

Attn: City Clerk
Piedmont City Hall
120 Vista Avenue
Piedmont, CA 94611

August 5, 2010

Dear Piedmont City Council Members:

The Council needs to look at the CEQA Guidelines and determine if the Lead Agency has too narrowly defined the Project Objectives for the proposed development of Moraga Canyon Sports Fields. The project objectives are:

- “Replace natural field turf with synthetic turf at Coaches Field to address degraded field conditions(e.g., wet and dry areas, bare spots, uneven surfaces, underlying hardpan, gopher damage, etc.) and reduce maintenance costs and upkeep, improve site drainage, and allow for extended use into the winter months when the field is unusable due to wet weather conditions.
- Increase the amount and hours of use of sports field space to allow Piedmont teams to practice and play more games in Piedmont rather than having to travel to out-of-town locations for field space that may not be available in the future.
- Extend use hours at Coaches Field with limited field lighting and synthetic turf to accommodate additional practice and game time for soccer, baseball, and softball players.
- Provide additional sports field facilities (located in, owned by, and controlled by the City of Piedmont) at Blair Park to address the recreational needs of Piedmont youth and the lack of existing sports field space within City limits and reduce the need for travel to outside communities (e.g., Alameda and Oakland)”. (Page 33)

These are the only four project objectives. Objectives 1 and 3 relate to Coaches Field and are, by definition, in Piedmont. The other two objectives (2 and 4) are about increasing sports field facilities **in Piedmont**. Since all of the objectives are within Piedmont -- any project outside of Piedmont does not meet the majority of the project objectives --and therefore, if narrowly interpreting CEQA guidelines, does not need further consideration.

Is there not an overriding goal of providing additional sports fields within reasonable proximity to Piedmont with the least environmentally detrimental impacts?

CEQA guidelines (*California Code of Regulations, Title 14, Division 6, Chapter 3 Section 15126.6*) allow ample leeway such that alternatives outside of Piedmont could have been included and received a thorough study. CEQA guidelines state: (*underlining added for emphasis*)

“(a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic

objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376).

(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

(c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

(d) Evaluation of alternatives. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. (*County of Inyo v. City of Los Angeles* (1981) 124 Cal.App.3d 1)".

There is only a 1 paragraph discussion of recreational fields outside of the community. The draft EIR states:

"In addition to fields within the City, recreational fields outside the community are leased to provide additional field space. The long-term availability of these fields can not be guaranteed. The agreement for the current lease of approximately 150,000 square feet of sports fields in the City of Alameda, which includes daytime use and occasional evening activities with rented portable lighting, will end on September 30, 2012 and will likely not be renewed.²⁸² At the end of the lease, Alameda residents and teams will have priority use of the facilities, and any remaining use hours would be reserved, as they become available, for non-Alameda teams with an outside user rate applied. The City has engaged in exploratory conversations with Merritt College and the Mountain View Cemetery regarding field development on their properties. Such development is not expected in the near future.²⁸³ While some out-of-town facilities could be available on a "spot" basis for specific events or short period usage, no out-of-town recreational fields currently appear to be viable alternatives, and, furthermore, would not meet the project objectives listed above.²⁸⁴

Off-site alternatives were rejected based on information provided during 3 personal communications (*May 25, June 7, June 7, 2010*) between the draft EIR preparers and Piedmont's Director of Recreation (*see footnotes 282, 283, 284 on page 355*). There is no supporting documentation in the draft EIR of why alternative sites were rejected.

In addition, there is no discussion as to why *exploratory conversations* in 2009 with Merritt and Mountain View Cemetery were not followed up and evaluated as part of the EIR process. Earlier reports by city staff indicate that this should have occurred.

"Merritt College:

Staff has followed up on citizen inquiries made at Merritt College regarding the possibility of field development on the Merritt Campus. We have met with the College President along with the Alameda College President who was very helpful when PUSD needed field space during the reconstruction of Witter Field.

At least based on initial conversations, the concept of a partnership with Merritt and the Peralta CC District has some possibilities. The Peralta District successfully implemented such a concept with the development of a baseball facility on Alameda College property in partnership with the City of Alameda some 15 years ago.

One of the steps in the preparation of an EIR is the review of possible alternatives to the proposed project. **The Merritt College site/concept should be evaluated as an alternative as a part of the EIR process. However, there is no funding in place at this point for exhaustive studies and analysis.** (*Mark Delventhal's Sept 8 2009 report to the city council*)

Sites outside of Piedmont need to be studied -- Merritt College, Mountain View Cemetery, and City of Alameda Naval Base -- as well as newly identified ones such as Dingee Reservoir.

Two very important reasons alternative sites need to be seriously evaluated are:

1. The draft EIR found that **policy inconsistencies with the City of Piedmont's General Plan would be significant.** "Policy inconsistency could also cause the City to deviate from certain of the overarching goals and Policies in the General Plan. Therefore, **this impact is considered significant and unavoidable.**"

2. The draft EIR found **significant and unavoidable environmental impacts in one-half (6 of the 12) EIR categories evaluated:** 1) Land Use and Planning Policy, 2) Aesthetics, 3) Biological Resources, 4) Hazards and Hazardous Materials, 5) Traffic and Circulation, and 6) Parks and Recreation.

Thank you,

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