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City of Piedmont – Moraga Canyon Sports Fields Project

EXHIBIT A

Moraga Canyon Sports Fields Project

Final Environmental Impact Report

(SCH No. 2009112054)

**Findings of Fact,
& Statement of
Overriding Considerations**

November 23, 2011

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I. Introduction

The California Environmental Quality Act, Public Resources Code Section 21000 et seq. (“CEQA”), states that if a project would result in significant environmental impacts, it may be approved if feasible mitigation measures or feasible alternatives are proposed which avoid or substantially lessen the identified impacts or if there are specific economic, social, or other considerations which justify approval notwithstanding unmitigated impacts.

Therefore, when an environmental impact report (“EIR”) has been completed which identifies one or more potentially significant or significant environmental impacts, the approving agency must make one or more of the following findings for each identified significant impact:

1. Changes or alterations which avoid or mitigate the significant environmental effects as identified in the EIR have been required or incorporated into the project; or
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency; or
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR. (Pub. Resources Code, § 21081).

As the “lead agency” as defined in the California Code of Regulations, title 14, section 15367 (sections 15000, et seq. of title 14 are hereinafter referred to as the “CEQA Guidelines”), the City of Piedmont (“City”) hereby adopts the following CEQA findings relating to the Moraga Canyon Sports Fields Project Draft Environmental Impact Report dated June 2010 (“Draft EIR”), the Final Environmental Impact Report (“Final EIR”) which was certified by the City Council on December 6, 2010, and the Addendum to the Final EIR dated November 2011 (“Addendum”). The Final EIR (which consists of the Draft EIR and the Response to Comments document, which was prepared to respond to all comments received on the Draft EIR) and the Addendum are collectively referred to herein as the “EIR.”

II. Purpose and Background

A. The Project

The Project site is located in the City of Piedmont (“City”) in the northwest part of Alameda County (“County”) and consists of two properties located on either side of Moraga Avenue at Red Rock Road less than 0.2 miles west of State Route (SR)13 / Warren Freeway. The originally proposed project, as described in the Draft EIR, included the installation of lighting and synthetic turf at the existing Coaches Field located on the north side of Moraga Avenue. The Blair Park site, located across the street from Coaches Field on the south side of Moraga Avenue, would be developed with two new youth sports fields. The proposed project as

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described in the Draft EIR involved the following primary components (together, the “Originally Proposed Project”):

- Replacement of the existing natural turf at Coaches Field with a synthetic field surface and the installation of field lighting;
- Construction of a pedestrian bridge across Moraga Avenue connecting the Blair Park and Coaches Field sites;
- Tree removal, grading, slope excavation, and the placement of retaining walls along the southern boundary of the Blair Park site to increase the developable land surface; and the
- Construction of two multi-purpose youth play fields with synthetic field surfaces at Blair Park, one approximately 150 feet by 300 feet and the other 75 feet by 150 feet, with ancillary structures; landscaping, including new trees; modified vehicle ingress and egress; and parking to accommodate the new facilities on the Blair Park site.

(Draft EIR, pp. 25.)

Following certification of the Final EIR on December 6, 2010, the City Council directed that the Final EIR be distributed to the City’s Park, Planning, and Recreation Commissions for additional input and recommendations regarding the Originally Proposed Project. At the public hearings held by the different Commissions, the Commissions reviewed the Originally Proposed Project that was evaluated in the Final EIR, as well as numerous project alternatives that were presented by the public and Piedmont Recreational Facilities Organization (“PRFO”). On March 21, 2011, the City Council considered the project alternatives presented by the public and PRFO along with the input and comments received from the Recreation, Park, and Planning Commissions and from the public. The City Council voted to proceed with a revised PRFO Blair Park master plan and requested that it include design modifications to address traffic and pedestrian safety impacts identified in the Final EIR.

The components of the PRFO Blair Park Master Plan (August 25, 2011) would involve the installation of lighting and synthetic turf at the existing Coaches Field and the following items at Blair Park (together, the “Revised Proposed Project”):

- Construction of one synthetic turf sports field (“Synthetic Field”) for youth sports and a natural turf glade (“Natural Turf Glade”) for practices and unscheduled passive recreational use;
- An adequately illuminated high-visibility pedestrian crosswalk with pedestrian-activated warning beacons at Red Rock Road;
- A traffic roundabout and high-visibility pedestrian crosswalk with pedestrian-activated warning beacons at the intersection of Moraga Avenue and Maxwellton Road;

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- A single parallel parking space along Moraga Avenue for traffic monitoring by the Piedmont Police and additional emergency vehicle access to the Project site;
- A dog-walk area for off-leash use;
- Stormwater treatment in a 10 to 12-foot-wide bio-swale along the west parking lot associated with the underground storage vaults;
- Redistribution of the previously-proposed 40 parking spaces to include 20 spaces in each of the two parking lots;
- Shifting the location of the west Blair Park parking lot and Synthetic Field 30 feet to the east of the previously-proposed locations to increase vehicle site distance at the west parking lot exit;
- Relocation of the baseball diamond from the northwest corner to the northeast corner of the Synthetic Field;
- Replacement of the previously-proposed concrete retaining wall along Moraga Avenue with a terraced, vegetated mechanically stabilized earth (MSE) system;
- An at-grade sidewalk along Moraga Avenue the entire length of Blair Park;
- Road striping to formalize the bicycle lane along the south side of Moraga Avenue and to redefine vehicle lanes and islands at the Red Rock Road and Maxwellton Road intersections; and
- Implementation of the project in two phases of construction

(Addendum, pp. 1-2.)

Hereinafter the Originally Proposed Project, as modified by the Revised Proposed Project, shall be referred to as the “Project”.

B. Purpose of the Project

The Project objectives are as follows:

- 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.

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- 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).

(Draft EIR, p. 33.)

C. Purpose of the EIR

The EIR was prepared in compliance with CEQA (Public Resources Code sections 21000-21177, and the CEQA Guidelines, sections 15000-15387) to address the anticipated environmental impacts associated with the Project. As required by Section 15121 of the CEQA Guidelines, the EIR informs the City's decision makers and the public generally of the potential environmental impacts resulting from approval, construction, and operation of the Project, and identifies feasible means of minimizing potential adverse environmental impacts. The City is the lead agency for the environmental review of the Project and the EIR was prepared by LSA Associates, Inc., for the City. (Draft EIR, cover pages and pp. 1 to 3.)

D. Procedural Background

The following is an overview of the environmental review process which has occurred for the Project:

1. In accordance with Section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation ("NOP") for the "Moraga Canyon Sports Fields Project" supported by an Initial Study ("IS") and filed it with the Office of Planning and Research ("OPR") on November 16, 2009. The NOP was circulated to the public, local and state agencies, and other interested parties to solicit comments on the Originally Proposed Project. A public scoping meeting was held by the City on December 8, 2009 to provide an opportunity for the general public, public agencies, interested organizations or individuals to comment on the scope of the Draft EIR pursuant to CEQA. Environmental issues and alternatives raised by comments received on the NOP during the public review period and raised during the public scoping meeting were considered for inclusion in the Draft EIR.

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2. A Draft Environmental Impact Report (“Draft EIR”) was prepared by LSA and circulated for public review on June 18, 2010. Copies of the Draft EIR were made available to the public at City Hall. In addition, the Draft EIR was made available to the public on the City’s website and additional project information was made available in PDF format or on CD upon request.
3. A formal Notice of Availability (“NOA”) of the Draft EIR was prepared and circulated on June 18, 2010, as required by CEQA. The NOA was circulated to responsible agencies, adjacent property owners and interested parties, including any person who filed a written request for such a notice.
4. The public comment period for the Draft EIR was June 21, 2010, through August 9, 2010, following due notice to the public and all applicable public agencies consistent with Public Resources Code section 21092 and the corresponding CEQA Guidelines.
5. In response to comments received from the public and all applicable public agencies concerning the Draft EIR, the Final EIR was prepared and issued to the public on November 5, 2010, at least 10 days prior to certification by the City Council. The Final EIR contains copies of all comments received on the Draft EIR and responses to those comments. The Final EIR also contains errata revisions to the Draft EIR and supplemental information deemed necessary in response to comments on the Draft EIR.
6. Copies of the Final EIR were sent to the commenting responsible agencies. All other commenters received notice with instructions for accessing the Final EIR. Hardcopies of the Final EIR were also made available to the public at City Hall beginning on November 8, 2010. In addition, the Final EIR was made available to the public on the City’s website.
7. Pursuant to Public Resources Code Section 21092.5, the City provided a written response in the form of the Final EIR to all public agencies commenting on the Draft EIR, 10 days prior to certifying the Final EIR.
8. On December 6, 2010, the City Council at its publicly noticed public hearing adopted Resolution 99-10, certifying the Final EIR as complete and adequate under CEQA, and certifying that the Final EIR represents the independent judgment and analysis of the City Council. At the same public hearing, the City Council also adopted Resolution 100-10, referring the certified Final EIR to the City’s Recreation, Park and Planning Commissions for review and recommendation.
9. At the City Council’s direction the following commissions held duly noticed public hearings to obtain additional input and recommendations

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regarding the design of the Originally Proposed Project: Recreation Commission (January 19, 2011); Park Commission (February 17, 2011, and March 2, 2011); and Planning Commission (February 24, 2011).

10. On March 21, 2011, the City Council considered the evidence presented from the hearings held by the Recreation, Park and Planning Commissions and project alternatives presented by the public, and directed City staff to include design modifications into the Blair Park Master Plan to address traffic and pedestrian safety impacts identified in the Final EIR.
11. On August 25, 2011, a Final Blair Park Master Plan that incorporated modifications to reduce significant environmental impacts identified in the Draft and Final EIR and responding to other issues raised in the public comments received after the City Council's certification of the Final EIR.
12. In November 2011, LSA prepared an Addendum to the Final EIR which analyzed whether the design modifications described in the Revised Proposed Project, as set forth in the Final Blair Park Master Plan, generate new significant impacts or a substantial increase in the severity of previously-identified impacts, as required under CEQA. Hardcopies of the Addendum were made available to the public at City Hall beginning on November 23, 2011. In addition, the Addendum was made available to the public on the City's website.

(Draft EIR, pp. 1 to 3; Final EIR, cover pages and pp. 1-2; Addendum, pp. 1-5.)

III. Description of the Record

The record of proceedings for the City Council's decision on the Project includes, but is not limited to, the following documents:

- The NOP and all other public notices issued by the City in conjunction with the Project;
- All applications for approvals and development entitlements related to the Project and submitted to the City;
- The Draft EIR for the Project (June 18, 2010) and technical appendices;
- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;
- The Final EIR for the Project, including comments received on the Draft EIR, responses to those comments, and the Draft EIR and technical appendices (dated November 5, 2010);
- The Addendum to the Final EIR (November 2011);

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- The Mitigation Monitoring and Reporting Program for the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the Draft EIR, Final EIR or Addendum;
- The City of Piedmont General Plan, the Zoning Code, and any other relevant City planning documents;
- All documents submitted to the City (including to the Planning Commission and the Park and Recreation Commissions) by other public agencies or members of the public in connection with the Project, up through the close of the public comment period on August 9, 2010;
- Any minutes and/or verbatim transcripts of all public information sessions, public meetings, and public hearings held by the City in connection with the Project;
- All agency and public comments submitted from certification of the Final EIR to and including the meeting for the adopting of these findings; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The City Council has relied on all of the documents and other materials and comments listed above in reaching its approval on the Project, even if not every document or other materials or comment were formally presented to the Council or City staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the Project. (Dominey v. Department of Personnel Administration (1988) 205 Cal.App.3d 729, 738, fn. 6.; Brock v. Superior Court (1952) 109 Cal.App.2d 594, 605-606.) Other documents influenced the expert advice provided to City staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the Council's decisions relating to the adoption of the Project. (*See* Pub. Resources Code, § 21167.6, subd. (e)(10); Browning-Ferris Industries v. City Council of City of San Jose (1986) 181 Cal.App.3d 852, 866; Stanislaus Audubon Society, Inc. v. City of Stanislaus (1995) 33 Cal.App.4th 144, 153, 155.)

IV. Discretionary Actions

The Project involves the following actions and approvals by the City:

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1. Consideration and Possible Approval of the Addendum
2. Consideration and Possible Approval of Findings and the Statement of Overriding Considerations
3. Adoption of the Mitigation Monitoring and Reporting Program
4. Consideration and Possible Approval of the Project:
 - i. Consideration and Possible Approval of the Coaches Field element of the Project (synthetic turf and field lighting)
 - ii. Consideration and Possible Approval of the Blair Park Element of the Project as modified and proposed by the Final Blair Park Master Plan
 - iii. Consideration and Possible Approval of the Conditions of Approval
5. Consideration and Possible Approval of a Final Notice of Determination

The following findings, as well as the accompanying statement of overriding considerations in Section XI, have been prepared to comply with the requirements of CEQA and the CEQA Guidelines.

V. General Findings

A. Terminology of Findings

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which an Environmental Impact Report (“EIR”) is required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such possible finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) The second possible finding is that

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“[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).) The third possible finding is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (*See also Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; *See also Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The agency must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code, § 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations are derived from the holding in Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

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Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR and Addendum.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a)(2), (a)(3).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

These findings constitute the City Council’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR and Addendum are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City Council adopts a resolution approving the Project.

B. Certification of Final EIR

The Final EIR for the Project was certified on December 6, 2010 pursuant to CEQA (Pub. Resources Code, § 21000 et seq.; CEQA Guidelines, § 15090.) The City Council found and certified that the Final EIR was completed in compliance with the requirements of CEQA.

C. Changes to the Draft EIR

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the

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project proponents decline to implement. (CEQA Guidelines, § 15088.5, subd. (a).) The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(Id. at subd. (a)(1)-(4).)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. (Id. at subd. (b).)

The City Council recognizes that the Final EIR incorporated information obtained by the City after the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. (Final EIR, pp. 665 to 696.)

One modification in the Final EIR was the conclusion that due to the permanent increase in ambient noise levels at Blair Park, which includes sudden noise, the overall noise impact of the Project was significant and unavoidable. (*See Chapter 5.0 of Response to Comments, “Draft EIR Text Revisions”*, p. 665.) This was based on testimony provided by members of the public during the review period for the Draft EIR that reflected that existing noise levels, including sudden noise, at Coaches Field are already perceived as disruptive. By adding lighting to Coaches Field, the Project would extend use hours during certain times of the year and also generate new noise at Blair Park by converting a portion of the land use from passive recreation to active recreational use. This change in level of significance (i.e., from *less than significant with mitigation* in the Draft EIR to *significant and unavoidable with mitigation* in the Final EIR) did not require recirculation of the Draft EIR because, as set forth in Section 15088.5 of the CEQA Guidelines, recirculation is only required when “significant new information” is added that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect” (Id. at section 15088.5(a)). In this instance, the conservative significant and unavoidable finding included in the Final EIR was based on neighbors’ perceptions of the existing ambient and sudden noise disturbances associated with Coaches Field and the permanent change in the ambient noise setting associated with the Blair Park component of the Project. No additional analysis was added, and no new significant noise impacts or a substantial increase in the severity of the previously-identified operational impact were revealed (Id. at section

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15088.5(a)(1) and 15088.5(a)(2)). While Mitigation Measure NOISE-3 in the Draft EIR addressed operational noise impacts and resulted in a finding of *less than significant with mitigation*, because that mitigation would not entirely eliminate the neighbors' perceptions of existing and potential future ambient and sudden noise disturbances, the Final EIR conservatively concluded the impact would be *significant and unavoidable* with mitigation. For these reasons, this action did not constitute the provision of "significant new information" or otherwise meet the criteria of Section 15088.5 of the CEQA Guidelines requiring recirculation of the Draft EIR. Additionally, the fact that the change in the EIR was based on public input demonstrates that the public was not deprived of the opportunity to have input on the subject.

The Final EIR also included additional information regarding Project need as well as revised information about existing play fields in the City based on a field surface study as included under the Project objectives. (*See Id.* at pp. 666 to 669.) This information did not change the Project objectives or make a significant modification to the EIR. Instead, it merely clarified or amplified existing facts as presented in the Draft EIR based on comments received and information provided, facts that are unrelated to any environmental impacts.

Minor corrections were also made in the Final EIR to correct information cited including the decrease in reflecting light levels and illumination at Coaches Field. (*See Id.* at p. 669). Information about the City's green building and bay-friendly landscaping requirements for City facilities was added, including a statement that the Project would likely be required to comply with those regulations. (*See Id.* at p. 670.) Finally, additional clarifications about the Project's consistency with the City's General Plan and a definition of the terms used in the EIR to assess consistency were also made. (*See Id.* at pp. 670 to 672.) None of these changes constituted significant new information or substantially increased the severity of any environmental impact and thus did not warrant recirculation of the Final EIR.

Notably, CEQA case law emphasizes that "[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.); *See also River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) "CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.' In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936 (quoting *County of Inyo v. City of Los Angeles* (1984) 160 Cal.App.3d 1178, 1185.)

In sum, the information added to the Final EIR merely clarified or amplified the prior information, or made insignificant modifications; therefore, the Final EIR did not need to be recirculated.

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Section 15164 of the CEQA Guidelines requires that, following certification of an EIR, an addendum to that EIR shall be prepared if only some changes or additions are necessary but none of the conditions described in Sections 15162 or 15163 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR apply. According to Section 15162 of the CEQA Guidelines, after an EIR has been certified, no subsequent EIR shall be prepared unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

Section 15163 of the CEQA Guidelines further clarifies that a supplement to an EIR, rather than a subsequent EIR, may be prepared if:

- (a) (1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and (2) Only minor additions or changes

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would be necessary to make the previous EIR adequately apply to the project in the changed situation.

- (b) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
- (c) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.
- (d) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
- (e) When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

The City Council recognizes that the Addendum incorporated information obtained by the City since the Final EIR was certified and contains additions, clarifications, modifications and other changes. (Addendum, pp. 5 to 8.) However, none of these changes trigger the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR. Specifically, the Addendum analyzed the following design modifications to the Blair Park element of the Project:

- (1) Development of one synthetic turf sports field (“Synthetic Field”) and a natural turf glade (“Natural Turf Glade”) for practices and unscheduled passive recreational use in place of the two previously-proposed synthetic turf sports fields;
- (2) Installation of an adequately illuminated high-visibility pedestrian crosswalk with pedestrian-activated warning beacons at Red Rock Road instead of the previously-proposed pedestrian bridge;
- (3) Installation of a traffic roundabout and high-visibility pedestrian crosswalk with pedestrian-activated warning beacons at the intersection of Moraga Avenue and Maxwellton Road;
- (4) Installation of a single parallel parking space along Moraga Avenue for traffic monitoring by the Piedmont Police Department and additional emergency access to the Project site;
- (5) Designation of the previously-proposed dog-walk area for off-leash use;
- (6) Provision of stormwater treatment in a 10 to 12-foot-wide bio-swale along the west parking lot instead of the previously-proposed method of treatment using underground hydraulic separators or media filter vaults associated with the underground storage vaults, which underground storage vaults were part of the Originally Proposed Project;

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- (7) Redistribution of the previously-proposed 40 parking spaces to include 20 spaces in each of the two parking lots;
- (8) Shifting the location of the west Blair Park parking lot and the Synthetic Field 30 feet to the east of the previously-proposed locations to increase vehicle site distance at the west parking lot exit;
- (9) Relocation of the baseball diamond from the northwest corner to the northeast corner of the Synthetic Field;
- (10) Replacement of the previously-proposed concrete retaining wall along Moraga Avenue with a terraced, vegetated mechanically stabilized earth (MSE) system;
- (11) Installation of an at-grade sidewalk along Moraga Avenue the entire length of Blair Park;
- (12) Road striping to formalize the bicycle lane along the south side of Moraga Avenue and to redefine vehicle lanes and islands at the Red Rock Road and Maxwellton Road intersections; and
- (13) Implementation of the project in two phases of construction.

(Addendum, pp. 1 to 2.)

As described in further detail in the Addendum, and as summarized below, a subsequent EIR is not required because there is no substantial evidence that the design modifications set forth in the Final Blair Park Master Plan constitute substantial changes that would require major revisions of the Final EIR due to the introduction of new significant environmental effects or a substantial increase in previously identified significant effects of the Project (CEQA Guidelines, §§ 15162 and 15164). Because none of the criteria listed in Section 15162 of the CEQA Guidelines triggering the preparation of a subsequent EIR are met, a supplement to the EIR is also not necessary (Section 15163(a) of the CEQA Guidelines).

1. One Synthetic Turf Sports Field at Blair Park

The development of the Synthetic Field and the Natural Turf Glade for unscheduled, passive recreational use (i.e., no scheduled use on weekends) reduces the environmental impacts of the Project and does not meet any of the conditions required for the preparation of a subsequent EIR under CEQA Guidelines section 15162. The Project adheres better to General Plan policies regarding balancing active/organized and passive/casual recreation with the Natural Turf Glade available for general public use on weekends and during the week when it is not being used for a scheduled practice. (Addendum, p. 15.) It also reduces the overall significant and unavoidable hydrology and water quality impacts by eliminating the amount of artificial turf installed on site while also adding approximately 0.26 acres of permeable surface to the site, resulting in less storm water runoff generation that would need to be collected by the proposed underground storage vault. (*Id.* at pp. 20 to 21.) It also reduces the number of traffic trips to the Project site by 25 percent in the p.m. peak hour reducing not only

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traffic impacts but also air quality and noise impacts from fewer cars driving to the site and fewer people on site to participate in and cheer on youth sports activities. (Id. at pp. 22 to 34.)

2-3. Pedestrian Crosswalks at Red Rock Road and Maxwellton Road, and Traffic Roundabout at Maxwellton Road

At Red Rock Road, a pedestrian crosswalk would be installed instead of the previously-proposed pedestrian bridge spanning Moraga Avenue, as was recommended in the Draft EIR. (Draft EIR, p., 257; Addendum, p. 25.) This crosswalk includes high visibility markings, adequate illumination so pedestrians are visible at night, and pedestrian-activated warning beacons. (Addendum, p. 25.) A similar pedestrian crosswalk is also being proposed at Maxwellton Road to provide access for pedestrians between the north side of Moraga Avenue and the eastern end of Blair Park. (Id.) This crosswalk would result in a minor amount of ground disturbance, but would not create any new significant impacts or increase the severity of any existing environmental impacts. Both of these crosswalks would be constructed within the existing right-of-way and improve pedestrian access to Coaches Field and Blair Park. (Id.) The installation of the crosswalk would result in slowing or temporarily stopping traffic on Moraga Avenue when the crosswalk is in use, but the Peak and Off-Peak Hour Link Analysis provided in Table 4.7.K of the Draft EIR (page 252) indicates that Moraga Avenue operates well below its capacity. (Id.) Minor delays to traffic along Moraga Avenue due to use of the crosswalk would be insignificant and would not cause excessive queuing or delay on Moraga Avenue. (Id.)

The design modifications also include a traffic calming measure to reduce speeds along Moraga Avenue. Specifically, the Final Blair Park Master Plan includes the construction of a 51-foot diameter traffic roundabout at the intersection of Moraga Avenue and Maxwellton Road, which would replace the existing stop sign-controlled intersection. (Id. at p. 6). The Project originally proposed and analyzed the addition of a south leg to this intersection for vehicle egress from Blair Park, and this is still proposed with no road widening required and all the work being conducted in the existing right-of-way. (Id.) Installation of the roundabout would mitigate the unacceptable level of service (LOS) E during year conditions at the intersection of Maxwellton Road/Moraga Avenue resulting in the worst-case level of service to be LOS B during the a.m. peak hour. (Id. at pp. 22 to 23.)

The roundabout would cause emergency vehicles to slow down when traversing it with an estimated delay of more than 3.6 seconds to accommodate for the larger size of an emergency vehicle. This slight increase is not anticipated to result in new emergency response and emergency evacuation plan effects, as confirmed by the City's police and fire departments. (Id. at p. 20.)

The roundabout, sidewalks and pedestrian crossings would not create a new significant environmental impact or increase the severity of an environmental impact. They would result in no increased visual impacts from the Project because any improvements would be within the existing right-of-way. (Id. at p. 17.) The roundabout and cross-walks would not hinder wildlife movement and, by slowing traffic, would improve the ability for wildlife to cross Moraga Avenue. (Id.) Because the roundabout and pedestrian crosswalks would be constructed within the existing roadbed they would result in minimal ground disturbance and minimal

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increase in vegetative clearing and would not introduce additional impervious surfaces. (*Id.* at p. 18 to 19, and 21.)

4. Single, Parallel Parking Space on Moraga Avenue for Traffic Monitoring

Installing a single parallel parking space on the Blair Park side of Moraga Avenue facilitates City police monitoring of vehicle speeds and safety adjacent to and within Blair Park, potentially reducing traffic accidents and reducing vandalism and crime at City parks. (*Id.* at pp. 24 and 35.) The parking space would also serve as an additional at-grade access point to the park for emergency vehicles. (*Id.* at p. 7.)

5. Dog-Walk Area for Off-Leash Use

Designating the proposed dog-walk area for off-leash use and fencing it in also reduces the environmental impact of the Project by having the Project now comply with General Plan Policy 24.6, Dog Parks, and results in the City not losing an existing off-leash dog walking area. (*Id.* at p. 15.)

6. Stormwater Treatment

Installation of a 10 to 12-foot-wide bio-swale along the west parking lot to treat runoff released from the underground storm water retention vault prior to discharge into the City's storm drain system would replace the previously-proposed underground hydraulic separators and media filter vaults, resulting in no net change in hydrological or water quality impacts. (*Id.* at pp. 20 to 21.) The bio-swale would consist of a series of terraced, vegetated bio-treatment areas with underdrains along the south side of the west parking lot and sized to allow infiltration of storm water through the bio-treatment medium and drainage through a perforated underdrain to the City's storm drain. (*Id.* at pp. 20 to 21.) The use of bio-swales is encouraged by the Bay Area Regional Water Quality Control Board and preferred, where applicable, over mechanical separator and filters that can be damaged and stop working. (Comment by the Regional Water Quality Control Board, San Francisco Bay Region, dated July 26, 2010, pp. 1 to 2. Comment Letter A-2 in the Final EIR, Final EIR, pp. 59 to 60.)

7-9. Shifting Synthetic Field, Relocating Baseball Diamond, Redistributing Parking Spaces and Installing Vegetated Mechanically Stabilized Earth (MSE) System

The design modifications in the Blair Park Master Plan also relocate the west driveway exit from Blair Park 30 feet to the east of its originally-proposed location, which increases minimum sight distances to 385 feet in both directions. (*Id.* at p. 24.) Shifting the west parking lot exit driveway, shifts the Synthetic Field 30 feet to the east, and allows the baseball diamond to be located at the east end of the Synthetic Field at grade. (*Id.* at p. 7.) This shift also allows the parking spaces to be distributed equally with 20 spaces in both parking lots. (*Id.*) The incorporation of these design features into the Final Blair Park Master Plan results in adequate sight distance at both Blair Park Project site driveways to ensure safe egress from the parking lots so a driver exiting the driveway can judge the speed and distance of oncoming vehicles, whether it is safe to enter the roadway, and so an oncoming driver can see a vehicle entering the roadway from the Project and either slow down or stop, if necessary. This reduces

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the impact to a level of less than significant and eliminates the need for Mitigation Measure TRAFF-2A (additional speed enforcement and landscaping selection to minimize sight distance constraints).

The shift repositions and reduces the size and height of the retaining walls along the existing hillside at Blair Park by 2 feet to approximately 33 feet with the overall surface of the wall reduced by 1,000 square feet. (*Id.*) A 112-foot-long, gently curving retaining wall will be constructed behind the southeast corner of the Natural Turf Glade but it would be 38 feet shorter in length than the originally proposed wall and seven feet lower than the maximum height of 17 feet as analyzed in the Final EIR. (*Id.*) The landscaped berm located along Moraga Avenue would remain the same but the 230-foot stone/concrete retaining wall in the northwest corner of the berm on the Blair Park side would be eliminated and replaced with a vegetated mechanically stabilized earth (MSE) system up to the same maximum berm height of 25 feet at the west end. (*Id.*) The perimeter fence along Moraga Avenue would be reduced in height from 20 feet to 15 feet. (*Id.*) All these design modifications and the shifting of the field, reduce the visual effect of the Project as perceived from Moraga Avenue and do not result in any new or more significant biological, hazards and hazardous materials, hydrology or water quality impacts. (*Id.* at pp. 16 to 22.)

The field shift also results in a decrease of 1570 cubic yard (CY) of imported fill. (*Id.* at p. 18.) This reduces the number of truck trips required to transport the imported fill by 157 trips to just 3 truck trips. (*Id.* at p. 33 to 34.) The field shift does not result in any new or more significant geology, soils or seismicity impacts and Mitigation Measures for these impacts as included in the Final EIR would still apply. (*Id.* at p. 18.)

10. At-Grade Sidewalk

Installing an at-grade sidewalk along the entire length of Blair Park on the south side of Moraga Avenue would connect the proposed pedestrian crosswalks at Red Rock Road and Maxwellton Road and provide an increased level of pedestrian safety compared with current conditions. (*Id.* at p. 25.) The two new crosswalks across Moraga Avenue at Maxwellton and Red Rock Road include pedestrian activated warning beacons that also increase pedestrian safety and improve the Project's consistency with General Plan policies regarding balancing the needs of motorist, pedestrians and cyclists (Policy 7.1). (*Id.* at pp. 15 and 25.)

11. Road Striping

Re-striping Moraga Avenue to formalize the bicycle lane along the south side of the road and redefine vehicle lanes and islands at the Red Rock Road and Maxwellton Road intersections would be implemented within the existing roadway and no new impacts or increase in the severity of previously identified impacts would occur.

12. Phased Construction

Site development under the Final Blair Park Master Plan would be phased into two stages. Phase I of site development, which would take an estimated five months to complete, would consist of the construction of the Synthetic Field, the east and west parking lots and

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access driveways, the pedestrian crosswalks at Red Rock Road and Maxwellton Road, a small restroom building east of the Synthetic Field (no concession sales), the at-grade sidewalk and the public safety monitoring parking space on Moraga Avenue, the roundabout at Maxwellton Road, the off-leash dog-walk area and bio-swale behind the west parking area, and an ADA-accessible pathway connecting the Synthetic Field with the east parking lot. (*Id.* at p. 8.) Landscaping would be included as part of the implementation of the Phase I of development, and the future Natural Turf Glade east of the Synthetic Field would be graded and hydroseeded with meadow grasses. (*Id.*) The Coaches Field modifications described in the Final EIR would be implemented at the same time as the Phase I of development at Blair Park. (*Id.*) Phase II of site development would implement the remaining project components, consisting of the landscaped central plaza east of the Synthetic Field, combination concession/restroom in place of the small restroom building installed during Phase I, and the Natural Turf Glade and access. (*Id.*) Implementation of Phase II would require an estimated three months. (*Id.*) If the entire Project is built under a single phase it would be completed within approximately five months. (*Id.*) Project phasing, with two mobilization efforts, would not generate an appreciable number of additional trips that would generate emissions in excess of the Bay Area Air Quality Management District (BAAQMD) thresholds. (*Id.* at p. 34.) The design modifications to the Project result in a Project that would require less fill, thereby reducing haul truck trips (3 truck trips compared to 160 trips for the Originally Proposed Project, as described in Section 3.5.2 of the Draft EIR on page 49.

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, the circumstances under which the Project would be undertaken have not significantly changed and don't require major revisions to the Final EIR. No new information of substantial importance has been introduced that shows that the Project would: have significant effects not discussed in the Final EIR, increase previously identified significant impacts, make previously infeasible mitigation measures or alternatives feasible but the project proponents decline to adopt them, or introduce new mitigation measures or alternatives that would substantially reduce one or more significant effects but the project proponents decline to adopt them (CEQA Guidelines sec. 15162(a)(3)(A)-(D)). (Final EIR, pp. 13 to 49.) Further, as discussed in more detail below, after certification of the Final EIR, there have been no feasible alternatives proposed.

The design modifications set forth in the Final Blair Park Master Plan would not trigger any of the conditions listed in sections 15162 and 15163 of the CEQA Guidelines requiring preparation of a subsequent or supplement to an EIR. The design modifications would not constitute substantial changes to the Project that would require major revisions of the Final EIR due to the introduction of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (Section 15162(a)(1) of the CEQA Guidelines). (Addendum, p. 41.) The primary Blair Park components are largely unchanged from what was evaluated in the Final EIR (i.e., two fields, with the Natural Glade Turf replacing the originally-proposed small synthetic turf field; two parking areas with four driveways; retaining walls along the southern site boundary; and a central plaza with a building for concessions and restrooms), with modifications made primarily to address impacts identified in the Final EIR. In fact, the design modifications eliminate two significant traffic and circulation impacts related to the deficient LOS at the outbound Blair Park driveways and inadequate sight distance at the west Blair Park driveway, reduce the level of effect of all other traffic impacts identified in the Final EIR such that certain mitigation is no longer needed, reduce the amount of

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surface runoff and exposure to synthetic turf constituents, and reduce the number of vehicle trips generated and the cumulative noise levels at the residences on the north side of Moraga Avenue. (Addendum, Table 3.13-1, pp. 38 to 41.)

A review of the evidence and analysis included in the Addendum indicates that an Addendum is appropriate and a Subsequent EIR is not required under CEQA Guidelines section 15162. (Id. at p. 41.)

E. Evidentiary Basis for Findings

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project and the EIR. The findings and determinations constitute the independent findings and determinations by this City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft EIR, Final EIR and Addendum in support of various conclusions reached below, the Council incorporates by reference and adopts as its own the reasoning set forth in the Final EIR and Addendum, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below. The City Council further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this City Council with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

F. Findings Regarding Mitigation Measures**1. Mitigations Adopted**

Except as otherwise noted, the Mitigation Measures herein referenced are those identified in the Draft EIR.

2. Effect of Mitigations

Except as otherwise stated in these findings, in accordance with CEQA Guidelines Sections 15091, 15092, and 15093, the City finds that the environmental effects of the Project:

- Will not be significant; or
- Will be mitigated to a less-than-significant level by the mitigation measures adopted by the City; or
- Will remain significant after mitigation, but specific economic, legal, social, technological, or other considerations outweigh the unavoidable adverse environmental effects.

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The City finds that the mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not already analyzed in the Draft EIR.

G. Location and Custodian of Records

Pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15091, the City is the custodian of the documents and other materials that constitute the record of proceedings upon which the City's decision is based, and such documents and other material are located at: the City of Piedmont, City Clerk's Office, 120 Vista Avenue, Piedmont, California 94611.

VI. Findings Regarding Monitoring/Reporting of CEQA Mitigation Measures

A Mitigation Monitoring and Reporting Program (MMRP), which is attached as Exhibit A to these findings, was prepared for the Project and was approved by the City Council by the same resolution that has adopted these findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

VII. Findings Regarding Environmental Impacts and Mitigation Measures

A. Effects Not Found to Be Significant

Based on the discussion in the Final EIR, and other supporting information in the record, the City Council finds that the Project would have no impact or a less than significant impact associated with the specific issues identified below:

1. Agricultural Resources

The Farmland Mapping and Monitoring Program (FMMP) designates the Project sites as Urban and Built Up Land, and the City Public Review Draft General Plan (December 2008) designates them as Parks and Private Open Space. Moreover, no agricultural land uses are located in proximity to the Project area and the Project sites are not under a Williamson Act Contract. As a result, the proposed Project will not (1) convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural uses; (2) would not conflict with existing zoning for agricultural use or Williamson Act Contract and (3) would not result in conversion of Farmland to non-agricultural use. (Draft EIR, p. 368; Draft EIR, Appendix A, Initial Study, pp. 20 to 21.)

2. Air Quality – Air Quality Plan Conflicts

Under the Bay Area Air Quality Management District (BAAQMD) 2005 Ozone Strategy and the 2000 Clean Air Plan (CAP), projects that are deemed consistent with the applicable General Plan and Zoning Code are ordinarily found to be consistent with the air quality plans. The Project is consistent with the City's zoning for both sites, which is Zone B (Public Facilities), and the City's General Plan Update (December 2008, currently in the process

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of approval) land use designation (Parks and Private Open Space). A zoning change or general plan amendment would not be required for the Project.

The Project's particulate matter, carbon monoxide (CO) and ozone precursor emissions would be minimal. The Project's excavation and earthwork would be confined to temporary grading, landscaping, and construction activities. The area of ground disturbance and the amount of construction equipment operating within the Project site would be limited. Also, the Project would not generate a substantial number of car trips (i.e., 2,000 vehicle trips per day or more, as determined by the BAAQMD) that would increase regional carbon monoxide and ozone precursor emissions. Therefore, the Project is not expected to conflict with, or obstruct implementation of, relevant air quality plans. (Draft EIR, Appendix A, Initial Study, pp. 22 to 23; Addendum, p. 33 to 34.)

3. Biological Resources – Wetlands and Habitat Conservation Plans

No wetlands occur on the Project site. The Project site is also not subject to a Habitat Conservation Plan, Natural Community Conservation Plan, or any other habitat plan. Therefore, development of the Project would not have a substantial adverse impact on state or federally-protected wetlands and would not conflict with any habitat conservation plan. (Draft EIR, Appendix A, Initial Study, pp. 27 to 30; Addendum, p. 17 to 18.)

4. Cultural Resources

The Project area, which includes the Coaches Field and Blair Park sites, contains no historical or archeological resources listed in the California Office of Historic Preservation's Historic Properties Directory or the California Register of Historical Resources, or in the National Register of Historic Places. A records search at the NWIC of the State of California Historical Resources Information System, an affiliate of the State of California Office of Historic Preservation, did not identify any historical or archaeological resources within the Project area.

The possibility, however, of intact historical or archaeological deposits below fill soils cannot be discounted. Potential impacts are mitigated by Goal 30 in the City's General Plan (Public Review Draft, December 2008, adopted on April 2, 2009), which explicitly directs the City to protect archaeological resources. Policy 30.1 requires that construction and earth movement do not result in the loss of important archaeological resources. The General Plan also includes an action, 30.A, which establishes procedures for managing archaeological resources in the event they are discovered and/or disturbed. If this occurs, work must cease within 50 feet of the discovery until the finding is flagged, secured, and inspected by a qualified archaeologist. If the finding is potentially significant, appropriate mitigation measures must be developed and the City and property owner must be notified. Action 30.A stipulates that movement of significant materials by personnel other than a qualified archaeologist is prohibited. It also requires documentation of the methods, findings, and recommendations of the archaeologist.

No recorded or otherwise known paleontological resources or unique geologic features have been identified in the Project area. The Project site is located on top of

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artificial fill. The possibility, however, of intact paleontological deposits below fill soils cannot be discounted. If such deposits are encountered during ground-disturbing activities, the resources would be treated by the City in the same manner outlined for subsurface archaeological and historical resources, described above. If paleontological resources are discovered during project activities, all work within 50 feet of the discovery would be redirected until a qualified paleontologist has assessed the situation and made recommendations regarding their treatment. (Draft EIR, p. 369.)

There is no indication that human remains are present within the proposed Project area. The possibility, however, of encountering human remains during ground-disturbing activities cannot be discounted. The City has an action item in the General Plan (Public Review Draft, December 2008) which provides procedures for managing Native American remains in the event that they are encountered during construction and grading projects. Action 30.B indicates that if remains are discovered, work must be halted until the Alameda County Coroner and the California Native American Heritage Commission have been contacted. As appropriate, the Most Likely Descendant would be contacted to make recommendations for the respectful treatment of remains and related burial goods, and accompanying documentation. (*Id.*)

Based on the foregoing, the potential for the proposed Project improvements to (1) cause a substantial adverse change in the significant of a historical or archaeological resource, (2) destroy a unique paleontological resource or unique geologic feature, or (3) disturb human remains is less than significant. (Draft EIR, Appendix A, Initial Study, pp. 31 to 34.)

5. Geology and Soils – Known Earthquake Faults and Septic Tanks

The principal active faults in the region are the Hayward fault, the main trace of which is approximately 2,700 feet east of the Project area; the San Andreas, 18.5 miles to the southwest; and the Calaveras, 10.7 miles to the east. There is a thrust fault mapped either just east of, or directly through, the Blair Park site, depending on the geologic map consulted. This thrust fault is not considered active. No other known earthquake faults run through or near the Project area. (Draft EIR, p. 175.)

The Project site is located in a developed area of the City of Piedmont that is served by a municipal wastewater collection, conveyance, and treatment system. No septic tanks are proposed.

Thus, the proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, and would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems. (Draft EIR, Appendix A, Initial Study, pp. 35 to 36 and p. 38; Addendum, pp. 18 to 19.)

6. Hazards – Hazardous Materials Sites, Airports, and Adopted Emergency Response or Evacuation Plan

The Project site is not located on the list of hazardous materials sites prepared pursuant to Government Code Section 65962.5 and would not pose a significant health

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hazard to the public or the environment. The Project site is not within two miles of a public airport, a public use airport or a private airstrip. (Draft EIR, p. 200.) The City has an emergency plan known as the Multi-Hazard Functional Plan (MHFP). It deals with both wartime emergencies and peacetime emergencies, such as earthquakes, fires, floods, dam failure, major accidents, hazardous material spills, storms, epidemics, critical pollution, and civil disturbances. There are no designated evacuation routes in Piedmont. In the event of an emergency the evacuation routes would be designated by the Police Chief and Public Works Director, based on the nature of the emergency and the direction of movement of the threat. Evacuation would generally use arterial streets such as Grand Avenue, Moraga Avenue, Oakland Avenue, and Park Boulevard. (See City of Piedmont General Plan.)

Therefore, the Project would not expose persons to hazardous materials or safety hazards related to airports and would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Draft EIR, Appendix A, Initial Study, pp. 39 to 41; Addendum, pp. 19 to 20.)

7. Hydrology and Water Quality – Within 100-Year Flood Area

The proposed Project improvements do not include housing. The Project site is not located within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Because the Project is not within a 100-year flood hazard area, it will not place structures that would impede or redirect 100-year flood flows. (Draft EIR, Appendix A, Initial Study, pp. 43 and 46.)

8. Mineral Resources

There are no known mineral resources at or near the Project site. Thus, the proposed Project would not result in the loss or availability of a known mineral resource that would be of value to the region and the residents of the state or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. (Draft EIR, Appendix A, Initial Study, p. 50.)

9. Noise – Airports

The Project area is not located within an airport land use plan or within two miles of a public, public use or private airport or airstrip. Therefore, implementation of the proposed Project would not expose persons within the project site to high levels of airport-related noise. (Draft EIR, Appendix A, Initial Study, pp. 51 and 53.)

10. Population and Housing

The proposed Project would not induce substantial growth in the area either directly or indirectly. The proposed Project includes the addition of artificial turf and field lighting at Coaches Field and the construction of the new sports fields (the Synthetic Field and the Natural Turf Glade) and associated facilities, such as parking and restrooms, at Blair Park. The Project area is surrounded by areas that are already developed with residential and urban land uses and there are no existing housing units on the Project site. As such, the Project would not facilitate growth-inducing development and would not displace any existing housing or

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people thereby necessitating the construction of replacement housing elsewhere. Rather, it would serve the existing recreational needs of City residents. (Draft EIR, Appendix A, Initial Study, p. 54.)

11. Public Services – Schools, Parks and Other Public Facilities

The Piedmont Unified School District (PUSD) consists of six school sites: three elementary schools (Wildwood Elementary School, Beach Elementary School, and Havens Elementary School); one middle school (Piedmont Middle School), one traditional high school (Piedmont High School), and one alternative high school (Millennium High School). PUSD also includes an adult school that shares space with the district schools for evening and weekend classes.

Within the 1.8 square miles comprising the City of Piedmont there are approximately 59 acres of parks and playgrounds, some of which are operated by the City of Piedmont, the Piedmont Unified School District, and the City of Oakland. The parks include Piedmont Park, located in the historical center of Piedmont, which serves as a community park, and seven developed neighborhood parks, including Dracena Quarry Park, Piedmont Sports Field, Linda Park, Crocker Park, and Beach Playfield. Coaches Field, Piedmont Sports Field (Hampton Field), and Beach Playfield are the only parks with sports fields (i.e., soccer, softball, baseball) located in the City of Piedmont. Blair Park is currently undeveloped and is generally used as an off-leash dog walking area.

The proposed Project would not result in substantial adverse physical impacts associated with the provision of public services to schools, parks or other public facilities. (Draft EIR, Appendix A, Initial Study, pp. 55 to 56.)

12. Transportation/Traffic – Air Traffic and Alternative Transportation

The Project area is not located in the vicinity of a public airport or private airstrip. The proposed Project also contains features that could contribute to the use of nonmotorized means of travel such as expanded pedestrian access and facilities. Bicycle racks currently exist at Coaches Field and would be provided at Blair Park. No bus lines or turnouts would be impacted by the proposed improvements. The City's General Plan (Public Review Draft, December 2008, adopted by the City on April 6, 2009) includes policies emphasizing the pedestrian and bicycle travel, carpooling, bus transit, shuttles, and other modes of alternative transportation. As such, the proposed Project would not result in a change in air traffic patterns at any airport in the area and would not conflict with any adopted policies, plans, or programs supporting alternative transportation. (Draft EIR, Appendix A, Initial Study, pp. 59 to 61.)

13. Utilities and Service Systems – Solid Waste

All solid waste generated by the proposed Project during construction and operation would be disposed of at an approved site in compliance with federal, state and local regulations. Recycling receptacles would be provided at the Project site and the proposed Project would be subject to the City Council adopted goal of a 75% reduction of waste going to landfills. The proposed Project also is not expected to generate substantial amounts of solid waste and would be subject to a construction recycling plan. As such, the proposed Project

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would comply with federal, state and local status and regulations related to solid waste during the construction and operation periods. (Draft EIR, Appendix A, Initial Study, pp. 62 and 65.)

B. Less-Than-Significant Impacts Without Mitigation

Based on the Final EIR, the Addendum and the record, the City Council finds that the Project would have potential environmental impacts associated with the specific issues identified below, but that each such potential impact is less than significant, as addressed in the EIR.

1. Land Use and Planning Policy**a. Impact: Division of a Community and Conflict with Any Applicable Habitat Conservation Plan or Natural Community Conservation Plan**

Impact: Division of a Community: The Project area is surrounded by areas that are developed with existing urban land uses. The proposed Project would include the addition of artificial turf and field lighting at Coaches Field and the development of a Synthetic Field and the Natural Turf Glade, and associated facilities at Blair Park, which is currently designated for recreational uses. Implementation of the proposed Project would not physically divide an established community. No physical feature or barrier would be constructed that would substantially divide the areas north and south of Moraga Avenue, result in any closures or loss of access to local streets, or significantly prevent travel along Moraga Avenue by motorists, bicyclists or pedestrians. For these reasons, the Project would have a *less-than-significant* impact on this land-use related impact. (Draft EIR, p. 78 and Appendix A, Initial Study, pp. 48 to 49.)

Impact: Conflict with Any Applicable Habitat Conservation Plan or Natural Community Conservation Plan: The Project site is not subject to a Habitat Conservation Plan, Natural Community Conservation Plan, or any other habitat plan. For these reasons, the Project would have a *less-than-significant* impact on this land use related impact. (Draft EIR, p. 78 and Appendix A, Initial Study, pp. 48 to 49.)

b. Finding

The City Council, based on the Final EIR, the Addendum and the whole record, find that the proposed Project will result in *less-than-significant* impacts to land use and planning policy impacts with respect to division of a community and conflicts with any applicable Habitat Conservation Plan or Natural Community Conservation Plan, or other habitat plan.

2. Aesthetic and Visual Resources**a. Impact: Scenic Resources within a State Scenic Highway**

Impact: Scenic Resources within a State Scenic Highway: The proposed Project is not located within the viewing corridor of a city- or state-designated scenic

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highway. The proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings, or other locally recognized desirable aesthetic natural features within a designated scenic highway. For these reasons the proposed Project would have a *less-than-significant* impact with respect to aesthetic and visual resources impacts. (Draft EIR, p. 137 and Appendix A, Initial Study, pp. 18 to 19.)

b. Finding

The City Council finds, based on the Final EIR, the Addendum and the whole record, that the proposed Project will result in *less-than-significant* impacts to aesthetic and visual resources with respect to scenic resources within a state scenic highway.

3. Biological Resources**a. Impacts: Wildlife Movement; Waters of the United States; and Conflict with Habitat or Natural Community Conservation Plans**

Impact: Wildlife Movement: The Project area is located in a portion of Moraga Canyon that has been filled. Blair Park and the adjacent wooded hillside to the south likely facilitate local movement by common, urban-adapted wildlife species such as northern raccoon, black-tailed deer, Virginia opossum, and striped skunk. These type of habitat generalist species known or expected to occur at Blair Park are adept at moving through the mosaic of habitat types found in urban landscapes, do not depend on undeveloped habitats for such movements, and will likely still be able to move along the undeveloped hillside to the south since portions of the hillside will remain intact after project completion. Coaches Field is not an important wildlife corridor component since it is surrounded by a fence that is locked during non-operational hours. However, local wildlife likely move through the undeveloped hillside to the north as well as the canyon below (i.e., west of) the field. In addition, the open lands of the Mountain View Cemetery approximately 0.1 mile west of the project area are likely to facilitate local movement of the above-mentioned wildlife species. The Project's location within a residential neighborhood, proximity to a highly trafficked road (Moraga Avenue), and distance from large blocks of undisturbed natural habitat (e.g., Sibley Volcanic Regional Preserve two miles to the east) limit its ability to serve as a wildlife corridor on a regional scale (i.e., Oakland Hills). While the proposed Project will reduce the suitability of the flat portions of the park for wildlife foraging and local movement, it would not interfere *substantially* with the movement of native resident or migratory wildlife. The park also does not provide connectivity between any large patches of undisturbed habitat since it is surrounded by residential development. The densely vegetated canyon below Coaches Field likely facilitates local wildlife movement but is isolated from Blair Park by Moraga Avenue. The inclusion of a roundabout at Maxwellton Road and pedestrian crosswalks at both Red Rock Road and Maxwellton Road as part of the proposed Project would not hinder wildlife movement and, by slowing traffic, would improve the ability for wildlife to cross Moraga Avenue. (Addendum, p. 20.) For these reasons, the Project would have a *less-than-significant* impact on wildlife movement. (Draft EIR, pp. 158 to 159 and 168 and Appendix A, Initial Study, pp. 27 to 30; Addendum, p. 17.)

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Impact: Waters of the United States: No ditches, channels, depressions, streams, or other aquatic features potentially subject to the U.S. Army Corps of Engineers' jurisdiction under the Clean Water Act are present on the Project area. For these reasons, the proposed Project would have a *less-than-significant* impact on waters of the United States. (Draft EIR, pp. 163 and 168, and Appendix A, Initial Study, pp. 27 to 30.)

Impact: Conflict with Habitat or Natural Community

Conservation Plans: The Project will not conflict with a Habitat Conservation Plan; Natural Community Conservation Plan; or any other local, regional, or state habitat conservation plan, as none has been adopted for the region in which the proposed Project is located. For these reasons, the proposed Project will have a *less-than-significant* impact on conflicts with habitat or natural community conservation plans. (Draft EIR, p. 168 and Appendix A, Initial Study, pp. 27 to 30.)

b. Finding

The City Council finds, based on the Final EIR, the Addendum and the whole record, that the proposed Project will result in *less-than-significant* impacts on biological resources with respect to wildlife movement, waters of the United States and conflict with habitat or natural community conservation plans.

4. Hydrology and Water Quality

a. Impacts: Coastal Hazards and Seiches; Flood-Related Hazards; Depletion of Groundwater Resources; and Exposure of People or Structures to Risk of Flooding from Failure of a Levee or Dam and Mudflows

Impact: Coastal Hazards and Seiches: The Project site's distance from the San Francisco Bay and elevation would protect it from coastal flooding hazards, including tsunami, extreme high tides, and sea level rise. There are no surface water bodies in the vicinity of the Project site that could generate damaging seiches (waves generated within enclosed surface water bodies). For these reasons, the proposed Project would have a *less-than-significant* impact on coastal hazards and seiches. (Draft EIR, p. 223)

Impact Flood-Related Hazards: According to the most recent Federal Emergency Management Agency (FEMA) mapping, neither the Coaches Field nor the Blair Park sites are located within the 100-year flood hazard zone, and, therefore, no placement of housing or other structures in a flood hazard zone would be expected to occur at either of these sites. In addition, no known flooding has occurred in the drainage areas beyond the Mountain View Cemetery due to inadequate capacity of the drainage facilities. For these reasons, the proposed Project would have a *less-than-significant* impact on flood-related hazards. (Draft EIR, pp. 218 and 223.)

Impact: Depletion of Groundwater Resources: The Project site is not underlain by significant groundwater resources as no groundwater was encountered during geotechnical investigations of Blair Park. Also, no groundwater withdrawals occur in the Project area for potable or agricultural uses. About 5.4 acres of the approximately 5.6-acre Blair Park site consist of permeable land so that runoff readily percolates to subsurface layers. No

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significant depletion of any sources of groundwater or interference with its recharge would occur as a result of the proposed Project. The development of the fields and associated facilities would not involve any direct additions or withdrawals of existing groundwater. While additional impervious or semi-impervious surfaces (e.g., parking lots, synthetic field turf) would be installed, stormwater runoff would still flow to subsurface areas in the watershed. Therefore, depletion of groundwater resources associated with the proposed project is not expected. For these reasons, the proposed Project would have a *less-than-significant* impact on depletion of groundwater resources. (Draft EIR, pp. 218, 223 to 224.)

Impact: Exposure of People or Structures to Risk of Flooding from Failure of a Levee or Dam: There are no dams or levees above the Project area. Within the upper portion of the Cemetery Creek watershed, the Piedmont Reservoir owned by the East Bay Municipal Utility District (EBMUD) is currently empty, and the Dingee Reservoir is being decommissioned. The Estates Reservoir, which is located approximately 0.5 mile southeast of the Project area in the City of Oakland, will be replaced in the future by two new reinforced EBMUD water tanks. For these reasons, the proposed Project would have a *less-than-significant* impact on exposing people or structures to risk of flooding from failure of a levee or dam. (Draft EIR, p. 224.)

Impact: Exposure of People or Structures to Risk of Mudflow: Coaches Field, which was constructed in 1994, includes a retaining wall along the northern perimeter of the field with trees and other landscaping above the wall. No mudflows have occurred within this area. Retaining walls proposed for the north-facing slope at Blair Park would be constructed in accordance with the recommendations identified in the site-specific geotechnical report prepared by Treadwell & Rollo. Stabilization of the slopes above the Blair Park site would preclude the likelihood of any significant risk from a mudslide. For these reasons, the proposed Project would have a *less-than-significant* impact on exposing people or structures to risk of mudflow. (Draft EIR, p. 224.)

b. Finding

The City Council finds, based on the Final EIR, the Addendum and the whole record, that the proposed Project will result in *less-than-significant* impact on drainage and flooding with respect to coastal hazards and seiches, flood-related hazards, depletion of groundwater resources, and exposures of people or structures to the risk of flooding from the failure of a levee or dam, or mudflow.

DRAFT**5. Traffic and Circulation**

- a. Impacts: Conflict with Applicable Congestion Management Program; Changes in Air Traffic Patterns; Emergency Access; and Conflicts with Adopted Policies, Plans or Programs Supporting Alternative Transportation Systems; Unsatisfactory Level of Service Due To An Increase in Traffic; Sight Distance Traffic Hazards; Parking Traffic Hazards; Pedestrian Hazards**

Impact: Conflict with Applicable Congestion Management Program: The proposed Project consists of modifications at Coaches Field (lighting and synthetic turf) and the construction of the Synthetic Field and the Natural Turf Glade and associated facilities at Blair Park. There are no Congestion Management Program roadways within the study area. For these reasons, the lighting and synthetic turf Project would have a *less-than-significant* impact on conflicts with applicable congestion management programs. (Draft EIR, p. 240).

Impact: Changes in Air Traffic Patterns: The proposed Project would not cause a change in air traffic patterns. It would not generate any additional air traffic or cause a change in air traffic location. The Project site would be accessed by vehicles, not air traffic. The nearest airstrip is approximately eight miles from the Project area. For these reasons, the proposed Project would have a *less-than-significant* impact on changes in air traffic patterns and would not impact existing air traffic. (Draft EIR p. 240.)

Impact: Emergency Access: The Project consists of modifications to the Coaches Field and Blair Park sites, located on opposite sides of Moraga Avenue at Red Rock Road. The Project would be designed to provide an acceptable level of vehicular access along Moraga Avenue, and the City's design review process would ensure that Project driveways have been designed consistent with all applicable City standards, thereby accommodating access for emergency vehicles. The Project is not anticipated to create any roadway capacity-related impacts to Moraga Avenue. The roadway capacity along Moraga Avenue would not be exceeded and therefore emergency vehicle access would not be significantly affected. The inclusion of a roundabout on Moraga Avenue at Maxwellton Road would cause emergency vehicles to slow to traverse the roundabout resulting in a delay of slightly greater than 3.6 seconds for an emergency vehicle, but this slight additional increase in travel time is not anticipated to result in new emergency response and emergency evacuation plan effects, as confirmed by the City's police and fire departments. For these reasons, the proposed Project would have a *less-than-significant* impact on emergency access. (Draft EIR, p. 240; Addendum, p. 20.)

Impact: Conflicts with Adopted Policies, Plans or Programs Supporting Alternative Transportation Systems: The proposed Project does not conflict with any policy, plan, or program relating to the alternative transportation systems that do exist in Alameda County. The Project would not conflict with any future improvements to Alameda County's alternative transportation system. For these reasons, the proposed Project would have a

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less-than-significant impact on conflicts with adopted policies, plan or programs supporting alternative transportation systems. (Draft EIR p. 240).

Impact: Unsatisfactory Level of Service Due to an Increase in Traffic: The proposed Project results in a total number of trips during the p.m. peak hour of 177 trips with the design modifications included in the Final Blair Park Master Plan, which is 25 percent fewer trips than originally analyzed in the Draft and Final EIR due to the elimination of one youth sports field and the development of the Natural Turf Glade with attendant program changes (i.e., practices and unscheduled, passive recreational use, and no scheduled use on the weekends). This reduction in the number of trips results in the West Driveway Exit/Moraga Avenue intersection (west Blair Park exit) forecast to operate at LOS D, an acceptable level of service. The intersection of Maxwellton Road/Moraga Avenue (east Blair Park exit) would continue to operate at an unacceptable LOS E during the future year condition, but is mitigated by the incorporation of a traffic roundabout into the Project design under the Final Blair Park Master Plan at the intersection of Maxwellton Road/Moraga Avenue. Outbound left-turns from the east driveway exit would be facilitated by the roundabout at Maxwellton Road, resulting in no significant impact.

There is the possibility of up to eighty “secondary” trips that could be generated by vehicles circulating to find a parking space (i.e., trips turning right out of the west parking lot to find parking in the east parking lot or trips turning out of the east parking lot into the roundabout at Maxwellton Road and returning to the west parking lot), assuming the parking lots at Blair Park turn over twice in an hour. These additional trips results in a conservative estimate of 257 peak hour trips for the Project which is 21 more trips than the 236 peak hour trips analyzed in the Draft and Final EIR. Even with these additional “secondary” trips, the operation of the roundabout would not be reduced from an LOS B to an unsatisfactory LOS E and would therefore not cause additional traffic impacts adjacent to the project. Restrictions on field use (i.e., scheduled games on the synthetic field only at Blair Park) and the incorporation of a roundabout at Maxwellton Road into the Project design, as proposed under the Final Blair Park Master Plan, results in acceptable level of service for left-turn movements at both driveways on Moraga Avenue, eliminating the need for Mitigation Measure TRAFF-1 (staggering of games and/or practice drop off times at both of the originally-proposed sports fields at Blair Park). In fact, the installation of the roundabout Maxwellton Road results in the worst-case level of service at the intersection of Maxwellton Road/Moraga Avenue forecast to be LOS B during the a.m. peak hour. For these reasons the proposed Project would have a *less-than-significant* impact on level of service due to increased traffic. (Addendum, pp. 22 to 26).

Impact: Site Distance Traffic Hazards: The Final Blair Park Master Plan relocates the west driveway exit approximately 30 feet to the east of its originally-proposed location as analyzed in the Draft EIR thereby increasing the minimum sight distance from the driveway to 385 feet in both directions. The incorporation of a roundabout at Maxwellton in the design of proposed Project as part of the design modifications included in the Final Blair Park Master Plan, causes vehicles traveling in the eastbound and westbound directions to decrease in speed from the observed 85th percentile speed of 35 mph to approximately 15 to 20 mph through the roundabout. As a result, vehicle speeds on Moraga Avenue at the west Blair Park exit driveway are likely less than 35 mph due to the influence of the roundabout. The inclusion of a newly proposed traffic safety monitoring pull-out and

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emergency access point on the south side of Moraga Avenue at Blair Park would facilitate City police monitoring of vehicle speeds and safety adjacent to the park sites. The incorporation of these design features into the Final Blair Park Master Plan results in adequate sight distance at both Blair Park Project site driveways to ensure safe egress from the parking lots so a driver exiting the driveway can judge the speed and distance of oncoming vehicles, whether it is safe to enter the roadway and an oncoming driver can see a vehicle entering the roadway from the Project and either slow down or stop, if necessary, eliminating the need for Mitigation Measure TRAFF-2A (additional speed enforcement and landscaping selection to minimize sight distance constraints), although Mitigation Measure TRAFF-2A is still recommended to increase speed enforcement along Moraga Avenue. For these reasons, the proposed Project would have a *less-than-significant* impact on site distance traffic hazards. (Addendum pp. 22 to 26).

Impact: Parking Traffic Hazards: Parking utilization surveys completed on Saturday, November 9, 2009, during scheduled soccer games show 33 vehicles parked at Coaches Field. It should be noted that the parking situation during the day that was surveyed was sufficient to accommodate all parked vehicles. The current parking lot adjacent to the existing Coaches Field is limited to approximately 13 spaces. There are three parking spaces immediately located outside the parking lot gate. There is a parking lot located within walking distance towards the northeast of Coaches Field that can accommodate additional parking. The lot consists of 12 marked parking spaces. There are also two parking spaces along the curb on the right side of the entry drive. In addition, during weekends, the City of Piedmont Corporation Yard is accessible for overflow parking of approximately 14 parking spaces. The total number of parking spaces at Coaches field is 30 during the weekdays, and 44 during the weekends. The parking demand at Coaches Field is not anticipated to change as a result of the turf replacement or lighting. The same number of spaces would be utilized; however, they would be utilized later into the evening when the lights are in use.

The proposed Project includes design modifications in the Final Blair Park Master Plan that provides games at Blair Park would only occur on the Synthetic Field with practice and/or unscheduled, passive recreational use on the Natural Turf Glade. These limitations on use make the proposed 40 parking spaces, split evenly between the east and west parking lots, sufficient based on trip generation characteristics observed at Coaches Field and applied to the expected 94 people (i.e., two teams with spectators) that would be present for a game on the Synthetic Field and 20 people (i.e., one team with 12 players, 3 coaches, and 5 parents or family members) present for a practice on the Natural Turf Glade. Based on observations at Coaches Field, seven persons walked and 24 were dropped off with the remaining 63 persons parking with an Average Vehicle Occupancy (AVO) of 2.1 (passengers/vehicle). Applying the AVO to the remaining 63 persons at Blair Park attending a game and the 20 persons at Blair Park attending a practice, only 40 parking spaces would be required (83 persons divided by 2.1 persons per vehicle) to meet anticipated demand. Because the proposed Project provides for 40 parking spaces and it would provide adequate parking and thereby eliminating the need for Mitigation Measure TRAFF-2B (66 parking spaces be provided at Blair Park).

The vehicle trips corresponding to the existing use of Blair Park (e.g., dog walking, etc.) have already been accounted for in the existing condition and were not added to the project trip generation. The trip and parking generation for the Natural Turf Glade is

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based on the assumption that it would be used for practices during weekday afternoons and available to the public for unscheduled use when there are no practices scheduled. Unscheduled use of the Natural Turf Glade is expected to consist of small groups of persons using the area for informal play and the number of trips generated by unscheduled use of the Natural Turf Glade is not expected to exceed the number of trips generated during a regularly scheduled and organized practice (i.e., 20 people). For these reasons, the proposed Project would have *less-than-significant* impact on parking traffic hazards. (Draft EIR, p. 241; Addendum, p. 24).

Impact: Pedestrian Hazards: The proposed Project, with design modifications set forth in the Final Blair Park Master Plan, includes pedestrian crosswalks with high visibility markings, in-street pedestrian crossing signs, and pedestrian-activated flashing beacons or rectangular rapid flashing beacons just east of the intersection of Red Rock Road and on the west leg of the proposed roundabout at Maxwellton Road. The proposed crosswalk at Red Rock Road would provide pedestrian access between Blair Park and Coaches field as set forth in Mitigation Measure TRAFF-3 (page 257 of the Draft EIR), which recommended a pedestrian crosswalk instead of the previously-proposed pedestrian bridge. The crosswalk is incorporated into the proposed Project through the design modifications set forth in the Final Blair Park Master Plan and therefore eliminates the need for Mitigation Measure TRAFF-3.

The proposed Project would also construct a new sidewalk landing on the north side of Moraga Avenue at Maxwellton Road and a roundabout at Maxwellton Road. These features would reduce vehicle speeds along Moraga Avenue thereby increasing pedestrian safety by decreasing vehicle speeds and requiring pedestrians only to see and avoid traffic in one direction, rather than in two directions as when currently crossing Moraga Avenue. The proposed Project includes an at-grade sidewalk along Moraga Avenue the entire length of Blair Park to connect the proposed pedestrian crosswalks at Red Rock Road and Maxwellton Road providing an increased level of pedestrian safety along and crossing Moraga Avenue. Currently, no designated area for pedestrians exists along Moraga Avenue. For these reasons, the proposed Project would have a *less-than-significant* impact on pedestrian hazards. (Addendum, p. 25).

b. Finding

The City Council finds, based on the Final EIR, the Addendum and the whole record, that the proposed Project will result in *less-than-significant* impacts on traffic and circulation with respect to conflicts with applicable congestion management programs, changes in air traffic patterns, emergency access, conflicts with adopted policies, plans or programs supporting alternative transportation systems, unsatisfactory level of service due to an increase in traffic, sight distance traffic hazards, parking traffic hazards and pedestrian hazards.

6. Noise

a. Impacts: Operation Related Groundborne Noise and Vibration; Aircraft Related Noise; and Vehicle Related Noise

Impact: Operation Related Groundborne Noise and Vibration:
The proposed Project would not generate any substantial groundborne noise or vibration during

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peak operations as recreational and sports fields and would not contain any equipment or facilities that would generate substantial levels of groundborne vibration or noise. The Project site is not located in the vicinity of railroad tracks and would not be exposed to railroad-related vibration. The only potential source of operation-related groundborne noise and vibration would come from vehicles accessing the Project site and along Moraga Avenue. However, because the rubber tires and suspension systems of buses and other on-road vehicles provide vibration isolation, it is unusual for on-road vehicles to cause groundborne noise or vibration problems. When on-road vehicles cause effects such as rattling of windows, the source is almost always airborne noise. Most problems with on-road vehicle-related vibration can be directly related to a pothole, bump, expansion joint, or other discontinuity in the road surface. Smoothing the bump or filling the pothole will usually solve the problem. For these reasons, the proposed Project would have a *less-than-significant* impact on operation related groundborne noise and vibration. (Draft EIR p. 274; Addendum, pp. 31 to 32).

Impact: Aircraft Related Noise: The proposed Project is located approximately 18 miles northeast of the San Francisco International Airport and approximately 6 miles northeast of the Oakland International Airport. The project is located beyond the 65 dBA CNEL/ L_{dn} noise contours for either airport. There are no private airstrips in the project vicinity. For these reasons, the proposed Project would have a *less-than-significant* impact on aircraft related noise. (Draft EIR p. 274).

Impact: Vehicle Related Noise: The dominant noise source in the Project vicinity consists of vehicular noise on surrounding roadways. The Project's potential effects on future traffic noise levels were calculated using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (RD-77-108). The existing, existing plus project, opening year without project, and opening year plus project conditions were evaluated and Project-related traffic noise level increases along roadway segments in the Project vicinity would be 0.8 dBA or less. This range of noise level changes is not perceptible to the human ear in the outdoor environment gradually over a period of time.

Under the City's land use compatibility standards for proposed development, environments with noise levels less than 67 dBA L_{dn} are considered normally acceptable for new parks and playgrounds. Between 67 and 75 dBA L_{dn} is considered conditionally acceptable for such uses. Parks and playgrounds are considered normally unacceptable in areas exposed to noise exceeding 75 dBA L_{dn} . Traffic noise levels along Moraga Avenue between Highland Avenue and Red Rock Road (next to Coaches Field) range up to 65.5 dBA L_{dn} at a distance of 50 feet from the centerline of the outermost travel lane. Due to distance attenuation, these noise levels would be further reduced to lower levels at the nearest sensitive receptor area within Coaches Field. Traffic noise levels along Moraga Avenue between Red Rock Road and Maxwellton Road (next to Blair Park) range up to 65.2 dBA L_{dn} at a distance of 50 feet from the centerline of the outermost travel lane. Due to distance attenuation, these noise levels would be reduced to lower levels at the nearest outdoor activity area on the Blair Park site. In addition, the installation of pedestrian crosswalks and a roundabout as part of the proposed Project, as well as the addition of a single parallel parking space along Moraga Avenue for traffic monitoring by the Piedmont Police, would reduce the average vehicle speed on Moraga Avenue thereby resulting in potentially lower traffic noise along this segment of Moraga Avenue as traffic noise generally increases with vehicle speed. Also, because the proposed Blair Park

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facilities would be slightly elevated above Moraga Avenue some additional noise attenuation due to the edge shielding effects from a difference in elevation would further attenuate roadway noise. Therefore, the proposed noise levels are within the City's normally acceptable range for new parks and playgrounds.

For these reasons, the proposed Project would have a *less-than-significant* impact on off-site and on-site Project-related traffic noise impacts. (Draft EIR, pp. 275 to 277; Addendum, pp. 31-32).

b. Finding

The City Council finds, based on the Final EIR, the Addendum and the whole record that the proposed Project will result in *less-than-significant* impacts on noise with respect to operation-related groundborne noise and vibration, aircraft-related noise and vehicle-related noise.

7. Air Quality**a. Impacts: Clean Air Plan (CAP) Consistency; Odor Emissions; Toxic Air Contaminants; Operational Emissions; and Cumulative Air Quality Impacts**

Impact: Clean Air Plan Consistency: The Bay Area Air Quality Management District's (BAAQMD) 2010 Clean Air Plan (CAP) is the latest Clean Air Plan that contains district-wide control measures to reduce ozone precursor emissions (i.e., reactive organic gases (ROG) and nitrogen oxides (NOx)) and particulate matter. The CAP is used by the BAAQMD to evaluate a project's potential cumulative air quality impacts. Where a project does not individually have significant operational air quality impacts, the determination of significant on a cumulative scale is based on the consistency of the project with the local general plan and the general plan with the regional air quality plan. Consistency between the General Plan (i.e., the City of Piedmont General Plan) and the CAP is determined by looking at whether the general plan population projections are consistent with CAP and the Association of Bay Area Governments (ABAG) projections; the rate of increase in vehicle miles traveled (VMT) does not exceed rate of increase in population; the general plan implements CAP transportation control measures; and the general plan provides buffer zones around sources of odors, toxics and accidental releases.

The proposed Project would not require a General Plan Amendment and would not increase population or VMT. The Project may reduce regional VMT by limiting the travel for players by allowing local play. Therefore, the proposed Project is consistent with ABAG projections for the City of Piedmont and would also be consistent with the CAP. For these reasons, the proposed Project would have a *less-than-significant* impact on CAP. (Draft EIR p. 306).

Impact: Odor Emissions: A project that would result in the siting of new source or the exposure of a new receptor to existing odor sources should consider the odor parameters, screening distances, and complaint history. The proposed Project would result in the installation of synthetic turf, which in certain cases results in odors similar to the smell of

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old tires in a locker room. Odor complaints associated with synthetic turf have historically been associated with indoor fields where the odor from the turf is contained within a building. BAAQMD has not received any odor complaints for synthetic turf within the Bay Area and has not established an odor impact screening distance.

The presence of an odor impact is dependent on a number of variables including: nature of the odor source (e.g., wastewater treatment plant, food processing plant); frequency of odor generation (e.g., daily, seasonal, activity-specific); intensity of odor (e.g., concentration); distance of odor source to sensitive receptors (e.g., miles); wind direction (e.g., upwind or downwind); and sensitivity of the receptor. Here, the closest receptors to any odors from the synthetic turf would be the residences bordering the park to the south on Scenic Avenue and Alta Avenue (for Blair Park), and to the east (for Coaches Field) or to the north (for Blair Park) on Moraga Avenue, Abbott Way, Echo Lane, and Maxwellton Road. The predominant wind direction in the area is from the west. Therefore, although synthetic turf has been known to have an odor for indoor fields where the odor is contained within a building, it is expected that due to wind on the Project sites and the open air aspect of the proposed Project, any odor concentration from the synthetic turf would diminish to a level that would limit a person's reaction.

The Project would also result in localized odors during construction from the various diesel-powered vehicles and equipment in use on the Project site. These odors would be temporary and would not be significant beyond the Project site boundaries. Heavy-duty trucks traveling along Moraga Avenue and on other local roads would generate temporary odors. Impacts from diesel odors would be temporary; their impact on air quality would be less than significant. Furthermore, the proposed Project would require 3 truck trips to transport the imported fill (10 CY per trip) compared to 160 trips for the Originally Proposed Project evaluated in the Draft EIR (page 49). For these reasons, the proposed Project would have a *less-than-significant* impact on odor emissions. (Draft EIR, pp. 306 to 308; Addendum, p. 34.)

Impact: Toxic Air Contaminants: The proposed Project would not develop sensitive land uses near any existing major source of Toxic Air Contaminants (TAC), although small quantities of volatile organic compounds (VOCs) are known to emit from synthetic turf. BAAQMD evaluates TAC by examining: the extent to which the new source would increase risk levels, hazard index, and/or PM_{2.5} concentrations at nearby receptors; whether the source would be permitted or non-permitted by the BAAQMD; whether the project would implement Best Available Control Technology for Toxics (T-BACT), as determined by the BAAQMD; and whether the affected receptors are located in impacted communities.

The Project is not located in a community identified by the BAAQMD as "impacted" and there are no established T-BACT measures that would apply to the proposed Project. Synthetic turf is a non-permitted source by the BAAQMD and air emission concentrations from that source are expected to be minimal, to the extent that receptors would not be exposed to concentrations that would exceed significance criteria established by the BAAQMD. For these reasons, the proposed Project would have a *less-than-significant* impact on TAC. (Draft EIR, p. 308; Addendum, p. 34.)

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Impact: Operational Emissions: The proposed Project would develop the site for recreational sports fields resulting in localized and regional operational air quality impacts. Under BAAQMD's localized screening methodology for CO impacts, the proposed Project would not result in significant CO emissions. The Project would not conflict with the Alameda County Congestion Management Agency for designated roads or highways, regional transportation plan or other agency plans. Additionally, traffic volumes on roadways in the Project vicinity are less than 5,000 vehicles per hour and the proposed Project is expected to generate a maximum of 177 peak hour trips and 257 when including the "secondary" trips (see discussion above). Therefore, the proposed Project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour or more and would not result in localized CO concentrations that would exceed state or federal standards.

Regional emission impacts are based on mobile source emissions resulting from vehicle trips associated with the proposed Project. The daily emissions associated with operation of the Project are 5.02 pounds per day for reactive organic gases (ROG) and 6.58 pounds per day for nitrogen oxides (NO_x) (ozone precursors) and 12.0 pounds per day and 2.29 pounds per day for particle matter exhaust (PM₁₀ and PM_{2.5}). None of these emissions exceed the BAAQMD thresholds of significance for ozone precursors and PM_{2.5} exhaust emissions which is 54 pounds per day and or PM₁₀ which is 82 pounds per day.

Because the Natural Turf Glade will be used for practices only and there will be no scheduled use on the weekends, there will be a reduction in the number of vehicle trips from what was analyzed in the Draft EIR. This results in a corresponding decrease in vehicle emissions. The incorporation of a pull-out area for a City police vehicle to park could result in idle engine emissions but this would generate an insignificant amount of mobile source emissions. The proposed Project would be well below BAAQMD established thresholds. For these reasons, the proposed Project would have a *less-than-significant* impact on operational emissions. (Draft EIR, pp. 308 to 309; Addendum, pp. 26 and 33 to 34.)

Impact: Cumulative Air Quality: If a project exceeds BAAQMD identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. The proposed Project would not result in emissions that would exceed the established project or cumulative impact level thresholds. For these reasons, the proposed Project would have a *less-than-significant* impact on cumulative air quality impact. (Draft EIR, pp. 309 to 310.)

b. Finding

The City Council finds, based on the Final EIR, the Addendum and the whole record, that the proposed Project will result in *less-than-significant* impacts on air quality with respect to CAP consistency, odor emission, TAC, operational emissions, and cumulative air quality impacts.

DRAFT**8. Global Climate Change****a. Impacts: Construction Emissions; Operational Greenhouse Gas (GHG) Emissions; and Consistency with Plans and Policies Related to Greenhouse Gases.**

Impact: Construction Emissions: Construction activities, such as site preparation, site grading, utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the sites, and motor vehicles transporting the construction crew would produce combustion emissions from various sources. It is estimated that the total Project construction emissions, including both Coaches Field and Blair Park, would be approximately 281 metric tons of CO₂, although this amount will potentially be less with the reduction in truck trips to transport the imported fill due to the modifications in the proposed Project. The BAAQMD does not have a quantitative threshold of significance for construction-related GHG emissions. Therefore, the threshold is based on a qualitative evaluation of whether a project implements applicable BAAQMD Best Management Practices. The practices implemented during construction would require that 50 percent of the construction and demolition waste be recycled per the City of Piedmont ordinance, which is a BAAQMD measure. For these reasons, the proposed Project would have a *less-than-significant* impact on global climate change with respect to construction emissions. (Draft EIR, p. 325 and Appendix E; Addendum, pp. 34 to 35.)

Impact: Operational GHG Emissions: Long-term operation of the proposed Project would generate GHG emissions from area and mobile sources, and indirect emissions from sources associated with energy consumption. Mobile-source emissions of GHGs would include project-generated vehicle trips associated with coaches, spectators and recreation visitors and delivery vehicle trips to the project sites. Area-source emissions would be associated with activities such as landscaping and maintenance of proposed land uses, and other sources. Increases in emissions would also occur at off-site utility providers as a result of demand for electricity by the proposed uses.

Transportation. Transportation associated with the proposed Project would result in GHG emissions from the combustion of fossil fuels in daily automobile and truck trips. Transportation is the largest source of GHG emissions in California and represents approximately 38 percent of annual CO₂ emissions generated in the state. For land use development projects, vehicle miles traveled (VMT) and vehicle trips are the most direct indicators of GHG emissions associated with the project. The peak-hour trip generation of Coaches Field is not anticipated to increase with the proposed Project and the existing use and operation of Coaches Field would be similar to the anticipated operation of the proposed sports fields at Blair Park.

Electricity and Natural Gas. Buildings represent 39 percent of United States primary energy use and 70 percent of electricity consumption. Electricity use can result in GHG production if the electricity is generated by combusting fossil fuel. The proposed Project is not anticipated to increase the use of natural gas, but would increase the demand for electricity with the addition of lights at Coaches Field and construction of the approximately 1,250-square-foot single-story building at Blair Park for concession sales, restrooms, and storage. The concession and restroom facilities at Blair Park would connect with existing utility

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services on site. Field lighting at Coaches Field would consist of eight light poles with two 1,500-watt halide lamps mounted on a cross arm at the top of each light pole. The operation of the lights would be restricted to practices only and would not be employed for organized games. The field lights would be used for approximately 248 hours per year from mid-January to March and from September to November. No field lighting would occur in April through August and during the month of December. The total estimated electricity usage for the field lights would be 5,952 kWh per year.

Synthetic Turf. The proposed synthetic turf system for both Coaches Field and Blair Park would consist of a porous “carpet” or backing with dense polyethylene artificial grass blades, up to 2 or 2-1/2 inches in height, and in-filled with silica sand and small spherical rubber particles. The backing is made of a permeable polypropylene fabric which allows rapid vertical drainage. The synthetic turf (carpet and in-fill) is placed over one or two layers of specially graded base rock. The environmental issues related to synthetic turf mainly revolve around the use and disposal of materials and maintenance requirements of synthetic turf compared to natural grass.

Water Use. Energy use and related GHG emissions are based on water supply and conveyance, water treatment, water distribution, and wastewater treatment. Each element of the water use cycle has unique energy intensities (kilowatt hours [kWh]/million gallons). Water use for Coaches Field is projected to decrease, since irrigation of a synthetic field would not be required; decreased water use has been estimated to range from two to four acre-feet per year. Water usage related to the maintenance of synthetic turf and other park operations (e.g., landscaping at Blair Park) is anticipated to be minimal, with some additional watering necessary for the Natural Turf Glade.

Carbon Sequestration. The proposed modifications to Blair Park would require significant earthwork activity, including the removal of existing trees and other vegetation. Approximately 150 existing trees would be removed from the site to accommodate the proposed fields and associated project features. The existing tree community consists of Monterey pine, coast live oak, acacias, and several other species. Tree removal could result in a loss of carbon sequestration in the project area. Carbon sequestration is the process through which GHGs are absorbed by trees, plants and crops through photosynthesis, and stored as carbon in biomass (tree trunks, branches, foliage and roots) and soils. The loss in carbon sequestration would be offset by planting of additional vegetation as part of the landscape plan. Removal of trees on the Blair Park project site could result in a loss of carbon sequestration of approximately 0.25 metric tons per year (planting of landscape vegetation in addition to coast live oaks would reduce this estimated loss in carbon sequestration).

The Project would generate up to 889 metric tons of CO₂eq per year of emissions. Annual emissions of operational-related GHGs for the proposed Project do not exceed the significance threshold of 1,100 metric tons of CO₂eq per year; therefore, the operations of the proposed Project would not generate significant greenhouse gas emissions. For these reasons, the proposed Project would have a *less-than-significant* impact on global climate change with respect to operational GHG emissions. (Draft EIR, pp. 326 to 330 and Appendices C and E; Addendum, pp. 33 to 34.)

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Impact: Consistency with Plans and Policies Related to Greenhouse Gases: The proposed Project would not conflict with the State's goal of reducing GHG emissions and would not conflict with AB 32 and Executive Order S-3-05. (See Draft EIR, pp. 330-331.) The proposed Project would be subject to all applicable permit and planning requirements in place or adopted by the City of Piedmont and is consistent with the measures proposed in the City's Climate Action Plan. (*Id.*) The proposed Project does not exceed the BAAQMD threshold of significance for GHG emissions. BAAQMD's approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions. The proposed Project's GHG emissions are below this threshold; therefore, the proposed Project would not conflict with any applicable plan, policy or regulation for the purpose of reducing greenhouse gas emissions. For these reasons, the proposed Project would have a *less-than-significant* impact on global climate change with respect to consistency with plans and policies related to greenhouse gases. (*Id.*)

b. Finding

The City Council finds, based on the Final EIR, the Addendum and the whole record, that the proposed Project will result in *less-than-significant* impacts to global climate change.

9. Public Services**a. Impacts: Schools**

Impact: Schools: The proposed Project does not have a residential component and would therefore not directly increase enrollment in local schools. In addition, the proposed Project would not generate a significant number of new long-term jobs, which could have an indirect effect on schools as a result of employees moving to the City of Piedmont to work at the Project once built. Therefore, the proposed Project is not expected to significantly affect the demand for school services or have an impact on PUSD enrollment. For these reasons, the proposed Project would have a *less-than-significant* impact on public services with respect to schools. (Draft EIR, pp. 335 to 336.)

b. Finding

The City Council finds based on the Final EIR, the Addendum and the whole record that the proposed Project will result in *less-than-significant* impacts to public services with respect to schools.

10. Parks and Recreation**a. Impacts: Increased Use of Parks or Other Recreational Facilities**

Impact: Increased Use of Parks or Other Recreational Facilities: Implementation of the proposed Project would not increase park use such that substantial deterioration would occur or be accelerated. The proposed Coaches Field and Blair Park

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modifications would serve the recreational needs of City residents by providing additional youth sports field facilities and extended use hours. The proposed Project would add approximately 600 additional use hours per year at Coaches Field (i.e., approximately 350 daytime use hours as a result of the synthetic turf and approximately 250 use hours from the installation of field lights) and approximately 1,450 yearly use hours at Blair Park with the implementation of the Synthetic Field and the Natural Turf Glade. The proposed Project would relieve the increased use of other parks located both in and outside of the City, but there would be an increase in use of the existing facilities at Coaches Field, and both a change in type of recreational use and an increase in use at Blair Park.

The extension of use hours at Coaches Field would not result in a substantially accelerated physical deterioration of the existing facilities. Furthermore, the installation of synthetic turf would reduce maintenance requirements and result in a more durable, long-lasting playing surface. Blair Park, which is currently designated by the City as an off-leash dog walking area, would be developed with the Synthetic Field and the Natural Turf Glade for practices and unscheduled passive recreational use and no scheduled use on the weekends, but would also include a dog-walk area for off-leash use. There would, however, be a change in the type of recreational use on the Blair Park site or the addition of uses to that site. Existing facilities at the Blair Park site would not experience a substantial physical deterioration because the proposed use would involve the development of new facilities that would be maintained similar to those at Coaches Field. The proposed Project would not significantly increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. For these reasons, the proposed Project would have a *less-than-significant* impact on the increased use of parks or other recreational facilities. (Draft EIR, pp. 342 to 343; ; Addendum, pp. 1 and 35 to 36.)

b. Finding

The City Council finds based on the Final EIR, the Addendum and the whole record that the proposed Project will result in *less-than-significant* impacts to parks and recreation with respect to the increased use of parks or other recreational facilities.

C. Less-Than-Significant Impacts With Mitigation Incorporated

The Final EIR determined that the proposed Project has potentially significant environmental impacts in the areas discussed below. The Final EIR identified feasible mitigation measures to avoid or substantially reduce some or all of the environmental impacts in these areas. Based on the information and analyses set forth in the Final EIR, the proposed Project impacts will be *less than significant* with identified feasible mitigation measures and design standards incorporated into the proposed Project.

DRAFT**1. Biological Resources****a. Impacts to Special-status Plant Species (BIO-1)****(1) Impact and Mitigation**

Implementation of the proposed Project would result in construction on the north-facing hillside above Blair Park, which provides suitable habitat for western leatherwood, a CNPS List 1B species (considered rare, threatened, or endangered in California and elsewhere). Excavation of the hillside could result in the loss of western leatherwood plants, if present. Mitigation Measure – BIO-1a and BIO-1b address this potential impact and are:

Mitigation Measure BIO-1a: Prior to the initiation of construction, a qualified botanist shall conduct a focused survey for western leatherwood within the construction footprint during the species' blooming period (January–March). The survey shall be conducted in accordance with the California Department of Fish and Game's (CDFG) *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*.

Mitigation Measure BIO-1b: If an individual or population of western leatherwood is found during the focused botanical survey, the proposed development plan shall be reviewed to evaluate if the individual or population can be avoided. If the plants cannot be avoided, the City shall develop and implement a salvage and recovery plan for western leatherwood. The plan, at a minimum, shall incorporate the following:

- Preparation by a qualified botanist experienced in the development and implementation of native plant restoration, mitigation, and monitoring plans;
- Salvage and/or recovery requirements, including clearly defined goals focusing on plant establishment (stability, succession, reproduction) and non-native species control measures;
- Locations and procedures for restoration of salvaged materials or seeds, including methods for propagating cuttings and/or root cuttings at an off-site nursery to be used in the event that initial on-site replanting efforts are unsuccessful;
- Specification of a five-year post-construction maintenance and monitoring program by a qualified restoration team to ensure that the project goals and performance standards are met. The monitoring program shall include provisions for remedial action as needed to correct deficiencies. Annual reports and a final report, prepared by the City and subject to approval by CDFG, shall document the success of the salvage and replanting effort. If replanting is not successful, an additional period of correction and monitoring shall be specified; and

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- Salvage and recovery plan shall specify maintenance requirements and the responsibility for implementation. Given that some coast live oak woodland will remain on the hillside after construction is completed, it is assumed that any plants salvaged from the construction footprint could be transplanted a short distance from their original location. Planting locations should have similar, if not identical, soil type, moisture, slope aspect, and shading to original locations.

(Draft EIR, pp. 169 to 170.)

(2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures BIO-1a and BIO-1b, which have been required in or incorporated into the proposed Project, will reduce the significant environmental impacts on special-status plants to a *less-than-significant* level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

A majority of the Project area lacks suitable native substrates and habitats for special-status plant species. The oak woodland on the north-facing hillside above Blair Park, however, provides suitable habitat for western leatherwood. Although no western leatherwood plants have been observed in this area to date, focused botanical surveys during the blooming period (January – March) have not been conducted. If present, excavation of the hillside could result in the loss of the western leatherwood plants.

Because of the potential for western leatherwood to be present on the Project site, focused surveys for the plant within the construction footprint by a qualified botanist will be required during the species’ blooming period. If an individual or population of western leatherwood is found during the survey, the Project’s development plan must be reviewed to determine if the individual can be avoided. If not, then a salvage and recovery plan shall be developed and implemented to avoid and/or minimize impacts to the western leatherwood. With the mitigation proposed, the impacts to western leatherwood would be *less than significant*. These facts support the City’s finding. (Draft EIR, pp. 169 to 172; Adendum pp. 17 to 18.)

DRAFT**b. Impacts to Nesting Birds (BIO-3)****(1) Impact and Mitigation**

Several species of native birds are known or expected to nest in the trees and shrubs within the Project area. No special-status bird species are expected to nest in the Project area. Under the Federal Migratory Bird Treaty Act and Section 3503 of the California Fish and Game Code, however, nests of all native birds are protected. Mitigation Measure – BIO-3 addresses this potential impact and is:

Mitigation Measure BIO-3: Vegetation removal activities shall occur during the non-nesting season (August 16 – February 14) to the extent feasible. However, if such activities are scheduled during the nesting season, a qualified biologist shall conduct a preconstruction nest survey of all trees or other suitable nesting habitat in and within 50 feet of the limits of work. The survey shall be conducted no more than 15 days prior to the start of work. If the survey indicates the presence of nesting birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer shall be determined by the biologist and shall be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of up to 250 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the suburban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

(Draft EIR, p. 172.)

(2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure BIO-3, which has been required in or incorporated into the Project, will reduce the significant environmental impacts on nesting birds to a *less-than-significant* level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Project construction would result in the removal of trees and other vegetation that could be used by nesting birds. Evidence of nesting by Allen’s hummingbird, American robin, and song sparrow has been observed at Blair Park, and the trees and dense blackberry thickets provide nest sites for several other species. Activities and

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construction associated with the proposed Project, if conducted during the nesting season (February 15 to August 15), could directly impact nesting birds by removing trees or shrubs that support active nests. Also, prolonged loud construction noise could also disturb nesting birds, resulting in nest failure.

Because of the potential to disturb active nesting birds, vegetation removal activities shall occur during the non-nesting season to the extent feasible. If activities are scheduled to occur during the nesting season, a qualified biologist shall conduct a preconstruction nest survey no more than 15 days before the start of work to determine whether nesting birds are present in trees or other suitable nesting habitat in and within 50 feet of the work area. If nesting birds are present, the biologist shall determine an appropriated sized buffer around the nest in which no work will be allowed until the young have successfully fledged. With the mitigation proposed, the impacts to nesting birds would be *less than significant*. These facts support the City's finding. (Draft EIR, pp. 157 and 172; Addendum, pp. 17 to 18.)

2. Geology, Soils and Seismicity

a. Impact: Strong Seismic Groundshaking (GEO-1)

(1) Impact and Mitigation

The entire San Francisco Bay Area, including the Project area, is in a seismically-active region subject to varying degrees of seismic groundshaking. Considering the proximity of the Project sites to the Hayward, San Andreas, and other major active faults in the San Francisco Bay Area, there is a high potential for the Project sites to experience moderate to very strong ground shaking during a major earthquake which could result in risks to humans and damage to property. Mitigation Measure GEO-1 addresses this potential impact and is:

Mitigation Measure GEO-1: Design and construction of the proposed Project shall be in conformance with current best standards for earthquake resistant construction in accordance with the California Building Code (Seismic Zone 4), applicable local codes, and in accordance with the generally accepted standard of geotechnical practice for seismic design in Northern California. In addition, project design for the Blair Park site shall follow the recommendations of the site-specific geotechnical investigation reports prepared for the proposed project by Joyce Associates (2008) and Treadwell & Rollo (2009). The City Engineer shall approve all final design and engineering plans prior to issuance of a grading permit. Prior to construction, a qualified geotechnical engineer shall review the project plans and specifications for Blair Park to verify that they conform to the intent of the recommendations included in their 2009 geotechnical report. During construction, a qualified geotechnical engineer shall provide on-site observation and testing.

(Draft EIR, pp. 187 to 188; Final EIR p. 685.)

DRAFT**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure GEO-1, which has been required in or incorporated into the proposed Project, will reduce the potential hazards associated with seismic activity to a *less-than-significant* level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The closest active fault to the project area is the South Hayward Segment of the Hayward-Rodgers Creek Fault, located approximately 2,700 feet to the east of Blair Park. A Magnitude 6.7 event on the South Hayward Fault would result in very strong (VIII) shaking in the Project area. (Draft EIR, p. 180.)

The proposed Project would be constructed in compliance with the latest and most stringent seismic guidelines in accordance with the 2007 California Building Code, Alameda County Code, and the City of Piedmont Municipal Code. In addition, use of the proposed Project would occur primarily outdoors, which would reduce the risk of injury or death as structural collapse is responsible for 75 percent of earthquake-related fatalities. Nevertheless, injuries, death, or damage to structures could still occur during a seismic event. As a result, the Treadwell and Rollo geotechnical investigation prepared for construction at Blair Park contains specific design criteria for construction of project features (e.g., retaining walls, concession building, and pedestrian bridge) in response to expected seismic events.

Seismic hazards cannot be completely eliminated, even with site-specific geotechnical methods and advanced building practices. However, exposure to seismic hazards is a generally accepted part of living in the seismically active areas of California, and therefore the mitigation measure GEO-1 would reduce the potential hazards associated with seismic activity to a *less-than-significant* level. These facts support the City’s finding. (Draft EIR, pp. 187 to 188; Final EIR p. 685; Addendum, p. 18 to 19.)

b. Impact: Soil Erosion or Loss of Topsoil (GEO-2)**(1) Impact and Mitigation**

Implementation of the proposed Project would include vegetation removal, excavation, grading and placement of fill that could result in short-term soil erosion or loss of topsoil during the construction period. Mitigation Measure GEO-2 addresses this potential impact and is:

Mitigation Measure GEO-2: Prior to issuance of a grading permit for construction at Coaches Field or Blair Park, a site-specific erosion control

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plan shall be prepared by a licensed professional and submitted to the Public Works Department for review and approval. Consistent with the geotechnical report prepared by Treadwell & Rollo, the proposed Blair Park project shall also incorporate the following additional recommendations related to surface drainage and the minimization of erosion. These recommendations shall be incorporated, by reference, into the Erosion Control Plan.

- Surface drainage shall be provided to collect surface runoff, prevent surface erosion, contain slough, and prevent saturation of the engineered fill. All surfaces shall be sloped to drain and all water shall be directed to lined v-ditches to collect and transport runoff water to a suitable outlet or retention basin. Lined v-ditches shall be constructed at the crest of all engineered slopes, at the back of all terraced benches in cut areas, and at the toe of all slopes greater than five feet in height, including slopes above retaining walls. The v-ditches shall be cleaned and maintained on a regular basis.
- The final engineered slopes shall be re-vegetated by seeding or hydro-mulching with deeply-rooted, fast-growing vegetation as soon as possible after grading. If the vegetation will not be established prior to the rainy season, slopes shall be protected using measures such as netting, hay bales, and/or silt fences. Slopes shall not be irrigated except for an initial period if necessary to establish vegetation.

(Draft EIR, pp. 188 to 189.)

(2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures GEO-2, which has been required in or incorporated into the proposed Project, will reduce the significant environmental impact to a *less-than-significant* level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. The NPDES

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permit program requires the preparation of a storm water pollution prevention plan (SWPPP) for projects that result in at least one acre of ground disturbance. The SWPPP prepared for the proposed Project would incorporate best management practices (BMPs) for erosion control that are recognized by the Regional Water Quality Control Board. BMPs would include, but would not be limited to, utilization of hay bales for reducing siltation from runoff; timely covering of Coaches Field with the new synthetic turf after the existing grass turf is stripped; restricting grading, excavation, placement of fill, and vegetation removal to the dry season; and street sweeping.

Soil erosion and loss of topsoil would also be minimized through implementation of the BAAQMD fugitive dust control measures. (Mitigation Measure AIR-1, Draft EIR, p. 311-312.) In addition, the Treadwell & Rollo geotechnical report contains recommendations for surface drainage on the Blair Park project site that would help to prevent soil erosion. Implementation of Mitigation Measure GEO-2 would ensure adherence to these recommendations and would reduce impacts related to soil erosion and loss of topsoil to a *less-than-significant* level. (Draft EIR, pp. 188 to 189; Draft EIR, pp. 217 to 228 and 295 to 312; Addendum, pp. 18 to 19.)

c. Impact: Landslides and Slope Instability (GEO-3)

(1) Impact and Mitigation

Project construction requires slope excavation and installation of retaining walls and onsite underground water storage tanks which could cause slope instability potentially resulting in landslides at Blair Park and risks to residents of houses located above Blair Park. Mitigation Measures GEO-2, GEO-3 and GEO-4 address this potential impact and are:

Mitigation Measure GEO-2: Prior to issuance of a grading permit for construction at Coaches Field or Blair Park, a site-specific erosion control plan shall be prepared by a licensed professional and submitted to the Public Works Department for review and approval. Consistent with the geotechnical report prepared by Treadwell & Rollo, the proposed Blair Park project shall also incorporate the following additional recommendations related to surface drainage and the minimization of erosion. These recommendations shall be incorporated, by reference, into the Erosion Control Plan.

- Surface drainage shall be provided to collect surface runoff, prevent surface erosion, contain slough, and prevent saturation of the engineered fill. All surfaces shall be sloped to drain and all water shall be directed to lined v-ditches to collect and transport runoff water to a suitable outlet or retention basin. Lined v-ditches shall be constructed at the crest of all engineered slopes, at the back of all terraced benches in cut areas, and at the toe of all slopes greater than five feet in height, including slopes above retaining

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walls. The v-ditches shall be cleaned and maintained on a regular basis.

- The final engineered slopes shall be re-vegetated by seeding or hydro-mulching with deeply-rooted, fast-growing vegetation as soon as possible after grading. If the vegetation will not be established prior to the rainy season, slopes shall be protected using measures such as netting, hay bales, and/or silt fences. Slopes shall not be irrigated except for an initial period if necessary to establish vegetation.

Mitigation Measure GEO-3: Project design of the retaining walls at Blair Park shall be in accordance with the recommendations contained in the site-specific geotechnical investigation prepared by Treadwell & Rollo (e.g., specifications related to slope grade, resistance to static pressure, backdrainage, backfill materials, permanent tiebacks, etc.). The design and construction of the retaining walls shall be in conformance with current best standards for earthquake resistant construction in accordance with the California Building Code (Seismic Zone 4), applicable local codes, and in accordance with the generally-accepted standard of geotechnical practice for seismic design in Northern California. Prior to issuance of a grading permit, detailed retaining wall design drawings and a site-specific grading plan for the project site shall be prepared by a licensed professional and submitted to the City Engineer for review and approval. The retaining wall design drawings shall be reviewed by a qualified geotechnical engineer and show the heights of the walls, the backfill material type, drainage details, and the earth pressure used in design. The grading plan shall include reference to the site-specific recommendations included in the Treadwell & Rollo geotechnical report. All cut slopes shall be observed by a qualified geotechnical engineer at the time of grading to assess the applicability of the recommendations and make supplemental recommendations, if necessary. Supplemental recommendations may include slope flattening, installation of drainage, slope reconstruction in areas where weak rock, adverse bedding, or other local anomalies are encountered, or construction of retaining walls. Retaining wall tieback installation and testing shall be observed by a qualified geotechnical engineer.

Mitigation Measure GEO-4: The following measures, provided by Treadwell & Rollo subsequent to the preparation of the final geotechnical report 107, shall be implemented to reduce slope stability impacts related to the installation of underground water storage tanks.

- The excavations for underground water tank installation shall be sloped or shored depending on their depth and the contractor's preference. If Tank 2 is installed after the retaining walls for the large sports field are in place and the field has been rough-graded,

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the retaining walls shall be protected while the tank is being installed. Depending on the depth of the excavation, it may be possible to slope the excavation; alternatively shoring shall be provided to support the southern end of the excavation.

- Tank 3 may interfere with the reinforcing of the slopes along Moraga Avenue. The location of this tank shall be checked against the length of reinforcement and shall be moved accordingly, if necessary.
- The tanks shall be designed for appropriate earth pressures from the soil around and on top of them.
- If an open excavation is used to install the tanks, the backfill around them shall be compacted to minimize settlement.

(Draft EIR, pp. 188 to 191; Final EIR, pp. 686 to 687.)

(2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures GEO-2, GEO-3 and GEO-4, which have been required in or incorporated into the proposed Project, will reduce the significant environmental impact to a *less-than-significant* level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The existing Coaches Field site is relatively flat. The potential for landslides was previously addressed as part of the original field development, which included a geotechnical investigation followed by the construction of a retaining wall, the placement of drains, and the planting of landscaping to stabilize the toe and slope above the northern perimeter of the site. Any risks associated with landslides would be similar to existing conditions at the Coaches Field site after Project completion. Therefore, the potential for landslide impacts at the Coaches Field site is *less-than-significant*.

However, the slope along the southern boundary of the Blair Park site is within the designated seismic hazard zone for earthquake-induced landslides. A review of maps published between the years of 1969 and 2005 by the USGS, CGS, and other organizations as part of the geologic feasibility investigation for Blair Park indicated that no landslides were mapped within or near the site. However, three rainfall-induced soil slips have occurred over the last 60 years at the Blair Park site, based on a review of aerial photography.

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The proposed Project includes slope-cuts and retaining walls that could potentially increase the instability of the existing hillsides on the Project site resulting in risks of property damage or safety impacts to residents of homes located above the Project site, although this risk is somewhat diminished since the height of the cuts behind the Synthetic Field and Natural Turf Glade is reduced in the proposed Project compared to what was analyzed in the Draft EIR. Retaining walls would be constructed along the north-facing slope behind both sports fields to create a level playing surface. Along Moraga Avenue, a landscaped berm would be constructed with a mechanically stabilized earth (MSE) system that would include steps in approximately 18 inch to 24-inch-high risers within the northwest corner on the Blair Park side of Moraga Avenue. The proposed project would also include three underground water storage tanks on the Blair Park site. Excavation for the installation of the onsite underground water storage tanks could increase slope instability.

Notwithstanding the above, the reports by Joyce Associates and Treadwell & Rollo conclude that the proposed Blair Park project is feasible from a geologic and geotechnical standpoint based on the results of the subsurface investigation and review of available information, assuming that the geotechnical recommendations included in the reports are implemented. The Treadwell & Rollo report states that the principal geologic concerns for the proposed Project include the feasibility of constructing the required retaining walls in relation to the future stability of the slope and the potential for future soil slips on the slope to deposit debris within the site.

The Joyce Associates geologic feasibility report states that if the retaining walls are designed to meet accepted safety standards for both static and earthquake forces, in accordance with the current California Building Code, the risk of slope instability in the retaining wall area would be very low. The Treadwell & Rollo geotechnical report contains recommendations on the method of slope excavation and the design of the retaining wall to ensure that the proposed project would meet safety standards and adhere to relevant building codes. Implementation of Mitigation Measures GEO-2, GEO-3 and GEO-4, described above, would ensure adherence to the recommendations contained in the Treadwell & Rollo geotechnical report and would reduce impacts related to landslides and slope instability on the Blair Park site to a *less-than-significant* level. These facts support the City's finding. (Draft EIR, pp. 189 to 191; Final EIR, pp. 685 to 687; Addendum, pp. 18 to 19.)

d. Impact: Soil Slips on Blair Park Site (GEO-4)

(1) Impact and Mitigation

Soil slips on the Blair Park site could cause damage to property or interfere with the use of the proposed Blair Park facilities. Mitigation Measures GEO-2 and GEO-3 addresses this potential impact and are:

Mitigation Measure GEO-2: Prior to issuance of a grading permit for construction at Coaches Field or Blair Park, a site-specific erosion control plan shall be prepared by a licensed professional and submitted to the Public Works Department for review and approval. Consistent with the geotechnical report prepared by Treadwell & Rollo, the proposed Blair

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Park project shall also incorporate the following additional recommendations related to surface drainage and the minimization of erosion. These recommendations shall be incorporated, by reference, into the Erosion Control Plan.

- Surface drainage shall be provided to collect surface runoff, prevent surface erosion, contain slough, and prevent saturation of the engineered fill. All surfaces shall be sloped to drain and all water shall be directed to lined v-ditches to collect and transport runoff water to a suitable outlet or retention basin. Lined v-ditches shall be constructed at the crest of all engineered slopes, at the back of all terraced benches in cut areas, and at the toe of all slopes greater than five feet in height, including slopes above retaining walls. The v-ditches shall be cleaned and maintained on a regular basis.
- The final engineered slopes shall be re-vegetated by seeding or hydro-mulching with deeply-rooted, fast-growing vegetation as soon as possible after grading. If the vegetation will not be established prior to the rainy season, slopes shall be protected using measures such as netting, hay bales, and/or silt fences. Slopes shall not be irrigated except for an initial period if necessary to establish vegetation.

Mitigation Measure GEO-3: Project design of the retaining walls at Blair Park shall be in accordance with the recommendations contained in the site-specific geotechnical investigation prepared by Treadwell & Rollo (e.g., specifications related to slope grade, resistance to static pressure, backdrainage, backfill materials, permanent tiebacks, etc.). The design and construction of the retaining walls shall be in conformance with current best standards for earthquake resistant construction in accordance with the California Building Code (Seismic Zone 4) and applicable local codes, and in accordance with the generally accepted standard of geotechnical practice for seismic design in Northern California. Prior to issuance of a grading permit, detailed retaining wall design drawings and a site-specific grading plan for the project site shall be prepared by a licensed professional and submitted to the City Engineer for review and approval. The retaining wall design drawings shall be reviewed by a qualified geotechnical engineer and show the heights of the walls, the backfill material type, drainage details, and the earth pressure used in design. The grading plan shall include reference to the site-specific recommendations included in the Treadwell & Rollo geotechnical report. All cut slopes shall be observed by a qualified geotechnical engineer at the time of grading to assess the applicability of the recommendations and make supplemental recommendations, if necessary. Supplemental recommendations may include slope flattening, installation of drainage, slope reconstruction in areas where weak rock, adverse bedding, or other

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local anomalies are encountered, or construction of retaining walls. Retaining wall tieback installation and testing shall be observed by a qualified engineering geotechnical engineer.

(Draft EIR, pp. 188 to 191; Final EIR, pp. 686 to 687.)

(2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures GEO-2 and GEO-3, which have been required in or incorporated into the proposed Project, will reduce the impact of soil slips to a *less-than-significant* level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Three rainfall-induced soil slips have occurred over the last 60 years at the Blair Park site, based on a review of aerial photography. Soil slips, similar to those identified on aerial photography from 1983, are unlikely to present a public safety hazard because they are relatively small, occur very infrequently, and tend to occur only during periods of unusually intense rainfall. The Joyce Associates geologic feasibility report concluded the risk of earthquake-induced landsliding is very low for the Blair Park site under existing conditions, and that assuming proper design and construction of the planned retaining walls, the future risk of earthquake-induced landsliding would also be very low. Furthermore, the installation of the proposed fencing on top of the retaining walls would help minimize the displacement of vegetation or other slope debris onto the field facilities below. Implementation of Mitigation Measure GEO-2 would help control erosion and would reduce the risk of a soil slip during or after an earthquake or heavy rainfall event, and implementation of Mitigation Measure GEO-3 would ensure adherence to regulations and to recommendations in the geotechnical report during installation of retaining walls and would further reduce the impact of soil slips on the Blair Park site to a *less-than-significant* level. These facts support the City’s finding. (Draft EIR, pp. 188 to 191; Final EIR, pp. 686 to 687; Addendum, pp. 18 to 19.)

e. Impact: Expansive Soils and Differential Settlement (GEO-5)**(1) Impact and Mitigation**

Expansive soils, settlement of existing and planned fill, and cyclic densification-induced settlement could result in hazards to life or property at Blair Park. Mitigation Measures GEO-5 and GEO-4 address this potential impact and are:

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Mitigation Measure GEO-5: In accordance with the geotechnical report prepared by Treadwell & Rollo, the proposed Blair Park project shall incorporate the site-specific recommendations to minimize impacts associated with expansive soils and settlement. Prior to issuance of a grading permit, a site-specific grading plan for the project site shall be prepared by a licensed professional and submitted to the City Engineer for review and approval. The grading plan shall include reference to the site-specific recommendations associated with fill placement, compaction, and drainage included in the Treadwell & Rollo geotechnical report (e.g., specifications related to vegetation clearing and site grading, soil scarification and compaction, selection of engineered fill, placement of fill, construction of structure foundations, backfill placement, etc.). All site preparation and fill placement shall be observed by a qualified geotechnical engineer. A qualified geotechnical engineer shall be onsite during the excavation of foundation elements for the pedestrian bridge and concessions building, including footings and drilled piers. During construction, laboratory testing shall be performed as needed to check that the proposed fill material meets the project requirements.

Mitigation Measure GEO-4: The following measures, provided by Treadwell & Rollo subsequent to the preparation of the final geotechnical report, shall be implemented to reduce slope stability impacts related to the installation of underground water storage tanks.

- The excavations for underground water tank installation shall be sloped or shored depending on their depth and the contractor's preference. If Tank 2 is installed after the retaining walls for the large sports field are in place and the field has been rough-graded, the retaining walls shall be protected while the tank is being installed. Depending on the depth of the excavation, it may be possible to slope the excavation; alternatively shoring shall be provided to support the southern end of the excavation.
- Tank 3 may interfere with the reinforcing of the slopes along Moraga Avenue. The location of this tank shall be checked against the length of reinforcement and shall be moved accordingly, if necessary.
- The tanks shall be designed for appropriate earth pressures from the soil around and on top of them.
- If an open excavation is used to install the tanks, the backfill around them shall be compacted to minimize settlement.

(Draft EIR, pp. 190 to 192; Final EIR, pp. 687 to 688.)

DRAFT**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures GEO-5 and GEO-4, which have been required in or incorporated into the Project, will reduce impacts related to expansive soils and settlement to a *less-than-significant* level.

(3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Soils on the Coaches Field site are not generally expansive, and soils were compacted during the construction of the existing field to minimize differential settlement. No additional fill would be placed on the Coaches Field site as part of the proposed project. Existing drainage deficiencies at the Coaches Field site would be corrected as part of the proposed Project. Therefore, there would be no significant impacts at the Coaches Field site related to expansive soils or differential settlement. However, the Blair Park site contains some clay soils with the potential to be expansive, and elastic settlement of the existing fill and planned engineered fill may occur. Seismic-related cyclic densification could also result in differential settlement at Blair Park. The installation of the three proposed underground water storage tanks has the potential to exacerbate these conditions.

The Treadwell & Rollo geotechnical report acknowledges that the principal geologic concerns for the proposed Blair Park project, in addition to the feasibility of the retaining walls and future stability of the north-facing slope, include the condition of the existing fill, proper fill placement and compaction, and sufficient subsurface and surface drainage. The geotechnical report contains recommendations for site and subgrade preparations, foundations for the concession building and pedestrian bridge over Moraga Avenue (since deleted from the Project), retaining wall and site drainage, and placement of fill to minimize the impacts related to expansive soils and settlement. For the installation of the underground water storage tanks, settlement of backfill could be problematic as it could result in depressions on the playing fields that need to be re-leveled; otherwise, rain water could collect in the depressions. Implementation of the recommendations included in the Treadwell and Rollo geotechnical report, described in Mitigation Measure GEO-5 and the recommendations related to the installation of the water storage tanks, as described in Mitigation Measure GEO-4, would reduce impacts related to expansive soils and settlement to a *less-than-significant* level. These facts support the City’s finding. (Draft EIR, pp. 190 to 192; Final EIR, pp. 687 to 688; Addendum, pp. 18 to 19.)

DRAFT**3. Hazards and Hazardous Materials****a. Impact Disease Vectors (HAZ-1)****(1) Impact and Mitigation**

The proposed Project has the potential to displace rodents and other disease vector species. Mitigation Measure HAZ-1 addresses this potential impact as follows:

Mitigation Measure HAZ-1: The City shall implement the following measures to minimize rodent and disease vector displacement impacts:

- The City shall arrange for the Alameda County Vector Control Services District (ACVCSD) to inspect the sites prior to construction to make an assessment of any potential vector issues and recommend actions to take if there are any existing infestations.
- At Blair Park, ground clearing and vegetation removal shall start along the rear property lines of adjacent homes and move toward the interior of the site so that suitable cover in which rodents may seek shelter would be located away from the residences.

During grading and construction activities, the City shall provide neighbors with a contact person / phone number from the ACVCSD to contact should issues associated with rodent dispersal occur and for advice on control methods.

(Draft EIR, pp. 201 to 202.)

(2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HAZ-1, which has been required in or incorporated into the proposed Project, will reduce potential rodent or other vector displacement to a *less-than-significant* level.

(3) Facts in Support of Finding

According to the Alameda County Vector Control Services District (ACVCSD), anytime there is site disruption, such as vegetation clearing and grading, there is the risk for displacement of wildlife and disease vectors (e.g., ants, rats, and deer). Rodents nesting in undeveloped areas, particularly in ivy or other ground cover, will be dislocated during construction activities. Some displacement of wildlife and disease vectors could occur as a result of vegetation clearing, excavation and grading activities at Blair Park, including other potential disease vectors such as native mammals, including striped skunk and

