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August 6, 2010

Honorable City Council
City of Piedmont
120 Vista Avenue
Piedmont, California 94611
Attention: Ann Swift, City Clerk

RE: Moraga Canyon Sports Field EIR

Dear City Council:

The City of Oakland (“Oakland”) has reviewed the Moraga Canyon Sports Field Draft Environmental Impact Report (“DEIR”) prepared by the City of Piedmont (“Piedmont”). As the Environmental Review Officer for Oakland, I am submitting these comments on behalf of Oakland.

In summary, the DEIR does not adequately address the impacts of the Moraga Canyon Sports Field project (“Project”), including most notably, impacts on the City of Oakland, which is immediately adjacent to the Project site.

1. The DEIR Fails to Fully Analyze Traffic Impacts

The DEIR claims that the Project will result in significant and unavoidable traffic and circulation impacts without fully analyzing traffic impacts, particularly on Oakland. Oakland directly borders the Project on the northwest side and will be detrimentally impacted by increased traffic circulation resulting from the Project. Of the ten intersections studied in the DEIR, only one was in Oakland yet the major component of the Project, Coaches Field, is right near the Oakland/Piedmont border. See Attachment A for a more detailed analysis.

2. The DEIR Fails to Fully Analyze Hydrologic and Water Quality Impacts Including Watershed Impacts

The DEIR fails to analyze environmental impacts related to increased water runoff on Oakland watersheds even though runoff and drainage from the Project site will likely go through Oakland.

As described in the DEIR, the Project area is located in Moraga Canyon, an area of relatively steep slopes, at the northern portion of Piedmont adjacent to Oakland. *DEIR 4.6.1*. Precipitation and runoff from the canyon are collected within the Cemetery Creek watershed that includes parts of Oakland. *Id.* The head of the creek, at an elevation of approximately 650 feet, begins immediately west of the Moraga Avenue exit from State Route 13 in Oakland, flows beneath several blocks in Piedmont, passes through the Mountain View Cemetery in Oakland, becomes Glen Echo Creek beyond the cemetery, and then continues to Lake Merritt, also in Oakland. *Id.* The Project's hydrological impacts will be connected to these waterways. Thus, drainage from Coaches Field carrying fertilizer, herbicides, and pesticide residues along with soil, grass and landscaping materials will detrimentally impact Oakland's watershed. But the DEIR fails to explain how the Project's drainage impacts will affect Oakland.

Further, the DEIR fails to explain how the Project's impacts on drainage patterns caused by increased use of synthetic non-permeable turf will further impact Oakland's watershed.

3. The DEIR is Conclusory in Nature Simply Finding Many Impacts to Be "Significant and Unavoidable" and Fails to Analyze and Identify Feasible Mitigation Measures or to Examine a Reasonable Range of Alternatives

The DEIR finds that there are 6 significant and unavoidable impacts resulting from this Project related to land use and planning policy, aesthetics, biological resources, hazards and hazardous materials, traffic and circulation, and parks and recreation. *DEIR 2*. By finding so many impacts to be significant and unavoidable, the DEIR is simply conclusory in nature and fails to adequately identify and analyze potentially significant impacts and, as a result, feasible mitigation measure to reduce those impacts. The DEIR similarly fails to analyze a reasonable range of alternatives that could substantially lessen or avoid significant impacts. Simply identifying impacts as significant and unavoidable does not obviate the need to identify and analyze impacts and mitigation measures. CEQA does not allow a statement of overriding consideration to substitute for the required analysis of impacts, mitigation and alternatives.

Last, an EIR "must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation," which the DEIR fails to do. *See CEQA Guidelines § 15126.6(a)*. To comply with CEQA, the final EIR should analyze a reasonable range of alternatives, including without limitation (a) increased use of other sites similar to the Project that are already in use, (b) use of other turf materials besides an organic turf infill alternative that may be more suitable for this environment and (c) reduced Coaches Field site.

4. The Cumulative Impact Analysis is Conclusory in Nature and Has Not Been Adequately Studied

The DEIR simply finds many of the cumulative impacts to be significant and unavoidable because certain impacts themselves are significant and unavoidable

without adequately analyzing the Project's cumulative impacts on the environment pursuant to CEQA.

5. Given the Impacts on Oakland have not been Adequately Studied in the DEIR, the New Information Required to Be Included Would Be Significant and Would Require Recirculation of the DEIR

Many of the impacts are determined to be significant and unavoidable in Piedmont; while similar impacts are likely to occur in Oakland, they are not adequately identified or analyzed. As a result, there are almost certainly significant and unavoidable effects in Oakland that have not been addressed in the DEIR. A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification. *See CEQA Guidelines 15088.5(a)*. "Information" includes additional data or other information, such as Project impacts on Oakland, including without limitation traffic and hydrological impacts.

Instead of an in-depth analysis, the DEIR simply concludes certain impacts to be significant and unavoidable without adequately analyzing the impacts on Oakland. Piedmont must adequately analyze Project impacts on Oakland to comply with CEQA.

6. Given these deficiencies, the DEIR is so fundamentally flawed that it does not provide opportunity for meaningful public review and must be recirculated pursuant to CEQA Guidelines 15088.5.

The DEIR's discussion of how the Project will impact Oakland, its immediately adjacent neighbor, and the associated environmental impacts is so fundamentally flawed as to provide meaningful public review. *See CEQA Guidelines 15088.5(a)(4)* (recirculation is required when the draft EIR is so "fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment is precluded").

Piedmont must consider the Project's environmental impacts on Oakland to ensure proper CEQA review and study suitable alternatives or mitigation measures to alleviate environmental impacts rather than rely on "significant and unavoidable impacts" that will more detrimentally impact Oakland. For these reasons, the DEIR needs to address the deficiencies set forth above and must be recirculated in order for the public, particularly in Oakland, to make an informed review of the Project.

Sincerely,



Eric Angstadt
Deputy Director, Community and
Economic Development Agency
City of Oakland

ATTACHMENT A Traffic Comments

The City of Oakland Transportation Services Division (TSD) has the following comments regarding the Traffic and Circulation section of the Public Review Draft of the Environmental Impact Report for Piedmont's Moraga Canyon Sports Fields project.

1. The report downplays the project's impact on the side streets at the two-way, stop-controlled intersections of Harbord Drive, Masonic Avenue, and Estates Drive:

Looking only at the average intersection delay for the study intersections, the DEIR misleadingly states that these intersections will operate at an acceptable Level of Service (LOS). In accordance with the Highway Capacity Manual (HCM) 2000 for a two-way, stop-controlled intersection, the delay for the stopped (worst) approach should be used in describing how well an intersection operates.

If the analysis was done according to the HCM, it would show that the stopped-controlled intersections will not operate at acceptable levels; i.e., Harbord Drive, Masonic Avenue, and Estates Drive will be impacted.

2. The gap analysis does not capture the critical time period:

The gap analysis was conducted between 3:40 and 4:10 p.m., which does not capture Moraga's peak flow period. A more conventional and comprehensive analysis should look at Moraga's peak flow period with peak project's trips exiting the driveways as there is no guarantee that this scenario will not happen.

3. Potential U-turns on Moraga Avenue:

According to the intersection analysis, drivers will have difficulty making left turns from the Blair Park driveways. Subsequently, drivers will turn right onto Moraga Avenue and make U-turns somewhere along Moraga Avenue. TSD has identified at least three potential locations where drivers might make U-turns: the two existing breaks in the divided median between addresses 5598 and 5624 and where Moraga widens significantly at the south end of the median.

4. Parking Deficiency:

It is important for the Project to meet the parking demand within the project boundaries. This will reduce any unnecessary traffic maneuvers resulting from vehicles looking for parking especially along Moraga Avenue. It will also reduce the possibility of Project generated parking in Oakland neighborhoods.