

TO: City Council

RE: Comments to Draft Response to Comments for Moraga Canyon Sportsfields Draft EIR

DATE: December 2, 2010

There are flaws, errors and inadequacies in the Draft EIR and Response to Comments.

ERROR: In reviewing the Response documents, I started on Page 1, Section 1.1 It reads:

1.1 Purpose: ...“The evaluation in the Draft EIR of each topical issue found that there are no significant environmental impacts that cannot be mitigated to a less than significant level.”

I trust that anyone reading this has quickly identified that this is an unequivocally false statement. The Draft EIR, Page 359 – Assessment Conclusions – states that significant impacts have been identified in 11 categories. It goes on to say in Chapter 4.0 that all of these impacts can be reduced to a less than significant level with the implementation of mitigations measures with the exception of 6 of these categories (actually that would be 7 categories now that noise has been determined to be a significant and unavoidable impact).

ERROR: 3.8.4 Master Response TRAFF-4: Inadequate Analysis of Parking Impacts

The data gathered for parking is just plain wrong. Evidence of greater parking needs was provided in Comment C106-14 (observed 54 cars parked at Coaches on 6-8-10). The Response to that comment is “The data provided by the comment re parking utilization at Coaches Field is informative and will be provided to decision makers for review.”

I believe they are saying the data provided by comment is correct, but no revisions will be made to the EIR document. This finding would affect other important sections, especially traffic and congestion since the number of cars at games is seriously under-estimated. I have since taken car counts at Coaches Field as follows:

Saturday, Nov 6, 2010 at 1:50 p.m. = 44 cars parked at Coaches Field

Saturday, November 13, 2010 at 11:35 a.m. = 48 cars parked and waiting at Coaches Field

Your master response 3.8.4 (page 43) still contends that “The observed parking rate utilized in the EIR can be verified using mode split data observed at Coaches Field and therefore provides a reasonable estimate of parking demand for the Blair Park Sports Fields.” Any analysis that is based on inaccurate data is inaccurate. BAD DATA IN = BAD DATA OUT

It becomes obvious that the finding in the EIR that 33 parking spaces per sports field is adequate is inaccurate. The Draft EIR should be changed to require additional parking for each field to be at least 50 spaces.

INADEQUATE: Response C106-26: States that a tree inventory was conducted by a certified arborist. However, a tree inventory has not been made a part of these documents. The plan included (Blair Park Tree Removals, Figure 3.5.4, page 45) is not complete and very difficult to determine the number, type, health and size of trees on the site. I personally inquired even before the Draft EIR was prepared as to the number of trees and other information and was told by ELS to “look at the drawing.” The tree inventory prepared by the certified arborist should be made a part of the EIR document which identifies each tree, its species, dbh, canopy, health and location.

INADEQUATE: Master Response NOISE-3 (page 46) and Response C106-21: Sound wall impacts on residents.

The argument here is merely generalized and not documented in any way. State highway sound documents show that if you are above the traffic noise, you will hear it. The existing canyon wall on the north side of Moraga and the berm and sound wall on the south side of Moraga will create a tube of traffic noise generating upward TO the houses on the north side of Moraga. This issue relates to the testimony of residents in the canyon that noise is exacerbated in the canyon.

Vegetation does not do much to absorb noise – especially when you are located above the roadway. A wall is a wall whether it has some plants growing on it or not – it is a solid obstruction.

INADEQUATE: Response 106-21 also states that planting on the sound barrier will reduce any aesthetic impact of the wall. A wall is a wall – the current view is looking down across the park, the resultant view will be looking at a close, tall, impervious wall. The issue of aesthetics was not considered in the proposed mitigation of a sound barrier on Moraga Avenue. Two wrongs don’t make a right.

FLAW: Response 103-2 (page 526): Use at Coaches Field for Baseball.

A use log was provided in this comment showing less than optimum use of Coaches Field during baseball season. The Response to the Comment was “noted and will be considered by decision makers during the project approval process.” There was an entire needs section added to the Response document and this information was not made a part of that section (3.3.2, page 17). The fact that Coaches Field is not fully utilized currently should be noted in 3.3.2.

INADEQUATE: Response C103-3 (page 526): Short term noise measurements.

The Response states that the short term noise measurements were made at a time that “disclosed a worst-case scenario.” As many commenters and City Council members mentioned, a 15-minute noise measurement on one Saturday does not adequately measure average noise levels and most certainly does not measure a “worst-case scenario”. Further, it is contradictory that data collection methods are defended here and yet in all other sections of the Response, the noise impact finding has been changed to “significant and unavoidable” based on resident testimony.

INADEQUATE/ERROR/MISLEADING: Response C103-12 (page 527): Reduced Blair Park Development Alternative.

Comment offered that the reduced Blair Park Development Alternative would reduce or decrease the significant and unavoidable impacts of the project. There is no data to support that.

Response is "Comment noted." Response further states that traffic analysis at Blair Park driveways were analyzed. If the parking lot at the east end were eliminated (along with the small field) only 14 parking spaces would remain at the west parking lot. Obviously, more parking would be required. Where would that be? Wherever it is, it needs to be analyzed and IS NOT! Further, the Response states that other impacts that are reduced as a result of the reduced alternative "are obvious without data (emphasis added) (e.g. amount of vegetation removal would be decreased; noise levels would be lower from fewer participants; potential geological effects would not occur from construction of the southeast retaining wall and less grading would be needed)."

However, no parking should be reduced and actually should be increased with even one field). The greatest impacts would still remain. Noise from one field is still significant. Loss of oak woodland is still significant (3 undetermined trees and 1 live oak are all that would be removed for the small field). Aesthetics is still significant. The geological affects still remain with the greatest impact from the highest retaining walls.

MISLEADING: Response C106-27 (page 548). Loss of trees reduced with reduced Blair Park Alternative. Regarding the number of trees saved as a result of the Reduced Blair Park Alternative (3 unidentified trees and 1 coast live oak), the Response states: The intent of the language in the Draft EIR is to convey that the loss of oak woodland would be less compared to that of the proposed project, not that the removal of an oak tree and 3 unidentified trees would "reduce the loss of oak woodland" per se."

It is clear tha the one-field alternative proposed in the DEIR will still hold the same significant and unavoidable impacts of the 2-field plan. It may slightly reduce some of these impacts but not enough. The large field holds the most impacts and it will remain. The traffic and parking issues will remain because the parking currently proposed is grossly insufficient!

INADEQUATE/FLAW: Response C104-1: LOS levels at Maxwelton Road/Moraga Avenue.

It is inconceivable that the driveway at the east Blair Park lot could operate at LOS F and the traffic from Maxwelton onto Moraga could operate at a higher level. The parking lot has better lines of sight and therefore vehicles waiting to turn onto Moraga from Maxwelton will always be deferring to those making turns in either direction (but mostly left) onto Moraga. This has not been adequately explained.

NOTE: 3.3.1 (page 16) Soccer Need

Why can't soccer use the whole field space at Coaches? Soccer only uses a small portion of the entire field area. Plans at Blair park show shared use where soccer plays on the baseball portion of the field during soccer season.

NOTE: 3.10.1 – Alternatives

It should be noted that this states "...using space at a future Merritt College facility is a possibility."

In conclusion, the Draft EIR and Draft Response to Comments is still inadequate, flawed, and contains errors. It should not be certified until these deficiencies are corrected. It is further confusing that the project description is undefined in the minds of many. I understand that the EIR is looking at one project, but that does not seem to be the reality of the process. I strongly believe that the project description should be solidified before the EIR is certified.

Sincerely,

Joannie Semiteköl