

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

December 5, 2011

Honorable City Council
City of Piedmont
120 Vista Avenue
Piedmont, California 94611
Attention: John Tulloch, City Clerk

RE: Additional Comments on Moraga Canyon Sports Field Project

Dear City Council:

As the Environmental Review Officer for Oakland, I am submitting these additional comments on behalf of the City of Oakland ("Oakland") regarding the Moraga Canyon Sports Field project (the "Project").

As discussed in the City's previous comments, dated August 6, 2010 and March 21, 2011, the CEQA review for the project is inadequate, and, unfortunately, none of the inadequacies in the EIR are addressed in the proposed Addendum. To the contrary, the proposed addendum to the environmental impact report certified by the Piedmont City Council on December 6, 2010 ("EIR") not only fails to remedy the deficiencies in the EIR, but also ignores meaningful review of new and significant Project changes and environmental impacts associated with Project, in violation of CEQA (including, without limitation Public Resources Code section 21166 and CEQA Guidelines section 15162). Significant changes to the Project include a never before studied traffic circle, bioswales, and alternative spaces for uses that were not contemplated in the EIR. These changes involve significant new impacts and/or substantially more severe significant impacts. As a result, we urge Piedmont to prepare a subsequent or supplemental EIR in accordance with CEQA.

In addition to the already documented problems with the Project's original environmental analysis (which are incorporated by reference herein), the City is deeply concerned about new and significant changes to the Project that clearly fall outside the scope of the EIR. These major Project changes could result in new, significant environmental impacts that were not studied in the original EIR, including a new traffic roundabout and pedestrian crossing at the Maxwellton/Moraga intersection, bioswales, and constructing an alternative space for uses, such as climbing walls, tot lots, dog runs, picnic areas, etc., that were not contemplated in the EIR. These significant changes to the Project require preparing a subsequent or supplemental EIR in accordance with CEQA Guidelines

sections 15162 and/or 15163. As previously noted, the EIR fails to meaningfully analyze the Project's hydrological impacts, rendering the formulation of any potential hydrologic mitigation measures impossible, such as the newly proposed bioswales. Also, even though the proposed project footprint is now smaller than what was studied in the EIR, new features such as the traffic roundabout and bioswale were never studied in the original EIR.

Indeed, the Piedmont Planning Commission similarly recognized the serious deficiencies in the EIR, as demonstrated by its recommendation against the EIR and the Project. In particular, the Piedmont Planning Commission noted the lack of an adequate environmental analysis for the Project in issuing its recommendations. As noted in our previous comments, the EIR prepared for the Project was so fundamentally and basically inadequate and conclusory in nature that it failed to provide the public and affected public agencies a meaningful opportunity to comment.

Although our requests for Piedmont to revise and recirculate the EIR were ignored, you have an opportunity now to address the document's deficiencies and to prepare and circulate a subsequent or supplemental EIR that fulfills CEQA's requirements. Revisions of the document, together with a full opportunity for public review and comment, is required in order to allow the public an opportunity to meaningfully review the environmental impacts associated with these changes, as well as feasible mitigation measures and project alternatives that can reduce such impacts. .

We appreciate the opportunity to comment on the City's environmental document and look forward to working cooperatively with the City to address the concerns raised by the project and the environmental analysis.

Sincerely,



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

cc: Mayor Jean Quan
City Council President Jane Brunner
City Councilmember Ignacio De La Fuente
City Councilmember Pat Kernighan
City Councilmember Desley Brooks
City Councilmember Larry Reid
City Councilmember Libby Schaaf
City Councilmember Nancy Nadel
City Councilmember Rebecca Kaplan
City Attorney Barbara J. Parker
City Auditor Courtney Ruby
City Administrator Deanna Santanna