

August 2, 2010

Dear City of Piedmont Council Members and Mayor:

After reviewing the PUBLIC REVIEW DRAFT ENVIRONMENTAL IMPACT REPORT Moraga Canyon Sports Field Complex, we have major concerns and questions about the completeness and accuracy of the report. This letter focuses on issues related to AESTHETICS and VISUAL RESOURCE IMPACTS.

CEQA guidelines state:

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

The following is a list of issues, questions, and suggestions relating to Aesthetic and Visual Resource impacts which need to be addressed by the lead agency.

1. The Methodology used to analyze the Aesthetic and Visual Resource Impacts is inadequate. It does not assess the impact on public views for the thousands of motorists, bicyclists and pedestrians whose roadway views of the canyon will be dramatically changed as a result of the proposed sports complex.

On Page 103 Section 4.2, the Report states:

"The analysis considers the visual quality of Coaches Field and Blair Park, and views from the project site and to the project site from nearby areas. Public views are defined as views from public locations such as roadways, scenic vista area, parks, waterways schools, or other public buildings".

On Page 104 Paragraphs 3-5, the Description of Blair Park includes:

"it is an undeveloped park of approximately 5.6 acres""vegetated with grass, broad-leaved plants, shrubs and trees". "Individual visual features contribute to the visual quality of the park. Monterey Pines line Moraga Avenue and the western and southern portions of the site at the foot of the slope. ..." "The central portion of the park offers a relatively open corridor ..." with scenic photographs from the roadway provided in Figure 4.2a, Figure 4.2b.

In other sections of the EIR, Blair Park is described as "undeveloped open space, mature trees, a grassy covered corridor, and slopes covered with vegetation, together with an uninterrupted scenic vista that

extends to the upper canyon and residential areas to the north" Page 149. In the Appendices in the Traffic Analysis there are three pages of photos of Moraga Avenue showing scenic vistas.

The vast majority of the public will experience the proposed alteration of a natural canyon (not as a resident of one of the homes with a view of the canyon, or as someone involved in the use of the sports field) but as a motorist, a bicyclist, or a walker. Their primary public view is from the roadway on Moraga Avenue.

The Traffic Analysis in the EIR estimates that in 2009, **11,824** cars travel through Moraga Canyon each day with a projected increase of at least 3% each year. Based on these numbers, conservative estimates for the number of public viewers traveling through Moraga Canyon and visually seeing the proposed project in 2014 would be:

- 13,707 public viewers per day;
- 95,949 public viewers per week; and
- 5,003,055 public viewers per year.

With many statements throughout the EIR referring to and describing the natural scenic views of the canyon, the analysis only includes a three paragraph description of the potential negative impact on motorists, bicyclist and walkers – and dismisses it as unimportant.

The report says these views are “very brief” and implies they are not important; therefore, there is no need to further assess the impact of the loss of views to travelers on the roadway.

The Methodology used to analyze the Aesthetic and visual resource impacts may explain how such an important factor was not addressed.

2. One of the Significance Criteria used for this report and analysis does not follow CEQA Guidelines. Why was it changed?

The CEQA guidelines state:

- “The project would have a significant impact on aesthetic and visual resources if it would:
 - “Have a substantial adverse effect on a scenic vista;”

The Moraga Canyon Draft EIR uses a different criteria: (page 135)

- “Have a substantial adverse effect on a scenic vista, particularly views from residences.”

The phrase ***“particularly views from residences”*** is not in the CEQA guidelines.

Does the preparer of a Draft EIR have the authority to narrow the focus of a CEQA Guideline? If yes, can the preparer choose not to thoroughly analyze aspects of the project which will impact on a “scenic vista” for thousands of people each day?

This additional phrase, added to the CEQA guidelines by the preparers of this Draft EIR has narrowly defined the focus of the Aesthetic and Visual Resources analysis. The majority of the discussion and analysis focuses on views from the residences: Pages 138 through 153.

On Page 135, the EIR lists the methodology used to assess the environmental impacts (Note: The text cited below is as worded in the EIR Report, the bold italic phrases were added by the authors to call attention to certain key phrases used in the report.

- ***viewer or receptor locations/sites with the greatest numbers of viewers were defined***, such as neighboring residential areas, ***public roadways and other readily accessible public thoroughfares*** (e.g., trails);
- site areas/visual resource features that are visible from the viewer zones were defined;
- site areas/visual resource features relative to visual prominence and significance were identified."

"The viewshed, containing the Coaches Field and Blair Park sites (project area), was initially surveyed to determine its characteristics, the quality of the views, the access to the views, and the extent of potentially sensitive viewers. ***Particular attention was given to identifying any significant view locations with public access although none were identified.***"

3. How could the report have failed to identify Moraga Avenue as a significant view location with public access? Why were the impacts not analyzed?

The report continues, "From the viewshed survey, ***three specific view locations for Coaches Field and two view locations for Blair Park—all from single-family residences in relatively close proximity to the field with "superior" (elevated) locations and visual features*** relatively unobscured by vegetation and structures—were then selected from a number of site options, identified earlier by City staff and the EIR consultant for consideration in the preparation of the representative photosimulations (Figure 4.2.3).

Photos were taken from these "key viewpoints" to illustrate the existing visual setting and the baseline for creating photosimulations of these views with the proposed project. ***The proximity and superior elevation represent "worst-case" (or the most sensitive) views that may potentially result from major visual changes to the project area.***"

Since Moraga Avenue and its continuous view of the canyon and the project was not included as a "key viewpoint", the report does not analysis of the impact of the project on public views and there are no photo simulations of what the impact will be on the more than 15,000 motorists, bicyclists and pedestrians who use Moraga Avenue each day.

4. A Supplemental Assessment of the Aesthetic and Visual Impact of the project on the public views of users of Moraga Avenue is needed.

There are only 3 paragraphs in the EIR Report that assess project's impact on public views and the analysis is inadequate. The first paragraph states:

"Other View Areas. Motorists and other travelers along Moraga Avenue frontage Blair Park, particularly eastbound, would experience a significant visual change as a result of the proposed project. Currently, the road corridor has very limited views that include the northern slope above the roadway and mature tree lining the perimeter of the park. Occasional breaks between the trees provide views toward the slopes of the canyon to the south. However, the views are very brief for passengers in automobiles. Residents living along the slopes nearest the roadway also experience similar views, but for a greater duration."

"Very limited views" is a conclusionary statement not supported by any evidence or analysis. The statement is not factual and contradicted elsewhere in the report.

5a. Where is the analysis of the impact of this significant visual change from the roadway?

5b. Where are the photo simulations of this significant visual change from the roadway?

A computer photo simulation is available, not by the report preparers, but by a coalition of concerned citizens – Friends of Moraga Canyon This photo simulation, depicting 'before' and 'after' pictures can be found on the web: www.moragcanyon.org/ Anyone who views this video would conclude this project will have a major and significant visual impact on motorists and travelers. The EIR is deficient in not addressing this impact.

As part of the new assessment of visual impacts, a survey should also be conducted among public users of Moraga Avenue to obtain their opinion of the impact of the proposed project on their aesthetic and visual experience when driving through the Canyon. This type of study is warranted considering that over 13,000 motorists and other travelers will be impacted each day.

6. The scenic and visual impact of the proposed bridge on the many travelers who use Moraga Avenue was not analyzed.

With the proposed project, a pedestrian bridge, with a height of 16 feet above the roadway, with another 15 feet of its structure above the bed of the bridge, would be visible as it crosses between Coaches Field and Blair Park. In addition, the facility housing the elevator, with a height of approximately 32 feet, would also be evident at the entrance to Coaches Field.

Another section of the report indicates the bridge might not be the best approach. If the bridge is included then its visual impact needs to be assessed with photosimulations of the bridge from the view of the motorists and other travelers on Moraga Avenue.

If the bridge is not built another set of pedestrian and motorist safety issues will need to be re-assessed.

7. The visual impact of the proposed berm/retaining wall on public views for travelers on Moraga Avenue was not analyzed.

"A landscaped berm, elevated for much of its length along the frontage of Moraga Avenue, would be constructed and would limit views even further. The lower half of the berm at the eastern end of Blair Park would reach a maximum of about ten feet above the grade of the roadway. Beyond and to the west, the higher half of the berm would reach a height of over 20 feet above the grade of Moraga Avenue before receding to a height of around eight feet at its eastern end. A break in the landscaped berm would provide a view of the field facilities. The character of this brief view would not be significant. Relatively bare areas and the lack of trees along the roadway would be experienced by travelers on Moraga Avenue before the maturation of the landscaping which would take several years."

The impact of the berm from motorists and other travelers on Moraga Avenue was not assessed. For the travelers on Moraga Avenue, instead of a continuous green canyon with an open Blair Park, the proposed project will likely result in a wall-like tunnel.

There are no drawings or photosimulations in the EIR, showing the berm from the roadway on Moraga Avenue which incorporate the visual impact of the canyon rising up on the north side of Moraga Avenue and the berm with its solid retaining wall atop the berm.

Page 286 of the report states that as a noise mitigation measure "a sound wall shall be constructed with a minimum height of 6 feet on top of the proposed berm/retaining wall along Moraga Avenue, located on the north side of the two sports fields."

Adding another 6 feet minimum on top of the berm increases the height of the berm & wall to 36 feet at the highest elevation. This modification will further increase the "tunnel effect" for motorists and other travelers on Moraga Avenue.

Another factor affecting the berm/retaining wall is a mitigation measure proposed to provide adequate site distance from the driveways. (Page 21). "Landscaping shall be selected so that the sight distance at the outbound driveways is not blocked. The landscaping shall not exceed 3.5 feet in height ... to ensure that adequate sight distance is maintained." However, what is not addressed is how the additional 6 ft of retaining wall on top of the berm to mitigate noise, will effect the sight distance needed from the driveways.

8. The proposed mitigation measures (for noise and sight distance from the driveways) will change the original design of the berm/walling wall. This indicates the need for a new assessment of how far the entire project needs to be recessed from the Moraga Avenue roadway.

We look forward to a written response to the above questions and concerns.

Thank you,

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