decking
<input type="checkbox"/> Built-in Barbecue
<input type="checkbox"/> Gazebo
<input type="checkbox"/> Security Gate(s)
<input type="checkbox"/> Garage:
<input type="checkbox"/> Attached <input type="checkbox"/> Not Attached
<input type="checkbox"/> Carport
<input type="checkbox"/> Automatic Garage Door Opener(s)
<input type="checkbox"/> Number Remote Controls _____
<input type="checkbox"/> Sauna
<input type="checkbox"/> Hot Tub/Spa:
<input type="checkbox"/> Locking Safety Cover | <input type="checkbox"/> Pool:
<input type="checkbox"/> Child Resistant Barrier
<input type="checkbox"/> Pool/Spa Heater:
<input type="checkbox"/> Gas <input type="checkbox"/> Solar <input type="checkbox"/> Electric
<input type="checkbox"/> Water Heater:
<input type="checkbox"/> Gas <input type="checkbox"/> Solar <input type="checkbox"/> Electric
<input type="checkbox"/> Water Supply: City
<input type="checkbox"/> Well
<input type="checkbox"/> Private Utility or Other _____
<input type="checkbox"/> Gas Supply:
<input type="checkbox"/> Utility <input type="checkbox"/> Bottled (Tank)
<input type="checkbox"/> Window Screens
<input type="checkbox"/> Window Security Bars
<input type="checkbox"/> Quick Release Mechanism on Bedroom Windows
<input type="checkbox"/> Water-Conserving Plumbing Fixtures |
|--|---|--|
- Gas Starter _____ Roof(s): Type: _____ Age: _____ (approx.)
 Other: _____

Are there, to the best of your (Seller's) knowledge, any of the above that are not in operating condition? Yes No. If yes, then describe. (Attach additional sheets if necessary): _____

(*see note on page 2)

Buyer's Initials (_____) (_____)

Seller's Initials (_____) (_____)

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REAL ESTATE TRANSFER DISCLOSURE STATEMENT (TDS PAGE 1 OF 3)

B. Are you (Seller) aware of any significant defects/malfunctions in any of the following? Yes No. If yes, check appropriate space(s) below.

- Interior Walls Ceilings Floors Exterior Walls Insulation Roof(s) Windows Doors Foundation Slab(s)
- Driveways Sidewalks Walls/Fences Electrical Systems Plumbing/Sewers/Septics Other Structural Components

(Describe: _____)

If any of the above is checked, explain. (Attach additional sheets if necessary.): _____

*Installation of a listed appliance, device, or amenity is not a precondition of sale or transfer of the dwelling. The carbon monoxide device, garage door opener, or child-resistant pool barrier may not be in compliance with the safety standards relating to, respectively, carbon monoxide device standards of Chapter 8 (commencing with Section 13260) of Part 2 of Division 12 of, automatic reversing device standards of Chapter 12.5 (commencing with Section 19890) of Part 3 of Division 13 of, or the pool safety standards of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104 of, the Health and Safety Code. Window security bars may not have quick-release mechanisms in compliance with the 1995 edition of the California Building Standards Code. Section 1101.4 of the Civil Code requires all single-family residences built on or before January 1, 1994, to be equipped with water-conserving plumbing fixtures after January 1, 2017. Additionally, on and after January 1, 2014, a single-family residence built on or before January 1, 1994, that is altered or improved is required to be equipped with water-conserving plumbing fixtures as a condition of final approval. Fixtures in this dwelling may not comply with section 1101.4 of the Civil Code.

C. Are you (Seller) aware of any the following:

1. Substances, materials, or products which may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks, and contaminated soil or water on the subject property Yes No
2. Features of the property shared in common with adjoining landowners, such as walls, fences, and driveways, whose use or responsibility for maintenance may have an effect on the subject property Yes No
3. Any encroachments, easements or similar matters that may affect your interest in the subject property Yes No
4. Room additions, structural modifications, or other alterations or repairs made without necessary permits. Yes No
5. Room additions, structural modifications, or other alterations or repairs not in compliance with building codes . . Yes No
6. Fill (compacted or otherwise) on the property or any portion thereof Yes No
7. Any settling from any cause, or slippage, sliding, or other soil problems Yes No
8. Flooding, drainage or grading problems Yes No
9. Major damage to the property or any of the structures from fire, earthquake, floods, or landslides Yes No
10. Any zoning violations, nonconforming uses, violations of "setback" requirements Yes No
11. Neighborhood noise problems or other nuisances Yes No
12. CC&R's or other deed restrictions or obligations Yes No
13. Homeowners' Association which has any authority over the subject property Yes No
14. Any "common area" (facilities such as pools, tennis courts, walkways, or other areas co-owned in undivided interest with others) Yes No
15. Any notices of abatement or citations against the property Yes No
16. Any lawsuits by or against the Seller threatening to or affecting this real property, claims for damages by the Seller pursuant to Section 910 or 914 threatening to or affecting this real property, claims for breach of warranty pursuant to Section 900 threatening to or affecting this real property, or claims for breach of an enhanced protection agreement pursuant to Section 903 threatening to or affecting this real property, including any lawsuits or claims for damages pursuant to Section 910 or 914 alleging a defect or deficiency in this real property or "common areas" (facilities such as pools, tennis courts, walkways, or other areas co-owned in undivided interest with others) Yes No

If the answer to any of these is yes, explain. (Attach additional sheets if necessary.): _____

- D.** 1. The Seller certifies that the property, as of the close of escrow, will be in compliance with Section 13113.8 of the Health and Safety Code by having operable smoke detector(s) which are approved, listed, and installed in accordance with the State Fire Marshal's regulations and applicable local standards.
2. The Seller certifies that the property, as of the close of escrow, will be in compliance with Section 19211 of the Health and Safety Code by having the water heater tank(s) braced, anchored, or strapped in place in accordance with applicable law.

Buyer's Initials (_____) (_____)

Seller's Initials (_____) (_____)



Property Address: 1301 McKenzie Ave, Los Altos, CA 94024-5629 Date: _____

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller _____ Date _____

Paxton Donald W III

Seller _____ Date _____

III. AGENT'S INSPECTION DISCLOSURE

(To be completed only if the Seller is represented by an agent in this transaction.)

THE UNDERSIGNED, BASED ON THE ABOVE INQUIRY OF THE SELLER(S) AS TO THE CONDITION OF THE PROPERTY AND BASED ON A REASONABLY COMPETENT AND DILIGENT VISUAL INSPECTION OF THE ACCESSIBLE AREAS OF THE PROPERTY IN CONJUNCTION WITH THAT INQUIRY, STATES THE FOLLOWING:

- See attached Agent Visual Inspection Disclosure (AVID Form)
- Agent notes no items for disclosure.
- Agent notes the following items: _____

Agent (Broker Representing Seller) Compass By _____ Date _____
(Please Print) (Associate Licensee or Broker Signature)

Rafael Insignare

IV. AGENT'S INSPECTION DISCLOSURE

(To be completed only if the agent who has obtained the offer is other than the agent above.)

THE UNDERSIGNED, BASED ON A REASONABLY COMPETENT AND DILIGENT VISUAL INSPECTION OF THE ACCESSIBLE AREAS OF THE PROPERTY, STATES THE FOLLOWING:

- See attached Agent Visual Inspection Disclosure (AVID Form)
- Agent notes no items for disclosure.
- Agent notes the following items: _____

Agent (Broker Obtaining the Offer) 5 Stars Realty By _____ Date _____
(Please Print) (Associate Licensee or Broker Signature)

Vladimir Rubashevsky

V. BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller _____ Date _____ Buyer _____ Date _____

Paxton Donald W III

Vera Katseva

Seller _____ Date _____ Buyer _____ Date _____

Agent (Broker Representing Seller) Compass By _____ Date _____
(Please Print) (Associate Licensee or Broker Signature)

Rafael Insignare

Agent (Broker Obtaining the Offer) 5 Stars Realty By _____ Date _____
(Please Print) (Associate Licensee or Broker Signature)

Vladimir Rubashevsky

SECTION 1102.3 OF THE CIVIL CODE PROVIDES A BUYER WITH THE RIGHT TO RESCIND A PURCHASE CONTRACT FOR AT LEAST THREE DAYS AFTER THE DELIVERY OF THIS DISCLOSURE IF DELIVERY OCCURS AFTER THE SIGNING OF AN OFFER TO PURCHASE. IF YOU WISH TO RESCIND THE CONTRACT, YOU MUST ACT WITHIN THE PRESCRIBED PERIOD.

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

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Exhibit 7



CALIFORNIA
ASSOCIATION
OF REALTORS®

SELLER PROPERTY QUESTIONNAIRE

(C.A.R. Form SPQ, Revised 6/18)

This form is not a substitute for the Real Estate Transfer Disclosure Statement (TDS). It is used by the Seller to provide additional information when a TDS is completed. If Seller is exempt from completing a TDS, Seller should complete an Exempt Seller Disclosure (C.A.R. Form ESD) or may use this form instead.

Seller makes the following disclosures with regard to the real property or manufactured home described as 1301 McKenzie Ave, Assessor's Parcel No. 464-03-042, situated in Los Altos, County of Santa Clara California ("Property").

1. **Disclosure Limitation:** The following are representations made by the Seller and are not the representations of the Agent(s), if any. This disclosure statement is not a warranty of any kind by the Seller or any agents(s) and is not a substitute for any inspections or warranties the principal(s) may wish to obtain. This disclosure is not intended to be part of the contract between Buyer and Seller. Unless otherwise specified in writing, Broker and any real estate licensee or other person working with or through Broker has not verified information provided by Seller. A real estate broker is qualified to advise on real estate transactions. If Seller or Buyer desires legal advice, they should consult an attorney.

2. **Note to Seller:** PURPOSE: To tell the Buyer about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.

- Answer based on actual knowledge and recollection at this time.
- Something that you do not consider material or significant may be perceived differently by a Buyer.
- Think about what you would want to know if you were buying the Property today.
- Read the questions carefully and take your time.
- If you do not understand how to answer a question, or what to disclose or how to make a disclosure in response to a question, whether on this form or a TDS, you should consult a real estate attorney in California of your choosing. A broker cannot answer the questions for you or advise you on the legal sufficiency of any answers or disclosures you provide.

3. **Note to Buyer:** PURPOSE: To give you more information about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.

- Something that may be material or significant to you may not be perceived the same way by the Seller.
- If something is important to you, be sure to put your concerns and questions in writing (C.A.R. form BMI).
- Sellers can only disclose what they actually know. Seller may not know about all material or significant items.
- Seller's disclosures are not a substitute for your own investigations, personal judgments or common sense.

4. **SELLER AWARENESS:** For each statement below, answer the question "Are you (Seller) aware of..." by checking either "Yes" or "No." Explain any "Yes" answers in the space provided or attach additional comments and check section 18.

5. **STATUTORILY OR CONTRACTUALLY REQUIRED OR RELATED:** **ARE YOU (SELLER) AWARE OF...**
- A. Within the last 3 years, the death of an occupant of the Property upon the Property Yes No
 - B. An Order from a government health official identifying the Property as being contaminated by methamphetamine. (If yes, attach a copy of the Order.) Yes No
 - C. The release of an illegal controlled substance on or beneath the Property Yes No
 - D. Whether the Property is located in or adjacent to an "industrial use" zone Yes No
(In general, a zone or district allowing manufacturing, commercial or airport uses.)
 - E. Whether the Property is affected by a nuisance created by an "industrial use" zone Yes No
 - F. Whether the Property is located within 1 mile of a former federal or state ordnance location Yes No
(In general, an area once used for military training purposes that may contain potentially explosive munitions.)
 - G. Whether the Property is a condominium or located in a planned unit development or other common interest subdivision Yes No
 - H. Insurance claims affecting the Property within the past 5 years Yes No
 - I. Matters affecting title of the Property Yes No
 - J. Material facts or defects affecting the Property not otherwise disclosed to Buyer Yes No
 - K. Plumbing fixtures on the Property that are non-compliant plumbing fixtures as defined by Civil Code Section 1101.3 Yes No

Explanation, or (if checked) see attached; _____

Buyer's Initials () ()

Seller's Initials () ()

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SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 1 OF 4)

6. REPAIRS AND ALTERATIONS:

ARE YOU (SELLER) AWARE OF...

- A. Any alterations, modifications, replacements, improvements, remodeling or material repairs on the Property (including those resulting from Home Warranty claims)
B. Any alterations, modifications, replacements, improvements, remodeling, or material repairs to the Property done for the purpose of energy or water efficiency improvement or renewable energy?
C. Ongoing or recurring maintenance on the Property (for example, drain or sewer clean-out, tree or pest control service)
D. Any part of the Property being painted within the past 12 months
E. Whether the Property was built before 1978
(a) If yes, were any renovations (i.e., sanding, cutting, demolition) of lead-based paint surfaces started or completed.
(b) If yes to (a), were such renovations done in compliance with the Environmental Protection Agency Lead-Based Paint Renovation Rule?

Explanation:

7. STRUCTURAL, SYSTEMS AND APPLIANCES:

ARE YOU (SELLER) AWARE OF...

- A. Defects in any of the following, (including past defects that have been repaired): heating, air conditioning, electrical, plumbing (including the presence of polybutylene pipes), water, sewer, waste disposal or septic system, sump pumps, well, roof, gutters, chimney, fireplace, foundation, crawl space, attic, soil, grading, drainage, retaining walls, interior or exterior doors, windows, walls, ceilings, floors or appliances
B. The leasing of any of the following on or serving the Property: solar system, water softener system, water purifier system, alarm system, or propane tank (s)
C. An alternative septic system on or serving the Property

Explanation:

8. DISASTER RELIEF, INSURANCE OR CIVIL SETTLEMENT:

ARE YOU (SELLER) AWARE OF...

- A. Financial relief or assistance, insurance or settlement, sought or received, from any federal, state, local or private agency, insurer or private party, by past or present owners of the Property, due to any actual or alleged damage to the Property arising from a flood, earthquake, fire, other disaster, or occurrence or defect, whether or not any money received was actually used to make repairs

Explanation:

9. WATER-RELATED AND MOLD ISSUES:

ARE YOU (SELLER) AWARE OF...

- A. Water intrusion into any part of any physical structure on the Property; leaks from or in any appliance, pipe, slab or roof; standing water, drainage, flooding, underground water, moisture, water-related soil settling or slippage, on or affecting the Property
B. Any problem with or infestation of mold, mildew, fungus or spores, past or present, on or affecting the Property
C. Rivers, streams, flood channels, underground springs, high water table, floods, or tides, on or affecting the Property or neighborhood

Explanation:

10. PETS, ANIMALS AND PESTS:

ARE YOU (SELLER) AWARE OF...

- A. Pets on or in the Property
B. Problems with livestock, wildlife, insects or pests on or in the Property
C. Past or present odors, urine, feces, discoloration, stains, spots or damage in the Property, due to any of the above
D. Past or present treatment or eradication of pests or odors, or repair of damage due to any of the above
If so, when and by whom

Explanation:

11. BOUNDARIES, ACCESS AND PROPERTY USE BY OTHERS:

ARE YOU (SELLER) AWARE OF...

- A. Surveys, easements, encroachments or boundary disputes
B. Use or access to the Property, or any part of it, by anyone other than you, with or without permission, for any purpose, including but not limited to, using or maintaining roads, driveways or other forms of ingress or egress or other travel or drainage

Buyer's Initials () ()
SPQ REVISED 6/18 (PAGE 2 OF 4)

Seller's Initials () ()



SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 2 OF 4)

C. Use of any neighboring property by you Yes No

Explanation: _____

12. LANDSCAPING, POOL AND SPA:

ARE YOU (SELLER) AWARE OF...

A. Diseases or infestations affecting trees, plants or vegetation on or near the Property Yes No

B. Operational sprinklers on the Property Yes No

(a) If yes, are they automatic or manually operated.

(b) If yes, are there any areas with trees, plants or vegetation not covered by the sprinkler system ... Yes No

C. A pool heater on the Property Yes No

If yes, is it operational? Yes No

D. A spa heater on the Property Yes No

If yes, is it operational? Yes No

E. Past or present defects, leaks, cracks, repairs or other problems with the sprinklers, pool, spa, waterfall, pond, stream, drainage or other water-related decor including any ancillary equipment, including pumps, filters, heaters and cleaning systems, even if repaired Yes No

Explanation: _____

13. CONDOMINIUMS, COMMON INTEREST DEVELOPMENTS AND OTHER SUBDIVISIONS: (IF APPLICABLE)

ARE YOU (SELLER) AWARE OF...

A. Any pending or proposed dues increases, special assessments, rules changes, insurance availability issues, or litigation by or against or fines or violations issued by a Homeowner Association or Architectural Committee affecting the Property Yes No

B. Any declaration of restrictions or Architectural Committee that has authority over improvements made on or to the Property Yes No

C. Any improvements made on or to the Property without the required approval of an Architectural Committee or inconsistent with any declaration of restrictions or Architectural Committee requirement Yes No

Explanation: _____

14. TITLE, OWNERSHIP LIENS, AND LEGAL CLAIMS:

ARE YOU (SELLER) AWARE OF...

A. Any other person or entity on title other than Seller(s) signing this form Yes No

B. Leases, options or claims affecting or relating to title or use of the Property Yes No

C. Past, present, pending or threatened lawsuits, settlements, mediations, arbitrations, tax liens, mechanics' liens, notice of default, bankruptcy or other court filings, or government hearings affecting or relating to the Property, Homeowner Association or neighborhood Yes No

D. Any private transfer fees, triggered by a sale of the Property, in favor of private parties, charitable organizations, interest based groups or any other person or entity Yes No

E. Any PACE lien (such as HERO or SCEIP) or other lien on your Property securing a loan to pay for an alteration, modification, replacement, improvement, remodel or material repair of the Property? Yes No

F. The cost of any alteration, modification, replacement, improvement, remodel or material repair of the Property being paid by an assessment on the Property tax bill? Yes No

Explanation: _____

15. NEIGHBORHOOD:

ARE YOU (SELLER) AWARE OF...

A. Neighborhood noise, nuisance or other problems from sources such as, but not limited to, the following: neighbors, traffic, parking congestion, airplanes, trains, light rail, subway, trucks, freeways, buses, schools, parks, refuse storage or landfill processing, agricultural operations, business, odor, recreational facilities, restaurants, entertainment complexes or facilities, parades, sporting events, fairs, neighborhood parties, litter, construction, air conditioning equipment, air compressors, generators, pool equipment or appliances, underground gas pipelines, cell phone towers, high voltage transmission lines, or wildlife Yes No

Explanation: _____

Buyer's Initials (____) (____)

Seller's Initials (____) (____)



16. GOVERNMENTAL:

ARE YOU (SELLER) AWARE OF...

- A. Ongoing or contemplated eminent domain, condemnation, annexation or change in zoning or general plan that applies to or could affect the Property Yes No
- B. Existence or pendency of any rent control, occupancy restrictions, improvement restrictions or retrofit requirements that apply to or could affect the Property Yes No
- C. Existing or contemplated building or use moratoria that apply to or could affect the Property Yes No
- D. Current or proposed bonds, assessments, or fees that do not appear on the Property tax bill that apply to or could affect the Property Yes No
- E. Proposed construction, reconfiguration, or closure of nearby Government facilities or amenities such as schools, parks, roadways and traffic signals Yes No
- F. Existing or proposed Government requirements affecting the Property **(i)** that tall grass, brush or other vegetation be cleared; **(ii)** that restrict tree (or other landscaping) planting, removal or cutting or **(iii)** that flammable materials be removed Yes No
- G. Any protected habitat for plants, trees, animals or insects that apply to or could affect the Property Yes No
- H. Whether the Property is historically designated or falls within an existing or proposed Historic District Yes No
- I. Any water surcharges or penalties being imposed by a public or private water supplier, agency or utility; or restrictions or prohibitions on wells or other ground water supplies Yes No

Explanation: _____

17. OTHER:

ARE YOU (SELLER) AWARE OF...

- A. Reports, inspections, disclosures, warranties, maintenance recommendations, estimates, studies, surveys or other documents, pertaining to **(i)** the condition or repair of the Property or any improvement on this Property in the past, now or proposed; or **(ii)** easements, encroachments or boundary disputes affecting the Property whether oral or in writing and whether or not provided to the Seller Yes No
(If yes, provide any such documents in your possession to Buyer.)
- B. Any occupant of the Property smoking any substance on or in the Property Yes No
- C. Any past or present known material facts or other significant items affecting the value or desirability of the Property not otherwise disclosed to Buyer Yes No

Explanation: _____

18. **(IF CHECKED) ADDITIONAL COMMENTS:** The attached addendum contains an explanation or additional comments in response to specific questions answered "yes" above. Refer to line and question number in explanation.

Seller represents that Seller has provided the answers and, if any, explanations and comments on this form and any attached addenda and that such information is true and correct to the best of Seller's knowledge as of the date signed by Seller. Seller acknowledges (i) Seller's obligation to disclose information requested by this form is independent from any duty of disclosure that a real estate licensee may have in this transaction; and (ii) nothing that any such real estate licensee does or says to Seller relieves Seller from his/her own duty of disclosure.

Seller _____ **Paxton Donald W III** Date _____
Seller _____ Date _____

By signing below, Buyer acknowledges that Buyer has read, understands and has received a copy of this Seller Property Questionnaire form.

Buyer _____ **Vera Katseva** Date _____
Buyer _____ Date _____

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Exhibit 8

The Impact of Traffic Noise on Housing Values

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The Impact of Traffic Noise on Housing Values

Article in *Journal of Real Estate Practice and Education* · July 2015

DOI: 10.1080/10835547.2015.12091742

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The Impact of Traffic Noise on Housing Values

Esra Ozdenerol, Ying Huang, Farid Javadnejad, and Anzhelika Antipova

Abstract. We study the impact of traffic noise and how it is systematically capitalized into the house value discount. By using the speed and volume values of traffic flows as inputs to the noise prediction model, we created noise nuisance rings using a geographic information system (GIS) for the entire road and rail road transportation system in Shelby County, Tennessee. We found that traffic nuisance, in general, has a significantly negative impact on housing values. The discount on housing values increases in the noise nuisance levels. In addition, the increased intensity of traffic volume within the Memphis Aerotropolis boundary leads to a further decrease in housing values.

We empirically examined the impact of traffic noise on property prices in Shelby County, Tennessee, where the city of Memphis and its satellite cities reside. We examined various noise levels created by traffic flows of automobile, train on the major streets, highways, and rail tracks. A hedonic regression model was used to gauge the effect of noise levels from 45 dBA to 50 dBA, and 55 dBA and up on the selling price of residential properties.

Shelby County covers 755 square miles and is the largest and the most populous county in the tristate area of Tennessee, Mississippi, and Arkansas. Memphis is the largest city in Shelby County and it serves as a case study platform for this research. The active housing market and its top-ranked distribution network consist of a Foreign Trade Zone, which indicates Memphis's suitability as our study area. The presence of a regional hub of a major air express operator, Federal Express (FEDEX), and freight distribution centers cause an above-average usage of the transportation system in the cities of Shelby County. As more and more aviation-oriented businesses are being drawn to Memphis, there is a substantial publicity regarding Memphis's potential to become an Aerotropolis, which is defined by Kasarda (2000) as a new urban form, placing airports in the center with cities growing around them, connecting workers, suppliers, executives, and goods to the global marketplace. Our study is motivated by the increasing ground and air traffic flows in the Memphis metropolitan area, a key geographic location connecting the states of Tennessee, Arkansas, and Mississippi and its effect on housing values.

Previous studies either focus on interstates and major highways (Nelson, 1982) or are of a small micro-scale in nature focusing on within and intra-neighborhood

traffic differences (Hughes and Sirmans, 1992, 1993). But none of these studies examine the impact of traffic on housing values for the entire traffic system systematically. We make a significant contribution to the housing literature and the literature on environmental nuisance in that we show that traffic noise systematically poses an environmental nuisance discount on housing values. We classify the traffic nuisance into three categories with a minimum of 45 dBA, 50 dBA, and 55 dBA and up. According to World Health Organization (WHO, 1999), noises under 45 dBA are endurable. However, for outdoor activities, exposure levels exceeding 55 dBA are deemed highly unpleasant and unacceptable as defined by EPA (1981). Our second contribution lies in that our results reveal that there is linear relationship between the noise levels and the discount on housing values. Thirdly, we show that the discount on the housing values increases with traffic noise levels, and higher intensity of traffic congestion and usage leads to a further discount in housing values.

Thus our study could foster an understanding of housing values in the new century city context where cities such as Memphis seek competitiveness with high standards of environmental governance and sustainable policies with quality physical infrastructure and public transport. Our study aims to provide an update on the housing price literature and to provide empirical evidence to obtain a better understanding of how traffic nuisance could lead to a reduction in housing values systematically.

The remainder of the paper is organized as follows. In section 2, we present a continuation of the literature review. We describe the data and model in section 3. We present our analyses and empirical results in section 4 and conclude in section 5.

■ Literature Review

The studies on traffic externalities can be traced back to the 1970s and 1980s after the authorization of the Federal Aid Highway Act of 1956 and the formation of the Interstate Highway System initiated and championed by President Dwight D. Eisenhower. Thus, during that period, the traffic studies centered on and assessed the effects on housing prices of large-scale highways projects. Nelson (1982) summarized that this literature has addressed the value impact of being located to interstates and major highways. Nelson compared many studies using the noise depreciation sensitivity index (NDSI). This index calculates the percentage value change caused by a one-decibel decrease in noise exposure. In the 1990s, researchers focused on a more micro-scale and estimated the within and intra-neighborhood traffic differences (Hughes and Sirmans, 1992, 1993). Hughes and Sirmans studied the price effects on housing of traffic within a neighborhood. Their results showed a substantial negative price effect of traffic externalities and the magnitude of the effect was location specific (Hughes and Sirmans, 1992). A number of researchers have examined the effects of negative externalities, especially those of road traffic on house prices (Palmquist, Braden,

and Kolstad, 1991; Hughes and Sirmans, 1992; Powe, Garrod, and Willis, 1995). For example, Palmquist, Braden, and Kolstad (1991) empirically examined highway noise using a hedonic model. Palmquist (1992) examined a relatively small and homogeneous area and concluded that traffic noise is an externality that is very much local. A follow-up study showed an 11% decrease in value for houses on high traffic streets, compared with low traffic streets (Hughes and Sirmans, 1993). They also showed an average reduction of 0.8% in property values per 1,000 annual average daily traffic (AADT). For a typical collector street with 5,000 to 10,000 more trip counts per day than a purely residential street, this would equate to a 5% to 10% reduction in property values, holding all else constant. Regardless of the scale of the focus area, most of previous studies (Palmquist, 1982; Palmquist, Braden, and Kolstad, 1991; Huang and Palmquist, 2001) found a level of around 55 dBA as the ambient noise level that starts to influence house prices.

In the last two decades, studies on the effect of road traffic noise on single-family house prices were scarce in the United States with the exception of Wilhelmsson (2000), who suggested a wide range of percentage devaluation per decibel. Recent related studies are in an international context and present case studies in different countries (Wilhelmsson, 2000; Theebe, 2004; Jim and Chen, 2007; Blanco and Flindell, 2011). In a study conducted in Sweden, Wilhelmsson (2000) analyzed the marginal willingness-to-pay by separating the noise effect from all other effects that the road generates, such as access, air pollution, and aesthetic effects. He estimated the noise level per house using the Nordic Noise Model (Naturvardsverket, 1996). He found an average noise discount of 0.6% of the house price per decibel or a total discount of 30% of the price for a house in a noisy location compared with a house in a quiet one.

More recently in Asia, Jim and Chen (2007) applied a hedonic pricing method to assess environmental externalities in house-buyers' preferences in Guangzhou, a major city in south China. Traffic noise was included and noted by location near roads. Residences felt that environmental quality was a key factor in home buying decisions and they were more concentrated on the surroundings than interior areas inside the grounds. Their findings imply that beyond the boundaries of the residential grounds, there is a higher chance of encountering more problems due to nuisance noise.

Blanco and Flindell (2011) conducted a study into the different effects of road traffic on property values in residential areas with similarly high road traffic sound levels but with important differences in the market for different types of residential property. They found that the London inner-city area had an average noise discount of 0.45% of the house price per decibel. That was comparable with previously reported study results such as for apartments in Denmark of 0.47% per dB (Husted and Anker, 2004) and in the upper range reported for Birmingham between 0.2% and 0.5% (Bateman, Day, and Lake, 2004). For purchasers in Sutton Coldfield, the advantages of living in noisier areas closer

to the town center outweighed the assumed negative effects of the higher outdoor sound levels.

Theebe (2004) analyzed the impact of traffic noise on property prices for the western part of the Netherlands. The author found that prices appear to be affected by traffic noise substantially if the sound level exceeds 65 dB. The negative impact rises with the sound level, but the maximum price impact is between 5% and 6%.

Noise studies in the 1970s and early 1980s mostly concern the United States and the United Kingdom. The studies in other countries all indicate this concern spreads out to the new emerging economies such as China and new sub-markets in European countries where traffic systems burgeon through different stages of maturity. Our study provides new evidence that potentially benefit all markets that concern the environmental impact of traffic noise and its effect on property values and provide guidance to the regulations and rules regarding the urban infrastructure, zoning codes, and urban planning.

■ Data and Methodology

We form our study sample by merging three different data sources. Sales records and residential property characteristics are from the 2012 Certified Assessment Roll for Shelby County, Tennessee. The assessor's roll data include sales records and physical characteristics of each property for each year. Our data contains historical single family real estate sales of 175,883 valid observations in our study period from 2001 to 2012 in Shelby County, including seven incorporated urban cities: Arlington, Bartlett, Collierville, Germantown, Lakeland, Millington, and Memphis. The property characteristics include number of bedrooms, condition of the house, the year built, number of additional fixtures, the nature of the heat system, the roof type, the interior condition, the living area, the number of living units, indication of availability of attics and basement, garage, etc. We geographically identify properties being sold during our study period by using GIS functions.

Our second data set of noise rings within city limits and unincorporated area within Shelby County are created using GIS based on the AADT counts in 2012 obtained from the Tennessee Department of Transportation (TDOT, 2013) and the average speed data. Exhibit 1 shows AADT counts in 2012 by road class in Shelby County based on the U.S. Census Bureau's classification codes: Feature Class Codes (FCC). Noise levels are computed by using the speed and volume values as inputs to the noise prediction model (DOT, 2005). Thus, noise rings are created accordingly. The loudness of sound is described and recorded in the logarithmic scale of decibels (dB) (Rochat, 2004; Morris and Therivel, 2009). On the decibel scale, the threshold of hearing is 0 dB, while the threshold of pain is 140 dB (Rochat, 2004). However, the human ear is not equally sensitive to all

■ ■ Exhibit 1 Shelby County Roadways Traffic Data

FCC	Description	SPEED	AADT
A15	Primary road with limited access or interstate, separated	55	77147
A21	Primary highways without limited access, unseparated	45	21153
A25	Primary highways without limited access, separated	45	26430
A30	Secondary state and county highways, major category	35	11140
A31	Secondary state and county highways, unseparated	35	17453
A35	Secondary state and county highways, separated	35	20864
A40	Local, neighborhood, rural road, city street, major category	25	4225
A41	Local, neighborhood, rural road, city street, unseparated	25	5525
A45	Local, neighborhood, rural road, city street, separated	25	10864
A60	Connecting road not associated with a limited access highway	20	17553
A63	Access ramp, limited access interchange	20	48570
A75	Road, parking area	5	11053

Note: The source of the data is AADT (2012).

frequencies of sound. The sensitivity of the human ear to very low or very high frequencies is modified by applying a number of weighting scales that give a single index for noise magnitude based on the human hearing system. Thus, we apply the “A-weighting,” which is the most commonly used scale that considers the relative loudness of noise perceived by the human ear (Rochat, 2004; DOT, 2005, 2006; Morris and Therivel, 2009). The A-weighted decibel unit is abbreviated as dBA. Moreover, due to the fact that noise varies over time, the exposure duration is usually described as equivalent noise over a specific period. The commonly used four descriptors of noise intensity are: (1) the maximum level (L_{max}), which is the greatest sound level measured during a single noise event; (2) the sound exposure level (SEL), which is the cumulative noise exposure during a single noise event received at a receiver; (3) the hourly equivalent sound level ($L_{eq}(h)$), which describes the sound level averaged in one hour; and (4) the day-night sound level (L_{dn} or DNL), which is the equivalent noise level for a full day, with 10 dB penalty for noise events between 10 pm to 7 am (Rochat, 2004; DOT, 2005, 2006; Morris and Therivel, 2009). The noise rings are created in three steps. First, a reference noise level (SEL) at 50 feet reference distance is determined based on established standards. Then the equivalent noise exposure is predicted in accordance to the prevailing condition using noise adjustment equations. The equation for hourly equivalent noise level at 50 feet from traffic, including cars and trucks is shown in equation 1 (DOT, 2005).

$$L_{eqT}(h) = SEL_{ref(T)} + 10 \log(V) + 30 \log\left(\frac{S}{50}\right) - 35.6, \quad (1)$$

where $SEL_{ref} = 74$ dBA, which is SEL at 50 feet from cars and vans moving in a normal roadway condition at 50 mph speed; S is the speed (mph); and V is the average hourly volume (veh/h).

In step two, the equivalent day-night noise level (L_{dn}) is calculated by combining the daytime (7am–10pm) and the nighttime (10pm–7am) noise levels based on hourly equivalent values and the respective day and night traffic volumes. The L_{dn} is estimated with adding 10 dB penalty to nighttime noise. The equation used is shown below (DOT, 2005).

$$L_{eqT}(h) = SEL_{ref(T)} + 10 \log(V) + 30 \log\left(\frac{S}{50}\right) - 35.6,$$

$$L_{dn} = 10 \log[(15) \times 10^{(L_{eq}(\text{day})/10)} + (9) \times 10^{(L_{eq}(\text{night})+10/10)}] - 13.8, \quad (2)$$

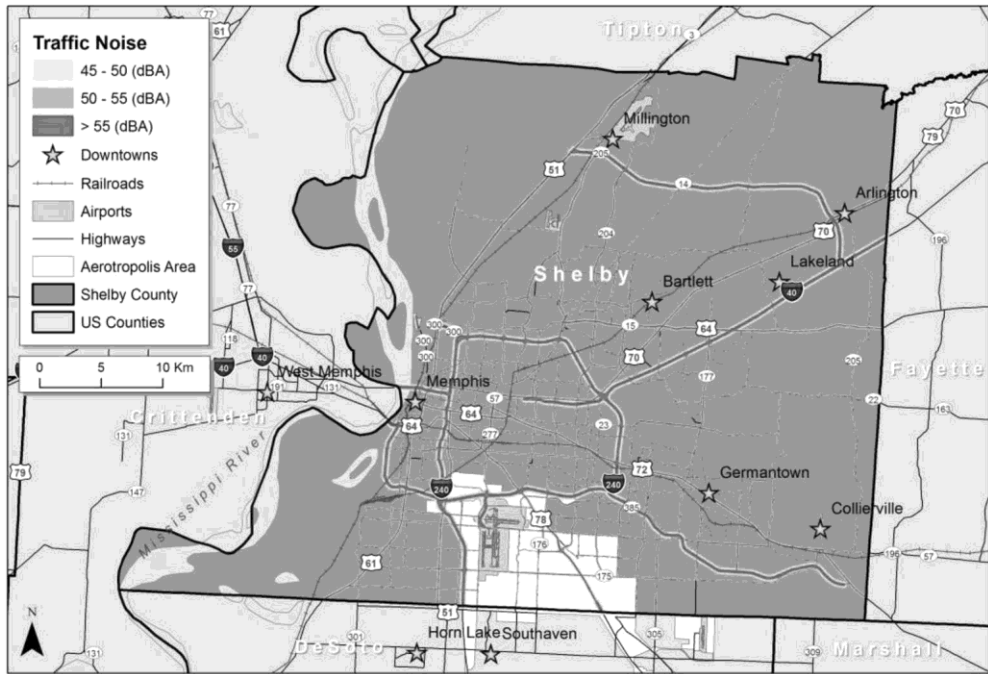
where $L_{dn}(\text{day}) = L_{eq}(h)$, which is calculated using average hourly daytime volume (V_d) and $L_{dn}(\text{night}) = L(h)$, which is calculated with average hourly nighttime volume (V_n). After estimating the equivalent day-night noise level (L_{dn}) at 50 feet distance, in step three in equation (3) we calculate the required distance for reaching at specific noise level using noise propagation model (Crocker, 1998):

$$r = r_{ref} \times 10^{(L_{ref} - L/20)}. \quad (3)$$

The WHO specifies guideline values for specific environments and recommends that the background sound level should not exceed 30 dBA in sleeping areas. In addition, noise levels higher than 45 dBA outside bedrooms should be avoided as it may cause health effects like sleep disturbance (WHO, 1999, 2011). For outdoor residential areas, the exposure level should not exceed 50–55 dBA (EPA, 1981). Generally, noise above 65 dBA is highly undesirable (WHO, 1999). In order to accommodate the aforementioned standards, we summarize the traffic noise rings from roadways traffic source with 5 dBA increments to three categories of 45–50 dBA as the exceedance of indoor comfort, 50–55 dBA as maximum acceptable level in outdoor areas, and more than 55 dBA as beyond acceptable level (Exhibit 2). As can be seen, the areas that have the highest noise level are the major highways and the I-240 loop. After creating the noise rings, the individual houses are spatially joined using ArcGIS 10.1 allowing identification of individual properties within these noise rings based on the unique identification ID of each parcel.

The third set of data, the median household income at the block group levels, is obtained from geolytics.com¹ and U.S. Census Bureau decennial records. Median household income controls for the social/economic status for each neighborhood in our sample. Since census block groups' boundaries for the year 2000 differ from 2010, median household income of 2010 are transformed using year 2000 block group boundaries so that the median household income are comparable over our ten-year time period. The values for each year between 2000 and 2010

■ ■ Exhibit 2 Traffic Noise and Aerotropolis Boundary



were interpolated in SAS using 2000 median household income as the beginning point and 2010 as the ending point. Then, individual houses within block groups are identified in ArcGIS and merged with the sales records and noise rings.

Further, we investigate if an intense use of freight and traffic transportation in an area has a negative impact on housing values. In order to examine the impact of increased intensity in traffic noise and noise levels on housing values, we classify properties into such a category if they fall within the Aerotropolis boundary, which is a geographic area designated for land use for freight and traffic transportation. The Memphis Aerotropolis boundary is delineated by using longitudinal employer dynamics data (Antipova and Ozdenerol, 2013) and is the white irregular shape shown in Exhibit 2. We differentiate the houses within the Memphis Aerotropolis boundary and investigate whether the houses within the Aerotropolis boundary were sold at a discount relative to houses outside of the boundary.

Property sales containing physical housing conditions in the very poor and unsound categories, total living areas of less than 200 square feet, sale prices of less than \$20,000, total land areas of less than 1,000 square feet, where the grade of dwellings are below average, sales including more than one parcel, and sales having more than 10 bedrooms are removed to reduce the impact of outliers. Two additional criteria are used to eliminate very unusual sales.² Sales

are deleted if the sales price is greater than three standard errors above or below the predicted sale price. This large predictive error, if included in the sample, may result from model misspecification, a lack of sufficiently detailed information regarding the property, and/or incorrect sales data. The second criterion eliminates sales with unusually large absolute values for Cook's distance (>1.00). This indicates that the property has one or more characteristics that are quite different from other sales, and whose presence has an unduly large influence on overall predicted values generated by the model.³ These additional criteria result in the removal of 4,973 observations or less than 2.8% of all data.⁴ Further, we eliminate sales for properties that had missing data. The variables in the model are defined in Exhibit 3 and selected summary statistics for these variables are shown in Exhibit 4.

As demonstrated by Goolsby (1997), assessed housing values are unreliable. Thus, the dependent variable in our hedonic model uses the sales price for each parcel as a more accurate assessment of true market intrinsic value of properties. Several different types of explanatory variables are generally employed when applying hedonic modeling to estimate improved residential housing values. Our model follows this practice by including variables such as style of building, number of rooms, bathrooms, size, age of the properties, lot size, condition, etc. Also, to control for differences in houses and improvements, additional variables include the presence of an attic and basement, number of stories, interior condition relative to the exterior, etc. We control for locational differences across Shelby County by including a series of dichotomous variables representing each of the seven incorporated cities within the county to control for valuation and locational differences across cities. Eleven years of data were used to provide a relatively large sample of sales. To allow for market movements and trends, a time (date of sale) variable is incorporated in the model to control for changing market prices throughout the study period.

■ Empirical Results of Hedonic Pricing Model

Exhibit 4 presents descriptive statistics and frequencies for the study period for variables defined in Exhibit 3. Panel A shows that the mean property/house sale price was \$171,983. Average home living area was 2,157 square feet, and the average house age was 26 years. The oldest house was 177 years old. The average median household income was \$61,064 across the study period with a maximum median neighborhood income of \$174,065. Panel B reports frequency distribution for different housing characteristics. It should be noted that properties that are within the less than 50 dBA noise level represent about 57% of the total sample and nearly 5% of our sample are in the area with 55 dBA and up noise level.

Exhibit 5 reports the hedonic model regressions results where the dependent variable is the log-transformed sales price of houses. Each model represents a good fit with an adjusted r-squared of approximately 0.79. The t-statistics for regressions are based on White's heteroscedasticity consistent standard errors

■ ■ Exhibit 3 Variable Definitions

Variable	Description
Nose_level 45 dBA	A dummy variable defined as if it is within 45 dBA buffer and 0 otherwise.
Nose_level 50 dBA	A dummy variable defined as if it is within 50 dBA buffer and 0 otherwise.
Nose_level 55 dBA and up	A dummy variable defined as if it is within 55 dBA buffer and 0 otherwise.
Aerotropolis Boundary	A dummy variable defined as if it is within Aerotropolis boundary and 0 otherwise.
Yearhhinc	Median household income at block level
SFLA	Total living area, measured in square feet.
SF_avg	A product term of total living area (square feet) and a binary variable which is coded as 1 if the quality of construction was average minus and average.
SF_good	A product term of total living area (square feet) and a binary variable which is coded as 1 if the quality of construction was good minus and good.
SF_good_plus	A product term of total living area (square feet) and a binary variable which is coded as 1 if the quality of construction was good plus.
SF_vgood_minus	A product term of total living area (square feet) and a binary variable which is coded as 1 if the quality of construction was very good minus.
SF_vgood	A product term of total living area (square feet) and a binary variable which is coded as 1 if the quality of construction was very good.
SF_vgood_Plus	A product term of total living area (square feet) and a binary variable which is coded as 1 if the quality of construction was very good plus.
SF_excellent	A product term of total living area (square feet) and a binary variable which is coded as 1 if the quality of construction was Excellent.
logsfland	Natural logarithm transformed Total square feet of land
Rmbed	No of bedrooms.
Fixbath	Number of full baths fixtures.
Fixhalf	Number of half baths fixtures.
Attic	Dummy variable defined as 1 if there is an attic and 0 for no attic.
Gableroof	Roof sloping downward from a central ridge so as to leave a gable at each end.
Hiproof	Roof where all sides slope downwards to the walls, usually with a fairly gentle slope.
Gambrelroof	Gambrel roof shape is usually a symmetrical two-sided roof with two slopes on each side. The upper slope is positioned at a shallow angle, while the lower slope is steep.
Mansardroof	Roof with two slopes on all sides, the lower slope being steeper than the upper one.

■ ■ Exhibit 3 (continued)
Variable Definitions

Variable	Description
Pitchedroof	Pitched or shed roof which one or more surfaces with a slope.
Mixedroof	Roof with mixed material.
Age	Age of the house computed as the difference between the year of the sale and the year built.
Wooddeck	Dummy variable defined as 1 if it is wood deck and 0 otherwise.
Concrete_patio	Dummy variable defined as 1 if it is concrete patio and 0 otherwise.
Stonepatio	Dummy variable defined as 1 if it is stone patio and 0 otherwise.
Attached_shed	Dummy variable defined as 1 if it is attached shed and 0 otherwise.
Garage	Dummy variable defined as 1 if there is a garage and 0 for no garage.
Betterinteriorcond	Dummy variable defined as 1 if interior condition is better relative to exterior condition.
Nofamilyroom	Number of family rooms.
Crawl_bsmt	Dummy variable defined as 1 if it is crawl basement and 0 otherwise.
Partial_bsmt	Dummy variable defined as 1 if it is partial basement and 0 otherwise.
Full_bsmt	Dummy variable defined as 1 if it is full basement and 0 otherwise.
WBFP_PF	Number of pre-fabricated fireplaces.
Closedporch	Dummy variable defined as 1 if it is closed porch and 0 otherwise.
Openporch	Dummy variable defined as 1 if it is open porch and 0 otherwise.
Forcedsale	Dummy variable defined as 1 if it is forced sale and 0 otherwise.
EstateSale	Dummy variable defined as 1 if it is Estate sale and 0 otherwise.
Familysale	Dummy variable defined as 1 if it is family sale and 0 otherwise.
Taxexempt	Dummy variable defined as 1 if it is tax exempt sale and 0 otherwise.
Business /corporation	Dummy variable defined as 1 if it is business or corporation and 0 otherwise.
Financialinstitution	Dummy variable defined as 1 if it is financial institutes' grantor / grantee sale and 0 otherwise.
Non-armlength	Dummy variable defined as 1 if it is non-arm's-length sale and 0 otherwise.
Brickandframe	Dummy variable defined as 1 if it is brick and frame external wall and 0 otherwise.

■ ■ Exhibit 3 (continued)
Variable Definitions

Variable	Description
Stone	Dummy variable defined as 1 if it is stone external wall and 0 otherwise.
Brickvener	Dummy variable defined as 1 if it is brick veneer external wall and 0 otherwise.
Log	Dummy variable defined as 1 if it is log external wall and 0 otherwise.
Composite	Dummy variable defined as 1 if it is composite external wall and 0 otherwise.
Vinyl	Dummy variable defined as 1 if it is vinyl external wall and 0 otherwise.
Stucco	Dummy variable defined as 1 if it is stucco veneer external wall and 0 otherwise.
Block	Dummy variable defined as 1 if it is block external wall and 0 otherwise.
Colonial	Dummy variable defined as 1 if it is colonial style building and 0 otherwise.
English	Dummy variable defined as 1 if it is English style building and 0 otherwise.
Oldstyle	Dummy variable defined as 1 if it is old style building and 0 otherwise.
Contemporary	Dummy variable defined as 1 if it is contemporary style building and 0 otherwise.
Cottage	Dummy variable defined as 1 if it is cottage style building and 0 otherwise.
Townhouse	Dummy variable defined as 1 if it is townhouse style building and 0 otherwise.
Stories	Number of stories.
Arlington	Dummy variable defined as 1 if it is within Arlington and 0 otherwise.
Bartlett	Dummy variable defined as 1 if it is within Bartlett and 0 otherwise.
Collierville	Dummy variable defined as 1 if it is within Collierville and 0 otherwise.
Germantown	Dummy variable defined as 1 if it is within Germantown and 0 otherwise.
Lakeland	Dummy variable defined as 1 if it is within Lakeland and 0 otherwise.
Memphis	Dummy variable defined as 1 if it is within Memphis and 0 otherwise.
Millington	Dummy variable defined as 1 if it is within Millington and 0 otherwise.
nbid1–nbid137	Locational dummy variable defined as 1 for each particular neighborhood and 0 otherwise.
b01–b13	Date of sale as a linear combination of the end points of the year in which the sale occurs.

■ ■ Exhibit 4 Descriptive Statistics and Frequencies

	Mean	Std. Dev.	Min.	Max.
Panel A: Descriptive Statistics				
Price	\$171,983	\$153,296	\$20,000	\$11,885,000
SFLA	2,157	1,046	576	11,855
Age	26	22	1	177
Stories	1.35	0.41	1	3.2
Median hhinc	\$61,064	\$26,765	\$0	\$174,065
Panel B: Selected Frequency				
	Category	Frequency	Percentage	
Nose _level 45 dBA	1	29,684	32.38	
Nose _level 50 dBA	1	13,473	14.70	
Nose _level 55 dBA and up	1	4,026	4.39	
Aerotropolis Boundary	1	4,408	4.81	
Arlington	1	1,710	1.87	
Bartlett	1	7,620	8.31	
Collierville	1	7,374	8.04	
Germantown	1	5,791	6.32	
Lakeland	1	1,866	2.04	
Millington	1	981	1.07	
Memphis	1	51,028	55.66	
Unincorporated	1	15,314	16.70	

(White, 1980). The model was checked for multicollinearity using Pearson correlation coefficients and variance inflation factors (VIF).⁵

In Model I,⁶ we conduct analysis for houses located outside the Aerotropolis boundary. The variables of interest are all statistically significant. Specifically, all traffic noise levels: 45 dBA, 50 dBA, and 55 dBA and above are all statistically significant negative at the 99% confidence level. Thus, our results indicate that houses are within noise levels 45 dBA and up were sold at a discount relative to houses located in the lower dBA noise zone. Further, the coefficients of the 45, 50, and 55 dBA and above noise levels are -0.016 , -0.038 , and -0.044 respectively, which reveals that 45, 50, and 55 dBA and above noise levels lead to respective 1.6%, i.e., $(1-\exp(-0.016))$, 3.7%, i.e., $(1-\exp(-0.038))$, and 4.3%, i.e., $(1-\exp(-0.044))$ discount on the housing values relative to that of houses in areas with lower noise levels. There is a linear trend in between the discount on housing values and the noise levels. This result is supportive of our first hypothesis. In Model II, the Aerotropolis boundary, a proxy for increased intensity in traffic congestion and noise levels, and a dummy variable defined as one if the properties located within the boundary have a statistically significantly negative coefficient of -0.102 (i.e., 9.7% of discount in housing values). This

 Exhibit 5 Hedonic Regression Results⁷

	Model I			Model II		
	Coeff.	t-Stat.	VIF	Coeff.	t-Stat.	VIF
Nose_level 45 dBA	-0.016***	-4.08	1.02	-0.016***	-4.07	1.02
Nose_level 50 dBA	-0.038***	-5.82	1.01	-0.038***	-5.82	1.01
Nose_level 55 dBA and up	-0.044***	-2.83	1.01	-0.044***	-2.84	1.01
Aerotropolis Boundary				-0.102***	-8.73	1.01
Yearhhinc	0.00001***	97.74	3.22	0.00002***	97.87	3.22
Sf_goodnabv	0.0002***	148.12	2.82	0.0002***	148.31	2.82
Sf_exltnplsgood	0.0002***	134.53	5.22	0.0002***	134.67	5.21
Logsfland	0.044***	22.07	1.49	0.044***	22.23	1.49
Rmbed	-0.039***	-21.37	2.12	-0.039***	-21.35	2.12
Fixbath	0.147***	65.03	3.28	0.147***	64.99	3.28
Fixhalf	0.064***	30.06	1.63	0.064***	30.01	1.63
Yesattic	0.080***	4.64	1.01	0.0799***	4.64	1.01
Gableroof	-0.131***	-47.71	3.42	-0.131***	-47.90	3.42
Hiproof	-0.092***	-30.66	2.30	-0.092***	-30.77	2.30
Gambrelroof	-0.210***	-9.88	1.05	-0.210***	-9.90	1.05
Mansardroof	-0.156***	-4.66	1.01	-0.157***	-4.68	1.01
Pitchedshedroof	-0.211***	-7.85	1.07	-0.212***	-7.90	1.06
Mixedroof	-0.071***	-20.65	1.35	-0.071***	-20.75	1.35
Centralheatandair	0.225***	50.06	1.49	0.225***	50.03	1.49
Age	0.002***	19.61	4.76	0.002***	19.59	4.76
Wooddeck	0.083***	14.39	1.04	0.083***	14.42	1.04
Concrete_patio	0.021***	9.65	1.20	0.021***	9.62	1.20
Stonepatio	0.152***	4.06	1.00	0.152***	4.06	1.00
Attached_shed	0.391	0.86	1.01	0.019	0.86	1.01
Garage	0.043***	17.63	1.16	0.043***	17.57	1.16
Betterinteriorcond	0.152**	2.40	1.00	0.152**	2.40	1.00
Nofamilyroom	0.071***	26.99	1.11	0.071***	27.00	1.11
Crawl_bsmt	0.058***	15.42	2.30	0.058***	15.42	2.30
Part_bsmt	0.380	-0.88	1.05	-0.012	-0.88	1.05
Full_bsmt	0.742	0.33	1.00	0.011	0.33	1.00
WBFP_PF	0.063***	30.11	2.32	0.063***	30.13	2.32
Closedporch	0.051***	5.54	1.02	0.052***	5.60	1.02
Openporch	0.029***	14.48	1.25	0.029***	14.46	1.25
Forcedsale	0.492	0.69	1.03	0.005	0.98	1.03
Estatesale	0.576	0.56	1.01	0.008	0.59	1.01
Familysale	-0.036**	-2.30	1.00	-0.034**	-2.20	1.00
Taxexempt	-0.119***	-7.60	1.00	-0.118***	-7.59	1.00
Corporation	-0.188***	-20.10	1.01	-0.188***	-20.17	1.01
Grantor	-0.257***	-49.61	1.09	-0.258***	-49.86	1.09
Nonarmlength	-0.199***	-75.68	1.06	-0.198***	-75.77	1.06
Brickandframe	-0.016***	-4.09	1.59	-0.015***	-3.92	1.59

■ ■ Exhibit 5 (continued)
Hedonic Regression Results⁷

	Model I			Model II		
	Coeff.	t-Stat.	VIF	Coeff.	t-Stat.	VIF
Stone	-0.036***	-2.93	1.09	-0.036***	-2.91	1.09
Brickveneer	0.035***	12.64	1.95	0.035***	12.80	1.95
Log	0.532***	5.63	1.02	0.532***	5.62	1.02
Composite	-0.106***	-5.14	1.03	-0.105***	-5.13	1.03
Vinyl	-0.074***	-14.04	1.28	-0.074***	-13.99	1.27
Stucco	0.127***	11.46	1.12	0.127***	11.49	1.12
Block	-0.107**	-2.37	1.00	-0.107**	-2.37	1.00
Colonial	0.041***	10.43	1.09	0.041***	10.44	1.09
English	0.109***	9.95	1.03	0.109***	9.95	1.03
Oldstyle	0.181***	14.77	1.13	0.181***	14.77	1.13
Contemporary	-0.078***	-9.76	1.09	-0.077***	-9.70	1.09
Cottage	-0.175***	-34.41	1.30	-0.175***	-34.44	1.30
Townhouse	0.115***	3.35	1.01	0.116***	3.36	1.01
STORIES	0.079***	25.77	2.41	0.080***	25.85	2.41
Arlington	0.194***	48.88	1.17	0.194***	48.91	1.17
Bartlett	0.114***	46.55	1.37	0.114***	46.58	1.37
Collierville	0.114***	37.84	1.70	0.114***	37.83	1.70
Germantown	0.113***	27.48	2.02	0.113***	27.46	2.02
Lakeland	0.222***	54.36	1.15	0.222***	54.37	1.15
Millington	0.133***	18.78	1.06	0.133***	18.78	1.06
Memphis	-0.018***	-7.55	2.67	-0.017***	-7.51	2.67
b01	-0.021***	-4.35	1.44	-0.022***	-4.49	1.44
b02	0.015***	3.53	1.71	0.014***	3.51	1.71
b03	0.905	0.12	1.67	0.000	0.04	1.67
b04	0.422	-0.80	1.75	-0.003	-0.82	1.75
b05	0.041***	10.54	1.77	0.040***	10.51	1.77
b06	0.094***	24.82	1.86	0.094***	24.80	1.86
b07	0.063***	16.03	1.86	0.063***	15.97	1.86
b08	0.014***	3.25	1.83	0.013***	3.04	1.83
b09	-0.150***	-28.75	1.81	-0.151***	-29.04	1.81
b10	-0.146***	-27.43	1.87	-0.148***	-27.79	1.87
b11	-0.170***	-23.56	1.46	-0.171***	-23.68	1.46
Intercept	10.153***	521.16		10.152***	522.01	
R ²	0.79			0.79		

Notes: The dependent variable is log-transformed housing sales price. In Model I, N = 170,226; in Model II, N = 170,910. The t-statistics for regressions are based on White's (1980) heteroscedasticity consistent standard errors.

*Significant at the 1% level.

** Significant at the 5% level.

*** Significant at the 10% level.

result indicates that the intensity of the traffic congestion and usage causes a further decrease in housing values, supporting our second hypothesis. The coefficients of three noise level rings in Model II are similar to the coefficients obtained in Model I in terms of the magnitude and the direction of significance.

As would be expected, neighborhood median household income yearhhinc has a statistically significantly positive coefficient of 0.00006, indicating higher social economic status has a positive impact on property values. In addition, we find that other housing characteristics significantly impact house values. For example, a dwelling in better condition will sell for a high price, and as the structural condition improves from the category of average to the category of good and above, there is an incremental increase in sale price. Moreover, while also controlling for condition, the living area of the structure is positively related to housing values with coefficient of about 0.0443, which is equivalent to a 4.5% (i.e., $\exp(0.0443)$) increase in the housing value as a result of one unit increase of living area.

The models also indicate that additional bedrooms reduce property values. This is consistent with previous findings since adding more bedrooms given the size of the house is less desirable. Houses with a garage are valued at least 4.4%, i.e., ($\exp(0.043)$) more than those properties that do not have a garage. Better interior condition relative to exterior is associated with a 16.4%, i.e., ($\exp(0.152)$) higher value than those with poorer interior condition. The addition of a family room carries approximately a 7.4% increase in premium per family room. Houses with a crawl-space are associated with more than 5.9% higher premium over a slab foundation. Houses with either a partial or full basement typically were worth less than a house with a slab foundation. We suspect that this is due to a high moisture level in the air in the Memphis area and the basement could potential cause mold and health-related problems. Sales types classified as estate sale, family sale, tax exempt sale, business or corporation sale, sales where grantor and grantee are financial institutions, non-arms' length sales, and foreclosed sales are associated with decreases in sales price in relation to sales that were not the result of foreclosure. In terms of style of the building, a block style does not appear to affect values in relationship to frame construction. A price premium exists for a "Colonial," "English," "Old Style," and "Townhouse" style house. With respect to geographical differences among Shelby County municipalities relative to unincorporated areas of Shelby County, Lakeland carries the highest premium, followed by Arlington, Millington, Bartlett, Collierville, and Germantown.

We include houses located within the Aerotropolis boundary in Model II. The magnitude and significance level of the noise levels are similar to that of Model I. The key variable Aerotropolis boundary, however, is statistically significant and negative with a value of -0.102 , indicating that houses within the Aerotropolis boundary sold at a 10% discount relative to houses outside of this boundary in Shelby County. This result provides a further support of our hypothesis that noise has significantly inverse impact on housing values.

■ Conclusion

In this paper, we estimate the price impact of traffic noise for Memphis and Shelby County, Tennessee with a very rich data set. We create various noise levels based on the estimated noise levels from the traffic flows of automobile, train on the major streets, highways, and rail tracks. We find that traffic noise indeed has a significant systematic impact on property prices in Memphis and Shelby County. Noise levels of 45 dB and above are capitalized into housing prices, and the property loses addition value as decibel increases. Our findings are in line with the literature and will provide sufficient foot hold in future traffic noise discussions in the Memphis area. We show that traffic noise systematically poses an environmental nuisance discount on housing values. In addition, our results reveal that there is a linear relationship between the noise levels and the discount on housing values. As the noise level increases, the discount on housing value increases. Lastly, we show that not only the discount on the housing values increases in traffic noise levels, but also high intensity of traffic congestion and usage leads to a further discount on housing values.

Future research can further investigate whether multi-family properties are affected more by traffic noise than detached single-family properties. Future research employing this model should also expand the list of predictors at the neighborhood level such as access to green ways, and parks and other recreational amenities.

The purpose of this paper is also to serve for the benefit of researchers and practitioners in particular. Our findings indicate that there is a reduction in value for properties located within Aerotropolis boundary in comparison to those outside of the boundary. Traffic intensity has shown a steady increase and will continue to increase as the Memphis city and Shelby County governments implement their ambitious plans concerning new infrastructure for Aerotropolis. The results of this study are very valuable in order to make a comparison with the future Memphis Aerotropolis and its potential impact on traffic noise and property values. Construction of noise barriers and more rigid noise contours for Memphis airport and large capacity intermodal freight facilities could be used for noise reduction.

■ Endnotes

1. The geolytics.com website adopts the method of normalizing data for changing geographic boundaries over the years. The technical explanation can be found at: <http://www.geolytics.com/Pages/CensusCD708090/WeightingMethodology.htm>.
2. This approach was used by Spahr and Sunderman (1998), Sunderman and Birch (2002), and Spahr and Sunderman (2006).
3. See Neter, Wasserman, and Kutner (1983) for a discussion of this concept.
4. Removing the outliers resulted in a slight increase in the adjusted R^2 ; however, all significant variables remain significant when the outliers are removed. Removing sales

outliers did not make a major change in results; however, since the objective of the model is to estimate the impact of traffic noise on neighborhood property values, it was our opinion that deleting the outliers improves the accuracy of the model even though coefficients may be biased relative to alternative coefficients estimated from the full sample.

5. Variance inflation factors, one for each explanatory variable, measure the extent to which variances of the estimated regression coefficients are inflated as compared to the variance if explanatory variables were not linearly related. The largest factor among the variables is used as the indicator of the severity of multicollinearity. For a discussion of VIF, see Neter, Wasserman, and Kutner (1983). We use a VIF of 10 as a cutoff value for discretionary assessment of our model pertaining to the multicollinearity issue in the model.
6. We conduct analysis by excluding and including properties located in the Aerotropolis boundary. There is no material change in our results. And our conclusions remain the same. The results are provided upon request.
7. For brevity, we do not report the coefficient estimates for neighborhood dummy variables. The results are available upon request. We also conduct robust tests by (1) including these geographical dummy variables as fixed effects only and excluding the year dummy variables and (2) excluding these geographical dummy variables and including the year dummy variables as fixed effects. There is no material change in our results. And our conclusions remain the same. The results are available upon request.

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From: [Chris Jordan](#)
To: [Public Comment](#)
Subject: FW: Objection to Off Leash Dog Pilot program in Heritage Oaks Park
Date: Thursday, November 5, 2020 4:05:44 PM
Attachments: [Dog Off-Leash Program at Heritage Oak Park.docx](#)

From: [REDACTED]
Sent: Thursday, November 5, 2020 4:04 PM
To: City Council <council@losaltosca.gov>
Cc: Donna Legge <dlegge@losaltosca.gov>; heritage-oaks-dog-park@googlegroups.com
Subject: Objection to Off Leash Dog Pilot program in Heritage Oaks Park

To: Los Altos city council,

I have been living in Los Altos since 2005 right across Heritage Oaks park on McKenzie Ave, and am going to be directly affected by this Proposal. I am sending you the attached letter to express my objection to the dog off-leash program at Heritage Oak park.

Regards,

Menashe Shahaar

From: [Donna Legge](#)
To: [Public Comment](#)
Subject: FW: Opposition to Off Leash Dog Pilot program in Heritage Oaks Park
Date: Wednesday, November 4, 2020 10:11:46 AM
Attachments: [Email to City Council.pdf](#)

From: [REDACTED]
Sent: Wednesday, November 4, 2020 7:52 AM
To: City Council <council@losaltosca.gov>
Cc: Donna Legge <dlegge@losaltosca.gov>
Subject: Opposition to Off Leash Dog Pilot program in Heritage Oaks Park

My name is Vladimir Rubashevsky.

I have been living in Los Altos since 2000 right across Heritage Oaks park on McKenzie Ave, have a first hand knowledge of the current situation and am going to be directly affected by this Proposal.

There are many things which are wrong with this Proposal - so I put them into a PDF file which is attached to this email.

I hope you will read it, analyze the reasons and reject the Proposal to establish the Unleashed Dogs Pilot program in Heritage Oaks Park.

Sincerely,
Vladimir Rubashevsky.

[REDACTED]

From: [Donna Legge](#)
To: [Public Comment](#)
Subject: FW: From a Mother: Keep Dogs On-Leash at Heritage Oaks
Date: Friday, November 6, 2020 7:59:30 AM

FYI

----- Original message -----

From: Sarah Cercone Agmon [REDACTED]
Date: 11/5/20 11:59 PM (GMT-08:00)
To: City Council <council@losaltosca.gov>, Donna Legge <dlegge@losaltosca.gov>, Casey Richardson <crichardson@losaltosca.gov>
Subject: From a Mother: Keep Dogs On-Leash at Heritage Oaks

Dear Los Altos City Council,

Thank you for your public service, especially during this challenging time. I'm writing regarding the proposed off-leash dog park at Heritage Oaks.

I am a Los Altos resident, public school educator, and a mother of two young children ages seven and four. I fully respect that our city-funded parks must be accessible to people for a variety of uses, including dog-play. However, I have major child-safety concerns with the proposed off-leash dog park.

In my experience as a regular playground-goer, I am certain that the off-leash proposal is dangerous to children playing in the park. The off-leash dogs would freely roam in an area directly adjacent to two unfenced playgrounds (designated for age 2-5 and 5-12). Most dogs are lovely, but on occasion even the best-trained dog can become scared or aggressive. Without a barrier between the dog park and these playgrounds, this is an invitation for a future attack on a young child. Also, an off-leash park so near to a walking/playing area is not prudent or normal in cities. I have lived in several metro areas where fenced-in dog parks are common and popular. This does not pose the same threat to nearby children walking to school (or babies being pushed in a stroller).

Please reject any off-leash proposal for this park. I would never want off-leash dogs that close to a child's play area in Los Altos, or in any city for that matter.

I appreciate your consideration of my input.

Regards,
Sarah Agmon

From: [Donna Legge](#)
To: [Public Comment](#)
Subject: FW: Opposition to Dog Park at Heritage Oak
Date: Thursday, November 5, 2020 5:57:20 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

FYI, Donna

From: Yoav Agmon [REDACTED]
Sent: Thursday, November 5, 2020 5:27 PM
To: City Council <council@losaltosca.gov>; Donna Legge <dlegge@losaltosca.gov>; Casey Richardson <crichardson@losaltosca.gov>; heritage-oaks-dog-park@googlegroups.com
Subject: Opposition to Dog Park at Heritage Oak

The proposal to make our small neighborhood park a destination for off-leash dogs and their owners has been discussed and debated on multiple occasions and triggered huge outcry and objections by many residents.

I already voiced my objection in several meetings and via emails to the relevant city entities.

AS this issue will come up soon by the City Council I like to add my voice again without repeating many of the obvious objections raised before and contributing new perspectives.

It is obvious that based on the evidence presented as well as the objective guidelines for an unleash dogs park designation, Heritage Oak Park just doesn't meet the required criteria.

We were so disappointed and outraged that 4 out of the 7 commissioners were willing to disregard all these facts and move forward ignoring us in the process.

I have just learned that some other parks were proposed; however due to the neighborhood objection presented via petition they were removed from the list, we also collected signatures via a petition which currently in spite of the difficulty of Covid 19 has over 200 residents signatures, as far as I can tell much exceeding the other petitions. I'm guessing that due to the failure to engage our neighborhood in the "workshops" we were unfortunately late to the game. It's not our fault that these "workshops" were promoted to attract mainly dog-owners, the majority of us ignored it as such.

I try to understand it from the perspective of dog owners in the City that want to unleash their dogs in a save place; there are already few that have been doing it in at Heritage Oak responsibly, they understand that they are "outlaws" and as such they are very careful to pick the time when there are no other people and control their dogs as to not cause an incident, but even with this minimal exposure multiple incidents occurred.

Now, if our Neighborhood park becomes a whole city destination and people motor-in their dogs in their vehicles and release them, then the Park is no longer a Neighborhood park, the impact of that is much larger.

If people bother to bring their dogs in their cars, why come to the small limited Heritage Oak, there are so many bigger and better designated parks a very short distance away.

I have visited many of the other parks in the city, and honestly I don't understand why Heritage Oak park was chosen over the others. Most of them are small and limited like Heritage Oak, however based on my observations Heritage Oak is much more busy with all types of activities many hours of the day than many of the others. This led me to suspect that there are politics involved, maybe some of the decision makers have biases, maybe in other neighborhoods the residents were more aware of the potential project and were more vocal against it. In anyevent if The City wants to provide an off-leash solution why not open up all the parks ? Why put all the burden on our park and create an environment that will create endless conflicts and animosity between city residents, neighbors and officials? this is not the Los Altos way.

Respectfully yours,

Yoav Agmon
1359 McKenzie Ave
Los Altos

Attached below some photos of the park I took recently.

Would you want your child to play on a grass where many dogs pooped and peed ? BTY, these are "paying" activities (the city get revenue)





Do you want your small child or leashed dog to be run over by an aggressive group of unleashed dogs?

