

## ST. JOHN'S CHURCH PROJECT FINAL EIR/ RESPONSE TO COMMENTS

State Clearinghouse Number: 2008032031





The City of Oakland  
May 2012

**ST. JOHN'S CHURCH PROJECT FINAL EIR/  
RESPONSE TO COMMENTS**

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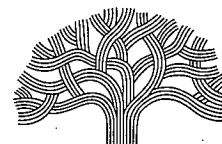


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# CITY OF OAKLAND



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Community and Economic Development Agency  
Planning & Zoning Services Division

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## NOTICE OF AVAILABILITY OF FINAL ENVIRONMENTAL IMPACT REPORT (EIR) TO COMMENT DOCUMENT FOR THE ST JOHN'S EPISCOPAL CHURCH IMPROVEMENTS

**PROJECT TITLE:** St John's Episcopal Church – Parking, Bridge, and New Sanctuary Expansion  
**CASE NO.** ER08-0001; SCH# 2008032031

**PROJECT SPONSOR:** Jerry Moran, Project Liaison  
St John's Episcopal Church  
1707 Gouldin Road  
Oakland, CA 94611

**PROJECT LOCATION:** 1707 Gouldin Road, 1715 Gouldin Road, 5928 Thornhill Drive, 5914 Thornhill Drive, and 1676 Alhambra Lane (APNs: 048F-7390-004-09, 048F-7390-001-01, 048F-7390-003-03, 048F-7390-001-13, 048F-7390-001-018)

### DESCRIPTION OF PROJECT:

**Phase 1:** Reconfiguration of site circulation and parking, and construction of a new access bridge over Temescal Creek.

The project includes demolishing the house at 5928 Thornhill Road, abandoning a portion of the shared access road shared with the home at 5940 Thornhill Road and 1675 Gouldin Road, and constructing a new vehicular access bridge over Temescal Creek. Primary ingress and egress would be via a new lane leading from the new bridge to an auto circle, which would allow pick-up and drop-off activities as well as provide improved fire truck access to the sanctuary. Twenty-seven (27) perpendicular parking spaces would be provided along the new lane, as well as a separate pedestrian path, which would run parallel to the new lane. Five (5) Existing parking areas near the sanctuary would be retained. Twelve (12) existing parking spaces along the upper parking lot would be retained and resurfaced, and two (2) ADA parking spaces would be provided. The Alhambra Lane driveway would be retained to allow egress for people parking in this area. The project proposes a total of 44 spaces plus two ADA parking spaces. Phase 1 also includes the removal of 2,300 square feet of asphalt parking lot abutting the eastern side of the existing sanctuary building and abandonment and removal of paving at the current, steep Gouldin Road entry. New trees of native species would be planted and established to replace most removed trees before Phase 1 is completed. In total, the project proposes the removal of 65 trees, 56 of which fall under the City of Oakland Tree Preservation Ordinance.

**Phase 2:** Construction of new 5,500 square-foot sanctuary

Phase 2 would entail construction of a new one-story sanctuary building between 5,000 and 5,500 square feet at the location of the current Gouldin Road entrance to the Church. Conceptual plans for the new sanctuary call for a 33-foot-high structure and a cupola with a bell. The new sanctuary would be constructed of wood, stucco and a composition roof material to match the style and materials of the existing sanctuary building. As part of this phase, the patio between the existing building and the new sanctuary would be renovated and expanded. Upon completion of the new sanctuary building, the existing building would be converted into a community hall/fellowship space.


**ENVIRONMENTAL REVIEW:** On November 17, 2010, the City issued a Draft EIR, which began a 47-day public review and comment period which ended on January 3, 2011. All comments received during the

public comment period have been compiled and responded to in a Final EIR, along with changes and clarifications to the Draft EIR. The preparation of the Final EIR has been overseen by the City of Oakland's Environmental Review Officer or his/her representative, and the conclusions and recommendations in the EIR document represent the independent conclusions and recommendations of the City. Copies of the Final EIR will be available for distribution to interested parties at no charge starting May 25<sup>th</sup> after 3:00 p.m. at the Department of Planning, Building, & Neighborhood Preservation, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday 8:30 a.m. to 5:00 p.m. and on the City of Oakland website at <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

**PUBLIC HEARINGS:** The City Planning Commission will conduct a public hearing to consider certification of the EIR and taking action on the project on Wednesday, June 6<sup>th</sup> at 6:00 p.m. in City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza.

Comments may be made at the public hearing described above or in writing. Please address all written comments to Caesar Quitevis, Planner II, City of Oakland, Department of Planning, Building, and Neighborhood Preservation, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612; 510-238-4730 (fax); or e-mailed to [cquitevis@oaklandnet.com](mailto:cquitevis@oaklandnet.com). Written comments should be received no later than 4:00 p.m. on Wednesday, June 6<sup>th</sup>. Please reference case number **ER08-0001** in all correspondence. If you challenge the environmental document or project in court, you may be limited to raising only those issues raised at the Planning Commission public hearing described above, or in written correspondence received by the Department of Planning, Building, and Neighborhood Preservation on or prior to 4:00 p.m. on Wednesday, June 6<sup>th</sup>. For further information, please contact Caesar Quitevis at (510)238-6343 or at [cquitevis@oaklandnet.com](mailto:cquitevis@oaklandnet.com).

Date of Notice: May 23, 2012  
File Number: **ER08-0001**

  
SCOTT MILLER,  
Interim Planning Director & Environmental Review  
Officer  
Department of Planning, Building, and Neighborhood  
Preservation

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# 1 INTRODUCTION

## *A. CEQA Process*

This document provides responses to comments received on the November 17, 2010 Draft Environmental Impact Report (DEIR) for the proposed St. John's Church project (the project), and includes necessary revisions to the text and analysis in the DEIR. The DEIR identified the likely environmental consequences associated with the project, and recommended mitigation measures to reduce potentially significant impacts.

This document, together with the DEIR, will constitute the Final EIR (FEIR) if the City of Oakland Planning Commission certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

## *B. Environmental Review Process*

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the DEIR. This FEIR has been prepared to respond to those comments received on the DEIR and to clarify findings in the DEIR.

The DEIR was made available for public review on November 17, 2010. The DEIR was distributed to local and State responsible and trustee agencies and the general public was advised of the availability of the DEIR through public notice posted by the County Clerk as required by law.

The City held a public hearing on the DEIR during the review period on Wednesday, December 15, 2010. The public was invited to attend the hearing to offer oral and written comments on the DEIR. The DEIR comment period closed on January 3, 2011.

Copies of all written comments received on the DEIR are contained in this document.

This FEIR will be provided to the City of Oakland Planning Commission for their review. Once the Planning Commission certifies the FEIR, the Commission will also consider the project itself, which may be approved or denied. If the project is approved, the Commission may require Standard Conditions of Approval (SCA) and/or mitigation measures specified in the DEIR as conditions of project approval. Alternatively, the Commission could require other conditions and/or mitigation measures deemed to be appropriate for the identified impacts, or it could find that the mitigation measures cannot be feasibly implemented. For any identified significant impacts for which no SCA and/or mitigation measure is feasible, the Commission will be required to adopt a finding that the measures are outside the jurisdiction of the City, or that the impacts are considered acceptable because specific overriding considerations indicate that the project's benefits outweigh the impacts in question. In each such case, a finding of a significant and unavoidable impact would be made pursuant to CEQA Guidelines Section 15093.

### *C. Consideration of the Final EIR*

If *significant new information* is added to an EIR after notice of public review has been given, but before final certification of the EIR, the lead agency must issue a new notice and re-circulate the EIR for further comments and consultation. The City has determined that none of the corrections or clarifications to the DEIR identified in this document constitutes *significant new information* pursuant to Section 15088.5 of the CEQA Guidelines. As a result, a Recirculation of the DEIR is not required.

Specifically, the new information, corrections, or clarifications presented in this document do not disclose that:

- “ A new significant environmental impact would result from the project or from a new mitigation measure (or standard condition) proposed to be implemented;



- “ A substantial increase in the severity of an environmental impact would result unless mitigation measures (or standard conditions) are adopted that reduce the impact to a level of insignificance;
- “ A feasible project alternative or mitigation measure (or standard condition) considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it; or
- “ The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines Section 15088.5)

Information presented in the DEIR and this document support the City’s determination that Recirculation of the DEIR is not required.

#### *D. Organization of this Document*

This Final EIR contains information about the proposed Project and responses to comments raised during the public review and comment period on the DEIR. Following this introductory chapter, the document is organized as described below.

- “ **Chapter 2: Revisions to the Draft EIR.** This chapter contains text changes and corrections to the DEIR initiated by the Lead Agency or resulting from comments received on the DEIR. Chapter 2 also presents clarified, refined, and updated information to the DEIR. Corrections to the text of the DEIR are contained in this chapter. Text shown in double-underline represents language that has been added to the EIR; text with ~~strike through~~ has been deleted from the EIR.
- “ **Chapter 3: Commenters on the Draft EIR.** This chapter lists all agencies, organizations and individuals that submitted written comments on the DEIR during the public review and comment period, and/or that commented at the Planning Commission Public Hearing on the DEIR.

- “ **Chapter 4: Master Responses to Comments on the Draft EIR.** This chapter contains master responses to recurring topic areas raised in the comments received on the DEIR.
- “ **Chapter 5: Responses to Written Comments on the Draft EIR.** This chapter contains reproductions of the letters received from agencies and the public on the DEIR, and responses to each comment within each letter. The responses are keyed to the comments which precede them.
- “ **Chapter 6: Responses to Comments Received at the Planning Commission Public Hearing on the Draft EIR.** This chapter includes a summary of the December 15, 2010 Public Hearing on the DEIR and presents responses to the summarized comments received.

Appendices to the FEIR document follow Chapter 6 and include:

- “ Appendix A: Daylighting of Public Conduit Easement at St. John's Church, The Planning Center | DC&E, March 29, 2011.
- “ Appendix B: St. John's Church Scour Analysis, Kamman Hydrology & Engineering, Inc., March 30, 2012.
- “ Appendix C: CRLF Habitat Assessment for the Proposed St. John's Church Project, Rana Resources, July 19, 2011.

## 2 REVISIONS TO THE DRAFT EIR

The text changes presented in this chapter are initiated by Lead Agency staff or by comments on the DEIR. Changes include text corrections to the Draft EIR in cases where the existing text may allow for misinterpretation of the information. Throughout this chapter, newly added text is shown in double-underline format, and deleted text is shown in ~~striketrough~~ format.

This Final EIR/Response to Comments document, combined with the Draft EIR, constitutes the Final EIR.

### CHAPTER 2. REPORT SUMMARY

**The following text is hereby added to the end of the first full paragraph on page 2-16 of the DEIR (in response to Comment B3-2):**

Hazardous materials associated with construction activities are likely to involve minor quantities of paint, solvents, oil and grease and petroleum hydrocarbons. Project construction would require earthwork and grading activities that could lead to temporary construction-related erosion. Soils would be disturbed as the project is constructed, the creek channel banks under the bridge undergo a bioengineered design, and riparian revegetation replaces non-native species along the creek banks.

### CHAPTER 3. PROJECT DESCRIPTION

**The following text is hereby added to the first full paragraph on page 3-10 of the DEIR (in response to Comment C19-3):**

Phase 1 of the project includes demolishing the house at 5928 Thornhill Road, abandoning a portion of the shared access road with the homes at 5940 Thornhill Road and 1675 Gouldin Road, and constructing a new bridge over Temescal Creek that will connect to a new internal travel lane and parking area.

## CHAPTER 4.2 BIOLOGICAL RESOURCES

**The following text is hereby added to the last full paragraph on page 4.2-6 of the DEIR (in response to Comment B1-7):**

Figure 4.2-1 shows the known distribution of sensitive natural communities and special-status plant and animal occurrences within about two miles of the site. No sensitive natural communities recognized by the CNDDDB have been reported from the site or occur on the property based on the field inspection conducted in July ~~27, of~~ 2006, and a follow-up site visits on May 28, 2008. The site visit in July 2006 was sufficient to determine the potential for occurrence of special-status species, and conclude that detailed protocol surveys were not warranted. Subsequent inspections were conducted by Jim Martin on June 29, 2011 and July 15, 2011 to confirm field conditions, during which an additional two hours were spent on the site. The CNDDDB records show a general occurrence of fragrant fritillary (*Fritillaria liliacea*) extending to the edge of the site vicinity, but no other occurrences have specifically been reported from the site.

**The following text is hereby added to the last paragraph on page 4.2-11 of the DEIR (in response to Comment B1-7):**

Past disturbance to the project site, including residential and other urban uses, precludes the occurrence of any special-status plant species from the project site. A site survey conducted in 2008 confirmed that suitable habitat for special-status species plant or animal is absent from the site and the likelihood of the future occurrence of special-status plant or animal species on this site is considered unlikely or remote. Additionally, a protocol habitat assessment for California red-legged frogs on the project site on June 7, 2011 concluded that the project site lacks suitable habitat for CRLF and that historic CRLF populations in the area have long been eliminated due to habitat loss, the introduction of bullfrogs, and the presence of a large population of raccoons (The protocol habitat assessment is included in Appendix J of this FEIR). However, there is a remote possibility of the federally-threatened California red-legged frog could disperse along Temescal Creek at some point in the future. Individual frogs would most likely not survive long-term along the reach of Temescal Creek in the vicinity of the site because of the likelihood of predation by raccoons and other predators. But in the very remote instance

that individual frogs happened to disperse onto the site along the creek channel at the time of bridge construction or stabilization activities, they could be inadvertently injured or destroyed. Because of this remote possibility, the project is considered to have a *potentially significant* impact on special-status animal species, which can be reduced to a less-than-significant level with the following mitigation measure and Standard Conditions of Approval.

**The following Standard Condition of Approval beginning on page 4.2-30 is hereby amended as follows: (in response to Comment A1-4, Comment C11-2, and Comment C24-3):**

**Standard Condition of Approval BIO-5: Tree Replacement Plantings.**

*Prior to issuance of a final inspection of the building permit.* Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- a. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- b. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), or *Aesculus californica* (California Buckeye) or other tree species acceptable to the Tree Services Division. *Umbellularia californica* (California Bay Laurel) shall not be used as a replacement tree species or landscape species on the site because it serves as a foliar host to Sudden Oak Death (SOD) and is suspected to be a major cause in the spread of the pathogen known to cause SOD.
- c. Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.

- d. Minimum planting areas must be available on site as follows:
  - i. For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;
  - ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.
- e. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- f. ~~Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established.~~ The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

In addition, the following project-specific conditions of approval have been included as a part of this Standard Condition of Approval:

- g. A 10-year monitoring period for all plantings shall be established in order to ensure success of vegetation.
- h. All trees designated for removal during construction of Phase 1 of the project, shall be replanted to the satisfaction of the City Arborist Inspector prior to the completion of Phase 1.

**The following text is hereby added to the last paragraph on page 4.2-46 of the DEIR (in response to Comment A1-3 and City staff recommendation):**

As previously noted, because trees would be removed under the proposed project, shadows cast by the trees under the proposed project would be reduced when compared to the existing shading patterns, and natural light would be able to reach areas previously shaded. However, the shadows cast

by the proposed bridge would result in an area, approximately 12 to 14 feet wide (476 square feet), directly under the proposed bridge receiving little or no light throughout the year.<sup>2</sup> The effect of the permanent shading would result in little or no growth of vegetation, and a permanent loss of riparian habitat. To offset the impact of the permanent shading under the proposed bridge, the proposed bioengineering treatments, as shown in Figure 3-11, include construction of live crib walls and vegetated soil lifts with biodegradable coir or non-woven geotextile fabric as appropriate, on both creek banks directly under and adjacent to the proposed bridge. The use of this material would provide riparian habitat under the bridge where sunlight can reach, but also provides stabilization and erosion control in the area under the bridge where no habitat can survive. Incorporation of the proposed Planting Plan and stabilization features along the creek corridor, including the bioengineering treatments and the use of native species plantings elsewhere on the creek banks would serve to improve the overall native habitat values, with the exception of the loss of 476 square feet of riparian habitat. On-site mitigation of the loss of 476 square feet of riparian habitat is not feasible given the site constraints, as summarized in a memorandum from The Planning Center | DC&E to Environmental Collaborative in March 2011 (included in Appendix G). As a result, a *potentially significant impact* would occur. This impact would be reduced to a less-than-significant level with the implementation of Mitigation Measure BIO-2.

**The following Mitigation Measure beginning on page 4.2-49 is hereby amended as follows (in response to Comment A1-3):**

Mitigation Measure BIO-2: Removal of invasive exotics and replanting of the creek corridor would generally serve to improve existing habitat values of the riparian corridor on the site, but compensatory mitigation would be required

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<sup>2</sup> The area receiving little or no sunlight under the bridge was calculated by multiplying the width of the area affected (approximately 14 feet) and the length of the slope of the creek bank (approximately 17 feet), as shown on Figure 3-11 of this EIR. The area of one creek bank is approximately 238 square feet. Multiplied by two, to account for both creek banks, the total area that would receive little or no sunlight under the bridge would total approximately 476 square feet.

for the permanent loss of approximately 476 square feet of low quality riparian habitat. Achieving full mitigation on-site does not appear feasible, and some type of off-site mitigation or payment of an in-lieu contribution acceptable to the City and regulatory agencies would be required. Options for achieving this off-site mitigation requirement would consist of one of the following:

1. Preparing and implementing an off-site creek restoration program funded by the applicant that would serve to restore a minimum of ~~952~~<sup>476</sup> square feet of currently culverted creek corridor in Oakland, providing a minimum 2:1 replacement ratio as mitigation for the loss of 476 square feet of riparian habitat on the site. The off-site mitigation program would require that the property be permanently protected, and meets the approval of regulatory agencies as part of their authorizations identified in Standard Condition of Approval BIO-1. The program would be developed by a qualified creek restoration specialist that meets with the approval of the City, CDFG, RWQCB, and Corps, and secures any required permits as part of program implementation. Any off-site creek restoration program shall be located as close to the project site as feasible, with a preference in the Temescal Creek watershed, followed by an alternative location in the Oakland Hills. The off-site restoration program shall specify performance criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures. Monitoring shall be conducted by the qualified creek restoration specialist for a minimum of ~~ten~~<sup>five</sup> years and continue until the identified success criteria are met. The off-site creek restoration program shall be reviewed and approved by the City and regulatory agencies prior to issuance of any grading and/or construction permits for the project, and shall be implemented simultaneously or in advance of initiating construction on the project to ensure replacement habitat is created at the same time the existing habitat on the site is lost.
2. Having the applicant make an in-lieu contribution to cover the costs of restoring a minimum of ~~952~~<sup>476</sup> square feet of riparian habitat at an off-site location as specified by the City of Oakland, providing a minimum 2:1 replacement ratio as mitigation for the loss of 476 square feet of ripar-



ian habitat on the site. The in-lieu contribution program shall be reviewed and approved by the City and regulatory agencies prior to issuance of any grading and/or construction permits for the project. Initial coordination with representatives of the City of Oakland indicates that in-lieu fees have been used before and that there are locations on public lands within the City of Oakland where restoration and enhancement would be appropriate. Costs for in-lieu contributions are determined on a project-specific basis, with the amount charged intended to cover the cost of restoration or enhancement work.

#### CHAPTER 4.3 HYDROLOGY AND WATER QUALITY

**The following text is hereby amended to the end of the last paragraph on page 4.3-16 of the DEIR (in response to Comment B3-2):**

However, project construction would require earthwork and grading activities that could lead to temporary construction-related erosion. Soils will be disturbed as the project is constructed, ~~and the creek is altered~~ channel banks under the bridge undergo a bioengineered design, and riparian revegetation replaces non-native species along the creek banks. Project impacts associated with construction-related erosion are considered to be *significant*.

**The following text is hereby amended to the end of the first full paragraph on page 4.3-17 of the DEIR (in response to Comment B3-3):**

With the incorporation of Standard Conditions of Approval ~~82~~ HYD-5: Erosion, Sedimentation, and Debris Control Measures; HYD-6: Creek Protection Plan; HYD-7: Creek Monitoring; and HYD-8: Creek Landscaping Plan as listed above, the project would result in *less-than-significant* impact.

**The following text is hereby amended to the last paragraph in Section D.4, on page 4.3-17 of the DEIR (in response to Comment B3-2):**

Temescal Creek runs within a culvert upstream and downstream from the project site. The implementation of the proposed project, including construction of the bridge, construction of the proposed bank treatments under the bridge, and implementation of the planting plan along the creek banks would lead to a minor fluctuation in water level and modest reductions in flow ve-

locity restricted to the proposed bridge vicinity. Except for riparian appropriate revegetation, channel banks upstream and downstream of the proposed bridge will not be regraded. None of these proposed changes would lead to adverse channel stability or increase flood hazard upstream or downstream of the project site.<sup>6</sup> As a result, a *less-than-significant* impact would occur.

#### CHAPTER 4.4 TRAFFIC AND CIRCULATION

**The following text is hereby amended to the last paragraph on page 4.4-31 of the DEIR (City staff recommendation):**

Five parking stalls that are currently located near the existing Church building will be retained and unaltered. The dimensions of the 90-degree-angle parking stalls are 1816.5 feet long and 8.59.5 feet wide, ~~which means that they must be designated as compact spaces.~~ Additionally, the width of the maneuvering aisle is 24 feet, which meets the minimum thresholds for 90-degree-angle parking stalls. ~~The maneuvering aisle serving the 90 degree parking may be too narrow for two way traffic, if non-compact vehicles park in the stalls and jut out into the maneuvering aisle.~~

**Standard Condition of Approval TRAF-1 beginning on page 4.4-33 of the DEIR is hereby amended as follows (Master Response 2, Parking):**

In addition, the following project-specific conditions of approval have been included as a part of this Standard Condition of Approval:

- n. On Sundays, the use of the fellowship hall as a separate meeting space shall be limited to hours of operation conducted outside the times of assembly at the sanctuary space, except the fellowship hall may be used for non-adult accessory activities (such as children's Sunday school) connected with the normal assembly activity being conducted in the sanctuary space; and
- o. On Sundays, when different adult activities scheduled at either of the fellowship hall or sanctuary are to occur one after the other, the church shall stagger the event ending time and the start time of the next event for at least a 30 minute period.

To further implement Standard Condition of Approval TRAF-12, the Church shall make reasonable good faith efforts to develop a memorandum of understanding with Thornhill Elementary School to formalize the Church's use of ~~utilize the school's blacktop, as needed, for non-construction parking during the summer when school is not in session.~~ In the event that the Church's use of the school's existing blacktop is substantially altered or eliminated, the Church will (a) develop a valet/attendant parking program to address the parking shortfall within the project site subject to City review and approval, and shall implement the approved program, and (b) revise the TDM to increase the supply of parking or decrease demand for parking spaces, subject to City review and approval.

**Standard Condition of Approval TRAF-2 beginning on page 4.4-34 of the DEIR is hereby amended as follows (City staff recommendation):**

**Standard Condition of Approval TRAF-2: Construction Traffic and Parking.** *Prior to the issuance of a demolition, grading or building permit.* The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following ~~items and~~ requirements:

- a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c. Location of construction staging areas for materials, equipment, and vehicles at an approved location.

- d. A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e. Provision for accommodation of pedestrian and bicycle flow.
- f. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- g. Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
- h. Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i. No materials or equipment shall be stored on the traveled roadway, including bicycle lanes, at any time.
- j. Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- k. All equipment shall be equipped with mufflers.
- l. Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

The following project-specific condition of approval has been added to the DEIR (City staff recommendation in response to Comment C19-7):

**Recommended Measure 2:** The shared use access driveway to 5928 Thornhill Drive shall not be unreasonably blocked or interfered with during project construction.

The following project-specific condition of approval has been added to the DEIR (City staff recommendation in response to Comment C3-1):

**Recommended Measure 3:** The Church shall make a reasonable good faith effort to install a pedestrian sidewalk. The sidewalk improvement shall be located to connect the existing mid-block Thornhill pedestrian crossing and the Project bridge pedestrian access fronting on Thornhill Drive, approximately 90 linear feet. In determining feasibility, consideration shall be given to topography, slope stability, construction adjacent the creek, and public safety. If determined the sidewalk is feasible, the sidewalk construction shall meet City standards.

## APPENDICES

Page 32 of the Initial Study, as included in Appendix B of the DEIR, has been amended to include Standard Condition of Approval GEO-2 as follows (City staff recommendation):

**Standard Condition of Approval GEO-2: Soils Report. Required as part of the submittal of a Tentative Tract or Tentative Parcel Map.** A preliminary soils report for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:

A. Logs of borings and/or profiles of test pits and trenches:

- a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to es-

establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.

b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.

c) All boring logs shall be included in the soils report.

B. Test pits and trenches

a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.

b) Soils profiles of all test pits and trenches shall be included in the soils report.

C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.

D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.

E. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:

a) Site description;

b) Local and site geology;

c) Review of previous field and laboratory investigations for the site;

d) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building;

- e) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist;
  - f) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;
  - g) Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report;
  - h) All other items which a Soils Engineer deems necessary;
  - i) The signature and registration number of the Civil Engineer preparing the report.
- F. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.

Page 38 of the Initial Study, as included in Appendix B of the DEIR, has been amended to include SCA HYD-11 as follows (City staff recommendation):

**Standard Condition of Approval HYD-11: Hazards Best Management Practices.** *Prior to commencement of demolition, grading, or construction. The project applicant and construction contractor shall ensure that Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:*

- a. Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;

- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals.
- e. Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and sub-surface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f. If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

Page 38 of the Initial Study, as included in Appendix B of the DEIR, has been amended to include SCA HYD-12 as follows (City staff recommendation):

**Standard Condition of Approval HYD-12: Lead-based Paint Remediation.** *Prior to issuance of any demolition, grading or building permit. If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or*



removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.

**Page 49 of the Initial Study, as included in Appendix B of the DEIR, has been amended to include Standard Condition of Approval NOISE-5 as follows (City staff recommendation):**

**Standard Condition of Approval NOISE-5: Operational Noise-General. Ongoing.** Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

**Page 55 of the Initial Study, as included in Appendix B of the DEIR, has been amended to include SCA UTIL-2 as follows (in response to Comment A3-2):**

**Standard Condition of Approval UTIL-2: Stormwater and Sewer.** *Prior to completing the final design for the project's sewer service.* Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project

site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

**Page 55 of the Initial Study, as included in Appendix B of the DEIR, has been amended to include SCA UTIL-3 as follows (City staff recommendation):**

**Standard Condition of Approval UTIL-3: Improvements in the Public Right-of-Way (General).** *Approved prior to the issuance of a P-job or building permit.*

- a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

**The following project-specific condition of approval has been added to the Initial Study (City staff recommendation in response to Comment C19-2):**

**Recommended Measure 1: A fire hydrant shall be located within the traffic circle with the required distance to the furthestmost rear wall of the new sanctuary, and fire sprinklers shall be installed in the new sanctuary.**

**The following content has been included as Appendix A of this FEIR.**

- Daylighting of Public Conduit Easement at St. John's Church, The Planning Center | DC&E, March 29, 2011.

**The following content has been included as Appendix B of this FEIR.**

- St. John's Church Scour Analysis, Kamman Hydrology & Engineering, Inc., March 30, 2012.

**The following content has been included as Appendix C of this FEIR.**

- CRLF Habitat Assessment for the Proposed St. John's Church Project, Rana Resources, July 19, 2011.

CITY OF OAKLAND  
ST. JOHN'S CHURCH PROJECT FINAL EIR  
REVISIONS FOR THE DRAFT EIR

### 3 COMMENTERS ON THE DRAFT EIR

#### *A. Written Comments*

Written comments were received from the following agencies, organizations, and individuals. Letters are arranged by category, and then by date received. Reproductions of the letters received on the DEIR, and responses to each comment within each letter are included in Chapter 5.

#### **Public Agencies**

- A1. Brian Wines, Water Resources Control Engineer, State of California, Regional Water Quality Control Board, San Francisco Bay Region. November 30, 2010.
- A2. Diane Stark, Senior Transportation Planner, Alameda County Congestion Management Agency. January 3, 2011.
- A3. William R. Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District. December 27, 2010.
- A4. Scott Morgan, Acting Director, State Clearinghouse, State of California, Governor's Office of Planning and Research. January 3, 2011.

#### **Attorneys/Organizations**

- B1. K. Shawn Smallwood, PhD., January 3, 2011.
- B2. William Vandivere, P.E. (Clearwater Hydrology), December 23, 2010.
- B3. Leila H. Moncharsch, J.D., M.U.P., January 2, 2011.

#### **Members of the Public**

- C1. Joanne Hill, December 20, 2010.
- C2. Gary and Lee Richter, December 12, 2010.
- C3. Tim Geistlinger, December 13, 2010.
- C4. Jo-Ann Maggiora Donovan and John Donovan, December 13, 2010.
- C5. Larry and Sharon Yale, December 14, 2010.
- C6. Larry and Sharon Yale, December 15, 2010.
- C7. Georgianne Mosher, December 14, 2010.
- C8. Donald Graves and June Esola, December 15, 2010.
- C9. Jim Dexter, December 15, 2010.
- C10. Marilyn Singleton, December 15, 2010.

- C11. George Moestue, Secretary and Treasurer of the Thornhill Creekside Neighbors and Friends, December 19, 2010.
- C12. George Moestue, Secretary and Treasurer of the Thornhill Creekside Neighbors and Friends, December 19, 2010.
- C13. Todd Freter, December 31, 2010.
- C14. Gretchen Zoll, January 3, 2011.
- C15. Nelson Stoll, January 3, 2011.
- C16. Wendy Weiner, January 3, 2011.
- C17. Eric Anderson, January 3, 2011.
- C18. Alice Youmans & Nancy Havassy, January 3, 2011.
- C19. Nancy Havassy, January 1, 2011.
- C20. Diana Velez, January 2, 2011.
- C21. Nancy Havassy, January 1, 2011.
- C22. Dan J. Brown, January 2, 2011.
- C23. Elaine Kawakami, January 3, 2011.
- C24. Patrick Twomey, January 3, 2011.
- C25. Patrick Twomey, January 3, 2011.
- C26. Sylvia Kiosterud, January 2, 2011.
- C27. Alice I. Youmans and Tyler Pon, January 3, 2011.
- C28. Nancy Havassy, January 3, 2011.

***B. Public Hearing Comments***

Oral comments made during Planning Commission public hearing on December 15, 2010 are included in Chapter 6, as listed below.

- D1. Jim Dexter
- D2. Alice Youmans
- D3. George Moestue
- D4. Ron Bishop (Bay Area Easy Riders)
- D5. Eric Anderson
- D6. Ms. Matthews
- D7. Sanjay Handa (East Bay News Service)
- D8. Nancy Havassy

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D9. Planning Commissioner Zayas-Mart

D10. Planning Commissioner Boxer

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## 4 MASTER RESPONSES TO COMMENTS ON THE DRAFT EIR

Comments received on the Draft EIR (DEIR) included a number of recurring topics on construction and operation of the St. John's Church Project. In response to these thematic comments, several master responses were prepared. The intent of these responses, presented below, is to avoid repetition and extensive cross-referencing. Each Master Response addresses the range of shared comments raised on a specific topic; however, comments on other aspects of the project are addressed in each individual letter.

### *A. Master Response 1: Merits/Opinion-Based Comments*

Often during review of an EIR, the public raises issues that relate to merits of the project itself or the project's community consequences or benefits (referred to here as "project merits"), rather than the environmental analyses or impacts and mitigations raised in the EIR. Lead Agency review of environmental issues and project merits are both important in the decision of what action to take on a project, and both are considered in the decision-making process for a project. However, a Lead Agency is only required by CEQA to respond to environmental issues that are raised. The Planning Commission will hold publicly-noticed hearings to consider action on the merits of the project for approval or disapproval. The Planning Commission will consider both the EIR and project merits issues raised.

In accordance with Sections 15088 and 15132 of the State CEQA Guidelines, A Final EIR must include a response to comments on the DEIR pertaining to environmental issues analyzed under CEQA. Several of the comments provided in response to the DEIR express an opinion for or against the project or a project alternative, but do not pertain to the adequacy of the analysis or conclusions in the DEIR. Rather, these opinions relate to the merits of the project.

Section 15204 of the State CEQA Guidelines provides direction for parties reviewing and providing comment on a DEIR, as follows:

*In reviewing the EIR, persons and agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.*

Section 15204 continues in relation to the role of lead agencies responding to comments:

*When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

Therefore, in accordance with the Section 15204, the City is not required to respond to comments that express an opinion about the project merits, but do not relate to environmental issues covered in the DEIR. Although such project merits opinion, comments received during the EIR process do not require responses in the EIR, as previously noted, they do provide important input to the process of reviewing the project overall. Therefore, merits and opinion-based comment letters are included in the EIR to be available for consideration by the decision-makers at the merits stage of the project.

#### ***B. Master Response 2: Parking***

In general, issues associated with parking, including conformance to City of Oakland parking standards, are not subject to CEQA review, as it pertains to land use compatibility during construction and operation of the proposed project. The Court of Appeals has held that parking is not part of the permanent physical environment, that parking conditions change over time as people change their travel patterns, and that unmet parking demand created by a project need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects.<sup>1</sup> Similarly, the December 2009 amendments to the State CEQA Guidelines (which became

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<sup>1</sup> San Franciscans Upholding the Downtown Plan v. the City and County of San Francisco (2002) 102 Cal.App.4th 656.

effective March 18, 2010) removed parking from the State's Environmental Checklist (Appendix G of the State CEQA Guidelines) as an environmental factor to be considered under CEQA. Parking supply/demand varies by time of day, day of week, and seasonally. Nonetheless, the DEIR evaluated if the project's estimated parking demand (both project-generated and project-displaced) would be met by the project's proposed parking supply or by the existing parking supply within a reasonable walking distance (e.g., ½ mile) of the project site. This includes legal, off-site, on-street parking in the project vicinity.

As discussed on page 4.4-30 of the DEIR, the Church is not located in a specialized zoning area, according to the City of Oakland's General Plan map. The City's Municipal Code Section 17.116.070 states that the off-street parking requirement for a church is one parking stall for each ten seats.<sup>2</sup> Moreover, Section 17.116.070 also includes a provision for one space for each 100 square feet of floor area in principal meeting rooms where seats are not fixed. The proposed sanctuary would include fixed seating; therefore, this provision of the municipal code does not apply to the project.

As noted in the DEIR the proposed sanctuary would contain 259 seats (an increase of 34 seats, or a 15 percent increase over seating in the existing sanctuary). The project would construct 41 on-site, off-street parking stalls, including two handicap-accessible stalls, and would retain five informal parking spaces located on the northwest side of the existing sanctuary for a total of 46 spaces. Accordingly, the proposed project would provide a total of 46 formal parking spaces, which results in three parking spaces over the amount required by the City's Municipal Code given consideration of the existing facility. Under current conditions, 56 spaces both designated and non-designated, are provided. Under current conditions, no emergency vehicle access is provided nor designated for the site. The proposed project provides 46 formal parking spaces and does provide emergency vehicle access.

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<sup>2</sup> City of Oakland, Municipal Code. Passed February 5, 2008. Code 17.116.070 Off-Street Parking – Civic Activities.

Several comments suggested that the project should be required to comply with Oakland Municipal Code Section 17.116.030, which addresses more than one activity on a lot. The parking is based on the use of the sanctuary as the principal activity generating the parking demand. The fellowship meeting hall is not viewed as a principal activity separate from the sanctuary. The fellowship hall is related to, and benefits from, the general assembly in the sanctuary. Based on Section 17.116.020(a) of the Planning Code, the amount of new parking shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed. In this case, the parking is based on sanctuary fixed seating. Based on the current sanctuary seating for 240 (220 capacity plus an additional 20 for clergy and choir, plus principal meeting rooms in the education building, the required parking is 41 spaces and 56 is now provided. The proposed increase to seating for 259 or a net increase of 34 to the capacity increases the minimum required parking to 44 and 46 spaces are proposed. The project meets the minimum requirements given consideration to the net increase in seating of the sanctuary.

It is recommended, however, that a project specific condition of approval be implemented as part of the Traffic Management Plan (TMP) to address parking when two activities may take place at/near the same time on the project site. As such, the following conditions have been added to Standard Condition of Approval TRAF-1.

In addition, the following project-specific conditions of approval have been included as a part of this Standard Condition of Approval:

- n. On Sundays, the use of the fellowship hall as a separate meeting space shall be limited to hours of operation conducted outside the times of assembly at the sanctuary space, except the fellowship hall may be used for non-adult accessory activities (such as children's Sunday school) connected with the normal assembly activity being conducted in the sanctuary space; and
- o. On Sundays, when different adult activities scheduled at either of the fellowship hall or sanctuary are to occur one after the other, the church

shall stagger the event ending time and the start time of the next event for at least a 30 minute period.

As described on page 3-20 of Chapter 3, Project Description, of the DEIR, both buildings would be in use only when adults are using one building and children (non-drivers) are using the other building. In other words, the facilities would be used in such a manner that an adult service would occur in one building at the same time an event such as children's Sunday School classes would occur in the other. Therefore the majority of the occupants in one building would be children under driving age and would not create demand for additional parking or loading. Use of the two facilities would therefore not increase the number of drivers to the project site. Accordingly, the required parking for the proposed project has been correctly calculated pursuant to Municipal Code Section 17.116.070 (Churches), and 17.116.020.a (Effect on New and Existing Uses).

In addition to normal Sunday services, St. John's Church typically holds four special yearly services (one at Christmas and three on Easter weekend), where attendance numbers are approximately doubled. During these events, the parking lot is full, with most cars parked in non-designated parking spaces located within the project site. In addition, the playground at Thornhill Elementary is used for overflow parking. For funerals, which occur roughly two times a year between 10:00 a.m. and 3:00 p.m., the average attendance is approximately 150 persons. Special events at St. John's Church that result in temporary increases to traffic and parking are part of existing conditions. Implementation of the proposed project would not increase the number of such events. It should be noted that traffic impacts (including parking) were not determined based on the limited number of special of events, but rather on ongoing activities that have the potential to result in impacts on a routine basis. It should be noted that any existing problems within the project area as a result of existing conditions are not due to impacts created by the project and are outside the scope of this EIR. The project, for example is not required to correct any transportation or circulation problems resulting from special events at Thornhill Elementary.

Although the proposed on-site parking exceeds the City parking requirements, based on current Church attendance observations, it is not anticipated that the proposed 46 on-site (including the five informal parking spaces located on the northwest side of the existing sanctuary), off-street parking spaces at the Church's parking lot would meet the project parking demand of 105 vehicles on Sundays between 7:00 a.m. and 12:00 p.m., and may result in an increase in off-site, on-street parking attendees.

As noted on page 4.4-33 of the DEIR, the playground at Thornhill Elementary School is currently used to handle overflow parking, and accommodates 60 vehicles. It is also noted that the playground area could absorb most of the additional parking needs generated by the proposed project.<sup>3</sup> While it is reasonable to assume the Church and the School will continue their mutually beneficial informal shared-parking relationship described in the DEIR, the proposed project's less-than-significant parking demand finding is not based on this shared-parking relationship.

In the same discussion on page 4.4-33, the DEIR also describes that legal, off-site, on-street parking in the area around the Church appears to be underutilized and could accommodate a minimal increase in parking by Church patrons on Thornhill Drive between Alhambra Lane and Grisborne Avenue. As noted in the Dowling report dated September 23, 2008 (included in Appendix I of the DEIR), if it were conservatively assumed that all increases in parking occupancy on-street were attributable to Church patrons, than the maximum number of Church-related vehicles parked on-street as a result of the project would be 13.

Several commenters expressed concern regarding narrow roadways in the vicinity of the proposed project, vehicle speed, and the absence of sidewalks, all of which could increase pedestrian safety risks. The posted speed limit

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<sup>3</sup> The peak parking demand would result in the need for 105 parking spaces, 46 of which would be available within the project site (when including the five informal parking spaces located on the northwest side of the existing sanctuary), and approximately 60 of which would be available on the blacktop at Thornhill Elementary.

along Thornhill Drive is 25 miles-per-hour, however, as stated in the September 2008 memorandum by Dowling Associates (included in Appendix I of the DEIR), the majority of vehicles travel at or above the posted speed limit. Pedestrian safety on Thornhill Drive and the mid-block crosswalk could potentially be impacted by the current condition of speeding vehicles compounded with vehicle activity at the proposed bridge entrance to the project site. Additionally, vehicles exiting the proposed driveway and making left-turns would need to watch for pedestrians crossing Thornhill Drive near or in the crosswalk as well as for gaps in traffic on Thornhill Drive. Sight distance in the southbound direction is about 50 feet when vehicles are parked on-street next to the proposed driveway. Without parking, sight distances would improve to over 500 feet.

To address the potential safety impact near the intersection of proposed bridge and Thornhill Drive, and to improve pedestrian safety on Thornhill Drive, the DEIR found that pedestrian safety could be improved by improving sight lines at both the existing Alhambra Lane intersection and proposed bridge intersection with Thornhill Drive, combined with signage at the proposed bridge alerting drivers to pedestrian activity. Mitigation Measure TRAF-1 requires the project applicant to develop and submit a plan that would implement the use of signage, flashing beacons, mid-block crosswalk treatments, foliage trimming, and parking restriction near the driveway entrance to improve sight line distances and alert drivers exiting the site to the presence of pedestrians.

With respect to reducing parking demand on the project site, the DEIR, on pages 4.4-33 through 4.4-35, identifies two Standard Conditions of Approval the City shall require to be implemented and the normal process by which the City approves entitlements for development. The Standard Conditions of Approval TRAF-1 requires implementation of a Transportation Demand Management plan to reduce parking demand and single occupancy vehicle travel throughout the year. Strategies would include the increased use of bicycle, pedestrian, transit and carpools/vanpool use. Additionally, the DEIR recommends that the Church work with Thornhill Elementary School to develop a memorandum of understanding (MOU) to formalize the Church's

use of the school's blacktop, as needed, for parking when school is not in session. The details of the parking arrangement would be specified at the time the MOU is prepared, but the MOU would be in place during the construction phase of the project and would not be limited to only the summer months. Additionally, as shown below, and beginning on page 4.4-33 of the DEIR, Standard Condition of Approval TRAF-1 has been amended to reflect the possibility that the Church's use of the school's existing blacktop is substantially altered or eliminated, requiring the development of a valet/attendant parking program and further revisions to the TDM to address the parking shortfall. If a valet/attendant parking program is developed, Kittelson & Associates (formally Dowling Associates, the traffic consultant that prepared the traffic studies included in the DEIR) determined that site constraints, including trees locations, emergency access, and access to Alhambra Lane, limit the use of valet/attendant parking to the area located northwest of the existing sanctuary. In utilizing the area northwest of the existing sanctuary, the use of valet/attendant parking has the potential to add four additional parking spaces within the project site, thereby increasing the total number of parking spaces from 46 spaces to 50 spaces.

To further implement Standard Condition of Approval TRAF-~~12~~, the Church shall make reasonable good faith efforts to develop a memorandum of understanding with Thornhill Elementary School to formalize the Church's use of—utilize the school's blacktop, as needed, for non-construction parking during the summer when school is not in session. In the event that the Church's use of the school's existing blacktop is substantially altered or eliminated, the Church will (a) develop a valet/attendant parking program to address the parking shortfall within the project site subject to City review and approval, and shall implement the approved program, and (b) revise the TDM to increase the supply of parking or decrease demand for parking spaces, subject to City review and approval.

In addition, Standard Condition of Approval TRAF-2 requires the church to meet with City of Oakland agencies to determine traffic management strate-



gies to reduce traffic congestion and the effects of parking demand by construction workers during the construction phase of the proposed project.

Therefore, with implementation of the Standard Condition of Approval TRAF-1 (including the MOU), and Standard Condition of Approval TRAF-2, which are required to be completed prior to the issuance of a demolition, grading or building permits, significant parking impacts as a result of the project would be reduced to a less-than-significant level.

Concerns regarding simultaneous special events at St. John's Church and Thornhill Elementary have been raised by several commenters. Special events at Thornhill Elementary, as well as, St. John's Church, that result in increased traffic and parking in the project area are part of the existing conditions, and are accounted for in the DEIR. The implementation of the proposed project would not increase the number of such events at either institution. Similar to special events at St. John's Church described on page 4.4-12 of the DEIR, the special events at Thornhill Elementary are likely to be temporary in nature (e.g., only a limited number of times per year), but would be the responsibility of Thornhill Elementary.

### *C. Master Response 3: Church/School Drop-Off Traffic Interface*

St. John's Episcopal Church allows the use of its parking lot for school pick-up and drop-off, as well as for overflow parking for faculty, staff, and volunteers. Under existing conditions, vehicles enter the parking lot from Gouldin Road, which is a one-way entrance. Parents either park in the church lot where they either walk their children to the stairwell to Thornhill Elementary or down Alhambra Lane to the school, or drive their vehicle to Alhambra Lane for drop-offs or pick-ups. All vehicles exit the site from Alhambra Lane to Thornhill Drive. Vehicles turning left onto Thornhill Drive from Alhambra Lane need to pull out into the crosswalk due to limited sight distance (77 feet to the north and 145 feet to the south).

The proposed project will allow for similar movement of Thornhill School users within the project site as parents will be able to park within the Church's property and walk through the site to access Alhambra Lane. The one-way egress driveway from the Church parking lot to Alhambra Lane will remain operational, allowing parents to drop-off or pick-up students on Alhambra Lane. Additionally, instead of all Thornhill School users exiting through Alhambra Lane, with the addition of the proposed bridge and driveway, vehicles will be able to exit the St. John's site directly on to Thornhill Drive. The proposed circulation of the project is shown in Figure 4.4-6 of the DEIR.

Concerns regarding traffic congestion on Thornhill Drive have been raised with respect school-related drop-offs and pick ups. As stated on page 4.4-20 of the DEIR, level of service for the intersections of Thornhill Drive/Gouldin Road, Thornhill Drive/Alhambra Lane and Thornhill Drive/proposed driveway were evaluated for weekday AM and PM time periods. Each of the studied intersections will continue to operate at their current operational level. Intersections on Thornhill Drive currently operate at LOS D.

Potential impacts related to pedestrian activities on Thornhill Drive are a concern given the proximity of the proposed driveway to the existing mid-block crosswalk. Given the use of this crosswalk, particularly during the morning drop-off, there is the potential for increased conflict between vehicles entering and exiting the new driveway and pedestrians crossing the street. However, Mitigation Measure TRAF-1 would reduce this impact to less than significant. Refer to Master Response 2, Parking, for a discussion of pedestrian safety risks, and the modified Parking and Transportation Demand Management plan included in Chapter 2 of this FEIR.

#### ***D. Master Response 4: Project Alternatives***

The DEIR included a detailed analysis of three alternatives to the proposed project. The alternatives, as discussed in Chapter 5 of the DEIR, included a No Project Alternative, and two other development alternatives that modi-

fied the location of the proposed sanctuary to allow for a different circulation pattern within the project site. In addition to the three alternatives studied in detail, five additional alternatives were considered for evaluation, but were deemed infeasible and were not studied in detailed. These alternatives, described on pages 5-28 through 5-30, included a series of modifications to the proposed project plan, as well as proposing an off-site alternative. The evaluation of alternatives included in the DEIR complied with CEQA by comparing a reasonable range of alternatives (CEQA 15126.6(a)).

Several comments received on the DEIR suggested additional alternatives that differ slightly from the alternatives evaluated in the DEIR. These comments provided specific examples of modifications to the project that could address a specific concern and attempt to further reduce the already less than significant environmental impacts of the project.

For example, the alternative site plan included in Comment C12-2 proposes a modified internal circulation plan, increased parking, inclusion of a sky bridge from Gouldin Road to the existing Church meeting hall, and no development of a new sanctuary. Although this alternative attempts to reduce the overall foot print of the project, several factors limit its feasibility. Among the limiting factors, this alternative does not achieve all of the project objectives (construction of a new sanctuary with a connection to the old sanctuary), or improve traffic conditions along Alhambra Lane and Gouldin Road). Additionally, this alternative is further limited by the same site constraints that are discussed in the evaluations of Alternatives 2 and 3 in the DEIR. Improvements to the existing driveway from Gouldin Road are not allowed because the existing City of Oakland easement that runs under the driveway prohibits the construction of retaining walls over it. This constraint, does not allow for the driveway to be constructed at a grade that will allow for emergency vehicle access.

In general, the on-site grades of the project site limit the construction of internal site circulation components that could be considered. For example, the site circulation plan proposed in Comment C12-2 is limited by the significant grade change between the existing Church parcel and the parcel on 5928

Thornhill Drive. The parking area, as proposed by the commenter, would not be feasible without extensive grading and tree removal.

Comment C12-2 also proposes the use of a sky bridge between Gouldin Road and the existing meeting hall to address ADA compliance. Significant engineering would be required to design the touch down areas for the bridge, as well as grading and soil stabilization adjacent to Gouldin Road. Additionally, the construction of an elevator would be required in order for this component to be feasible, as there would not be adequate distance for the bridge touchdown on the project site at the grade required to allow for ADA access.

Other specific recommendations, including Comment D9-5, request an alternative that reduces the number of trees removed as part of the project. As discussed on pages 4.2-17 through 4.2-32, 65 trees are proposed to be removed as part of the project. The recommendations for tree removal were based on a series of factors described in the Tree Report, included in Appendix F of the DEIR. Among the factors were health of specific trees and the proximity to project components. Alternatives 2 and 3 in the DEIR took the recommendations of the Tree Report and applied them to the respective site plans. In each case, an attempt to limit the number of trees proposed to be removed was made, but due to site constraints and components of each alternative, options for preserving trees were limited. For example, in order to locate a sanctuary of similar size to a different area of the project site, specific trees not proposed for removal would need to be removed to accommodate a new structure and associated infrastructure. As such, of the feasible development alternatives, the proposed project has the least impact on trees within the project site. See also Master Response 7, Tree Removal.

The alternatives proposed by commenters on the DEIR did not propose feasible alternatives that took into account project objectives while also attempting to reduce impacts identified in the DEIR.

The alternatives evaluation included in Chapter 5 of the DEIR analyzes a reasonable range of alternatives with the intent of reducing significant impacts. With this in mind, the alternatives did not propose a bridge over Temescal

Creek, and evaluated circulation patterns similar to existing conditions. Additionally, the proposed alternatives took into account project objectives while reducing potentially significant impacts to aesthetics, biological resources, hydrology and water quality, land use and traffic and circulation.

*E. Master Response 5: Creek Protection Ordinance*

Several comments raise the concern that approval of the St. John's Church project violated the Creek Protection Ordinance and would set a precedent that will lead to approval and construction of additional bridges over creeks in the City. The alternative evaluation in the DEIR concluded that, given the site constraints including topography, public easements, ADA and emergency vehicle access, and biological resources, none of the alternatives would reduce impacts to less-than-significant levels and achieve the project objectives. In granting the Creek Protection Permit, City staff would need to make a series of findings that conclude that the project does not conflict with Chapter 13.16 of the Oakland Municipal Code. In order for the City to grant approval of any future Creek Protection Permit, the future applicants would need to meet the same requirements of the St. John's Church project, and demonstrate the project would meet the requirements of the Chapter 13.16.

The determination that the proposed project is consistent or inconsistent with the City plans, policies, and ordinances is ultimately the decision of the City of Oakland. CEQA requires an analysis of consistency with plans and policies as part of the environmental setting (State CEQA Guidelines, Section 15125). An EIR uses the policy analysis as an indicator of the resources that might be affected by a project and considers the importance a policy gives a resource in determining the significance of the physical impact. Conversely, the EIR considers the potential significance of the related physical impacts when analyzing a particular policy. Inconsistency with a policy may indicate a significant physical impact, but the inconsistency is not itself an impact. Using this approach, the DEIR provides a detailed analysis of policies of the adopted General Plan and analyses of other applicable plans and other local

land use policies so that the decision-makers may determine overall project consistency.

Chapter 4.2, Biological Resources, in the DEIR, provides a detailed discussion of City of Oakland Creek Protection Ordinance (Oakland Municipal Code [OMC] Chapter 13.16). As discussed on page 4.2-3, the ordinance establishes a number of guidelines to protect Oakland's creeks and protect biological resources by reducing and controlling stormwater pollution, preserving and enhancing creekside vegetation and wildlife, and controlling erosion and sedimentation. The ordinance includes specific measures applicable to parking lots, gas stations, industrial and commercial activities, as well as to properties that contain creeks. The ordinance includes provisions that address discharge regulations and requirements as well as inspection and enforcement.

As discussed on page 4.2-11 of the DEIR, although there are no specific, numeric/quantitative criteria to assess impacts of fundamentally conflicting with the OMC Chapter 13.16, the following factors were considered in determining significance included whether there was a substantial degradation of riparian and aquatic habitat through: (a) discharging a substantial amount of pollutants into a creek; (b) significantly modifying the natural flow of the water; (c) depositing substantial amounts of new material into a creek or causing substantial bank erosion or instability; or (d) adversely impacting the riparian corridor by significantly altering vegetation or wildlife habitat.

Pages 4.2-32 through 4.2-51 provide a complete discussion on project consistency with the Creek Protection Ordinance, and discusses the unique site constraints (topography, property lines, and biological resources) that necessitate the construction of the proposed bridge in order to achieve the project objectives. The "Guide to Oakland's Creek Protection Ordinance" is, as the name implies, a guide and not a set of mandatory regulations. Moreover, the Guide does not expressly prohibit bridges, but merely states what "typically" may not be permitted.

The DEIR states that the project would not alter the course of the creek, nor significantly alter vegetation or wildlife. Furthermore, the Temescal Creek

channel is a regulated waterway, and any modifications to this feature will require authorization from several agencies, including the Army Corps, Regional Water Quality Control Board, California Department of Fish and Game, and the City of Oakland. Adequate controls shall be taken to prevent degradation of downstream receiving waters during construction and revegetation through implementation of Best Management Practices defined as part of the Restoration Plans and the required Stormwater Pollution Prevention Plan. Conditions associated with authorization from jurisdictional agencies will ensure adequate protection of existing resources and appropriate replacement and enhancement of existing habitat values. The proposed bank stabilization plan (see Figure 3-9) and shadow analysis demonstrate that direct impacts to the creek corridor as a result of the new bridge installation would be less than significant with implementation of Mitigation Measures BIO-2, BIO-3a, and BIO-3b, as well as Standard Conditions of Approval HYD-1, HYD-3, HYD-5(m), HYD-8(a), and HYD-10(b). Accordingly, the project would not fundamentally conflict with the City of Oakland Creek Protection Ordinance.

***F. Master Response 6: Project Objectives***

Commenters questioned the project objectives and questioned whether or not the objectives only allow for the proposed project to be considered. The concerns imply that by including objectives that can only be completed as part of the proposed project, the consideration of an alternative that would reduce impacts is limited. The project objectives are listed below and on page 3-20 of the DEIR.

- “ Construct a new sanctuary for St. John’s Episcopal Church, with functional connectivity between new sanctuary and old sanctuary (to be used as community hall/fellowship space).
- “ Provide safer ingress and egress for emergency vehicles, St. John’s parishioners, and parents of Thornhill School children by constructing a bridge that would direct traffic to the improved St. John’s parking lot.

- “ Improve traffic conditions along Alhambra Lane and Gouldin Road.
- “ Provide ADA compliant facilities.

CEQA Guidelines Section 15124(b) requires that a project description must clearly state the objectives sought by the project applicant and should include the underlying purpose of the project, in order to guide the selection of alternatives to be evaluated in the EIR. Such was done here. The alternatives evaluation, as discussed in Chapter 5 of the DEIR and in Master Response 4, showed that, due to site constraints (including topography, property lines and biological resources), improvements within the project site are limited. However, the site configurations of each alternative allowed for an analysis that attempted to achieve each objective.

***G. Master Response 7: Tree Removal***

The proposed project includes an application for a tree removal permit as required under the City of Oakland Protected Trees Ordinance. As indicated in the project description, and recommended in the 2009 *Tree Report*, the project proposes the removal of 65 trees within the project site. Of those 65 trees to be removed, 56 would be protected under the City's Tree Protection Ordinance.

Table 4.2-1 of the DEIR lists all trees to be removed as part of the project, identifies species, trunk size, whether it is a protected tree, and specific comments related to that particular tree.

The 2009 Tree Report recommends the removal of the 65 trees, 13 of which are currently in close proximity to the proposed bridge location, 37 trees are currently in close proximity to the proposed parking area, and the remaining 15 are located in close proximity to the existing parking area.

Of the total 65 trees to be removed, a total of 18 trees are to be removed to accommodate development while the remaining 47 were recommended for



removal in the 2009 *Tree Report* because of their poor condition and unsuitability for preservation. As stated in the 2009 *Tree Report*, good management practices would dictate selective tree removal to eliminate weaker trees, trees in poor condition, and to reduce competition for more desirable existing trees. Additionally, with the exception of the 13 trees in close proximity to the proposed bridge, trees along the immediate creek corridor are not designated for removal and would minimize impacts to the extent practicable. Less than 20 percent of the trees to be removed (13 trees) are native species indigenous to the area (i.e. coast live oak and big leaf maple), and are all relatively young trees with trunk diameters under 15-inch diameter. In fact, most are sapling trees. While the trees do provide perching, foraging, and potential nesting opportunities for birds, most of the mature and important trees, in terms of their habitat functions and values, would be preserved and are identified in Table 4.2-1 in the DEIR.

Trees to be preserved as a part of the project are listed in Table 4.2-2, which identifies species, trunk size, protected tree status, and comments related to its recommended preservation. The 2009 *Tree Report* includes "Tree Preservation Guidelines" that would ensure protection of trees to be retained. Replacement plantings would be required for all trees to be removed, consistent with the City's Tree Preservation and Replacement Ordinance.

CITY OF OAKLAND  
ST. JOHN'S CHURCH PROJECT FINAL EIR  
MASTER RESPONSES TO COMMENTS ON THE DRAFT EIR

## 5 RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

This chapter includes copies of the written comment letters received during the public review period on the Draft EIR (DEIR) and responses to those written comments. Letters are presented in the order of the listing in Chapter 3, Commenters on the Draft EIR. Letters are generally listed chronologically according to the date the letter was received, as indicated by the City of Oakland.

Each letter is identified by an alphabetical designator. Individual comments within each letter are identified by an alphanumeric designator that reflects the correspondence designator (alpha) and the sequence of the specific comment (numeric). Where responses result in changes to information in the DEIR, these changes are indicated in the response as well as Chapter 2 of this document.

### *A. Public Agencies*

The following comment letters were submitted to the City of Oakland by public agencies. Responses to each comment are included following each comment letter.



# California Regional Water Quality Control Board

## San Francisco Bay Region



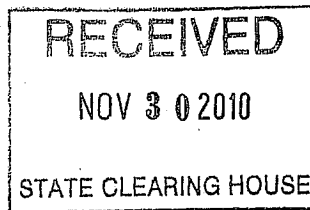
Linda S. Adams  
Secretary for  
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger  
Governor

Letter A1

Clear  
12/31/10  
e.



November 29, 2010  
CIWQS Place ID: 758915 (BKW)

Sent via electronic mail: No hardcopy to follow

City of Oakland  
Community and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 2216  
Oakland, CA 94612

Attn: Caesar Quitevas, Planner II ([clquitevis@oaklandnet.com](mailto:clquitevis@oaklandnet.com))

**Re: Comments on the Draft Environmental Impact Report for the St John's Episcopal Church Project**  
**SCH No. 2008032031**

Dear Mr. Quitevas:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff have reviewed the *Draft Environmental Impact Report (DEIR) for the St. John's Episcopal Church Project*. The DEIR is intended to evaluate the potential environmental impacts that might reasonably be expected to result from the reconfiguration of site circulation, the reconfiguration of parking areas, and the construction of a new sanctuary at St. John's Episcopal Church at 1701 Gouldin Road in the City of Oakland (Project). Water Board staff have the following comments on the DEIR.

A1-1

### Comment 1. Project Alternatives.

In the Water Board's April 3, 2008, letter of comment on the Notice of Preparation of a DEIR for the Project, the Water Board requested that the DEIR include an analysis of a site layout that avoided the construction of a new crossing of Temescal Creek. The DEIR includes Alternative 2, *Existing Gouldin Road/Alhambra Lane Access*, and Alternative 3, *Gouldin Road Access*. Both of these alternatives avoid new impacts to waters of the State. Therefore, the Water Board prefers these two alternatives to the Preferred Alternative, which includes the construction of a new bridge over Temescal Creek that would remove existing riparian vegetation, including trees, and create permanent shade over about 476 square feet of riparian habitat. Within the short reach of Temescal Creek that borders the Project site, the creek is already crossed by a culverted crossing at Gouldin Road, a culverted crossing for a residential driveway, and a culverted crossing at Alhambra Lane.

A1-2

### Comment 2. Mitigation Measure BIO-2.

Mitigation Measure BIO-2 in the DEIR proposes to provide mitigation for the permanent loss of 476 square feet of riparian habitat through one of two options: an off-site mitigation project that would restore a minimum of 476 square feet of riparian habitat or an in-lieu contribution to cover the costs of restoring a minimum of 476 square feet of riparian habitat at an off-site location within the City of Oakland. However, the DEIR does not identify feasible locations for either of these options. Therefore, the DEIR has not yet demonstrated that either of the proposed mitigation options is feasible.

A1-3

Also, if mitigation is provided at an off-site location, the amount of necessary mitigation is likely to be greater than the area of impact by at least a factor of 2. We encourage the Project proponent to identify potential mitigation sites before completing the Final Environmental Impact Report. Identifying mitigation sites at this time would also help the Project proponent to develop cost estimates for the proposed mitigation projects. The off-site restoration project option is also compromised by the proposed use of a five-year monitoring program. Riparian restoration programs usually require a 10-year monitoring program, in order to ensure both the success of vegetation and the long-term geomorphic stability of the restored channel.

A1-4

Water Board staff would also like to encourage the Project proponent to develop on-site mitigation proposals. As is noted on Page 4.3-4 of the DEIR, a tributary to Temescal Creek traverses the site. After passing under Gouldin Road to the east of the Project site, this tributary is culverted under much of the Project site. Day-lighting a minimum of 476 square feet of riparian habitat along this tributary channel would provide mitigation for the proposed new bridge over Temescal Creek. Since the mitigation would be both in-kind and on-site, the amount of mitigation required would be lower than if the mitigation were off-site or provided by an in-lieu fee contribution. Also, since much of the culverted tributary creek appears to be on church property, there may be no property acquisition costs associated with this mitigation option. Creek daylighting opportunities are relatively rare, and it is especially unusual to encounter feasible daylighting projects on the same site as a proposed Project. The Project proponent is encouraged to explore this unique opportunity.

A1-5

If you have questions, please contact me at (510) 622-5680 or by email at [bwines@waterboards.ca.gov](mailto:bwines@waterboards.ca.gov).

Sincerely,

*Brian K. Wines*

Brian Wines  
Water Resources Control Engineer  
South/East Bay Section

cc: State Clearinghouse ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
CDFG, Bay Delta Region, Attn: Marcia Grefsrud ([mgregsrud@dfg.ca.gov](mailto:mgregsrud@dfg.ca.gov))  
City of Oakland, Watershed Improvement Program, Attn: Lesley Estes  
([lcestes@oaklandnet.com](mailto:lcestes@oaklandnet.com))

RECEIVED

JAN 03 2011

City of Oakland  
Planning & Zoning Division



**LETTER A1: Brian Wines, Water Resources Control Engineer. State of California, Regional Water Quality Control Board, San Francisco Bay Region. November 30, 2010.**

- A1-1. This comment confirms that the Water Quality Control Board (Board) has reviewed the DEIR and introduces ensuing comments, which are addressed in Responses to Comments A1-2 through A1-6, below.
- A1-2. This comment correctly states that Alternative 2, Exiting Gouldin Road/Alhambra Lane Access, and Alternative 3, Gouldin Road Access, analyzed in Chapter 5 of the DEIR avoid water quality impacts to waters of the State. The comment notes that the Board prefers these two alternatives over the proposed project. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- A1-3. The concerns of the commenter regarding the feasibility and costs associated with implementing an off-site mitigation program to address the potential impacts on jurisdictional waters and the riparian habitat of Thornhill Creek are noted. The potential impacts of the project on the creek and riparian habitat are discussed in detail in the Biological Resources section of the DEIR, under subsection 4.2D.1, D.2, D.3, D.4, D.6, and D.7. Standard Condition of Approval BIO-1 listed on page 4.2-15 of the DEIR requires that the applicant secure all necessary regulatory permits and authorizations prior to construction in the vicinity of Temescal Creek, which includes the Board. The applicant will have to satisfy these agencies with an acceptable compensatory mitigation program as part of obtaining these authorizations. Mitigation Measure BIO-2 on page 4.2-49 of the DEIR identifies two options for providing compensatory mitigation for unavoidable impacts on the estimated 476 square feet of jurisdictional waters, either through an off-site habitat restoration or creation program, or through payment of an

in-lieu contribution to the City of Oakland. Requiring that the off-site mitigation program be secured, including the specific location where compensatory mitigation is to be achieved as suggested by the commenter, in advance of project approval and without detailed coordination with agency representatives, would be premature. The requirement that the applicant secures all agency authorizations and complies with the requirements of Mitigation Measure BIO-2 is considered sufficient to adequately mitigate the potential impacts of the project on the estimated 476 square feet of jurisdictional waters.

City staff was consulted over the practice and feasibility of making an in-lieu contribution as an option for addressing the potential impacts of the project on the 476 square feet of jurisdictional waters. In-lieu contributions have been used before and there are possible locations in public lands in the City of Oakland that may be appropriate for accepting an in-lieu contribution for a project of this type. This would be explored more thoroughly by the applicant's representatives after a decision is reached on project approval or denial, as part of implementing Mitigation Measure BIO-2. The amount of any in-lieu contribution is determined on a project-specific basis, and the fees are intended to cover the full costs of implementing the compensatory mitigation. Possible locations for habitat enhancement programs funded through in-lieu contributions include other reaches of Temescal Creek in the watershed, near the North Oakland Sports Center, and other locations in the Oakland Hills. However, it is difficult to define precisely possible locations, cost of implementation, and other details such as these, which change over time.

The feasibility of providing additional on-site mitigation beyond the natural habitat enhancement along the Temescal Creek corridor proposed as part of the project was also explored. The commenter suggested that a portion of the culverted tributary drainage behind and upstream of the existing sanctuary building on the site

be day-lighted as an option for on-site mitigation for the estimated loss of 476 square feet of jurisdictional waters. Figure 3-5 on page 3-7 of the DEIR shows the location of the culverted segment of the tributary drainage on the site. A memorandum summarizing this feasibility analysis, including a map of the culvert location, has been added as Appendix A for review, and text of the DEIR has been revised as follows:

As previously noted, because trees would be removed under the proposed project, shadows cast by the trees under the proposed project would be reduced when compared to the existing shading patterns, and natural light would be able to reach areas previously shaded. However, the shadows cast by the proposed bridge would result in an area, approximately 12 to 14 feet wide (476 square feet), directly under the proposed bridge receiving little or no light throughout the year.<sup>1</sup> The effect of the permanent shading would result in little or no growth of vegetation, and a permanent loss of riparian habitat. To offset the impact of the permanent shading under the proposed bridge, the proposed bioengineering treatments, as shown in Figure 3-11, include construction of live crib walls and vegetated soil lifts with biodegradable coir or non-woven geotextile fabric as appropriate, on both creek banks directly under and adjacent to the proposed bridge. The use of this material would provide riparian habitat under the bridge where sunlight can reach, but also provides stabilization and erosion control in the area under the bridge where no habitat can survive. Incorporation of the proposed Planting Plan and stabilization features along the creek corridor, including the bioengineering treatments and the use of native species plantings elsewhere on the creek banks would serve to improve the overall native habitat values, with the exception of the loss of 476 square feet of riparian habitat. On-site mitigation of the loss of 476 square feet of riparian habitat is not feasible given the site constraints, as summarized in a memorandum from



The Planning Center | DC&E to Environmental Collaborative in March 2011 (included in Appendix A). As a result, a *potentially significant impact* would occur. This impact would be reduced to a less-than-significant level with the implementation of Mitigation Measure BIO-2.

Because of the steep grades in the area and proximity to existing structures and roads, it was determined that day-lighting even a portion of this culvert and restoring the area as natural riparian habitat would not be feasible. The one area to the east of the existing sanctuary where it may be possible to re-grade the surrounding area sufficiently to daylight the existing culvert shows the relationship of the culvert to the existing and proposed structures and driveways. Any day-lighted segment would be isolated by the culverted segment downstream on the northeast side of the existing sanctuary and upstream across the private property to the southeast which has a separate driveway access off of Gouldin Road. Retaining walls would most likely be required because of the steep slopes and existing structure, and the habitat values would be limited because of the relatively isolated nature of the day-lighted segment. And it would be difficult to provide “like” habitat as mitigation at this location due to the challenges of providing a mature tree canopy in the narrow corridor bordered by retaining walls and steep slopes.

In response to the comments, Mitigation Measure BIO-2 on page 4.2-49 of the DEIR has been revised to clarify that any off-site mitigation would have to be acceptable to the City and regulatory agencies, as called for in Standard Condition of Approval BIO-1, specify minimum replacement ratios and preference for location in the vicinity of the project site, define timing of implementation, and provide additional information on the in-lieu contribution program. These revisions are indicated below:

Mitigation Measure BIO-2: Removal of invasive exotics and replanting of the creek corridor would generally serve to improve existing habitat values of the riparian corridor on the site, but compensatory mitigation would be required for the permanent loss of approximately 476 square feet of low quality riparian habitat. Achieving full mitigation on-site does not appear feasible, and some type of off-site mitigation or payment of an in-lieu contribution acceptable to the City and regulatory agencies would be required. Options for achieving this off-site mitigation requirement would consist of one of the following:

1. Preparing and implementing an off-site creek restoration program funded by the applicant that would serve to restore a minimum of ~~952476~~ square feet of currently culverted creek corridor in Oakland, providing a minimum 2:1 replacement ratio as mitigation for the loss of 476 square feet of riparian habitat on the site. The off-site mitigation program would require that the property be permanently protected, and meets with the approval of regulatory agencies as part of their authorizations identified in Standard Condition of Approval BIO-1. The program would be developed by a qualified creek restoration specialist that meets with the approval of the City, CDFG, RWQCB, and Corps, and secures any required permits as part of program implementation. Any off-site creek restoration program shall be located as close to the project site as feasible, with a preference in the Temescal Creek watershed, followed by an alternative location in the Oakland Hills. The off-site restoration program shall specify performance criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures. Monitoring shall be conducted by the qualified creek restoration specialist for a minimum of ~~ten~~five years and continue until the identified success cri-

teria are met. The off-site creek restoration program shall be reviewed and approved by the City and regulatory agencies prior to issuance of any grading and/or construction permits for the project, and shall be implemented simultaneously or in advance of initiating construction on the project to ensure replacement habitat is created at the same time the existing habitat on the site is lost.

2. Having the applicant make an in-lieu contribution to cover the costs of restoring a minimum of 952476 square feet of riparian habitat at an off-site location as specified by the City of Oakland, providing a minimum 2:1 replacement ratio as mitigation for the loss of 476 square feet of riparian habitat on the site. The in-lieu contribution program shall be reviewed and approved by the City and regulatory agencies prior to issuance of any grading and/or construction permits for the project. Initial coordination with representatives of the City of Oakland indicates that in-lieu fees have been used before and that there are locations on public lands within the City of Oakland where restoration and enhancement would be appropriate. Costs for in-lieu contributions are determined on a project-specific basis, with the amount charged intended to cover the cost of restoration or enhancement work.

A1-4: See the Response to Comment A1-3 regarding the compensatory mitigation requirements and need to identify off-site mitigation locations. The commenter also indicates that riparian restoration programs usually require a 10-year monitoring program, and Mitigation Measure BIO-2 on page 4.2-49 of the DEIR, and listed above, has been revised accordingly. Additionally, Standard Condition of Approval BIO-5 has been amended to include a monitoring program for all new plantings within the project site to be consistent with this recommendation, as shown below and in Chapter 2.

In addition, the following project-specific conditions of approval have been included as a part of this Standard Condition of Approval:

g. A 10-year monitoring period for all plantings shall be established in order to ensure success of vegetation.

h. All trees designated for removal during construction of Phase 1 of the project, shall be replanted to the satisfaction of the City Arborist Inspector prior to the completion of Phase 1.

- A1-5. See the Response to Comment A1-3 regarding the feasibility of day-lighting the existing culvert on the site. As indicated in Mitigation Measure BIO-2, the extensive program to remove invasive exotics and replant the Temescal Creek corridor with native riparian species will presumably be considered by the regulatory agencies as part of the required compensatory mitigation for the loss of an estimated 476 square feet of riparian habitat affected by construction of a new bridge over the creek.



# ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185  
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

**AC Transit**  
Director  
Greg Harper

**Alameda County**  
Supervisors  
Nate Milay  
Scott Haggerty

**City of Alameda**  
Mayor  
Beverly Johnson  
Vice Chair

**City of Albany**  
Vice Mayor  
Farid Javandel

**BART**  
Director  
Thomas Blalock

**City of Berkeley**  
Councilmember  
Kris Worthington

**City of Dublin**  
Mayor  
Tim Sbranti

**City of Emeryville**  
Mayor  
Ruth Atkin

**City of Fremont**  
Vice Mayor  
Robert Wieckowski

**City of Hayward**  
Councilmember  
Olden Henson

**City of Livermore**  
Mayor  
Marshall Kamena

**City of Newark**  
Councilmember  
Luis Freitas

**City of Oakland**  
Councilmember  
Larry Reid

**City of Piedmont**  
Councilmember  
John Chiang

**City of Pleasanton**  
Mayor  
Jennifer Hosterman

**City of San Leandro**  
Vice Mayor  
Joyce R. Starosciak

**City of Union City**  
Mayor  
Mark Green  
Chair

**Executive Director**  
Dennis R. Fay

January 3, 2011

Mr. Caesar Quitevis  
Planner II  
City of Oakland Community and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 2216  
Oakland, CA 94612  
cquitevis@oaklandnet.com

**SUBJECT:** Comments on the Draft Environmental Impact Report for St. John's Episcopal Church Improvements, File Number ER08-0001

Dear Mr. Quitevis:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for St. John's Episcopal Church Improvements, located at 5914 Thornhill Drive, 5928 Thornhill Drive, 1707 Gouldin Road, 1715 Gouldin Road, and 1676 Alhambra Lane, Oakland, California. The project would involve reconfiguration of the site circulation, and parking, bridge and creek improvements, as well as construction of a new 5,500 square-foot sanctuary.

We have reviewed the Draft EIR and have no further comments to make.

Thank you for the opportunity to comment on this Draft EIR. Please do not hesitate to contact me at 510/836-2560 if you require additional information.

Sincerely,

Diane Stark  
Senior Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses – 2011  
Beth Walukas, Manager of Planning  
Laurel Poeton, Engineering Assistant

A2-1

**LETTER A2: Diane Stark, Senior Transportation Planner, Alameda County Congestion Management Agency. January 3, 2011.**

- A2-1. This comment confirms that the Alameda County Congestion Management Agency (Agency) has reviewed the DEIR and states the Agency has no comments on the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.

December 27, 2010

Caesar Quitevis, Planner II  
City of Oakland  
Community and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612-2031

Re: Notice of Availability of a Draft Environmental Impact Report – St. John's Episcopal Church Improvements, Oakland

Dear Mr. Quitevis:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the St. John's Episcopal Church Improvements Project located in the City of Oakland (City). EBMUD's comments regarding Water Service in EBMUD's letter response to the Notice of Preparation, dated April 8, 2008 (see enclosure), still apply to the project. The comments regarding Wastewater and Water Conservation have been updated as noted below.

A3-1

## **WASTEWATER**

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to treat the proposed wastewater flows from this project, provided that the project and the wastewater generated by the project meet the requirements of the current EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. Additionally, on July 22, 2009 a Stipulated Order for Preliminary Relief issued by EPA, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

A3-2

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasin in which the proposed project is located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be

needed in order to comply with the new zero-discharge requirement at the Wet Weather Facilities. It is reasonable to assume that a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations has not yet been determined. In the meantime, it would be prudent for the lead agency to require the project applicant to incorporate the following measures into the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible. Please include such provisions in the environmental documentation and other appropriate approvals for this project.

A3-2  
cont.

## WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the City include in its conditions of approval a requirement that the project complies with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

A3-3

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

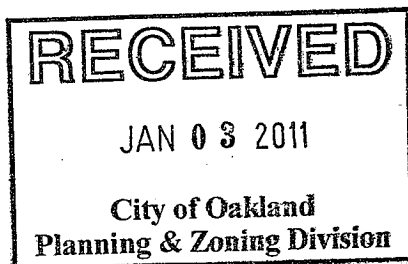


William R. Kirkpatrick  
Manager of Water Distribution Planning

WRK:AMW:sb  
sb10\_254.doc

Enclosure

cc: Jerry Moran, Project Liaison  
St. John's Episcopal Church  
1707 Gouldin Road  
Oakland, CA 94611





April 8, 2008

Caesar Quitevis, Planner II  
City of Oakland  
Community and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612-2031

Re: Notice of Preparation of a Draft Environmental Impact Report – St. John's  
Episcopal Church Improvements, Oakland

Dear Mr. Quitevis:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the St. John's Episcopal Church Improvements project in Oakland. EBMUD has the following comments.

#### **WATER SERVICE**

A3-4

EBMUD's Dingee Pressure Zone, with a service elevation between 500 and 675 feet, and Joaquin Miller Pressure Zone, with a service elevation between 675 and 875 currently serve the existing parcels. If additional water service is needed, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing additional water service to the existing parcels. Engineering and installation of water services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

#### **WASTEWATER**

EBMUD's Main Wastewater Treatment Plant is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from this project, provided this wastewater meets the standards of EBMUD's Environmental Services Division. However, the City of Oakland's Infiltration/Inflow (I/I) Correction Program set a maximum allowable peak wastewater flow from each subbasin within the City and EBMUD agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. EBMUD prohibits discharge of wastewater flows above the allocated peak flow for a subbasin because conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above this agreed limit. The developer for this project needs to confirm with the City of Oakland Public Works Department that there is available capacity within the subbasin flow allocation and that it

A3-5

has not been allocated to other developments. The projected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the subbasin and confirmation included in the EIR. Suggested language to include in the EIR is as follows: "The City of Oakland Public Works Department has confirmed that there is available wastewater capacity within Subbasin ...."

In general, the project should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I. Please include a provision to control or reduce the amount of I/I in the environmental documentation for this project. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from this subbasin.

A3-5  
cont.

### WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the City include in its conditions of approval a requirement that the project sponsor comply with the Landscape Water Conservation Section, Article 10 of Chapter 7 of the Oakland Municipal Code.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick  
Manager of Water Distribution Planning

WRK:TNS:sb  
sb08\_092.doc

cc: Jerry Moran, Project Liaison  
St. John's Episcopal Church  
1707 Gouldin Road  
Oakland, CA 94611

**LETTER A3: William R. Kirkpatrick, Manager of Water Distribution Planning. East Bay Municipal Utility District. December 27, 2010.**

A3-1. This comment confirms that East Bay Municipal Utility District (EBMUD) has reviewed the DEIR and introduces ensuing comments, which are addressed in Responses to Comments A3-2 through A1-4, below.

A3-2. This comment states the EBMUD has adequate dry weather capacity to treat the proposed wastewater flows from the project as long as the project complies with the current EBMUD Wastewater Control Ordinance. The project is required by law to comply with all local, State and federal regulations, including those of the EBMUD.

In addition, this comment states the new requirements for EBMUD's Wet Weather Facilities set forth by the State Water Resources Control Board prohibit further discharge from the EBMUD's Wet Weather Facilities. The EBMUD has been ordered to identify problem infiltration/inflow areas, reduce infiltration/inflow through private sewer lateral improvement, and lay the ground work for future efforts to eliminate discharge from the Wet Weather Facilities. Because this is an ongoing process and potential wet weather flow impacts to the permitted subbasin in which the project is located are unknown, EBMUD has requested that the lead agency require the project applicant to incorporate the following measures into the proposed project:

- 1) Replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow.
- 2) Ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible.

The Initial Study, as included in Appendix B of the DEIR, has been amended to include Standard Condition of Approval UTIL-1 (included below). This Standard Condition of Approval requires confirmation of the capacity of the surrounding sanitary sewer system and state of repair and, if necessary, allocates the responsibility for any necessary sanitary sewer infrastructure improvements to the proposed Project. It also indicates that the Project shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed Project. If approved, the Project would be required to implement this Standard Condition of Approval in order to be consistent with EBMUD's recommendations.

**Standard Condition of Approval UTIL-1: Stormwater and Sewer.** *Prior to completing the final design for the project's sewer service. Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.*

- A3-3. This comment requests that the project applicant comply with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). Further, this comment describes that under Section 31 of the EBMUD's Water Service Regulations, no water service shall be furnished for new or expanded service unless all the applicable water efficiency measures described in the regulation are installed at the project sponsor's expense. As noted above, the project is required by law to comply with all applicable local, State, and federal regulations, including those of the EBMUD. The comment is acknowledged for the record.
- A3-4. This comment contains the April 8, 2008 letter provided by EBMUD during the Notice of Preparation phase of the DEIR. The comment requests the project applicant contact the EBMUD early in the planning process to establish the water and infrastructure demands of the project and requests the project applicant allow for any required installation in their development schedule.
- A3-5. This comment provides a summary of wastewater and conservation issues important to EBMUD. See response to Comment A3-2 for wastewater and response to Comment A3-3 with respect to conservation.



Arnold Schwarzenegger  
Governor

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Cathleen Cox  
Acting Director

January 3, 2011

Letter A4

Caesar Quitevis  
City of Oakland, CEDA Planning & Zoning  
250 Frank H. Ogawa Plaza  
Oakland, CA 94612

Subject: St. John's Episcopal Church - Parking and New Sanctuary Improvements  
SCH#: 2008032031

Dear Caesar Quitevis:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 31, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

A4-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Type** EIR Draft EIR

**Description** Phase I of the project includes demolishing the house at 5928 Thornhill Road, abandoning a portion of the shared access road with the home at 5940 Thornhill Road, and constructing a new access bridge over Temescal Creek. Primary ingress and egress would be via a new lane leading from the new bridge to an auto circle, which would allow pick-up and drop-off activities as well as provide improved fire truck access to the sanctuary. Perpendicular parking spaces would be provided along the new lane, as well as a separate pedestrian path, which would run parallel to the new lane. Existing parking areas near the sanctuary would be retained, and the existing parking along the upper parking would be retained and resurfaced. The Alhambra Lane driveway would be retained to allow egress for people parking in this area. The project proposes 41 parking spaces. Phase I also includes the removal of 2,300 square feet of asphalt parking lot abutting the eastern side of the existing sanctuary building and abandonment and removal of paving at the current, steep Gouldin Road entry. This area would be landscaped under Phase 2.

In total, the project proposes the removal of 65 trees, 56 of which fall under the City of Oakland tree preservation ordinance. All trees proposed for removal be replaced with native species.

Phase 2: Construction of new 5,500 square-foot sanctuary

Phase II would involve construction of a new sanctuary building between 5,000 and 5,500 square feet and one story tall at the location of the current Gouldin Road entrance to the church. Conceptual plans for the new sanctuary call for a 33-foot-high structure and a cupola with a bell. The new sanctuary would be constructed of wood, stucco and a composition roof material to match the style and materials of the existing sanctuary building. As part of this phase, the patio between the existing building and the new sanctuary would be renovated and expanded. Upon completion of the new sanctuary building, the existing building would be converted into a community hall, fellowship space.

---

**Lead Agency Contact**

**Name** Caesar Quitevis  
**Agency** City of Oakland, CEDA Planning & Zoning  
**Phone** 510-238-6343 **Fax**  
**email**  
**Address** 250 Frank H. Ogawa Plaza

**City** Oakland

**State** CA **Zip** 94612

---

**Project Location**

**County** Alameda  
**City** Oakland  
**Region**  
**Lat / Long**  
**Cross Streets** Thornhill Drive and Gouldin Road  
**Parcel No.** 048F-7390-004-09, 001-01, 003-03, 013-00, 001-018  
**Township** **Range** **Section** **Base**

---

**Proximity to:**

**Highways** Hwy 13  
**Airports** N/A  
**Railways** N/A  
**Waterways** Temescal Creek  
**Schools** Thornhill Elementary (5858 Thornhill Dr.)  
**Land Use** R-30, One-family Residential Zone; Hillside Residential GP Designation

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**Project Issues** Traffic/Circulation; Vegetation; Water Quality; Other Issues; Biological Resources

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**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission

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**Date Received** 11/17/2010

**Start of Review** 11/17/2010

**End of Review** 12/31/2010



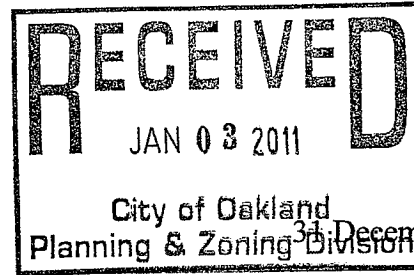
**LETTER A4: Scott Morgan, Acting Director, State Clearinghouse.  
State of California, Governor's Office of Planning and Research. January  
3, 2011.**

- A4-1. This comment informs the Lead Agency that the DEIR was submitted to select state agencies for review and confirms that the Lead Agency has complied with the review requirements of the State Clearinghouse pursuant to CEQA. No response is required.

***B. Attorneys/Organizations***

The following comment letters were submitted to the City of Oakland by attorney or organizations. Responses to each comment are included following each comment letter.

K. Shawn Smallwood, Ph.D.  
3108 Finch Street  
Davis, CA 95616



Leila Moncharsh, Attorney at Law  
5707 Redwood Rd, Suite 10  
Oakland, CA 94619

RE: St. John's Church Project Draft Environmental Impact Report

Dear Ms. Moncharsh,

I reviewed the draft Environmental Impact Report (DEIR)<sup>1</sup> and the updated biological resources report in Appendix E.<sup>2</sup> The text in App. E was simply copied and pasted into the EIR, so the documents were redundant. I also visited the project site in 2007.

My qualifications for preparing expert comments on the DEIR are summarized in my curriculum vitae, which is attached. I was awarded a Ph.D. degree in Ecology from the University of California at Davis in 1990. Then I worked as a post-graduate researcher for four years in the Department of Agronomy and Range Science at UCD. Since then I have performed consulting and problem-solving research for citizen groups, businesses, attorneys, and government agencies. I have often worked on CEQA and special-status species issues, including on the endangered Fresno kangaroo rat, mountain lion, California red-legged frog, California tiger salamander, Swainson's hawk, white-tailed kite, burrowing owl, and multiple other species of raptor. I have authored more than 60 peer-reviewed papers, including "Using the best scientific data for endangered species conservation," published in Environmental Management, and "Suggested standards for science applied to conservation issues" published by The Wildlife Society – Western Section. I served as Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, and of Biological Conservation. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section, I am a member of The Wildlife Society and the Raptor Research Foundation, and I was a part-time lecturer at California State University, Sacramento.

B1-1

### SITE VISIT

I visited the project site on 23 July 2007 from 10:30 to 12:15 hours. The day was clear and warm. During the 1 hour and 45 minutes I was on site, I detected the presence of 14 terrestrial vertebrate species (Table 1). Based on my many surveys I have performed in the Bay Area over two decades, and based on my training, in my opinion the site probably supports another 172 species of terrestrial wildlife (Table 2). The majority of the bird species I either detected or determined to be likely residents or visitors is protected by the international Migratory Bird

B1-2

<sup>1</sup> Design, Community & Environment. 2010. St. John's Church Project Draft Environmental Impact Report, Oakland, California, State Clearing House Number 2008032031.

<sup>2</sup> Jim Martin Memo to Kyle Simpson, 18 October 2010. Biological Resource Conditions, St. John's Church Site, Oakland, California. Appendix E to the DEIR.

Treaty Act. One of the species I detected – the San Francisco dusky-footed woodrat – is a California species of special concern. The presence of California slender salamander and arboreal salamander (Table 1) indicate to me that the project site has a relatively high degree of ecological integrity, as these species are sensitive to environmental conditions; that is, they require nearby water, undisturbed soils, and decaying woody debris for cover.

B1-2  
(cont.)

I also evaluated habitat conditions for multiple other species of wildlife. I noticed that the site supports a dense stand of trees that form part of a larger corridor of trees oriented along Temescal Creek as well as northwest-southeast to the riparian forest along Shepherd Canyon (Figure 1). Because these bands of trees are the only bands of trees on this western slope of the Oakland Hills, it is likely an important movement corridor for many species of bird. Photos 1-3 depict vegetation conditions on the project site. Photo 4 depicts a young sharp-tailed snake recently found at the project site.

B1-3

Table 1. Species of wildlife detected at the St. John's Church Project site by S. Smallwood on 23 July 2007.

Common name	Scientific name	Evidence
<b>Mammals</b>		
San Francisco dusky-footed woodrat	<i>Neotoma fuscipes annectens</i>	Stick house
Raccoon	<i>Procyon lotor</i>	Tracks
<b>Amphibians</b>		
California slender salamander	<i>Batrachoseps attenuatus</i>	Visual
Arboreal salamander	<i>Aneides lugubris</i>	Visual
<b>Birds</b>		
Acorn woodpecker	<i>Melanerpes formicivorus</i>	Visual/call
Mourning dove	<i>Zenaida macroura</i>	Visual/call
Western scrub jay	<i>Aphelocoma coerulescens</i>	Visual/call
American robin	<i>Turdus migratorius</i>	Visual/call
Chestnut-backed chickadee	<i>Parus rufescens</i>	Visual/call
Red-breasted nuthatch	<i>Sitta canadensis</i>	Visual/call
White-breasted nuthatch	<i>Sitta carolinensis aculeata</i>	Visual/call
Dark-eyed junco	<i>Junco hyemalis</i>	Visual/call
American goldfinch	<i>Carduelis tristis</i>	Visual/call
House finch	<i>Carpodacus mexicanus</i>	Visual/call

B1-4a

Table 2. Additional species of wildlife I would expect to detect after performing adequate surveys at the St. John's Church Project site.

Common name	Scientific name
<b>Mammals</b>	
Trowbridge's shrew	<i>Sorex trowbridgei</i>
Ornate shrew	<i>Sorex ornatus</i>
Shrew-mole	<i>Neurotrichus gibbsi</i>
California mole	<i>Scapanus latimanus</i>
Little brown myotis	<i>Myotis lucifugus</i>
Yuma myotis	<i>Myotis yumanensis</i>
Long-eared myotis	<i>Myotis evotis</i>
Long-legged myotis	<i>Myotis volans</i>
Fringed myotis	<i>Myotis thysanodes thysanodes</i>
California myotis	<i>Myotis californicus</i>
Silver-haired bat	<i>Lasionycteris noctivagans</i>
Western pipistrel	<i>Pipistrellus hesperus</i>
Big brown bat	<i>Eptesicus fuscus bernardinus</i>
Western red bat	<i>Lasiurus borealis teleotis</i>
Pallid bat	<i>Antrozous pallidus</i>
Townsend's western big-eared bat	<i>Plecotus t. townsendii</i>
Western mastiff bat	<i>Eumops perotis</i>
Hoary bat	<i>Lasiurus cinereus cinereus</i>
Brazilian free-tailed bat	<i>Tadarida brasiliensis muscula</i>
Virginia opossum	<i>Didelphis virginianus</i>
Deer mouse	<i>Peromyscus maniculatus</i>
Western harvest mouse	<i>Reithrodontomys megalotis</i>
California vole	<i>Microtus californicus</i>
Botta's pocket gopher	<i>Thomomys bottae</i>
Eastern gray squirrel	<i>Sciurus carolinensis</i>
Western gray squirrel	<i>Sciurus niger</i>
House mouse	<i>Mus musculus</i>
Black rat	<i>Rattus rattus</i>
Black-tailed deer	<i>Odocoileus hemionus hemionus</i>
Long-tailed weasel	<i>Mustela frenata</i>
Ringtail	<i>Bassariscus astutus</i>
Striped skunk	<i>Mephitis mephitis</i>
Gray fox	<i>Urocyon cinereoargenteus</i>
Coyote	<i>Canis latrans</i>
<b>Reptiles</b>	
Western skink	<i>Eumeces skiltonianus</i>
Gilbert skink	<i>Eumeces gilberti</i>
Western fence lizard	<i>Sceloporus occidentalis</i>
Southern alligator lizard	<i>Gerrhonotus multicarinatus</i>

B1-4b

Common name	Scientific name
Northern alligator lizard	<i>Gerrhonotus coeruleus</i>
Silvery legless lizard	<i>Anniella pulchra</i>
Western aquatic garter snake	<i>Thamnophis couchii</i>
Western terrestrial garter snake	<i>Thamnophis elegans</i>
Garter snake	<i>Thamnophis sirtalis</i>
Rubber boa	<i>Charina bottae</i>
Ring-necked snake	<i>Diadophis punctatus</i>
Sharp-tailed snake	<i>Contia tenuis</i>
Racer	<i>Coluber constrictor</i>
Common kingsnake	<i>Lampropeltis getulus</i>
California mountain kingsnake	<i>Lampropeltis zonata</i>
<b>Amphibians</b>	
California newt	<i>Taricha torosa</i>
Rough-skinned newt	<i>Taricha granulosa</i>
Yellow-eyed salamander	<i>Ensatina eschscholtzii xanthoptica</i>
Pacific tree frog	<i>Hyla regilla</i>
Bullfrog	<i>Rana catesbeiana</i>
Western toad	<i>Bufo boreas</i>
<b>Birds</b>	
Double-crested cormorant	<i>Phalacrocorax auritus</i>
Green heron	<i>Butorides striatus</i>
Great blue heron	<i>Ardea herodias</i>
Great egret	<i>Ardea alba</i>
Western gull	<i>Larus occidentalis</i>
California gull	<i>Larus californicus</i>
Caspian tern	<i>Sterna caspia</i>
Turkey vulture	<i>Cathartes aura</i>
Northern harrier	<i>Circus cyaneus</i>
White-tailed kite	<i>Elanus leucurus</i>
Cooper's hawk	<i>Accipiter cooperii</i>
Sharp-shinned hawk	<i>Accipiter striatus velox</i>
Red-tailed hawk	<i>Buteo jamaicensis</i>
Red-shouldered hawk	<i>Buteo lineatus</i>
Golden eagle	<i>Aquila chysaetos</i>
Peregrine falcon	<i>Falco peregrinus</i>
American kestrel	<i>Falco sparverius</i>
Merlin	<i>Falco columbarius</i>
California quail	<i>Callipepla californica</i>
Rock pigeon	<i>Columba livea</i>
Band-tailed pigeon	<i>Columba fasciata</i>
Mourning dove	<i>Zenaida macroura</i>
Barn owl	<i>Tyto alba</i>
Great-horned owl	<i>Bubo virginianus</i>
Long-eared owl	<i>Asio otus</i>

B1-4b  
(cont.)

Common name	Scientific name
Western screech-owl	<i>Otus trichopsis</i>
Northern pygmy-owl	<i>Glaucidium gnoma</i>
Vaux's swift	<i>Chaetura vauxi vauxi</i>
White-throated swift	<i>Aeronautes saxatalis</i>
Allen's hummingbird	<i>Selasphorus sasin</i>
Anna's hummingbird	<i>Calypte anna</i>
Rufous hummingbird	<i>Selasphorus rufus</i>
Belted kingfisher	<i>Ceryle alcyon</i>
Acorn woodpecker	<i>Melanerpes formicivorus</i>
Red-breasted sapsucker	<i>Sphyrapicus ruber</i>
Nuttall's woodpecker	<i>Picoides nuttallii</i>
Downy woodpecker	<i>Picoides pubescens</i>
Hairy woodpecker	<i>Picoides villosus</i>
Northern flicker	<i>Colaptes auratus cafer</i>
Olive-sided flycatcher	<i>Contopus borealis</i>
Western wood-pewee	<i>Contopus sordidulus</i>
Willow flycatcher	<i>Empidonax traillii</i>
Pacific-slope flycatcher	<i>Empidonax difficilis</i>
Western kingbird	<i>Tyrannus verticalis</i>
Say's phoebe	<i>Sayornis saya</i>
Black phoebe	<i>Sayornis nigricans semiatra</i>
Ash-throated flycatcher	<i>Myiarchus cinerascens</i>
Tree swallow	<i>Tachycineta bicolor</i>
Violet-green swallow	<i>Tachycineta thalassina</i>
Northern rough-winged swallow	<i>Stelgidopteryx serripennis</i>
Barn swallow	<i>Hirundo rustica</i>
Cliff swallow	<i>Hirundo pyrrhonota</i>
American crow	<i>Corvus brachyrhynchos</i>
Common raven	<i>Corvus corax</i>
Western scrub jay	<i>Aphelocoma coerulescens</i>
Steller's jay	<i>Cyanocitta stelleri</i>
Wrentit	<i>Chamaea fasciata</i>
Oak titmouse	<i>Parus inornatus</i>
Chestnut-backed chickadee	<i>Parus rufescens</i>
Bushtit	<i>Psaltiriparus minimus</i>
Red-breasted nuthatch	<i>Sitta canadensis</i>
White-breasted nuthatch	<i>Sitta carolinensis aculeata</i>
Brown creeper	<i>Certhia americana</i>
Bewick's wren	<i>Thryomanes bewickii</i>
Winter wren	<i>Troglodytes troglodytes</i>
House wren	<i>Troglodytes aedon</i>
Ruby-crowned kinglet	<i>Regulus calendula</i>
Golden-crowned kinglet	<i>Regulus satrapa</i>
Blue-gray gnatcatcher	<i>Poliophtila caerulea</i>

B1-4b  
(cont.)

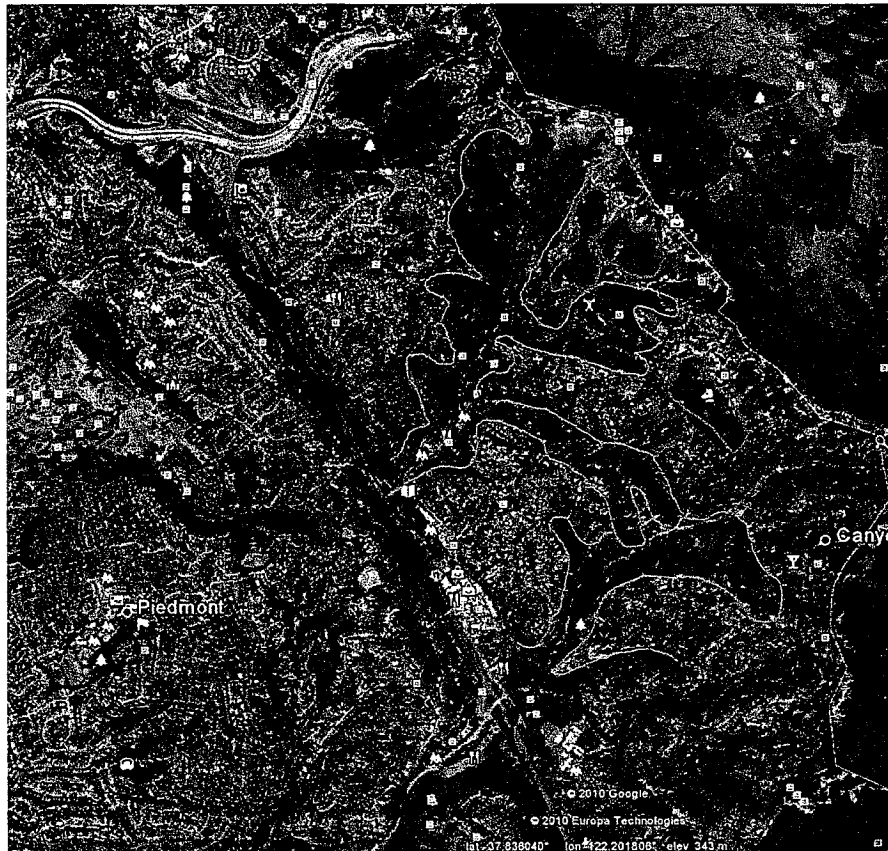
Common name	Scientific name
Western bluebird	<i>Sialia mexicana</i>
Swainson's thrush	<i>Catharus ustulatus</i>
Hermit thrush	<i>Catharus guttatus</i>
Varied thrush	<i>Ixoreus naevius</i>
American robin	<i>Turdus migratorius</i>
Northern mockingbird	<i>Mimus polyglottos</i>
California thrasher	<i>Toxostoma redivivum</i>
Cedar waxwing	<i>Bombycilla cedrorum</i>
European starling	<i>Sturnus vulgaris</i>
Solitary vireo	<i>Vireo solitarius</i>
Hutton's vireo	<i>Vireo huttoni</i>
Cassin's vireo	<i>Vireo cassinii</i>
Warbling vireo	<i>Vireo gilvus</i>
Orange-crowned warbler	<i>Vermivora celata</i>
Yellow warbler	<i>Dendroica petachia brewsteri</i>
Yellow-rumped warbler	<i>Dendroica coronata</i>
Black-throated gray warbler	<i>Dendroica nigrescens</i>
Townsend's warbler	<i>Dendroica townsendi</i>
Hermit warbler	<i>Dendroica occidentalis</i>
MacGillivray's warbler	<i>Oporonis tolmiei</i>
Wilson's warbler	<i>Wilsonia pusilla</i>
Black-headed grosbeak	<i>Pheucticus melanocephalus</i>
Lazuli bunting	<i>Passerina amoena</i>
Spotted towhee	<i>Pipilo erythrophthalmus</i>
California towhee	<i>Pipilo fuscus</i>
Song sparrow	<i>Melospiza melodia</i>
Lincoln's sparrow	<i>Melospiza lincolnii</i>
Savannah sparrow	<i>Passerculus sandwichensis</i>
Rufous-crowned sparrow	<i>Aimophila ruficeps</i>
White-throated sparrow	<i>Zonotrichia leucophrys</i>
Fox sparrow	<i>Passerella iliaca</i>
White-crowned sparrow	<i>Zonotrichia leucophrys</i>
Golden-crowned sparrow	<i>Zonotrichia atricapilla</i>
Dark-eyed junco	<i>Junco hyemalis</i>
Western meadowlark	<i>Sturnella neglecta</i>
Red-winged blackbird	<i>Agelaius phoeniceus</i>
Brewer's blackbird	<i>Euphagus cyanocephalus</i>
Brown-headed cowbird	<i>Molothrus ater</i>
Hooded oriole	<i>Icterus cucullatus</i>
Bullock's oriole	<i>Icterus galbula</i>
Western tanager	<i>Piranga olivacea</i>
American goldfinch	<i>Carduelis tristis</i>
Lesser goldfinch	<i>Carduelis psaltria</i>
Pine siskin	<i>Carduelis pinus</i>

B1-4b  
(cont.)



Common name	Scientific name
Purple finch	<i>Carpodacus purpureus</i>

B1-4b  
(cont.)



B1-5

Figure 1. The St. John's Church site (red polygon) situated at a juncture of bands of tree canopies (roughly within the blue lines), one band connecting the upper slope of the Oakland Hills with the coastal environments via Temescal Creek, and another one connecting the riparian forest of Temescal Creek with the riparian environment in Shepherd Canyon to the southeast of Temescal Creek.



Photo 1. View east along Temescal Creek. Photo by K. S. Smallwood, 23 July 2007.



Photo 2. Forest floor at proposed St. John's Church project site. Photo by K. S. Smallwood.



Photo 3. Tree canopy at proposed St. John's Church project site. Photo by K. S. Smallwood.

B1-6



Photo 4. Young sharp-tailed snake photographed next to the St. John's Church project site by Nancy Havassy in March 2008. Photo by N. Havassy.

B1-6  
(cont.)

### SUFFICIENCY OF DEIR AS AN INFORMATIVE DOCUMENT

Under CEQA,<sup>3</sup> "[A] paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision." The public needs information that is thorough, relevant, unbiased, and honest; the public needs full disclosure of the environmental setting and possible cumulative impacts. Documents presenting information from a biased perspective will tend to include omissions, logical fallacies, internal contradictions, and unfounded responses to substantial issues. Therefore, whenever I review a DEIR, I search for omissions, errors, and logical fallacies as evidence of bias, which if evident, bears on the sufficiency of the DEIR.

B1-7

From what I could gather in the DEIR, one biologist (Jim Martin) visited the project site as a reconnaissance-level survey for wildlife on 27 July 2006 (page 4.2-3). Mr. Martin did not report the time of day or the duration of his visit. He did not even report whether he observed any species of wildlife while on site. The DEIR's description of the onsite assessment of biological resources fell far short of minimum professional standards of environmental document preparation.<sup>4</sup> I suggest that many more wildlife surveys be performed, including during all seasons of the year.

According to the DEIR (pages 4.2-3 to 4.2-4), *"Detailed protocol surveys for special-status species were not considered necessary to confirm presence or absence because of the extent of past disturbance and development on the site and adjacent lands, the dominance of the creek corridor by non-native invasive species, and the lack of suitable habitat characteristics necessary to support special-status species."* Had I used such reasoning in my career, then I would have wrongly concluded that Fresno kangaroo rats are absent from a grassland at Lemoore

B1-8

<sup>3</sup> Environmental Planning and Information Council vs. County of El Dorado (1982) 131 Cal. App. 3d 350, 354.

<sup>4</sup> Smallwood, K.S., A. Gonzales, T. Smith, E. West, C. Hawkins, E. Stitt, C. Keckler, C. Bailey, and K. Brown. 2001. Suggested standards for science applied to conservation issues. Transactions of the Western Section of the Wildlife Society 36:40-49.

Naval Air Station because that field has been heavily disturbed by off-road vehicle activity and it is dominated by exotic plant species. I would have wrongly concluded that California tiger salamanders are absent from the upland portion of Concord Naval Weapons Station due to decades of military operations and dominance of the grasslands and wetlands by exotic plant species. I would have been wrong in concluding special-status species were absent from nearly every project site I have ever detected special-status species, because nearly all these sites have been heavily disturbed and have been dominated by non-native invasive species. Furthermore, habitat is defined by a species' use of the environment,<sup>5</sup> which is the very reason that surveys are needed to assess species' presence.

B1-8  
(cont.)

According to the DEIR (page 4.2-5), "*Typical species observed or suspected include: house finch, house sparrow, mourning dove, northern mocking bird (sic), pocket gopher, house mouse, Norway rat, and western fence lizard. Raccoon and opossum most likely forage through locations where protective cover is present. Several species of raptors most likely occasionally forage in the remaining natural areas on the hillsides, and may occasionally perch or roost in trees on the site, including Cooper's hawk, red-tailed hawk, and American kestrel.*" Two sentences later, "*The lack of any groundcover and grassland habitat on the site and immediate vicinity limits the importance of the site as even occasional foraging habitat for raptors.*" However, ground cover and grassland habitat are not requirements for foraging use of the site by many species of raptor, including Cooper's hawk, sharp-shinned hawk, red-shouldered hawk, great-horned owl, barn owl, western screech owl, and others. The site is perfectly suitable as roosting and nesting habitat of white-tailed kite, which is fully protected in California.

B1-9

According to the DEIR (page 4.2-5), "... *no signs of any active raptor nesting or other nests were observed during the field reconnaissance surveys.*" A statement like this can be misleading to the reader of a CEQA document, unless the reader is aware of how unlikely it would have been to have detected a nest in a dense forest environment during a single reconnaissance visit on a single day (see Photos 1-3 to observe how dense the tree canopies can be on the site).

B1-10

According to the DEIR (page 4.2-9), "...*suitable habitat for this species [California red-legged frog] is generally absent on the site given the absence of emergent vegetation, native willow cover, or pools suitable for breeding.*" However, California red-legged frogs do not require emergent vegetation or native willow cover. I have detected this species many times along rocky banks of streams and along barren dirt banks of pools.<sup>6</sup> Pools suitable for breeding do not have to be located on the project site in order for Temescal Creek to be suitable as foraging and travel habitat of California red-legged frog. I would not rule out this species as an occasional resident or visitor of the project site.

B1-11

<sup>5</sup> Hall, L.S., P.R. Krausman, and M.L. Morrison. 1997. The habitat concept and a plea for standard terminology. Wildlife Society Bulletin 25:173-182.

<sup>6</sup> E.g., Smallwood, K. S. and M. L. Morrison. 2006. A monitoring effort to detect the presence of the federally listed species California tiger salamander and California red-legged frog at the Naval Weapons Station, Seal Beach, Detachment Concord, California. Letter agreements N68711-04LT-A0042 and N68711-04LT-A0044, U.S. Navy Integrated Product Team (IPT), West, Naval Facilities Engineering Command, South West, Daly City, California. 60 pp.

On page 4.2-9, the DEIR speculated, "*Heavy predation by raccoons most likely precludes the survival of any dispersing California red-legged frogs that may be dispersing from the historic occurrence, if the population remains intact.*" I could have made the same speculation about California red-legged frogs not surviving raccoon predation at multiple sites where I in fact detected red-legged frogs. I am unaware of any publications that report on California red-legged frog suppression due to raccoons. One could speculate just as effectively that house cats likely eat dispersing red-legged frogs on Temescal Creek. This type of wild speculation does not inform decision-makers or the public about the potential project impacts.

B1-12

The DEIR also claimed (page 4.2-16), "*...the site currently has only limited wildlife habitat values, generally for species common in suburban habitat, does not support any sensitive species, and contains no important raptor nesting or roosting locations.*" In fact, the preparer of the DEIR has little idea of which species actually occupy the project site, because no serious biological surveys were made.

B1-13

Also according to the DEIR (page 4.2-53), "*...no sensitive natural communities or special-status species occur on the site, and the project would not contribute to a cumulative loss of these sensitive resource types.*" However, the preparer of the DEIR cannot know whether the site supports special-status species of wildlife because no serious surveys were performed. Without knowing whether the site supports special-status species, the analyst cannot know whether the project will cause cumulative impacts.

B1-14

The DEIR neglected to consider multiple special-status species of terrestrial wildlife that could occur at, stop over, or pass through the project site (Table 3). Project-specific and cumulative impacts should be assessed for each of these species, and mitigation measures formulated as appropriate.

### **Wildlife Movement and Wildlife Movement Corridors**

According to the DEIR (page 4.2-16), "*No significant impacts on wildlife habitat and movement corridors are anticipated given the relatively low habitat values of the site.*" I disagree, however, that the habitat values are necessarily low on the site. First of all, this conclusion in the DEIR is a broad over-generalization, as habitat and habitat values differ from species to species. Second, this conclusion was reached in the absence of any serious wildlife surveys, and the surveys were not performed because the analyst had already concluded that the project site was of low value. The conclusion about low habitat value appears biased.

B1-15

The DEIR does not address the project's affects on the ability of wildlife to move across the project site before and after project development. Wildlife movement corridors can be routes used for migration, dispersal, home range patrol, or other types of movements, and they can include various vegetation cover types and terrain, depending on local conditions. A significant effect under CEQA, as I understand it, is whether the project will "interfere substantially with the movement of any resident or migratory fish or wildlife species." The removal of most of the tree canopy from the project site could indeed interfere with the movement of many species of terrestrial wildlife that rely on that canopy for cover, such as dusky-footed woodrats, California

B1-16

slender salamanders, California red-legged frogs, and Cooper's hawks. The existing tree canopy at the project site forms a junction of tree canopy corridors oriented along Temescal Creek and between Temescal Creek and Shepherd Canyon. Removing the tree canopy from this site can interfere with wildlife movement from the top to the bottom of the Oakland Hills, and between Temescal Creek and Shepherd Canyon.

B1-16  
(cont.)

Table 3. Special-status species of wildlife that could potentially occur at, or travel through, the St. John's Church Project site.

Common name	Scientific name	Status <sup>1</sup>
Pallid bat	<i>Antrozous pallidus</i>	CSC
Townsend's western big-eared bat	<i>Plecotus t. townsendii</i>	CSC
Western mastiff bat	<i>Eumops perotis</i>	CSC
Yuma myotis	<i>Myotis yumanensis</i>	CSC
San Francisco dusky-footed woodrat	<i>Neotoma fuscipes annectens</i>	CSC
California red-legged frog	<i>Rana aurora draytonii</i>	FT, CSC
Alameda whipsnake	<i>Masticophis lateralis euryxanthus</i>	FT, CT
Western pond turtle	<i>Clemmys m. marmorata</i>	CSC
Turkey vulture	<i>Cathartes aura</i>	CDFG 3503.5
Golden eagle	<i>Aquila chrysaetos</i>	CFP, CDFG 3503.5
Cooper's hawk	<i>Accipiter cooperi</i>	CDFG 3503.5
Sharp-shinned hawk	<i>Accipiter striatus</i>	CDFG 3503.5
Red-tailed hawk	<i>Buteo jamaicensis</i>	CDFG 3503.5
Red-shouldered hawk	<i>Buteo lineatus</i>	CDFG 3503.5
American kestrel	<i>Falco sparverius</i>	CDFG 3503.5
Merlin	<i>Falco columbarius</i>	CDFG 3503.5
Peregrine falcon	<i>Falco peregrinus</i>	CE, CFP
Barn owl	<i>Tyto alba</i>	CDFG 3503.5
Great-horned owl	<i>Bubo virginianus</i>	CDFG 3503.5
Long-eared owl	<i>Asio otus</i>	SSC3
Western screech-owl	<i>Otus trichopsis</i>	CDFG 3503.5
Northern pygmy-owl	<i>Glaucidium gnoma</i>	CDFG 3503.5
White-tailed kite	<i>Elanus leucurus</i>	CFP
Vaux's swift	<i>Chaetura vauxi vauxi</i>	SSC2 (breeding)
Olive-sided flycatcher	<i>Contopus borealis</i>	SSC2 (breeding)
Yellow warbler	<i>Dendroica petachia brewsteri</i>	SSC2 (breeding)

B1-17

<sup>1</sup> Listed as FE = federal endangered, FT = threatened, CE = California endangered, CT = California threatened, CSC = California species of special concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species' range, associated with habitat that is declining in extent), CFP = California Fully Protected, CDFG 3503.5 = California Department of Fish and Game Code 3503.5 (Birds of prey), and SSC2 and SSC3 = California Bird Species of Special Concern priorities 2 and 3, respectively.<sup>7</sup> Bird species in the table are protected by the Migratory Bird Treaty Act.

<sup>7</sup> Shuford, W. D., and T. Gardali, [eds.]. 2008. California bird species of special concern: a ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, CA.

Habitat fragmentation is not considered in the DEIR, even though it is likely the greatest threat to biological species<sup>8</sup>. The adverse effects of habitat fragmentation are species-specific, meaning that each species responds to habitat availability and configuration uniquely.<sup>9</sup> I suggest the DEIR be revised to include a discussion of habitat fragmentation caused by the project and surrounding ongoing and foreseeable projects, and that this discussion be directed to each special-status species potentially occurring in the area.

B1-18

### **Cumulative impacts**

The cumulative impacts analysis was non-existent. The DEIR's analysis amounted to the following (page 4.2-53): "*When considered with impacts of past, present, pending and reasonably foreseeable future projects within the geographic context for this analysis, the minor incremental contribution of the Proposed Project to an already existing cumulative impact is not cumulatively considerable. Therefore, the cumulative effect of the Proposed Project on biological resources would be less-than-significant.*" However, determining cumulative impacts requires a biological scope that is larger than the project's footprint, but the DEIR provided no description of the geographic context of the analysis. There was no spatial boundary described for the cumulative effects analysis, and no temporal period was described, so the scope of the analysis was undefined.

B1-19

The DEIR made no mention of the existing cumulative impacts, or to which types of cumulative impacts the proposed project would contribute, minor or not. Also, it makes no sense to determine that an incremental contribution to an already existing cumulative impact is not cumulatively considerable. An incremental contribution to an already existing cumulative impact is one of the definitions of a significant cumulative impact.

## **MITIGATION**

The DEIR proposed to mitigate for potential impacts to only a single special-status species -- the California red-legged frog. However, multiple additional special-status species would be adversely affected by the project (Table 3), including San Francisco dusky-footed woodrat, raptors, bats, and several species of passerine birds. Additionally, the DEIR neglected to mitigate for cumulative impacts to these species and to all species of terrestrial wildlife whose movement would be impeded and habitat fragmented by the removal of most of the tree canopy on the project site.

B1-20

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<sup>8</sup> Saunders, D.A., R.J. Hobbs, and C. Margules. 1991. Biological Consequences of Ecosystem Fragmentation: a Review. *Conservation Biology* 5:18-32;

Wilcox, B.A., and D.D. Murphy. 1985. Conservation Strategy: the Effects of Fragmentation on Extinction. *American Naturalist* 125:879-887.

<sup>9</sup> Villard, M-A., M. K. Trzcinski, and G. Merriam. 1999. Fragmentation Effects on Forest Birds: Relative Influence of Woodland Cover and Configuration on Landscape Occupancy. *Conservation Biology* 13:774-783.

## MITIGATION MONITORING

It has long been known that mitigation pursuant to CEQA has often either failed or has not been implemented, but with no consequences to the take-permit holder.<sup>10</sup> There should be consequences for not achieving mitigation objectives or performance standards. The project proponents should be required to pay fines in amounts that are sufficient for an independent party to achieve the mitigation objectives originally promised. An efficient means to ensuring enforcement of the mitigation measures is for the project applicant to pay an up-front security bond that is carefully tied to mitigation performance standards.

B1-21

The DEIR should be revised to include a specific discussion on mitigation monitoring. A fund is needed to support named individuals or an organization to track the implementation of mitigation measures. Report deadlines should be listed, along with who will receive the reports. In my experience, if these mitigation monitoring details are not specified in advance and not specifically funded, then nobody will keep track of them.



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Shawn Smallwood, Ph.D.

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<sup>10</sup> Silva, E. 1990. Mitigation reporting and monitoring: a new challenge for California agencies. Appendix VI in M. H. Remy, T. A. Thomas, S. E. Duggan, and J. G. Moose. 1990. Guide to the California Environmental Quality Act (CEQA). Solano Press Books, Point Arena, California.



**LETTER B1: K. Shawn Smallwood, PhD., January 3, 2011.**

- B1-1. This comment contains general information on the commenter's background and introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- B1-2. This comment describes the site visit observations made by the commenter and the information regarding the biological resources observed on the site is noted. A description of the biological resources on the site necessary to accurately characterize existing conditions and the significance of potential impacts is provided in the Chapter 4.2, Biological Resources, of the DEIR. The description of the site is summarized on page 4.2-3 of the DEIR accurately convey the relatively developed condition of the property, but acknowledge that the remaining natural areas may provide foraging, perching, roosting, and nesting opportunities for raptors and other birds. Providing a "large" list of wildlife species known or suspected to occur on the site is not evidence of some increased sensitivity of the project site. Most of these same species would continue to utilize the site following construction, are known to use urbanized areas that contain woodland and riparian habitat, and the native plant enhancement proposed along the Temescal Creek corridor would eventually serve to improve habitat values for some of these species. The presence of these species does not mean that the site has a "high degree of ecological integrity" as contended by the Commenter, but that they are adapted to utilizing relatively developed areas that still contain important habitat features suitable for foraging and other behaviors, such as the open creek corridor and mature native and ornamental trees that contribute to the woodland cover that extends across most of the site

and surrounding properties. Even a brief inspection of the site clearly indicates that it is largely developed with structures, impervious surfaces and ornamental landscaping, and that the Temescal Creek corridor is now dominated by non-native trees, shrubs, vines, and groundcover species. An independent biological consultant, Dr. Mark Jennings of Rana Resources, was retained in June 2011 to provide a habitat assessment for California red-legged frog and found that the site was accurately characterized in the DEIR. A copy of the habitat assessment prepared by Dr. Mark Jennings of Rana Resources has been included in Appendix C of this FEIR. This addition does not affect any conclusions or significance determinations provided in the DEIR.

It should be noted that a number of species listed by the Commenter in Tables 1 and 2 have little or no potential for occurrence on the site because of its relatively developed condition, the extent of surrounding urban development, and absence of suitable habitat. These include: acorn woodpecker, Trowbridge's shrew, ornate shrew, shrew-mole, western harvest mouse, long-tailed weasel, ringtail, Gilbert skink, western aquatic garter snake, rubber boa, California mountain kingsnake, yellow-eyed salamander, double-crested cormorant, western gull, California gull, Caspian tern, golden eagle, peregrine falcon, American kestrel, merlin, long-eared owl, pacific-slope flycatcher, ash-throated flycatcher, northern rough-winged swallow, tree swallow, violet-green swallow, cliff swallow, western bluebird, California thrasher, lazuli bunting, and western meadowlark, among others.

- B1-3 This comment describes the site visit observations made by the commenter. As indicated by the commenter and stated on page 4.2-4 of the DEIR, the site contains substantial tree cover. However, the commenter is incorrect in their assertion that the trees in the project vicinity are the "only bands of trees on this western slope of the Oakland Hills." Almost the entire Temescal Creek

watershed east of the Warren Freeway supports a cover of native and introduced trees except where occupied by structures, roadways and other impervious surfaces. A detailed discussion of the potential impacts of the project on wildlife movement opportunities and the loss of trees is provided in Subsections 4.2.D.4 and D.6 of the DEIR, respectively. Most of the mature trees on the site would be retained as part of the project, additional replacement trees would be planted where removal is required, and no significant disruption of dispersal or movement by birds and other wildlife is anticipated. As discussed on page 4.2-16 of the DEIR, implementation of the City's Standard Condition of Approval BIO-3, Tree Removal During Breeding Season, would serve to protect any active bird nests during construction. Birds which utilize the site would most likely avoid the disturbed areas during construction until construction has been completed and new landscaping begins to provide replacement cover and foraging opportunities. However, the site currently has only limited wildlife habitat values, does not support any sensitive species, and contains no important raptor nesting or roosting locations. See Response to Comment B1-2.

- B1-4a This comment presents the list of species of wildlife "detected" on the site by the commenter. Refer to the Response to Comment B1-2.
- B1-4b This comment presents the list of species of wildlife the commenter would "expect to detect" on the site. Refer to the Response to Comment B1-2.
- B1-5 This comment presents a figure prepared by the commenter that illustrates the trees and riparian habitat as observed by the commenter. Refer to the Responses to Comments B1-2 and B1-3.

- B1-6 This comment presents four photographs that represent the observations of the commenter. Refer to Responses to Comments B1-2 and B1-3. Note that the text under Photo 4 indicates that the sharp-tailed snake was photographed “next” to the site by Nancy Havassy in March 2008, but that the commenter indicates on page 2 under Comment B1-3 that the snake was “recently found at the project site.” Sharp-tailed snake is relatively common in western United States, has no special-status under State or federal laws, and still persists in urban areas where suitable cover and habitat remains.
- B1-7. This comment expresses an opinion regarding the biological resources analysis and technical study presented in the DEIR. The opinion of the commenter regarding the adequacy of the field investigation conducted on the site and suggestion that “many more wildlife surveys be performed” is noted. Refer to the response to Comment B1-2 for a discussion of the site characteristics described in the Biological Resources section of the DEIR, and the conclusion of Dr. Mark Jennings of Rana Resources that the site was accurately characterized in the DEIR (see the July 2011 memorandum included in Appendix C of this FEIR). Wildlife observed or expected to occur on the site were identified in the biological resource conditions report contained in Appendix E and were incorporated into the Biological Resources section of the DEIR. This was not intended to be a comprehensive list of all species observed or suspected, but simply identify species which characterize the site. Jim Martin, Principal of Environmental Collaborative, was responsible for preparation of the Biological Resources section of the DEIR. He has over 30 years of experience conducting biological resource assessments throughout the Bay Area and Northern California. Professional biological consultants are able to discern site conditions sufficiently to allow them to determine whether additional detailed field investigation is necessary to verify the presence or absence of special-status species or other sensitive bio-

logical resources such as jurisdictional wetlands, based on a review of available background information and the site conditions encountered during an initial field reconnaissance. The habitat suitability analysis performed during the original field reconnaissance by Jim Martin on July 27, 2006 was sufficient to determine the potential for occurrence of special-status species, and conclude that detailed protocol surveys were not warranted as stated on page 4.2-4 of the DEIR. Over four hours were spent on the site on July 27, 2006 and an additional two hours on May 28, 2008. Subsequent inspections were conducted by Jim Martin on June 29 and July 15, 2011 to confirm field conditions and evaluate issues raised in comments on the DEIR, during which time an additional two hours were spent on the site, the results of which have been incorporated into the revised DEIR and this FEIR. Additionally, Dr. Mark Jennings of Rana Resources conducted his site assessment on June 7, 2011, spending over two hours inspecting the site and surrounding conditions. Text on page 4.2-6 of the DEIR has been revised as follows:

Figure 4.2-1 shows the known distribution of sensitive natural communities and special-status plant and animal occurrences within about two miles of the site. No sensitive natural communities recognized by the CNDDDB have been reported from the site or occur on the property based on the field inspection conducted in July 27, 2006, and a follow-up site visits on May 28, 2008. The site visit in July 2006 was sufficient to determine the potential for occurrence of special-status species, and conclude that detailed protocol surveys were not warranted. Subsequent inspections were conducted by Jim Martin on June 29, 2011 and July 15, 2011 to confirm field conditions, during which an additional two hours were spent on the site. The CNDDDB records show a general occurrence of fragrant fritillary (*Fritillaria liliacea*) extending to the edge of the site

vicinity, but no other occurrences have specifically been reported from the site.

Additionally, text on page 4.2-11 has been revised as follows:

Past disturbance to the project site, including residential and other urban uses, precludes the occurrence of any special-status plant species from the project site. A site survey conducted in 2008 confirmed that suitable habitat for special-status species plant or animal is absent from the site and the likelihood of the future occurrence of special-status plant or animal species on this site is considered unlikely or remote. Additionally, a protocol habitat assessment for California red-legged frogs on the project site on June 7, 2011 concluded that the project site lacks suitable habitat for CRLF and that historic CRLF populations in the area have long been eliminated due to habitat loss, the introduction of bullfrogs, and the presence of a large population of raccoons (The protocol habitat assessment is included in Appendix C of this FEIR). However, there is a remote possibility of the federally-threatened California red-legged frog could disperse along Temescal Creek at some point in the future. Individual frogs would most likely not survive long-term along the reach of Temescal Creek in the vicinity of the site because of the likelihood of predation by raccoons and other predators. But in the very remote instance that individual frogs happened to disperse onto the site along the creek channel at the time of bridge construction or stabilization activities, they could be inadvertently injured or destroyed. Because of this remote possibility, the project is considered to have a *potentially significant* impact on special-status animal species, which can be reduced to a less-than-significant level with the following mitigation measure and Standard Conditions of Approval.

- B1-8. This comment expresses an opinion regarding the description of “protocol surveys for special status species” on the project site presented in the DEIR. Refer to the Responses to Comments B1-2 and B1-7. As a common practice, professional judgment is used in determining the suitability of a site to support sensitive resources and the need for conducting additional detailed surveys to confirm presence or absence. The commenter is contending that the only way to determine whether a sensitive resource is present is by conducting protocol surveys such as those required for Fresno kangaroo rat or California tiger salamander. Both of the locations cited by the commenter as examples, Lemoore and Concord Naval Weapons Stations, have extensive natural areas known and suspected to support these special-status species, unlike the conditions present in the highly urbanized setting of the project site.
- B1-9. This comment expresses an opinion regarding the habitat on the project site concerning the suitability of the site as foraging habitat for raptors. See Response to Comment B1-2. Protective ground-cover vegetation is typically necessary to support prey populations used by most raptors, including insects, reptiles, and small mammals. Most of the site is occupied by structures and pavement, or non-native ivy and periwinkle which is not conducive to supporting natural prey species. Only the backyard of the residence at 5928 Thornhill Drive (an area of less than 0.15 acre) and part of the steep slope along the west side of Gouldin Road contain cover characteristics suitable to support prey of most raptor species, which is too small an area to be considered essential foraging habitat for any raptor species. The dense ivy and periwinkle and the thickets of non-native blackberry along Temescal Creek provide protective cover for introduced rats, which could be occasionally preyed on by owls. And there are a few species of raptors that commonly prey on smaller birds, such as Cooper’s hawk and sharp-shinned hawk, which may utilize the site and surrounding woodland habitats. But overall, the developed characteristics of

the site limit its importance as even occasional foraging habitat for raptors, as stated on page 4.2-5 of the DEIR. As stated on page 4.2-18 of the DEIR, while the trees on the site do provide perching, foraging, and potential nesting opportunities for birds, most of the mature and important trees in terms of their habitat functions and values would be preserved. Standard Condition of Approval BIO-3 on page 4.2-29 of the DEIR calls for conduct of preconstruction surveys for nesting raptors and other birds before tree and/or vegetation removal, which would address concerns over possible nesting by white-tailed kite and other raptors.

- B1-10. This comment expresses an opinion regarding the observations of raptor nesting or other nests as described in the DEIR. The concerns of the commenter regarding the difficulty in detecting nests in dense foliage of trees on the site are noted. See Response to Comment B1-2. However, the trees were carefully inspected from the ground all available angles during the field reconnaissance and with the exception of the scattered redwoods, nests would have been easily detected. Although the redwoods on the site may be used as day roosts for owls and other raptors, their branch structure is not conducive to supporting raptor nests and it is unlikely any are present. Standard Condition of Approval BIO-3 on page 4.2-29 of the DEIR calls for conduct of preconstruction surveys for nesting raptors and other birds before tree and/or vegetation removal, which would address concerns over possible nesting by raptors and other birds.
- B1-11. This comment expresses an opinion regarding the habitat on the project site concerning the possible presence of California red-legged frog as an occasional resident or visitor of the site. See Response to Comment B1-2. Given the concerns expressed by the commenter, Dr. Mark Jennings of Rana Resources was retained to conduct an independent habitat assessment and make a determination on the potential for occurrence of California red-legged frog



on the site (see the July 2011 memorandum included in Appendix C of this FEIR.) In the memorandum of findings, Dr. Mark Jennings of Rana Resources notes that much of Temescal Creek in the vicinity along Thornhill Drive runs through a 48-inch culvert, entering the site through a culvert and then continuing into a culvert downstream under the Thornhill Elementary School grounds. Dr. Mark Jennings of Rana Resources indicates that the creek corridor is presumably well patrolled by a large local raccoon population, and that given the lack of suitable pool habitat for aquatic cover, that no California red-legged frogs would be able to survive due to predation by raccoons. Based on research conducted at the Museum of Vertebrate Zoology at the University of California at Berkeley and the Archives of the California Academy of Science, Dr. Mark Jennings of Rana Resources concluded that the California Natural Diversity Data Base (CNDDB) record for California red-legged frog mapped about 0.25 miles east of the site in Figure 4.2-1 on page 4.2-7 of the DEIR is incorrect. Thornhill Pond was apparently located in the vicinity of present Highway 13 and Thornhill Drive and was apparently eliminated during construction of the highway. There are no records of California red-legged frog (CRLF) from the vicinity during the 1940s as indicated in the CNDDB records, and there are no other known historic or current occurrences within 2 miles of the site. In the memorandum of findings, Dr. Mark Jennings of Rana Resources concludes in his "professional opinion that the St. Johns Church Project site lacks suitable habitat for CRLF and that historic CRLF populations in the area have long been eliminated due to habitat loss, the introduction of bullfrogs, and the presence of a larger population of raccoons. The construction of the proposed project will therefore have no significant adverse effect on currently surviving CRLF populations in the East Bay region."

- B1-12. This comment expresses an opinion regarding the habitat on the project site concerning raccoon predation on California red-legged

frogs is noted. See Response to Comment B1-2. Raccoons are frequently cited and acknowledged as a major predator of California red-legged frog. Refer to the response to Comment B1-11 for an independent conclusion by Dr. Mark Jennings of Rana Resources regarding absence of California red-legged frog on the site (see the July 2011 memorandum included in Appendix C of this FEIR) and that the California red-legged frog would not “be able to survive here [on the project site] due to predation by raccoons.”

- B1-13. This comment expresses an opinion regarding the habitat on the project site. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. This concern has been previously addressed. Refer to the Responses to Comments B1-2 through B1-11.
- B1-14. This comment expresses an opinion regarding the habitat on the project site and is concerned about potentially cumulative impacts to biological resources. This comment has been previously addressed. Refer to the Responses to Comments B1-2 through B1-11. The potential for occurrence of all 26 of the species listed in Table 3 of this comment (See Comment B1-17), as well as other special-status plant and animal species known from the Oakland Hills was considered during preparation of the Biological Resources section of the DEIR. As discussed on page 4.2-6 of the DEIR, this included a review of the records maintained by the California Natural Diversity Data Base. Most of the special-status animal species listed in Table 3 are discussed on page 4.2-8 of the DEIR, and based on the characteristics of the site and lack of suitable habitat, were considered to be absent from the site. Mitigation Measure BIO-1 on page 4.2-12 of the DEIR was recommended to address the remote possibility that California red-legged frog could disperse along Temescal Creek onto the site in the future, although the independent habitat assessment conducted by Dr. Mark Jennings of

Rana Resources (see the July 2011 memorandum included in Appendix C of this FEIR) now concludes that the historic populations in the area have long been eliminated. However, given the federally-listed threatened status of this species, Mitigation Measure BIO-1 is still recommended to ensure that no inadvertent take occurs as a result of project implementation. No additional mitigation measures are considered necessary to address the species listed in Table 3.

As indicated in the notation at the bottom of Table 3, active nests for all of the bird species listed in Table 3 are protected under the federal Migratory Bird Treaty Act, and nests of raptors in active use are protected under State Fish and Game code. However, no evidence of any active nests was encountered during the field reconnaissance surveys of the site. Standard Condition of Approval BIO-3 on page 4.2-29 of the DEIR calls for conduct of preconstruction surveys for nesting raptors and other birds before tree and/or vegetation removal, which would address concerns over possible nesting by raptors and other birds if new nests are established in the future, including those listed in Table 3. This includes the three non-raptor species listed in Table 3 – Vaux's swift, olive-sided flycatcher, and yellow warbler. Vaux's swift is a colonial species that tends to nest in hollow cavities of trees in old growth forests. There are no suitable nesting cavities in any of the trees on the site. Olive-sided flycatcher is a migrant that breeds throughout Canada and the Pacific northwest, including parts of California, typically in late successional conifer forests with open canopies. Yellow warbler is also a migrant that breeds in California, typically in riparian or otherwise moist land with able grows of small trees, particularly willows. Both olive-sided flycatcher and yellow warbler have been found in suburban areas and could establish nests in the vicinity of the site, although no evidence of any occupation was encountered during the field reconnaissance surveys of the site. Conduct of the preconstruction surveys required under Standard

Condition of Approval BIO-3 would serve to protect any nests in active use, ensuring compliance with the Migratory Bird Treaty Act and State Fish and Game code, and the proposed habitat enhancement along the Temescal Creek corridor would eventually serve to improve habitat conditions for native species, including foraging and nesting opportunities for numerous bird species.

San Francisco dusky-footed woodrat was not specifically addressed in the Biological Resources section of the DEIR. It has no State or federal listing status under the Endangered Species Acts, but is considered a California Species of Special Concern by the California Department of Fish and Game, as indicated in Table 3. San Francisco dusky-footed woodrat is one of 11 subspecies known from California and the arid west. Woodrats are relatively common and widespread in their range, occurring in brushy and forested habitats. They are nocturnal species, building large conspicuous nests from sticks and other woody debris where they spend most of the day. No woodrat nests were encountered on the site during the field reconnaissance survey, but one is located along the north bank of Temescal Creek immediately to the east of the property line to 5928 Thornhill Drive. Given its off-site location outside the footprint of grading and vegetation removal, this nest would not be disturbed during construction. If occupied at the time of construction, individuals would remain in the protective cover of the stick nest and could continue to forage at night when construction activities would not be taking place. The invasive species removal and native vegetation enhancement proposed as part of the project would serve to improve the habitat value of the Temescal Creek corridor on the site for woodrat and other native species. No significant adverse impacts on San Francisco dusky-footed woodrat are anticipated and no additional mitigation measures are considered necessary.

- B1-15. This comment expresses an opinion regarding the habitat on the project site. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. This comment has been previously addressed. Refer to the Responses to Comments B1-2 through B1-11.
- B1-16. This comment expresses an opinion regarding the habitat on the project site and its ability to serve as a migratory corridor. Refer to the Responses to Comments B1-2 through B1-11. This comment incorrectly claims the DEIR does not address the project's affects on the ability of wildfire to move across the project site before and after project development. A detailed discussion of the potential impacts of the project on wildlife movement opportunities and the loss of trees is provided in Subsections 4.2.D.4 and D.6 of the DEIR, respectively. Most of the mature trees on the site would be retained as part of the project, additional replacement trees would be planted where removal is required, and no significant disruption of dispersal or movement by birds and other wildlife is anticipated.
- B1-17. This comment presents the commenter's list of special-status species of wildlife that could occur at or travel through the project site. This comment has been previously addressed. See Responses to Comments B1-2 and B1-14.
- B1-18. This comment expresses a concern regarding the potential for habitat fragmentation to occur as a result of the project and requests the DEIR be revised to include a discussion on potential habitat fragmentation. A detailed discussion of the potential impacts of the project on wildlife movement opportunities and the loss of trees is provided in Subsections 4.2.D.4 and D.6 of the DEIR, respectively. Most of the mature trees on the site would be retained as part of the project, additional replacement trees would be plant-

ed where removal is required, and no significant disruption of dispersal or movement by birds and other wildlife, including habitat fragmentation, is anticipated. Refer to the Responses to Comments B1-2 through B1-11.

- B1-19. This comment incorrectly claims a cumulative impact analysis to Biological Resources was not included in the DEIR. Contrary to the assertion by the commenter, a detailed discussion of the cumulative impacts of the project on Biological Resources is provided in Subsection 4.2.E on pages 4.2-51 through 4.2-54 of the DEIR. As indicated on page 4.2-48 of the DEIR, the geographic context for analysis of cumulative impacts to biological resources in this DEIR encompasses the North Oakland hills, and specifically, the Montclair Village area.
- B1-20. This comment expresses an opinion regarding the mitigation measures included in the DEIR pertaining to Biological Resources and incorrectly describes the recommended mitigation measures only address potential impacts to the California red-legged frog. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. Refer to the Responses to Comments B1-2 through B1-19.

Each of the mitigation measures recommended in the Biological Resources section of the DEIR includes provisions for ensuring effective implementation. Mitigation Measure BIO-1 requires that a qualified biologist conduct a preconstruction survey and implement a worker training program. Mitigation Measure BIO-2 requires that the compensatory wetland mitigation program meet with the approval of the City, California Department of Fish and Game, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers.

- B1-21 This comment expresses an opinion regarding the implementation of mitigation measures, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. A Mitigation and Monitoring Reporting Plan will also be prepared for the project, which will provide the City with a method to track the status of all mitigation measures. Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Mitigation Monitoring Reporting Program [MMRP], Section 15097 of the State CEQA Guidelines provides additional direction on mitigation monitoring or reporting). The City of Oakland is the Lead Agency for the proposed project and is therefore responsible for enforcing and monitoring the mitigation measures in this MMRP.



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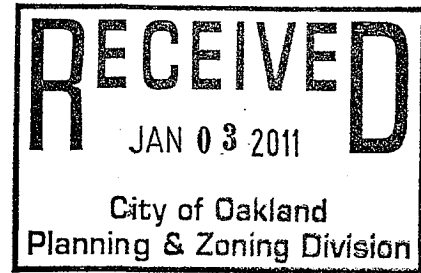
Wetland Delineation  
and Permit Acquisition

Stormwater Drainage  
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Dec. 23, 2010

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Letter B2

**RE: Engineering hydrologic assessment of the St. John's Church Project Draft EIR.  
Oakland, CA**

Dear Ms. Moncharsh,

At your request, I have reviewed the referenced Draft EIR's Hydrology and Water Quality section, prepared by Design, Community & Environment (DCE), and the revised Hydrology Report prepared for the project by Kamman Hydrology & Engineering, Inc. (KHE). I have 30 years of consulting experience in the fields of hydrology and water resources engineering, specializing in the hydraulic behavior and fluvial geomorphic processes of streams. My current resume is attached. Since 1988, I've designed and supervised the construction of more than sixty creek restoration projects in the San Francisco Bay Region and Northern California, including one completed on Temescal Creek for Mr. Derrick Liecty at 1680 Gouldin Road in 2008. It is from this perspective that I conducted the present assessment.

The objective of the present assessment of the DEIR Hydrology and Water Quality section was twofold:

- Review and assess the KHE Hydrology Report and its methodologies, assumptions and conclusions; and
- Review the DEIR's impact discussions and verify whether its related findings of significance were fully supported by the Hydrology Study and field conditions.

In preparation for the technical review, I conducted a walking inspection of the project reach of Temescal Creek on December 10, 2010. The inspection also included the upstream inlet and approach to the 48-inch RCP culvert that conveys Creek flows under the gravel access driveway to the residence at 5940 Thornhill Drive.

**Review of the KHE Hydrology Report**

**Watershed Runoff and Peak Discharge Estimation**

The analytical approach used by KHE for the estimation of Temescal Creek peak discharges included several different methodologies (e.g. HEC-HMS with two loss rate techniques, USGS regional regression equations (Rantz 1971)) and/or source

B2-1

B2-2



data (FEMA Flood Insurance Study (2009)). In each case, peak flows for selected recurrence interval storm events were estimated for the existing and full buildout watershed conditions. The land use classifications and the assignment of SCS curve number values to the apportioned land uses were appropriate for the determination of the composite watershed curve numbers and, via HEC-HMS, watershed peak discharges for the project reach. While on-site peak flows computed by Sandis Engineers were not specifically reviewed, the cited runoff coefficient "C" values cited in the Hydrology Report were reasonable based on existing and proposed project conditions.

B2-2  
(cont.)

### Analysis of Flood Flow Characteristics

KHE conducted model simulations for various Temescal Creek and project configurations using surveyed channel cross-section and longitudinal profile data (c. 2004), upstream and downstream culvert and roadway data, estimated peak discharges for the design 2-yr. and 100-yr. storms and HEC-RAS, the flood water surface profile model developed by the Corps of Engineers. The suite of model runs produced flood water surface profiles that appeared to fit the model input data and the configured site hydraulic conditions. Given the clear span of the proposed bridge, its setback, drilled pier abutments and the enlarged cross-section through the crossing, the minor changes in flood water surface elevations and flow velocities along the project reach were expected and seem consistent with the site conditions under the modeled scenarios.

B2-3

### Creek Bank Stability Assessment

For the most part, the Hydrology Report's discussion of existing creek bank stability along the project reach of Temescal Creek matched the conditions I observed during my Dec. 2010 walking inspection. However, I question the conclusion reached in the last paragraph of *Section 3.1 Creek Bank Stability (Existing Conditions)* that the concrete and brick rubble currently armoring the channel bed will act as long-term grade control structures. Also, there doesn't appear to be sufficient information supplied to support the contention that the presence of this bed armor and the upstream and downstream culverts, particularly the downstream culvert under Alhambra Lane, would prevent future channel incision.

In the Section's fifth paragraph, KHE refers to modeled shear stress data that indicates flow-induced mobility of gravel and cobble sediment sizes over the range of recurrence interval peak flows. Referring to the Report's summary data tabulation for *Simulation F: Full build-out flows with project conditions*, which also assumes the presence of the 48-inch culvert at the head of the reach, the shear stress values for a significant portion of the reach under the 100-yr. flood scenario are greater than 2.0 lbs/sq. ft., and as high as 2.8 lbs/sq. ft. Based on a shear stress vs. mobile grain size graph for natural channels presented in Figure 6.11 in Leopold et al (1964), the modeled 100-yr. discharge could be expected to mobilize sediments ranging from 200 mm (7.8 in.) to 300 mm (11.8 in.). The upper end of this range is commensurate with small boulders. Note that the upper end of the cobble size fraction is normally taken as 8 inches. Much of the component rubble I observed on the channel bed was within this upper 8-12 inch range which would suggest that it could be mobilized by high magnitude (e.g. 100-yr.) flood flows. Moreover, the rubble debris has prominent flat, smooth surfaces, which would enhance the material's mobility via sliding. The rubble is loose and often has no significant

B2-4

contact over more than a single edge with other constraining material. In most designed grade stabilizing features, e.g. boulder weirs, three-point bearing between component boulders is consciously incorporated into the design and construction to reduce the risk of unintended movement. If the rubble armoring were to be scoured and moved downstream during a severe flood and less rubble was transported into the project reach from upstream, the underlying native gravel and cobble armoring would be subjected to increased scouring. This bed scour could rejuvenate the incision process along the project reach. Minor local incision is already in evidence along the channel edges where banks are being undercut and scouring flows are eroding along the edges of the rubble zone. Thus, the conclusion that there is no risk of channel incision through project channel reach does not appear to be supported by the presented HEC-RAS model output data.

B2-4  
(cont.)

### **Review of the DEIR Hydrology and Water Quality Impact Assessment**

In concert with the above assessment of the KHE Hydrology Report, the CH assessment of the Hydrology and Water Quality section of the DEIR yielded no issues of concern regarding the project impacts on water quality, on-site drainage (peak flows, drainage patterns or flooding), or groundwater recharge or depletion of groundwater supplies. The suite of mitigations recommended in the DEIR appears to be sufficient to meet current standards for peak flow and stormwater quality mitigation. However, the proposed bridge crossing on Temescal Creek and attendant bank stabilization in the vicinity of the bridge would face an increased risk of disruption or failure in the event a severe flood mobilized the present rubble armoring on the channel bed and initiated a new period of channel incision.

B2-5

The aforementioned potential for channel instability accrues to the existing project reach, with or without the proposed project. However, installation of the bridge would be accompanied by the proposed bank stabilization, which could be subject to undermining and failure in the event unanticipated channel incision occurs. Installation of spot creek bank stabilization such as that proposed under the bridge can also increase bank erosion along the immediately adjacent downstream reach, if it too is not stabilized.

To fully eliminate the proposed project impacts on creek stability, on-site erosion and downstream sedimentation, I recommend the following mitigation:

B2-6

***Mitigation Measure 1:*** Implement the no bridge option, for the reasons I've outlined above.

If the proposed project goes forward as described, however, I would recommend the following additional mitigation measures:

***Mitigation Measure 2a):*** Complete the investigation of the actual incision potential through the project reach in the event the rubble armoring is removed by severe flood flows and is not replaced by similar rubble from upstream channel reaches.

**Mitigation Measure 2b):** When a maximum potential depth of incision is determined given the existing channel gradients, shear stresses, channel longitudinal profile and other appropriate hydraulic factors, incorporate into the stabilization design converging-flow boulder weirs at strategic points downstream of the bridge crossing to maintain a stable profile through the project reach.

**Mitigation Measure 2c):** Grade back and replant the vertical west bank downstream of the crib wall/VSL structure to reduce the risk of collateral erosion following the bridge installation. The downstream extent of this treatment will be dictated by the location of a hydraulically smooth, downstream transition point for return to the ungraded bank. A keyed, rock toe may be required to maintain the integrity of the graded and revegetated bank.

B2-6  
(cont.)

In this letter assessment, I have not addressed bridge impacts on riparian vegetation. However, on the subject of the prospects for vegetation development within the VSL stabilization under the bridge, I concur with RWQCB's Brian Wines' professional opinion that these prospects are nil due to a lack of light penetration.

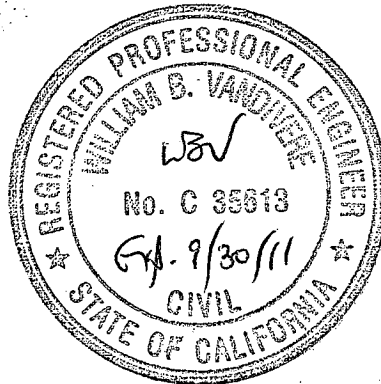
B2-7

Please do not hesitate to contact me with any questions or comments regarding this assessment.

Yours truly,



William Vandivere, P.E.  
Principal



#### REFERENCES

Leopold, Luna B. et al. 1964. Fluvial Processes in Geomorphology. WH Freeman & Sons, NY.

To compute the approximate size of a rock that might be moved on the streambed, use the shear stress

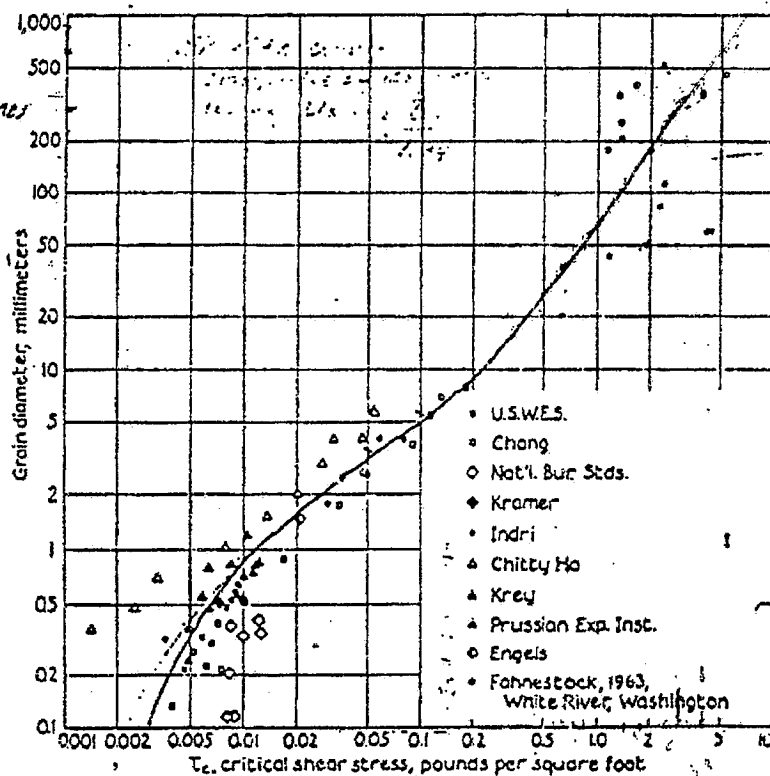
$$\tau_0 = \gamma d s \text{ or } 16/\text{ft}^2 = \text{unit weight of water} \times \text{depth} \times \text{slope (English units)}$$

$$\tau_0 = 62.4 \times \text{depth (ft)} \times \text{slope}$$

Enter  $\tau_0$  on abscissa below, read rock size in mm on ordinate.

$$1 \frac{\text{N}}{\text{m}^2} = 10 \frac{\text{dynes}}{\text{cm}^2}$$

$$1 \frac{\text{lb}}{\text{ft}^2} = 479 \frac{\text{dynes}}{\text{cm}^2}$$



$$\begin{array}{l} \text{N/m}^2: .02 \quad .05 \quad .1 \quad .2 \quad .5 \quad 1 \quad 2 \quad 5 \quad 10 \quad 20 \quad 50 \quad 100 \\ \text{Dynes/cm}^2: \quad \quad \quad 1 \quad \quad \quad 10 \quad \quad \quad 100 \quad \quad \quad 1000 \end{array}$$

$$\tau = \gamma R_h S_0$$

$$\frac{A}{P}$$

$$\gamma = 62.4 \frac{\text{lb}}{\text{ft}^3}$$

**LETTER B2: William Vandivere, P.E. (Clearwater Hydrology),  
December 23, 2010.**

- B2-1. This comment acknowledges the commenter has reviewed the DEIR and the revised Hydrology Report prepared for the project by Kamman Hydrology & Engineering, Inc. The comment contains general information on the commenter's background, review methodology, and introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- B2-2. This comment indicates approach, methods, and assumptions in peak flow determination were reasonable, although the reviewer did not review on-site peak flows computed by Sandis Engineers. No further response necessary.
- B2-3. This comment indicates modeled changes in water surface elevations and velocities associated with project, "...were expected and seem consistent with the site conditions under the modeled scenarios." No further response necessary.
- B2-4. This comment describes the commenter's hydraulic modeling results indicate that there is not a significant change in channel velocity and shear-stress induced by the proposed project that would alter the incision potential of the creek. However, the reviewer defines a scenario in which channel incision would potentially occur under both existing and project conditions. Based on hydraulic modeling results and the reviewer's analysis of bed material mobilization and transport, the creek would incise under a no bridge option.

Included in Appendix B of the FEIR, a bridge scour analysis has been completed that determines the scour estimates are within the proposed bridge construction. Additionally, the bridge crossing and associated project channel design will include considerable hydraulic modeling as part of engineering design for a broad range of design flows, including the 100-year flood event. The design of the bridge piers/footing and underlying/adjacent creek banks will need to be integrated in order to provide for stable channel conditions. In addition to bank stabilization measures (vegetated soil lifts and live crib wall), the project reach may require channel spanning rock grade controls in order to achieve a stable channel during extreme flood events. The upstream and downstream extent of channel and bank stabilization measures and type/size of materials used within the channel were estimated as part of the conceptual design presented in the DEIR, but will ultimately be determined as part of the engineering design process. It will be important to design the project so as not to propagate excessive forces up- or down-stream, leading to increased channel/bed instabilities outside of the project reach. From this process, a stable channel design will emerge that will be less prone to incision than existing conditions. Refer to response to Comment B2-5.

- B2-5. This comment states that the commenter has no concerns regarding the project's potential impacts on water quality, on-site drainage (peak flows, drainage patterns or flooding), or groundwater recharge or depletion of groundwater supplies. The comment expresses an opinion regarding the proposed bridge and bank stabilization components of the project. It is Kamman Hydrology & Engineering's interpretation that the current channel is not continuing to incise but observed instabilities are associated with lateral channel erosion. Regardless, the project introduces the opportunity to stabilize both channel banks and bed, reducing both the potential for incision and bank erosion during all design flows. These actions would reduce erosion from on-site sources and re-

duce water quality impacts from sediment. All in-channel construction materials are porous and should not alter the ability for groundwater infiltration or exchange through the channel substrate. Again, stabilizing the channel bed would be incorporated through introduction of rock cross-vanes (converging-flow boulder weirs as recommended by the reviewer) as grade controls. The size and spacing of the vanes/weirs would be determined through hydraulic design and scour analysis.

- B2-6. This comment expresses a concern regarding channel instability with or without the project and suggests mitigation measures. As described under response B2-4 and B2-5, the engineering design of the bridge footings/piers and integrated channel stabilization measures will necessitate detailed hydraulic modeling and scour analyses, which will include the investigation described under Mitigation Measure 2a of the reviewer's comments. Grading back banks downstream of the bridge bank stabilization measures (commenter's Mitigation Measure 2c) was strongly recommended during the early stages of project design, but such activities were viewed as excessive and unreasonable actions by the RWQCB staff, that would promote channel instability in lieu of reducing erosion potential. Pending the findings of this investigation, channel spanning rock vanes/weirs that direct flow down the center of the channel will be incorporated into the project design (Mitigation Measure 2b in reviewer's comments). Grading back banks downstream of the bridge bank stabilization measures (commenter's Mitigation Measure 2c) was strongly recommended during the early stages of project design, but such activities were viewed as excessive and unreasonable actions by the RWQCB staff, that would promote channel instability in lieu of reducing erosion potential. The sizing and spacing of all channel bed and bank measures will not propagate increased erosive forces beyond the project reach.

- B2-7. This comment states the commenter has not provided comments on riparian vegetation, but agrees with statements made by Brian Wines of the Regional Water Quality Control Board (RWQCB). No further response is required.
- B2-8. The reviewer presents his analysis of grain-size mobilization, which is deemed reasonable.



January 2, 2011

Caesar Quitevis  
Planner II  
City of Oakland CEDA  
Planning Division  
250 Frank H. Ogawa Plaza, STE 3315  
Oakland, CA 94612

RE: ER08-0001; St. John's Episcopal Church project

Dear Mr. Quitevis:

Our law firm represents Thornhill Creekside Neighbors and Friends. With this letter, we are submitting comments to the DEIR from hydrologist William Vandivere and from ecologist Shawn Smallwood. Below are our comments in response to the DEIR as well. Overall, we felt that the discussion regarding the bridge needs further work; specifically the EIR language seems to go in opposite directions – the creek bank modifications will be an improvement over what is present now and at the same time, the modifications present significant impacts requiring a finding that the environmentally superior alternative is to forego the bridge. It appears that there is strong expert support from our hydrologist and from the water quality control engineer that the bridge should be dropped from the plans.

The biology and traffic sections need much better baseline descriptions. The developer's biologist failed to do any kind of reasonable job at identifying species on the site or likely to be on the site. The conclusion that the site is too developed for it to support any species of concern is ridiculous in light of Mr. Smallwood's visit and findings. It is absurd for anyone who is even remotely familiar with this tree grove area of Oakland as well to believe the developer's biologist in this regard.

Similarly, the traffic analysis presumes that the school will contract away its rights to its parking lot which the school emphatically will not do. That parking isn't a CEQA checklist item does not relieve the EIR preparer from the duty to discuss the impacts on traffic flow through Thornhill when a great many cars end up parking on Thornhill, a narrow street with no sidewalks. The EIR needs to go much further than just conceding that there will not be enough on-site parking with this project and then speculate that the school will provide the needed parking spaces.

Our comments in more detail follow.

B3-1

### A. Hydrology

On page 3.10 of the DEIR, the project description reads: "Construction of the bridge will necessitate the modification of the creek banks beneath the location of the bridge and immediately upstream/downstream of the proposed bridge, as shown in Figure 3-10." The paragraph then goes on to describe: "The modifications will include laying back the currently over-steepened banks and stabilizing the exposed slopes using bioengineering techniques that will stabilize the creek banks, provide habitat and erosion protection, and prevent scour of the bridge support structure."

B3-2

Unlike all of the other topics in the mitigation monitoring list, there are no listed environmental impacts as to hydrology on page 2-16 despite that the project description includes a requirement for creek bank stabilization as part of the bridge construction. Instead, the impact portion of the table for hydrology only references hazardous materials and discusses standard conditions of approval. On pages 4.3-21 – 4.3 - 22, however, the DEIR asserts that with the creek bank modifications, the creek banks will be more stable than prior to the creek modifications.

Later on, the DEIR says just the opposite --- the creek bank modifications will present significant impacts requiring unidentified conditions of approval to deal with them. For example, the DEIR on page 4.3-16 concedes that one possible impact of the project is creek bank erosion: "Soils will be disturbed as the project is constructed and the creek is altered. Project impacts associated with construction related erosion are considered to be *significant*." What this paragraph fails to acknowledge is the connection between constructing a bridge and the significant impacts of then having to address the creek banks. The sanctuary wouldn't cause creek bank erosion, only the bridge construction would present that risk.

The DEIR further acknowledges on page 4.3-16 - 17:

B3-3

However, project construction would require earthwork and grading, activities that could lead to construction-related erosion. Soils will be disturbed as the project is constructed and *the creek is altered*. Project impacts associated with construction-related erosion are considered to be *significant*. [Emphasis added to first italicized words, not the second.]

"Siltation could result from the loose disturbed soil being mobilized by storm water...[which could] adversely affect the aquatic environment. As a result the project is considered to have a *significant* impact in terms of erosion and siltation."

Despite a need to discuss the mitigations for reducing the above impacts, the DEIR instead states: "With the incorporation of Standard Condition of Approval 82, as listed above, the project would result in a *less-than-significant* impact." We have no idea what "82" references or what there is about this condition that would cause a reduction of erosion or siltation from the bank modifications.

B3-3

Although we don't know what condition of approval is supposed to reduce the significant impacts of creek modifications, the DEIR concludes that Alternative 2 with no bridge construction is the superior environmental choice: "This EIR concludes that the potential impacts to the creek associated with the proposed project are more of an environmental concern than other factors associated with Alternative 2. **Thus, Alternative 2 is the Environmentally Superior Development Alternative.**" [Emphasis added. See, pg. 5-33.] Again, the DEIR is informing us that there are substantial environmental impacts associated with the bridge construction that necessitates creek bank modification.

B3-4

The lead agency cannot meet CEQA's requirements by just sitting on the fence, sort of leaning towards the project having no impact because it is improving creek bank stability and on the other hand, referencing significant erosion impacts due to the bridge construction and creek bank alteration. The key purpose of the EIR process is to protect the environment and informed decision making. (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376,392; and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.)

B3-5

The EIR needs to clearly specify the negative impacts from the creek modifications that are part of the proposed project and related to the bridge construction. It also needs to identify the mitigations and how those mitigations will reduce the significant impacts referenced in the EIR.

B3-6

To at least some extent, the vagueness in the EIR regarding impacts and mitigations may be due to a lack of clarity in the hydrology report that forms the basis of it. William Vandivere, P.E., a hydrologist with Clearwater Hydrology has prepared an expert peer review report, dated December 23, 2010 and submitted with our firm's letter. Mr. Vandivere made a site visit to the proposed project site, reviewed the DEIR hydrology section and the KHE Hydrology Report. While he found the report and EIR acceptable in many regards, there were a couple of problems.

B3-7

The developer's hydrologist assumed without any factual support that the rubble that has accumulated on the creek bed will continue to act "as long-term grade control structures." There also was no basis in the hydrologist's report for the contention that

creek bed armor and existing culverts would prevent future channel incision. In other words, there is no substantial evidence to support these conclusions. It is the duty of the EIR to provide more than unsubstantiated opinions. (PRC § 21082.2 (e) and Guidelines § 15064 (f) (5).)

Mr. Vandivere concluded that, based on his site visit findings and the computer model output obtained by the developer's hydrologist, in a severe storm the rubble could move and in that event would cause the very scouring and bank erosion that the project claims to prevent: "Thus, the conclusion that there is no risk of channel incision through project channel reach does not appear to be supported by the presented HEC-RAS model output data." (pg. 3 of Vandivere report.)

Similarly, he noted that the bridge crossing Temescal Creek and the "attendant bank stabilization in the vicinity of the bridge would face an increased risk of disruption or failure in the event a severe flood mobilized the present rubble armoring on the channel bed and initiated a new period of channel incision." That could occur with or without the project, but the bridge is requiring bank stabilization "which could be subject to undermining and failure in the event unanticipated channel incision occurs. Installation of spot creek bank stabilization such as that proposed under the bridge can also increase bank erosion along the immediately adjacent downstream reach, if it too is not stabilized."

After specifically identifying the potentially significant negative environmental impacts in his letter, Mr. Vandivere concludes that to avoid the stability impacts from the bridge construction's need for bank stabilizing, risking on-site erosion and impacts downstream that are basically spreading from the project site onto other property, the best mitigation would be to forego any bridge --- the same conclusion as in the DEIR. That would be the most environmentally favorable alternative.

Mr. Vandivere also offers further mitigations in the event that the decision makers decide to approve the project as it is currently formulated. However, legally the city is required to choose the least environmentally impactful alternative or utilize feasible mitigation measures rather than approving the project. That is the very purpose of CEQA in requiring that an EIR specifically identify the negative impacts and provide any alternatives that are less harmful to the environment:

#### **PRC § 21002**

The Legislature finds and declares that it is the policy of the state 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, and that the procedures

B3-7  
(cont.)

B3-8

required by this division 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....

(See, also, *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal. 4<sup>th</sup> 105, 134 and *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal. 4<sup>th</sup> 1215, 1223.)

B3-8  
(cont.)

In this instance where the DEIR, Mr. Vandivere's report and the April 3, 2008 letter from the California Regional Water Quality Control Board all recommend or offer an environmentally superior alternative of "no bridge" the lead agency should recommend and the decision makers should follow that recommendation in compliance with CEQA.<sup>1</sup>

## **B. Biological Resources**

The DEIR suffers from two major flaws: 1. It does not provide an accurate, reliable baseline description of the species that may be impacted by the proposed project; and 2. The DEIR's proffered mitigations to counter the bridge shade impact put off to another day studying the problem.

B3-9

### **1. The biology study is woefully inadequate.**

An EIR must include enough detail to enable the public and decision makers to comprehend the impacts raised by the proposed project. "When assessing the legal sufficiency of an EIR, the reviewing court focuses on adequacy, completeness and good faith effort at full disclosure." (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal. App. 4<sup>th</sup> 1383, 1390)

B3-10

As part of meeting CEQA's informational requirements, the EIR must provide an environmental baseline that includes real on-the-ground physical conditions. It is against the baseline that the decision makers can determine and understand the environmental impacts resulting from the proposed project. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4<sup>th</sup> 645, 658-659 and *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4<sup>th</sup> 412, 442.)

Ecologist Shawn Smallwood visited the project site, reviewed the DEIR and the biology report found in Appendix E to the DEIR and simply duplicated into the DEIR. In his report submitted with our firm's letter, Mr. Smallwood notes that the developer's biologist made a site visit reporting nothing about how long he stayed at the site and

B3-11

<sup>1</sup> Brian Wines, the engineer for the Water Quality Control Board wrote a letter to the city planner on April 3, 2008 and it is included in the Appendix (pgs. 79-81) to the DEIR.

whether he even tried to locate any species on the property. Instead, he admitted making no efforts because he speculated that the development in the area would preclude special-status species. Not bothering to look for species fails woefully below the duty to describe an environmental biological resource baseline.

Furthermore, the developer's biologist was wrong. Mr. Smallwood states of his site visit:

During the 1 hour and 45 minutes I was on site, I detected the presence of 14 terrestrial vertebrate species (Table 1). I also saw high potential for the occurrence of 172 additional species of terrestrial wildlife at the project site (Table 2). The majority of the bird species I either detected or determined to be likely residents or visitors is protected by the international Migratory Bird Treaty Act. One of the species I detected – the San Francisco dusky-footed woodrat – is a California species of special concern.

B3-11  
(cont.)

He also saw California slender salamander and Arboreal salamander indicating to him that "the project site has a relatively high degree of ecological integrity, as these species are sensitive to environmental conditions; that is, they require nearby water, undisturbed soils, and decaying woody debris for cover." (Pages 1 – 2 of Smallwood report.)

Mr. Smallwood included photographs that he took of the project site in his report. The combination of his findings and the photos make the obvious case that the area is not so developed or disturbed as to preclude a wide range of animal life. Yet, the DEIR does not even try to identify and describe the wildlife that may be impacted by the proposed project. Having failed to make a "good faith effort" to identify and describe the existing wildlife, the DEIR just presumes that there is special status species habitat and comes up with mitigations that depend on future decisions in violation of CEQA. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4<sup>th</sup> 668 – 671.)

## **2. Mitigations dependent upon impermissible presumptions and relying on future surveys or plans violate CEQA.**

Not knowing what, if any, special status species are present and thus ignoring the ones found on the project site by Mr. Smallwood, the DEIR presumes that the federally threatened red-legged frog might be present now or in the future on the creek banks. Then, we're left with mitigation measures that involve pre-construction surveys and other measures limited to this presumptive red-legged frog. (DEIR, pgs. 4.2-12 – 4.2 – 14.) The following sections make the unbelievable contention that there simply isn't any wildlife of value or wildlife habitat on the project site that as shown above is completely

B3-12

without factual basis and absolutely incorrect. Further, the assertion is ridiculous given the number of trees, amount of open space and running creek all located on the project site. Anyone living or driving through the area of the project site knows that wildlife is abundant in this particular area of Thornhill Rd.

B3-12  
(cont.)

The tree removal standard conditions of approval don't address the wildlife along or dependent on the creek and its banks. The last section deals with the shaded portion of the creek and the shade's impact on animal life. Again, the DEIR has not informed the reader as to what species or habitat are extant on the creek and its banks. Instead, the DEIR presumes that there is habitat and then basically provides no real mitigation for it other than offering "some other spot." The next sections revert to the same method of waiting until after construction permits are issued and then having the project applicant "submit a study" and "develop a creek restoration plan" all of which should be specified at this stage, not after the project is approved. (DEIR, pg. 4.2-50 – 4.2-51.)

B3-13

The court of appeal has noted that an agency "goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report." Where mitigations are feasible they should be set forth. Where it is impractical to describe a mitigation at the time of project approval, the EIR needs to "articulate specific performance criteria and make further approvals contingent on finding a way to meet them." (*San Joaquin Raptor Rescue Center, supra*, at pgs. 670-671.)

B3-14

The EIR needs to provide a much more complete description of the wildlife species present on the project site, including near or in the creek so that the decision makers and the public understand exactly what species and their habitat are at risk due to the project's approval. Further, to the extent possible, the mitigations should be designed for all of the species present or likely to be present and their habitat such that there is some guarantee the mitigations will be carried out.

### **3. Creek Maintenance**

Interestingly, the one mitigation missing throughout the EIR is a clear statement as to who will be responsible for long term management of the creek once the project is completed. The language in the mitigations and throughout the EIR related to this topic does not provide any specific timeline or specific performance standards for maintenance of the vegetation and creek banks.

B3-15

### C. Traffic Impacts

As demonstrated by the neighbors' correspondence, the EIR does not correctly reflect the traffic patterns with respect to the dropping off of students at the school. As discussed above, CEQA requires an accurate baseline in the EIR.

B3-16

While parking is not part of the CEQA checklist, the EIR has offered standard conditions of approval, one of which is impossible to meet. The EIR needs to reflect that there is no way for the City or the project applicant to force the school district into a contract for use of its parking lot. (DEIR, pg. 4.4-34.) Furthermore, there are no terms or specifics as to: 1. Length of time the school would be committed to the contract; 2. Who would assume liability for the use of the parking lot; 3. What maintenance requirements would exist for the school's parking lot; and 4. How the parking lot would be supervised. In any event, the school has already indicated that it has no intention of contracting away its right to its own parking lot while school is or is not in session.

B3-17

The baseline environmental conditions are key to an adequate EIR as described above. Yet, the DEIR fails to indicate how many cars are parking on the school lot now, how many cars the traffic engineers expect to park on the street when the school decides to stop engaging in allowing the church to use its parking lot or what impacts the cars that can't park on the church lot will have on the traffic flow through narrow Thornhill after the addition of the sanctuary. That the DEIR concedes that there will be inadequate parking as part of the project is insufficient for decision makers to know the full impacts of cars parking along Thornhill where there is no sidewalk and where the street is very narrow.

B3-18

Thank you for considering our comments.

Very truly yours,



Leila H. Moncharsh, J.D., M.U.P.  
Veneruso & Moncharsh

LHM:lm



**LETTER B3: Leila H. Moncharsch, J.D., M.U.P., January 2, 2011.**

B3-1. This comment contains general information on the commenter's background and introduces ensuing comments regarding Alternative 2, Existing Gouldin Road/Alhambra Lane Access (One-Way/No Bridge), the baseline setting for the project's traffic and biological resources, and parking impacts. These comment areas are responded to in detail in Responses to Comments B3-2 through B3-18.

B3-2. This comment describes the bridge component of the proposed project and correctly identifies that, as described on page 3-10 of Chapter 3, Project Description, of the DEIR, construction of the bridge will necessitate the modification of the creek banks beneath the location of the bridge and immediately upstream/downstream of the proposed bridge and that the modifications will include laying back the currently over-steepened banks and stabilizing the exposed slopes using bioengineering techniques that will stabilize the creek banks, provide habitat and erosion protection, and prevent scour of the bridge support structure.

The commenter expresses a concern that the Hydrology and Water Quality section of Table 2-2, Summary of Impacts, Standard Conditions of Approval, and Mitigation Measures, in Chapter 2, Summary, of the DEIR do not indicate the project will result in hydrology and water quality impacts as a result of the project's proposed creek bank stabilization component. The discussion on page 2-16 of the DEIR regarding the potential hydrology and water quality impacts as a result of the project's required earthwork and grading activities that could lead to construction-related erosion and soils that could be disturbed as the project is constructed and the creek is altered has been revised as follows:

Hazardous materials associated with construction activities are likely to involve minor quantities of paint, solvents, oil and grease and petroleum hydrocarbons. Project construction would require earthwork and grading activities that could lead to temporary construction-related erosion. Soils would be disturbed as the project is constructed, the creek channel banks under the bridge undergo a bioengineered design, and riparian revegetation replaces non-native species along the creek banks.

This revision does not affect any conclusions or significance determinations provided in the DEIR.

The comment references the discussion presented in Chapter 4.3, Hydrology and Water Quality, of the DEIR, and correctly identifies that where the project has the potential to impact creek erosion, the “restored bank” that would occur with the construction of the project’s bridge component would be less susceptible to erosion than the existing earthen bank – especially along the softer and unstable west channel bank, with incorporation of the bioengineering bank stabilization features described above. In other words, the project has incorporated bridge design features that reduce any potential impacts to hydrology and water quality.

As evaluated in the Hydrology Report (included in Appendix G of the DEIR), and discussed on page 4.3-21, the construction and operation of the bridge, which includes the bioengineering treatments, would not result in any changes to the hydrology of the project site or creek that would result in flooding or future bank erosion or collapse, or endanger public health or safety or property. The banks under the proposed bridge would be reconstructed with “equal or lesser exposure” to creek flow. Where exposed to creek erosion, the restored bank would be less susceptible to erosion than the existing earthen bank – especially along the softer

and unstable west channel bank, with incorporation of the bioengineering bank stabilization features described above.

- B3-3. The comment incorrectly describes the DEIR as presenting opposite or conflicting information regarding the hydrology and water quality impacts associated with the project's required earthwork and grading activities that could disturb soils as the project is constructed and the creek is altered. As discussed on page 4.3-16 of the DEIR, the project construction would require earthwork and grading activities that could lead to construction-related erosion. Soils will be disturbed as the project is constructed and the creek is altered. Project impacts associated with construction-related erosion are considered to be potentially significant, but will be reduced to less-than-significant levels as discussed below. As described on page 3-10 of Chapter 3, Project Description, of the DEIR, construction of the bridge will necessitate the modification of the creek banks beneath the location of the bridge and immediately upstream/downstream of the proposed bridge and that the modifications will include laying back the currently over-steepened banks and stabilizing the exposed slopes using bioengineering techniques that will stabilize the creek banks, provide habitat and erosion protection, and prevent scour of the bridge support structure. The project's proposed bridge design features (i.e., bioengineering treatments) will reduce any potential impacts to hydrology and water quality thereby self-mitigating any potential soil erosion and subsequent water quality impacts that could occur as a result of the proposed project. See Response to Comment B3-2.

The comment correctly identifies that Standard Condition of Approval 82 is not discussed in Chapter 4.3, Hydrology and Water Quality, of the DEIR. The discussion on page 4.3-6 of the DEIR regarding the implementation of Standard Conditions of Approval to reduce impacts associated with the project's required earthwork and grading activities that could lead to construction-related ero-

sion and soils that could be disturbed as the project is constructed and the creek is altered has been revised as follows:

With the incorporation of Standard Conditions of Approval ~~82~~—HYD-5: Erosion, Sedimentation, and Debris Control Measures, HYD-6: Creek Protection Plan, HYD-7: Creek Monitoring, and HYD-8: Creek Landscaping Plan as listed above, the project would result in *less-than-significant* impact.

This revision does not does not affect any conclusions or significance determinations provided in the Revised DEIR.

- B3-4. This comment correctly states that in Chapter 5, Alternatives, of the DEIR on page 5-30, Alternative 2, Existing Gouldin Road/Alhambra Lane Access (One-Way/No Bridge) was identified as the environmentally superior alternative pursuant to Section 15126.6 of the State CEQA Guidelines. The comment also correctly states that the DEIR identifies that soils will be disturbed as the project is constructed and the creek is altered and that project impacts associated with construction-related erosion are considered to be potentially significant. As discussed in detail in Chapter 4.3, Hydrology and Water Quality, of the DEIR, impacts associated with the project were determined to be less than significant with the implementation of Standard Conditions of Approval and mitigation measures. See Response to Comment B3-3.
- B3-5. This comment has been previously addressed. The project's proposed bridge design features (i.e., bioengineering treatments) and the implementation of Standard Conditions of Approval and mitigation measures, will reduce any potential impacts to hydrology and water quality thereby self-mitigating any potential soil erosion and subsequent water quality impacts that could occur as a result of the proposed project. See Response to Comment B3-2 and B3-4.

- B3-6. This comment requests that impacts to hydrology and water quality as a result of the construction of the project's bridge component be discussed in the DEIR and the potential impacts be fully disclosed. As discussed on page 4.3-16 of the DEIR, the project construction, which includes the project's bridge component, would require earthwork and grading activities that could lead to construction-related erosion. Soils will be disturbed as the project is constructed and the creek is altered. Project impacts associated with construction-related erosion are considered to be significant. A direct nexus to hydrology and water quality impacts and mitigation measures designed to reduce impacts related to the construction of the bridge are fully identified on pages 4.3-7 through 4.3-17, and amongst others, specifically identify Standard Conditions of Approval HYD-5: Erosion, Sedimentation, and Debris Control Measures, HYD-6: Creek Protection Plan, and HYD-7: Creek Monitoring, and HYD-8: Creek Landscaping Plan.
- B3-7. This comment describes that the review hired William Vandivere, P.E., a hydrologist with Clearwater Hydrology and Mr. Vandivere prepared a peer review letter dated December 23, 2010. This letter is included in this FEIR as Comment Letter B2 and has been responded to above. See Responses to Comments B2-1 through B2-8. This comment incorrectly states the DEIR recommends mitigation measures that eliminate the construction of the bridge. There are no such mitigation measures recommended in the DEIR, but Alternative 2 (One-Way/No Bridge) is identified as the environmentally superior development alternative.
- B3-8. This comment describes the hydrology firm hired by the reviewer, Clearwater Hydrology, has provided alternative mitigation measures based their review of the of the Hydrology Report prepared for the DEIR and Chapter 4.3, Hydrology and Water Quality, of the DEIR. This comment also describes Public Resource Code Section 21002 which states that a public agency should not

approve a project as proposed if there are feasible alternatives or feasible mitigation measures which substantially lessen the significant environmental effects of the project and provides an interpretation of this code. As described on pages 4.3-7 through 4.3-27 in Chapter 4.3, Hydrology and Water Quality, of the DEIR, all project and cumulative impacts associated with the hydrology and water quality were determined to be less than significant with the implementation of Standard Conditions of Approval and mitigation measures. In addition, as described on page 3-10 of Chapter 3, Project Description of the DEIR, the project's proposed bridge design features (i.e., bioengineering treatments) will reduce any potential impacts to hydrology and water quality thereby self-mitigating any potential soil erosion and subsequent water quality impacts that could occur as a result of the proposed project. See Responses to Comments B3-2 and B3-7.

- B3-9. This comments expresses the opinion that the DEIR does not provide an accurate, reliable baseline description of the species that may be impacted by the proposed project, and that the mitigation measures proposed by the DEIR to address shade from the proposed bridge relies on future surveys or plans. See Responses to Comments B3-10 through B3-14.
- B3-10. This comment expresses an opinion regarding the adequacy of Chapter 4.2, Biological Resources, of the DEIR and provides information regarding CEQA case law. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. The concerns of the commenter have been previously addressed. Refer to the Responses to Comments B1-2 through B1-21.
- B3-11. This comment expresses an opinion regarding the adequacy of Chapter 4.2, Biological Resources, in the DEIR and provides information regarding CEQA case law. This comment describes the

observations of the site visit made by Shawn Smallwood presented in Letter B1 above. The commenter incorrectly identifies the project biologist (Jim Martin) as the developer's biologist and incorrectly states the biological resource analysis presented in the DEIR was wrong. The biologist, Jim Martin, was hired by the environmental consulting firm selected to prepare the EIR, but works under the direction and control of the City, as does the environmental consulting firm. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. The concerns of the commenter have been previously addressed. Refer to the Responses to Comments B1-2 through B1-21. A description of the biological resources on the site necessary to accurately characterize existing conditions and the significance of potential impacts is provided in the Chapter 4.2, Biological Resources, of the DEIR. The description of the site is summarized on page 4.2-3 of the DEIR accurately convey the relatively developed condition of the property, but acknowledge that the remaining natural areas may provide foraging, perching, roosting, and nesting opportunities for raptors and other birds. Providing a "large" list of wildlife species known or suspected to occur on the site is not evidence of some increased sensitivity of the project site. Most of these same species would continue to utilize the site following construction, are known to use urbanized areas that contain woodland and riparian habitat, and the native plant enhancement proposed along the Temescal Creek corridor would eventually serve to improve habitat values for some of these species. Even a brief inspection of the site clearly indicates that it is largely developed with structures, impervious surfaces and ornamental landscaping, and that the Temescal Creek corridor is now dominated by non-native trees, shrubs, vines, and groundcover species. An independent biological consultant, Dr. Mark Jennings of Rana Resources, was retained to provide a habitat assessment for California red-legged frog and found that the site

was accurately characterized in the DEIR (see the July 2011 memorandum included in Appendix C of this FEIR).

- B3-12. This comment expresses a concern regarding Chapter 4.2, Biological Resources, in the DEIR and provides their own non-expert opinion on the habitat of the project site. The commenter incorrectly states the biological resource analysis presented in the DEIR was without factual basis and is absolutely incorrect. The concerns of the commenter have been previously addressed. Refer to the Response to Comments B1-14 for a discussion of the potential for occurrence of California red-legged frog and other special status species on the site, and to the Response to Comment B1-18 for a discussion of the impact on wildlife habitat and movement opportunities on the site.
- B3-13. This comment expresses a concern regarding Standard Conditions of Approval presented in Chapter 4.2, Biological Resources, in the DEIR and incorrectly states the conditions of approval don't address wildlife with the riparian habitat and go into effect after construction permits are issued. The concerns of the commenter have been previously addressed. See Response to Comment B1-2. A description of the biological resources on the site necessary to accurately characterize existing conditions and the significance of potential impacts is provided in the Chapter 4.2, Biological Resources, of the DEIR. A detailed discussion of the potential impacts of the project on wildlife movement opportunities and the loss of trees is provided in Subsections 4.2.D.4 and D.6 of the DEIR, respectively. Most of the mature trees on the site would be retained as part of the project, additional replacement trees would be planted where removal is required, and no significant disruption of dispersal or movement by birds and other wildlife is anticipated. None of the mitigation measures recommended in the Biological Resources section involve "waiting" to conduct a study or develop a plan as suggested by the commenter. Mitigation Measure BIO-1



involves a preconstruction survey to ensure no inadvertent take of California red-legged frog occurs, in the remote instance it may disperse along Temescal Creek before construction proceeds. Mitigation Measure BIO-2 calls for securing adequate mitigation for the identified impacts of the proposed bridge on an estimated 476 square feet of riparian habitat along Temescal Creek, either through an off-site mitigation program or payment of in-lieu fees. If an off-site mitigation program is pursued by the applicant, the measure defines minimum performance standards that must be met as part of implementation, and acknowledges that the program would have to meet with the approval of regulatory agencies including the City, California Department of Fish and Game, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers. As discussed in the Response to Comment A1-3, revisions were recommended to Mitigation Measure BIO-2 to reinforce the importance of Standard Condition of Approval BIO-1 and the need to secure agency authorizations as part of refining the compensatory mitigation process, the infeasibility of day-lighting the existing culvert on the site, and the acceptability of the applicant in making an in-lieu compensation to the City. Mitigation Measures BIO-3a and 3b specifically relate to provisions in the City's Creek Protection Ordinance calling for use of hand tools and restoring disturbed areas to pre-construction conditions or better, and not to the compensatory mitigation program covered under Mitigation BIO-2. No additional mitigation is considered necessary in response to the comment.

- B3-14. This comment expresses an opinion regarding Chapter 4.2, Biological Resources, in the DEIR and provides information regarding CEQA case law. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. The concerns of the commenter have been previously addressed. Refer to the Response to Comment B3-13 for a conclusion that no addi-

tional mitigation is considered necessary, and the Responses to Comments B1-2 through B1-11 for a discussion of the adequacy of the site characterization and impact analysis. Refer to the Response to Comment B1-21 for a review of the provisions in each Standard Condition of Approval and mitigation measure in the Biological Resources section of the DEIR to ensure effective implementation, and purpose of the required Mitigation and Monitoring Reporting Program (MMRP). The City of Oakland is the Lead Agency for the proposed project and is therefore responsible for enforcing and monitoring the mitigation measures in this MMRP. See Response to Comment B1-21.

B3-15. This comment expresses a concern regarding the long term management of the portion of the creek as it relates to the project. This comment has been previously addressed. Refer to the Response to Comment B3-14. The property owner and applicant would be responsible for long-term management of the creek on the site and the associated habitat enhancement provisions of the project. The Mitigation Monitoring Reporting Program will provide effective implementation of the proposed mitigation measures.

B3-16 This comment expresses an opinion regarding the traffic analysis presented in the DEIR and suggests the EIR does not correctly reflect the traffic patterns with respect to dropping off the students at Thornhill Elementary School. The comment does not articulate the manner in which the traffic patterns should be reflected. As discussed on page 4.4-2 of Chapter 4.4, Traffic and Circulation, of the DEIR, vehicle level of service analysis was conducted for weekday and Sunday conditions at the two existing study intersections and the location of proposed project driveway using the Traffix software, employing the 2000 Highway Capacity Manual methodology for unsignalized intersections. See Master Response 3: Church/School Drop-Off Traffic Interface.

- B3-17. This comment expresses an opinion about a project Standard Condition of Approval and the EIR reflect that there is no way for the City or the project applicant to force the Oakland Unified School District into a contract for use of the Thornhill Elementary School parking lot. See Master Response 2, Parking.
- B3-18. This comment expresses a concern about the parking needs of the project and an opinion regarding the parking impact analysis presented in the DEIR. See Master Response 2, Parking.

*C. Members of the Public*

The following comment letters were submitted to the City of Oakland by members of the public. Responses to each comment are included following each comment letter.

December 10, 2010  
ER08-0001; SCH# 2008032031

Caesar Quitevis, Planner II  
City of Oakland  
Community and Economic Development Agency  
Planning Commission  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA, 94612

Regarding case number ER 08-0001; SCH# 2008032031:

It is a travesty that the members of St. John's Episcopal Church (Church) continue their march to trample the rights of its neighbors and their expectation to enjoy the peace, beauty and serenity of the mature forest of trees, vegetation, and wildlife sanctuary in the wooded areas along Thornhill and the creek area at 5928 Thornhill Drive (Creekside).

The people in the immediate community of 5928 Thornhill have sought to live in this area and have especially invested in homes in this unique community with the expectation that the area's woods and forest would provide beauty and quietude for as long as they owned their homes. No additional commercial development above Thornhill School has been contemplated by this community of neighbors in the area, most of whom have bought their homes within the past 20 years. With so much development elsewhere people have been driven to move to this area specifically and for the very reason of the peacefulness, beauty and greenery that the forest areas along Thornhill afford. The City Planners should not be willing to allow this Creekside greenbelt to be paved over forever.

My eleven year old grandson who lives in Redding, CA came down to the Bay Area for Thanksgiving and had not been to the Thornhill area before. When we drove up Thornhill, all he could say was "Look at all the trees. Look at all the trees." (His parents had moved to Redding to get away from all the congestion and commercial development of their previous neighborhood in the Bay Area.)

The reports seem to indicate that the vegetation in the Creekside area is somehow inferior as it yields some non-native species. Many areas along the creek are non-native and this does not provide a reason to remove these plants. The fact that the area is overgrown is because it has not been properly maintained and that is the fault of the Church, and shouldn't give fodder for their argument that the area should be gutted and cleared. It is the expectation that every property owner will maintain their respective property in the community.

The Church has said that it will plant new trees, but asphalt does not replace greenbelt and that is the reality. It would take years and years for any new trees to grow tall enough to replace the intensity and majesty of the existing trees. The idea of a parking lot filled with cars will ruin the aesthetics in this lovely area, will increase traffic congestion onto Thornhill, and will forever be seen as the demise of this quaint neighborhood. If the Church has outgrown its house, it should find a new area in which to expand, not build an unsightly parking lot and crush the expectations of its neighbors for the beauty of the greenbelt and a sanctuary for birds and small wildlife in their community. **A Church is not a place where people actually live; it is only a temporary meeting place for its members. I expect the members themselves live in nearby neighborhoods not sullied by a parking lot in its midst, filled with parked cars.**

C1-1

December 10, 2010  
ER08-0001; SCH# 2008032031

I can't think that the City Planners themselves would ever wish this decline in aesthetics for their neighborhoods. It will be a travesty, if the City leaders do not deny the Church its expansion and destruction of greenbelt. Please allow the Thornhill neighbors the continued enjoyment of the serenity and beauty of this quaint Creekside setting for generations to come.

Please, do not allow the destruction of this wooded area so important in this lovely neighborhood.

Sincerely,



Joanne Hill  
Former Thornhill Resident

C1-1  
cont.

**LETTER C1: Joanne Hill, December 20, 2010**

- C1-1. This comment expresses a concern about the development of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments. The concerns of the commenter have been previously addressed. See Response to Comments B1-2 through B1-21.

**From:** Gary Richter [richtervet@sbcglobal.net]  
**Sent:** Sunday, December 12, 2010 12:34 PM  
**To:** Quitevis, Caesar  
**Subject:** Proposed St. John's Expansion Project  
Dear Mr. Quitevis,

I am writing you today in opposition to the proposed St. John's Church expansion project.

While the church has the right to enlarge their facilities, the proposed changes will affect an entire neighborhood of people who have nothing to do with St. John's. The proposed plan calls for a drastic change in traffic flow on Thornhill drive that will change the dynamic of the neighborhood in a very negative way. In addition, the removal of dozens of protected trees runs counter to what Montclair residents treasure the most about their community. The rustic nature of this area is integral to what most residents here in Montclair love about our community and is closely tied to local property values. We do not want to see a concrete and steel bridge and a parking lot take the place of trees and foliage.

C2-1

St. John's Church has been part of the community for many years. We welcome their presence even though only a small fraction of neighborhood residents attend the church. Their congregation however, should not be allowed to dictate the aesthetics (and property values) of an entire neighborhood.

I urge you to reject the proposed construction plan on the basis that the desires of a relatively few people should not be allowed to negatively effect the lives of the many families that live in the Montclair area.

Thank you for your time,

Gary and Lee Richter  
1833 Woodhaven Way  
Oakland, CA 94611



**LETTER C2: Gary and Lee Richter, December 12, 2010**

- C2-1. This comment expresses a concern about the development of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments. The concerns of the commenter have been previously addressed. See Response to Comments B1-2 through B1-21.

**From:** Tim Geistlinger [geistlinger@amyris.com]  
**Sent:** Monday, December 13, 2010 9:28 AM  
**To:** Quitevis, Caesar  
**Cc:** Janelle McCuen  
**Subject:** Case file # ER08-001.

Dear Caesar Quitevis,

I am a neighbor of St. John's who is interested in making this work with one key recommendation that may help everyone involved. I would like to propose a sidewalk running down Thornhill from Gouldin to the elementary school at Alhambra Ln. could serve to significantly improve pedestrian safety, traffic flow, clearly designate parking around the church entrance, and address many of the concerns that were listed by the public (appended below).

The area around this project has three major problems, overflowing church parking creating problems for surrounding traffic and pedestrian safety, no sidewalks for pedestrians, and limited room for cars to make a 90 degree turn without stopping traffic, both at the planned entrance on the Thornhill as well as on Gouldin at Thornhill. The proposed new entrance only increases this problem. However, I would propose that a sidewalk created between Gouldin and Alhambra Ln., can serve to improve the project design, as well as the current state of affairs. If properly designed, a sidewalk could designate parking and no parking areas clearly, designating a safer turn location and entrance into the proposed site, to allow for better traffic flow into the church. Similarly this would help at the corner of Gouldin and Thornhill where church overflow parking lines the streets on Sundays or during other church events, and makes turns onto and off of Gouldin very dangerous. A sidewalk with designated no parking locations at the corner would make the intersection safe again, as it is normally when the church is not in session.

Even more obvious is that a sidewalk would also serve to provide safe travel for pedestrians. Right now we lack safe sidewalks for our children and Thornhill is a particularly bad street to walk on. Currently our children walk along this route to school, the café and the rest of Montclair. And on Sundays, when the church is in session, their parking overflows onto Thornhill and Gouldin making it nearly impossible to navigate and walk safely. With your help we could improve things dramatically and maintain a positive relationship between the church and their neighbors who have tolerated the church overflow and impact on the immediate community for quite some time now with no complaints, as far as I know.

Thank you and if you have any questions please feel free to call me, 415-515-7875.

Tim Geistlinger

Timothy R. Geistlinger PhD. | Scientist - Metabolic Engineering  
[geistlinger@amyris.com](mailto:geistlinger@amyris.com) | 510.450.0761 x787  
 cid:image001.jpg@01C8F3F2.C4E6BBB0  
 5885 Hollis St Suite 100  
 Emeryville, Ca 94608  
 Keep Smiling, It's Contagious!

**Re: St. John's Episcopal Church's expansion project ER08-001 / Draft Environmental Impact Report (DEIR) (St. John's is located at 1707 Gouldin Road, corner of Thornhill near the top of street <http://www.stjohnsoakland.org/content/locationdirections>.)**

Dear Montclair Community;

Please send comments on the **accuracy, adequacy or completeness** of St. John 's DEIR as all comments are required be addressed by the DEIR preparer.

The above mentioned DEIR is to "assess the environmental effects of the project related to Aesthetics, Biology, Hydrology and Water Quality, And Traffic and Circulation."

**Please send your comments on the adequacy of the information, issues and analysis contained in the DEIR to case planner Caesar Quitevis [cquitevis@oaklandnet.com](mailto:cquitevis@oaklandnet.com) Case file # ER08-001.**

There will be a public hearing on Wednesday, Dec. 15, 2010 at 6:00 PM, Hearing Room, 1 City Hall, One Frank H. Ogawa Plaza . However, **comments will be received until January 3, 2011.**

C3-1

C3-2

St. John's wants to increase their presence in the neighborhood thus the proposed project.

There are two phases to the project.

**Phase 1:** Create a new parking lot and 2-lane bridge on Thornhill Drive and close off the Gouldin Road entrance.

**Phase 2:** Build a new 5,500 square foot sanctuary near where the current entrance is on Gouldin Road, and convert the current sanctuary into a meeting/reception hall.

In Phase 1, it is proposed that the single family home at 5928 Thornhill Drive be demolished and become the site of a parking lot with a 2-lane bridge over Temescal Creek to enter and exit this new parking lot on Thornhill.

- This will create a large gap of pavement, concrete and steel where there are now mature trees on both sides of the creek and surrounding the house, which will negatively impact the current residential neighborhood look and feel.

St. John's creek side rental property at 5928 Thornhill ("...existing residence and poorly maintained landscaped yard..."\*) has been largely neglected for over a decade since they purchased it, and Ivy and blackberry brambles now cover the landscape.

- **It doesn't matter where you live in Oakland . If you have a scenic vista of the area from the hills above, or drive, bike or walk by the proposed project site on Thornhill Drive , you will be affected by the "Aesthetic" changes caused by this church expansion project.**

- **Traffic and circulation**

will be affected by a fourth entrance and exit on Thornhill between the 5800 and 6000 blocks of Thornhill, contributing to the already difficult left-turn situation onto Thornhill from Gouldin Rd., Alhambra Lane and the shared driveway at 5940 Thornhill Drive. And let's not forget about the potential back up caused on the street by a vehicles trying to park, enter, and exit a parking lot with 90 degree type spaces.

- In order to excavate and build the parking lot and bridge, 65 trees are to be removed, 56 of which are protected under the city of Oakland preservation ordinance. This impacts the community's **biological resources**.

- There will be a reduction in the number of parking spaces for the church with the new plan which will affect **Traffic and circulation**. Where will the 15 to 40 extra cars park on Sundays? What happens when the school and church have simultaneous events? What happens when the church has a wedding and reception, or other event?

- It is stated in the DEIR that "Both buildings would be in use only when adults are using one building and children (non-drivers) are using the other building." Huh? I don't think they can guarantee such an arrangement. Who's doing the supervising? Can this be an adequate assessment of the effects on **Traffic and circulation**?

The DEIR also states, "Because a more specific timeline for Phase 2 is contingent upon completion of Phase 1 and **procurement of additional construction funds**, the construction start date cannot be determined at this time."

We could end up with a parking lot in place of a house and trees with no reason for it all to have been destroyed.

Please send your comments and help stop the negative environmental impacts to the neighborhood we know and love, to Caesar Quitevis [clquitevis@oaklandnet.com](mailto:clquitevis@oaklandnet.com).

The DEIR can be viewed here:

C3-2  
cont

C3-3

C3-4

C3-5

C3-6

C3-7

C3-8

<http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/Application/DOWD009157>

Go to section 9 in the table to find the links for downloadable documents.

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**LETTER C3: Tim Geistlinger, December 13, 2010**

- C3-1. This comment suggests the development of a sidewalk along Thornhill Drive from Gouldin Road to Alhambra Lane, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments. The concerns of the commenter have been previously addressed. See Response to Comments B1-2 through B1-21. Refer to Recommended Measure 3 (included in Chapter 2 of this FEIR), if determined feasible.
- C3-2. This comment requests that members of the Montclair Community provide comments on the DEIR and provides detail on how to do that, as well as other project information. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C3-3. This comment expresses an opinion regarding the potential view impacts of the proposed project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. View impacts are discussed in detail in Chapter 4.1, Aesthetics, of the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Comment 1, Merits/Opinion-Based Comments.

- C3-4. This comment expresses a concern about the potential traffic impacts associated with the project; specifically, the entrance on Thornhill Drive between the 5800 and 6000 block. The comment expresses a concern regarding the left-turn onto Thornhill Drive from Gouldin Road and the shared driveway at 5940 Thornhill Drive and the project's contribution to the turn. In addition, the comment expresses a concern about the potential back-up caused by vehicles trying to park, enter, and exit a parking lot with 90-degree parking spaces.

As described in Chapter 4.4, Traffic and Circulation, of the DEIR, the Traffic Study prepared for the project found that the project is expected to add one additional AM peak vehicle trip and one additional PM peak trip. During the Sunday peak hour, additional trips generated by the project would be 21 trips. No significant impacts were found to occur as a result of the project or cumulative impacts regarding the proposed project entrance, left turns onto Thornhill Drive, potential back-up on to the surrounding streets. In addition, no significant impacts were found as a result of the proposed parking design.

- C3-5. This comment expresses a concern that the removal of trees as a result of project construction will result in impacts to the community's biological resources, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. In addition, the comment does not provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of this assertion. The commenter is directed to Chapter 4.2, Biological Resources, of the DEIR for a complete discussion on the project impacts related to the removal of trees on the project site.
- C3-6. This comment expresses a concern about reduction of on-site parking and the potential impacts to traffic and circulation as a result. A complete discussion of parking is included in Chapter 4.4, Traf-

fic and Circulation, of the DEIR and is summarized in Master Response 2, parking, above. As discussed in Chapter 4.4, there are no significant traffic and circulation impacts as a result of the parking associated with the proposed project.

- C3-7. This comment expresses a concern about the use of both Church buildings at the same time and questions how the Church can guarantee that when both buildings are in use one will be for adults (drivers) and the other by children (non-drivers). See Master Response 2, Parking.
- C3-8. This comment addresses the economics of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The DEIR is not meant to address personal well being, economic or financial issues, or the market demand for the project. Rather, the purpose of CEQA and the DEIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.

**From:** John and Jo-Ann Donovan [jjdon@pacbell.net]

**Sent:** Monday, December 13, 2010 12:47 PM

**To:** Quitevis, Caesar

**Subject:** St. John's Episcopal Church's expansion project ER08-001 / Draft Environmental Impact Report (DEIR)

Dear Mr. Quitevis,

In regards to: Case file # ER08-001

In Phase 1, it is proposed that the single family home at 5928 Thornhill Drive be demolished and become the site of a parking lot with a 2-lane bridge over Temescal Creek to enter and exit this new parking lot on Thornhill.

C4-1

- This will create a large gap of pavement, concrete and steel where there are now mature trees on both sides of the creek and surrounding the house, which will negatively impact the current residential neighborhood look and feel.

St. John's creek side rental property at 5928 Thornhill ("...existing residence and poorly maintained landscaped yard..." \*) has been largely neglected for over a decade since they purchased it, and Ivy and blackberry brambles now cover the landscape.

- **It doesn't matter where you live in Oakland . If you have a *scenic vista* of the area from the hills above, or drive, bike or walk by the proposed project site on Thornhill Drive , you will be affected by the "Aesthetic" changes caused by this church expansion project.**

C4-2

- **Traffic and circulation** will be affected by a fourth entrance and exit on Thornhill between the 5800 and 6000 blocks of Thornhill, contributing to the already difficult left-turn situation onto Thornhill from Gouldin Rd., Alhambra Lane and the shared driveway at 5940 Thornhill Drive. And let's not forget about the potential back up caused on the street by a vehicles trying to park, enter, and exit a parking lot with 90 degree type spaces.

C4-3

- In order to excavate and build the parking lot and bridge, 65 trees are to be removed, 56 of which are protected under the city of Oakland preservation ordinance. This impacts the community's **biological resources**.

C4-4

- There will be a reduction in the number of parking spaces for the church with the new plan which will affect **Traffic and circulation**. Where will the 15 to 40 extra cars park on Sundays? What happens when the school and church have simultaneous events? What happens when the church has a wedding and reception, or other event?

C4-5

- It is stated in the DEIR that "Both buildings would be in use only when adults are using one building and children (non-drivers) are using the other building." Huh? I don't think they can guarantee such an arrangement. Who's doing the supervising? Can this be an adequate assessment of the effects on **Traffic and circulation**?

C4-6

Bottom line is: This project is just plain wrong and will severely damage the neighboring lots and area..... This project should NOT be approved !

C4-7

Sincerely,

Jo-Ann Maggiora Donovan

John Donovan

Oakland Residents & Homeowners



**LETTER C4: Jo-Ann Maggiora Donovan and John Donovan,  
December 13, 2010**

- C4-1. This comment is virtually the same as Comment C3-2. See Response to Comment C3-2.
- C4-2. This comment is virtually the same as Comment C3-3. See Response to Comment C3-3.
- C4-3. This comment is virtually the same as Comment C3-4. See Response to Comment C3-4.
- C4-4. This comment is virtually the same as Comment C3-5. See Response to Comment C3-5.
- C4-5. This comment is virtually the same as Comment C3-6. See Response to Comment C3-6.
- C4-6. This comment is virtually the same as Comment C3-7. See Response to Comment C3-7.
- C4-7. This comment is virtually the same as Comment C3-8. See Response to Comment C3-8.
- C4-8. This comment expresses an opinion on the merits of the project and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. See Master Response 1, Merits/Opinion-Based Comments.

**From:** Larry & Sharon Yale [sharon.yale@comcast.net]  
**Sent:** Tuesday, December 14, 2010 10:08 AM  
**To:** Quitevis, Caesar  
**Cc:** Nancy Havassy  
**Subject:** Fw: Draft of St. John's

----- Original Message -----

Dear Mr. Quitevis:

Re: St. John's Episcopal Church - Parking Bridge & New Sanctuary  
ER08-0001, SCH# 1008032031

As neighborhood property owners we object to this project because of:

1. The negative traffic impact that this proposed 25 ft wide bridge would create by having its entrance and exit accesses on Thornhill Drive. And demolishing the current single-family house at 5928 Thornhill Dr. to create this parking lot/bridge would definitely be an architectural eyesore completely destroying the residential neighborhood's look and feel.

C5-1

## 2. Traffic and circulation

will definitely be negatively affected by a fourth entrance and exit on Thornhill between the 5800 and 6000 blocks of Thornhill, contributing to the already difficult left-turn situation onto Thornhill from Gouldin Rd., Alhambra Lane and the shared driveway at 5940 Thornhill Drive. And let's not forget about the potential back up caused on the street by a vehicles trying to park, enter, and exit a parking lot with 90 degree type spaces.

C5-2

3. The damage to the area's aesthetics by cutting down 65 trees - 56 of which are protected under Oakland's Preservation Ordinance. People choose to move into this area because of the trees and animal habitations. We did! And we feel cutting down this many trees would definitely negatively impact the look and feel of the architecture and landscape of our neighborhood area.

C5-3

4. The negative effects to the animal and plant species at and along the Temescal Creek, as well as hydrology concerns to the immediate and surrounding neighborhood area resulting from altering the creek's flow.

C5-4

And lastly, since since completion of Phase 2 of this project is indefinite and dependent upon "procurement of additional construction funds" we as neighborhood property owners do not want to see or put up with an unspecified and indefinite construction period.

C5-5

Thank you for your attention to our concerns  
Larry & Sharon Yale, 6333 Thornhill Drive

**LETTER C5: Larry and Sharon Yale (email), December 14, 2010**

- C5-1. This comment expresses an opinion regarding the potential traffic and aesthetics impacts of the proposed project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. Traffic impacts are discussed in Chapter 4.4, Traffic and Circulation, and aesthetic impacts are discussed in detail in Chapter 4.1, Aesthetics, of the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Comment 1, Merits/Opinion-Based Comments.
- C5-2. This comment is virtually the same as Comment C3-4. See Response to Comment C3-4.
- C5-3. This comment expresses a concern that the removal of trees as a result of project construction will result in impacts to the aesthetics of the neighborhood, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. See Response to Comment C5-1.
- C5-4. This comment expresses a concern regarding the impacts to biological resources and hydrology in the area. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is directed to Chapter 4.2, Biological Resources, and Chapter 4.3, Hydrology and Water Quality, for a complete discussion of the projects impacts to biological resources and hydrology and water quality.
- C5-5. This comment expresses a concern about construction timeframe of the proposed project, but does not state a specific concern or

question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR.

December 15, 2010

Mr. Caesar Quitevis, Planner II  
City of Oakland  
Community & Economic Development Agency  
Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Dear Mr. Quitevis:


Re: St. John's Episcopal Church - Parking Bridge & New Sanctuary  
ER08-0001, SCH# 1008032031

As neighborhood property owners we object to this project because of the following reasons:

1. The negative traffic impact that this proposed 25 ft wide bridge would create by having its entrance and exit accesses directly on Thornhill Drive which is already has a very heavy traffic flow.
2. The damage to the area's aesthetics by cutting down 65 trees - 56 of which are currently protected under Oakland's Preservation Ordinance. Over 40 years ago we purchased our home in this area because of the area's "woodsy" setting. And the cutting down of 65 trees on this land we feel would definitely negatively impact the aesthetics of this area.
3. The negative effects to the animal and plant species at and along the Temescal Creek, as well as hydrology concerns to the immediate and surrounding properties because of altering the creek's flow and balance.

And lastly, since completion of Phase 2 of this project is dependent upon "procurement of additional construction funds" we as neighborhood property owners do not want to see or put up with an indefinite project construction period.

Thank you for your attention to our concerns.

The block contains two handwritten signatures in black ink. The first signature is 'Larry Yale' and the second is 'Sharon Yale'. Both are written in a cursive, flowing style.

Larry & Sharon Yale, 6333 Thornhill Drive

C6-1

**LETTER C6: Larry and Sharon Yale (Letter), December 15, 2010**

- C6-1. This comment is virtually identical to Comment Letter C5. See Response to Comments C5-1 through -5.

**From:** G Mosher [g1946m@sbcglobal.net]  
**Sent:** Tuesday, December 14, 2010 6:22 PM  
**To:** Quitevis, Caesar  
**Subject:** St. John's Episcopal Church expansion project ER08-001 / Draft Environmental Impact Report (DEIR)  
 Dear Mr. Quitevis,

I am writing to you about the intended St. John's expansion project. I have some very big concerns about their plan and its' potential affect on our neighborhood.

The residents of Oakland that live in the "hills" were drawn to the area because of the country, woodsy feeling that the area is now, and always has been, known for. Residents enjoy walking down wooded lanes, looking out from their homes onto tree-laden, forested vistas. We enjoy deer, other animals, and a large variety of birds sharing our gardens and our neighborhood. Although we enjoy our neighbors, we cherish our privacy and quieter way of life. Our Oakland neighborhood is unique. To find and to have an area like ours in the fast paced city of Oakland is rare.

C7-1

Temescal Creek is a delicate environment which draws many of the wonderful creatures to our neighborhood. I live two doors downstream for their proposed bridge site, and I am concerned that any work done on the creek could threaten to alter it's course. This could result in the loss of trees on my property, and could even create an erosion problem for Thornhill Drive. The individuals preparing the EIR report never contacted me for access to my property to evaluate the potential harm.

C7-2

It is interesting that the church fancies themselves as the leaders of a group dedicated to preserving the Temescal Creek, and yet they have allowed an unsupported sewage line from one of their rentals to span the creek. They had used a sump pump to drain raw sewage for months from under their rental property next door to my house to pump the sewage from under the house, along my fence, eventually draining into the creek. You need to remember that this creek empties into Temescal Lake where Oakland citizens and their children swim, not to mention the danger to the tenants. I have pictures and a statement from a tenant (who has subsequently moved), which verify this. When the church finally repaired the problem, they attempted to do so without permits until it was drawn to the city's attention. The church has also chosen to ignore major chunks of cement and cement foundation materials that have been deposited on their property over the years by the owners or tenants. As a result, this debris is washed downstream for others to deal with.

C7-3

As you know, Mr. Quitevis, while the EIR Report was being worked on, Reverend Denman wrote a letter to the owners of the properties on Alhambra Lane stating that the city had asked that he contact us to discuss an alternative. When I queried you about this and asked why you had not contacted us directly, but rather had asked Rev. Denman to do so, you advised me that in fact no such request had been made. This was misleading on the part of the church. When we met with Rev. Denman, we asked about other possibilities, and we were told that it would mean that they would have to relocate the children's play area.

The church and its' spokespersons have been unwilling to alter or bend in their design. Many of the members have shown outright animosity towards the neighbors and our dis-satisfaction with their plans. I was even told by one member that it was "clear that I did not like God". They have claimed that they have a need to have three services on Sundays to accommodate the size of their membership attending services throughout the year. The attendance counts that have been submitted to justify their expansion plans have been taken during "high religious times" (Lent/Easter and Advent/Christmas). The church's members live out of the area, not in the neighborhood. I once asked a member who lives on Broadway Terrace if they would like this taking place next door to them, and they admitted that they wouldn't, but then smiled and reminded me that that was not the case.

I hope that you and the planning commission will get a copy of the membership roster for the church and will compare it to a list of property owners whose properties abut or overlook this project. You will find that very, very few of their members live here. The edifice that they want to build and the trees and forest that they want to destroy does not directly impact their homes. The member that I know that lives within on half a block from the church is opposed to this project, and I have heard that many of the other members are as well. Perhaps the church should work with the other churches in the area, and the larger services (weddings and funerals for example) could be held at other locations.

C7-4

I urge you and the commission to table any plans until such time that the church has the funds to do all phases of their proposed project, and to begin this process over again at that time. Should the city allow phase one to be completed, who is to say that the church will ever have the funds to proceed to phase two? Until the entire project can be completed at one time, the neighborhood will be left with a parking lot and a treeless landscape, which I feel safe in saying no one will enjoy or be pleased with.

In closing, I have been told that the church has trouble maintaining the buildings and grounds that they have now, and perhaps they might be better advised to care for the property and structures that they currently have and not to increase their holdings. I have been told that they want to consolidate the two single family rental properties that they have on Alhambra Lane into their larger parcel, and although I have been told repeatedly by Reverend Denman that they will never be anything other than residences, I worry that they will become part of the parking lot plan at a later date if they are integrated into the main parcel.

Thank you for listening to my concerns, should you or any of the members of the commission wish to speak with me, I can be reached at (510) 339-0933.

Georgianne Mosher

**LETTER C7: Georgianne Mosher, December 14, 2010**

- C7-1. This comment expresses a concern about the development of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.
- C7-2. This comment expresses opinions about the development of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.
- C7-3. This comment expresses opinions about past occurrences on the project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.
- C7-4. This comment expresses an opinion about the Church's membership and financial wellbeing, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The DEIR is not meant to address economic or financial issues, or the market demand for the project. Rather, the purpose of CEQA and the DEIR is to fully analyze and mitigate the project's potentially significant physical



impacts on the environment. As such, the comment addresses concerns outside of the scope of the DEIR.

**From:** n.havassy@att.net  
**Sent:** Wednesday, December 15, 2010 7:06 AM  
**To:** Quitevis, Caesar  
**Cc:** Jeff Graves  
**Subject:** Fw: St. Paul's Episcopal--No Bridge  
Dear Caesar,

I am forwarding this message that was forwarded to me because your email address is incorrect and want to make sure you receive it.

Sincerely,  
Nancy Havassy

----- Original Message -----

**From:** [jefferygraves@comcast.net](mailto:jefferygraves@comcast.net)  
**To:** [Nancy Havassy](#)  
**Sent:** Monday, December 13, 2010 9:34 AM  
**Subject:** St. Paul's Episcopal--No Bridge

----- Forwarded Message -----

**From:** [jefferygraves@comcast.net](mailto:jefferygraves@comcast.net)  
**To:** [hlquitevis@oaklandnet.com](mailto:hlquitevis@oaklandnet.com)  
**Sent:** Monday, December 13, 2010 9:30:19 AM  
**Subject:** St. Paul's Episcopal--No Bridge

Please, no two lane bridge on Thornhill Drive across Temescal creek!  
This would be a disaster from a traffic,safety and aesthetic standpoint.

C8-1

Donald Graves  
5900 Almaden Lane  
Oakland CA 94611

June Esola  
1658 Gouldin Road  
Oakland CA 94611

**LETTER C8: Donald Graves and June Esola (via N.Havassy),  
December 15, 2010.**

- C8-1. This comment expresses a concern about the two-lane bridge on Thornhill Drive across Temescal Creek regarding impacts to traffic, safety, and aesthetics, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.

**From:** JimDexter@aol.com

**Sent:** Wednesday, December 15, 2010 10:13 PM

**To:**

michael.colbruno@gmail.com; Klein, Heather; dboxer@gmail.com; VienV.Truong@gmail.com;  
Blake.Huntsman@seiu1021.org; sgalvez@phi.org; mzmddesignworks@gmail.com; VinceGibbs.opc@gmail.com

**Cc:**

Piper, Susan; Quan, Jean; Brunner, Jane; libbyschaaf@earthlink.net; rgpiper@sbcglobal.net;  
board@northhillscommunity.org; Quitevis, Caesar

**Subject:** Tonight's Planning Commission Agenda Item 5: St. John's Church EIR Incomplete

To the members of the Planning Commission:

Agenda Item #5: St. John's Church EIR

The St. John's Church EIR does not address the weekday traffic impacts associated with the proposed 'bridge' entrance/exit on Thornhill Drive. Hundreds of cars will utilize the new entrance/exit during each school day. The anticipated traffic delays will be vastly irritating to the flow on Thornhill Drive, and may result in increased numbers of dangerous traffic incidents on an already dangerous roadway. Saturday school events (fundraisers, etc.) also results in significant traffic increases associated with the use of the church property, and this also needs attention.

C9-1

Sunday traffic is the least of the problems, yet the SJC EIR only defines the traffic impacts for the Sunday traffic.

C9-2

A major additional study of the weekday/Saturday impacts of the proposed traffic pattern is required before any decision on the full impact of the EIR can be made.

C9-3

[Jim Dexter](#)

Volunteer Block Captain,



NWG# 13Y040030

5591 Merriewood Drive  
Oakland, CA 94611  
510 339 2184 (H)  
650 575 1745 (C)

**LETTER C9: Jim Dexter, December 15, 2010.**

- C9-1. This comment expresses a concern about the traffic impacts of the proposed project's entrance/exit on Thornhill Drive as they related to weekday and special events at Thornhill Elementary. As discussed on page 4.4-2 of Chapter 4.4, Traffic and Circulation, of the DEIR, vehicle level of service analysis was conducted for weekday and Sunday conditions at the two existing study intersections and the location of proposed project driveway using the Traffix software, employing the 2000 Highway Capacity Manual methodology for unsignalized intersections. See Master Response 2, Parking, and Master Response 3, Church/School Drop-Off Traffic Interface for additional discussion.

This comment also expresses a concern regarding the possibility of an increase in dangerous traffic incidents and requests that the traffic impacts associated with special events at Thornhill Elementary School be analyzed in the DEIR. As discussed on page 4.4-27, implementation of Mitigation Measure TRAF-1 would reduce impacts traffic hazards to pedestrians and motorized vehicles using Thornhill Drive to less than significant.

The purpose of the DEIR is to analyze the impacts of the project. Accordingly, the portion of the comment that requests traffic impacts be analyzed for special events at Thornhill Elementary is outside the scope of this EIR. Traffic impacts (including parking) were not determined based on a limited number of special events, but rather on routine occurrences (i.e., weekday and Sunday conditions) that could result in regular impacts to traffic in the project area. Special events at Thornhill Elementary, as well as, St. John's Church, that result in increased traffic and parking in the project area are part of the existing conditions and the implementation of the proposed project would not increase the number of such events. Similar to special events at St. John's Church de-

scribed on page 4.4-12 of the DEIR, the special events at Thornhill Elementary are likely to be temporary in nature (e.g., only a limited number of times per year) and would be the responsibility of Thornhill Elementary. Any existing problems within the project area as a result of existing conditions are not due to impacts created by the project and are outside the scope of this EIR. The project is not required to correct these problems. However, care would be given to not add to the existing problems and to avoid creating similar issues with the project.

- C9-2. This comment expresses an opinion regarding the traffic impact analysis and erroneously states the DEIR only considered traffic impacts on Sundays. See Response to Comment C9-1.
- C9-3. This comment requests additional traffic analysis be prepared that considers weekday and Saturday impacts. See Response to Comment C9-1.

Marilyn M. Singleton  
 1666 Gouldin Road  
 Oakland, CA 94611-4119

(510) 339-2673

**Re: St. John's Church, Case Number ER08-0001; SCH# 2008032031**

Caesar Quitevis, Planner II  
 City of Oakland, Community and Economic Development Agency  
 250 Frank H. Ogawa Plaza, Suite 2216  
 Oakland, CA 94612  
[clquitevis@oaklandnet.com](mailto:clquitevis@oaklandnet.com)

Dear Mr. Quitevis:

I have lived at 1666 Gouldin Road since 1987. I love my neighborhood. I enjoy having community churches in the neighborhood as they add to the peace, tranquility, and stability of our sylvan setting. This type of setting is why we are willing to pay a premium for our homes. However, the proposed St. John's Project is akin to converting a corner store into a Wal-Mart.

I strongly object to the proposed enlargement of St. John's Church. The "area of controversy" in the above-referenced project that I am addressing is Aesthetics. See City of Oakland, St. John's Church Project Draft EIR ("Draft EIR"), p. 2-1. The opening line of the Draft EIR says it all: "This is planned in a residential neighborhood." The R-30 One Family Residential zone "is intended to create, preserve, and enhance areas for single-family dwellings in desirable settings for urban living." Oakland City Planning Commission Staff Report, Case File Number ZR05-482.

C10-1

Our area is about 3/4 mile from Montclair Village. The area in question is at the beginning of the completely residential, i.e., single-family homes, section of Thornhill Drive. The following are my key issues:

- The site is 3.13 acres (135,036 square feet). See Draft EIR, p. 1-1. The non-residential structures and parking lot consume some 83,000 square feet or 1.9 acres. This does not include the rectory that is of a truly "residential" nature. See Draft EIR, p. 3-6.

By comparison, the Lucky supermarket (including the street-level parking area) in Montclair Village, a commercially zoned area only occupies 38,304 square feet, or 0.879 acre. The Safeway supermarket (including the street-level parking area) in Montclair Village takes up 45,080 square feet or 1.03 acres. This is perverse when a community church footprint<sup>1</sup> is larger than a in-town supermarket.

C10-2

- The new sanctuary is planned to be 5,500 square feet and 33 feet high, not including the height of a cupola and a bell. See Draft EIR cover letter, p. 1. All but two of the homes in the immediate area are one-story homes, i.e., approximately 14 feet high; the current sanctuary is only 2,900 square feet.

C10-3

- The Church's removal of 65 mature trees, including redwoods, will completely change the character of the relevant section of Thornhill Drive. See Draft EIR cover letter, p. 1. An act of God snatched many mature trees from the Montclair area during the 1991 Oakland fire. The intentional removal of healthy mature trees is unacceptable bordering on immoral. One has only to look at the fire-ravaged areas of Montclair and the slow re-growth of trees almost 20 years after the fire to see that the proposed "replacement" is inadequate and will not restore the area to its look and feel prior to the Church's tree removal.

C10-4

<sup>1</sup> Although not addressed in the Draft EIR, the Church has said at previous meetings that it plans to demolish the other 3 homes it owns, making the footprint even larger.

C10-5

I understand that the Church membership is shrinking. The sanctuary can easily accommodate the current members (indeed many seats are empty). It was made clear at earlier meetings with the Church that the reason for the expansion was to obtain more exposure in hopes of growing the membership. Phase I of the project is putting the cart before the horse. After destroying the local environment by covering the creek with a bridge, removing mature trees and demolishing a single-family home, there is a great possibility that the membership will not increase<sup>2</sup> and there will be no money to complete the project (Phase II). Moreover, the vast majority of the current membership does not live in Montclair, and several members admitted at a 2007 community meeting that they would not want such a project next to their homes.

C10-6

The Draft EIR states that there are 3 alternatives to the project. See Draft EIR, p.2-5. The demolition of the 5928 Thornhill Drive home is unacceptable. Two alternatives include such demolition. Unless there is another alternative proposed that does not destroy the aesthetics as well as other environmental concerns, I vote for Alternative Number 1: "No project alternative." The Church's enterprise should not be allowed to metastasize throughout our lovely Thornhill Drive area. The project is the antithesis of the spirit of "enhanc[ing] areas for single-family dwellings in desirable settings for urban living."

C10-7

Sincerely,

Marilyn M. Singleton

cc: via e-mail and U.S. Mail

Douglas Boxer (Chair) □ Boxer & Associates, Inc. □ 300 Frank H. Ogawa Plaza, Suite 500 □ Oakland, CA 94612; [dboxer@gmail.com](mailto:dboxer@gmail.com)

Vien Truong (Vice Chair) □ City of Oakland □ 250 Frank H. Ogawa Plaza Ste. 3315 □ Oakland, CA 94612 □ (510) 967-7783 □ Email: [VienV.Truong@gmail.com](mailto:VienV.Truong@gmail.com)

C. Blake Huntsman □ SEIU, Local 1021 □ 155 Myrtle Street □ Oakland, CA 94607; [Blake.Huntsman@seiu1021.org](mailto:Blake.Huntsman@seiu1021.org)

Sandra Galvez □ Bay Area Regional Health Inequities Initiative; □ Partnership for the Public's Health □ 180 Grand Ave, Suite 750 □ Oakland, CA 94612; [sgalvez@phi.org](mailto:sgalvez@phi.org)

Michael Colbruno, City of Oakland, 250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612; [Michael.colbruno@gmail.com](mailto:Michael.colbruno@gmail.com)

Madeleine Zayas-Mart, □ City of Oakland, 250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612 [mzmdesignworks@gmail.com](mailto:mzmdesignworks@gmail.com)

Vince Gibbs □ City of Oakland □ 250 Frank H. Ogawa Plaza Ste. 3315 □ Oakland, CA 94612; [VinceGibbs.opc@gmail.com](mailto:VinceGibbs.opc@gmail.com)

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<sup>2</sup> See *American Religious Identification Survey, 2008*, finding the percentage of American adults who identify themselves with a specific religion dropped from 89.5% to 79.9% between 1990 and 2008; Americans identifying themselves as Protestant dropped from 60% to 50.9%; the fastest growing religion is Wicca where adherents increased from 8,000 to 134,000 from 1990 to 2001, and to 342,000 in 2008; 15% of Americans do not follow any organized religion – this is more Americans than there are Episcopalians, Methodists, and Lutherans combined. (Cathy Grossman, "Charting the Unchurched in America," USA Today, 2002-Mar-7, at: <http://www.usatoday.com/life/dcovthu.htm>.)



**LETTER C10: Marilyn Singleton, December 15, 2010.**

- C10-1. This comment expresses a concern about the development of the project and introduces ensuing comments. No response is required.
- C10-2. This comment compares the project development to the development in the Montclair Village, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C10-3. This comment discusses the building footprint and height of the existing development and the proposed project, and describes the height of the surrounding homes, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The commenter is directed to Chapter 4.1, Aesthetics, of the DEIR, for a complete discussion of the project and surrounding area's form and appearance.
- C10-4. This comment expresses a concern about the loss of trees as a result of the project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The commenter is directed to Chapter 4.2, Biological Resources, of the DEIR, for a complete discussion of existing and replacement trees.
- C10-5. This comment expresses an opinion that the Church has future plans to develop, yet does not provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of this assertion. The only St. John's-related applications on file with the City relate to the current proposal being evaluated.

- C10-6. This comment expresses an opinion about the Church's membership and financial wellbeing, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The DEIR is not meant to address economic or financial issues, or the market demand for the project. Rather, the purpose of CEQA and the DEIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the DEIR.
- C10-7. The commenter expresses an opinion about the alternatives analyzed in the DEIR and identifies their preferred choice, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.

COMMENTS FOR PREPARATION OF AN ENVIRONMENTAL  
IMPACT REPORT FOR ST. JOHN'S  
EPISCOPAL CHURCH IN OAKLAND, CA.

Caesar Quitevis  
Community and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 2216  
Oakland, Ca. 94612  
Case number ER08-0001: SCH# 2008032031

Dear Caesar

12/19/10

Biological Resources:

The removal of 56 mature and protected trees may take decades to replace. Many of these trees are at the 5928 Thornhill house site. The replacement trees are spread out over the entire St. John's expansion site. I'm quite concerned about the trees that won't be removed that are very close in proximity to the proposed construction. There are 90 trees listed on the preservation inventory. There are two Coast Redwood trees, one with a diameter of 38 inches, the other with a diameter of 61 inches. These trees are towering majestic trees. They are on the edge of the construction. These trees are a pair of redwoods growing 4 ½ feet apart along the southwest side of the site. A proposed four foot wide path follows the edge of the parking lot on the same side of the site, and goes between these two trees. The root crown will be lowered 12" and scarified an additional 8 inches for the crushed granite path and base rock. The 38 inch diameter tree is within 6 feet of the parking where a 24 inch deep excavation for a parking header is made. If these tree roots are damaged and the trees die, it will take at least a hundred years to replace them.

C11-1

The list of trees to be used for replacement of removed trees calls for Bay Laurel as a possibility. This species is a known carrier of "sudden oak death." The house at 5928 Thornhill and surrounding homes have large Live Oaks that are susceptible to sudden oak death, therefore Bay trees should not be used.

C11-2

Parking:

The proposed plan has 41 off street parking places which is 15 less than the existing 56 spaces. Church attendees park more cars off street than there are spaces. The municipal code allows for 1 parking space for every 10 seats in the sanctuary. The 41 spaces are well within the municipal code. However, this becomes an issue when you see the actual current usage of the existing parking lot. According to 4.4-13 of the draft EIR on September 21, 2008, the average persons per vehicle was 1.6 persons. There were 83, 21 and 13 attendees at the three services. Cars parked off street, parked in the Thornhill School lot and parked on street totaled 92 cars. Do the math and you find that no one walked to church, took a bus or rode a bicycle. Even if some on street parking counted was actually residents and not church attendees, children who attend church school along with their instructors were not counted as attendees. The municipal code is not addressing the fact of a substantial shortage of parking exists and will be exacerbated by less parking in the proposed plan.

C11-3

I am concerned about the traffic load that comes from the shared usage of the new entrance to St. John's by Thornhill School parents. The planned in and out at the same location on Thornhill drive may back up traffic in the morning and afternoon as parents use this egress to access the school.	C11-4
The two school busses that drop special education children at the side entrance may be affected.	C11-5
The children dropped off in the parking area closest to Thornhill Dr. may be endangered as they walk along Thornhill where there are no sidewalks. Parishoners would face the same issue when they park on Thornhill Dr. due to the lack of off street parking.	C11-6
The parking format of parking straight in with short spaces could back up traffic on Thornhill as parents or parishioners try to all leave or enter at once. There are events at the school on the weekend or sometimes during the week (the first day of school, back to school night, school carnival, the walkathon, the Halloween parade, the science fair, graduation) that create heavy traffic and parking now. Every available parking space, legal or otherwise on the street or in the church lot is filled during these special events. This new circulation plan may add to this problem.	C11-7
The church, as well, has events that crowd the parking lots beyond the average on Sunday.	C11-8
The intersection of Gouldin Rd. and Thornhill Dr. is a dangerous one. Traffic turning left from Gouldin onto Thornhill has a blind view of approaching southbound Thornhill traffic. Some drivers prefer to go through the church parking lot and turn out of Alhambra Court in order to see traffic coming from a longer distance.	C11-9
Parking along Thornhill will reduce the visibility of traffic exiting from the proposed bridge entrance. Will visibility be improved here over the Alhambra Lane exit?	C11-10
The new large meeting hall, the converted sanctuary, may be rented out for events. This revenue would be hard for the church to pass up considering the debt acquired from this large expansion. Events could include wedding receptions, lectures, anniversary parties, concerts and similar events that the Montclair Woman's Cultural Center at Thornhill and Mountain now holds. These events would add to traffic and parking load.	C11-11
The Oakland Unified School District has issued a policy that parking will not be allowed on any school grounds that is not for school related events. This is a liability issue for the school even if it is against community interest. I suggest that the EIR require the church to define this relationship in writing with the school and vice versa the school with the church. It would be important to know if this is in fact Oakland School District policy and if parking would be allowed when demand is raised by the new project.	C11-12
I would like to know what effect these issues have on traffic and pedestrian safety.	C11-13
Hydrology/ Water Quality; I have concerns about how storm water detention can be accomplished under the parking lot. In the report, prepared for St. John's by Land and Marine Geotechnics, Bill Rudolph talks about the permeability of the soil beneath the parking lot. "The test results indicated	C11-14

permeability varying from 1.4 E-08 to 5.0 E-07 centimeters per second. These relatively low values indicating a very slow infiltration rate from pavement components into the subgrade soils.” The parking lot is pitched to the creek and drainage piping in the above grade water storage will run into the creek, because water will not be absorbed into the clay beneath the gravel effectually. Any water that does not run off the asphalt or compacted gravel will find itself quickly in the creek. The lowest point of the four places where water can flow out of the perforated pipe is close to the top of the creek bank. This condition makes this area part of the total impervious area. The run off has no place to go except directly into the creek unlike other areas where distance from the creek creates a buffer. The detail of this parking header shows the perforated pipe at the bottom of the water storage. This means that the storage and most of the header is above grade. The header has a structural load from the weight of cars parked above it. There is no footing or key to this wall and this header may simply tip over from the weight of the cars. Will this system function to keep run off from flowing into the creek?

C11-14  
(cont.)

The other section of the Temescal Creek that is on the church’s property is the branch that runs under the asphalt that will be removed in phase 1 when the Gouldin road entrance is abandoned. This section was paved over well before the Oakland Creek ordinance was written. It daylight at the north-west corner of the education building and then it joins the main branch of the creek. The creek was diverted to go around the education building when it was constructed, but a concrete block retaining wall was built over the new easement. Demolition and grading will occur over this section of the creek. Will the creek protection permit included this area over a watercourse?

C11-15

The Creek Protection Ordinance of the city of Oakland outlines “What is typically not allowed”. One of those things that is not allowed is a bridge over a creek. St. John’s Church has access to and the use of the property due to their direct land connection through their existing parking lot to 5928 Thornhill Dr.. It does not need a bridge to have viable and economic use of the site at 5928 Thornhill. Allowing this bridge could set a precedent for any project in Oakland with similar issues. This is a cumulative impact.

C11-16

Sincerely  
George Moestue  
Secretary and Treasurer of Thornhill Creekside Neighbors and Friends

6708 Pinehaven Rd.  
Oakland, Ca. 94611  
510 339-1093

**LETTER C11: George Moestue, Secretary and Treasurer of the Thornhill Creekside Neighbors and Friends, December 19, 2010.**

- C11-1. This comment expresses a concern about the loss of trees on the project site as a result of project construction. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. A detailed discussion of the potential impacts of the project on tree resources is provided under Subsection 4.2.D.6 of the Biological Resources section of the DEIR. Standard Conditions of Approval BIO-2 through BIO-6 address the protection and replacement of tree resources that would be implemented as part of the project. The *2009 Tree Report* contained in Appendix F of the DEIR contains "Tree Preservation Guidelines" that must be followed to ensure protection of trees to be retained. This includes establishing a tree protection zone around each tree to be retained, as indicated in Figure 3-13 of the DEIR. As further described in the *2009 Tree Report*, adjustments to the preliminary site plan were made to further protect the two Coast redwoods of concern to the commenter (Trees H and BD) , including two parking stalls south of BD to provide an ample tree protection zone, reducing the width and centering the DG pathway between the two trees, constructing the pathway on top of existing grade or limit the depth of excavation to a maximum of 4 inches below existing grade, and use of gravel for the nearby parking stalls rather than impervious paving. These Tree Preservation Guidelines would prevent the deeper excavation and scarification described by the commenter for construction, and no additional restrictions are considered necessary in response to the comment. In addition, as discussed on page 4.2-31 of the DEIR, Standard Condition of Approval BIO-6, Tree Protection During Construction, will provide protection to remaining trees during the construction of the proposed project.

- C11-2. This response expresses a concern about the use of the Bay Laurel tree as a replacement tree and suggests this tree is a known carrier of “sudden oak death” that could result in impacts to Live Oaks located at 5928 Thornhill Drive. The exact type of trees has not been determined at this time and will be determined at the appropriate time in the project approval process. The commenter is correct that California bay laurel (*Umbellularia californica*) is listed as a possible native replacement tree planting, as indicated in Figure 3-13. Standard Condition of Approval BIO-5, Tree Replacement Planting on page 4.2-30 of the DEIR, the replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye), *Umbellularia californica* (California Bay Laurel), or other tree species acceptable to the Tree Services Division.

Although the California bay laurel species is not currently found on-site, it grows immediately off-site on the north-facing hillside to the south, and upstream and downstream along the Temescal Creek corridor. California bay is susceptible as a foliar host to infection by the pathogen *Phytophthora ramorum*, a fungus-like organism that thrives in the moist climate found along coastal California, known to cause Sudden Oak Death (SOD). SOD is the leading cause in widespread mortality of a few susceptible tree species, particularly tanoak and to a lesser degree, coast live oak, California black oak and Shreve oak. The pathogen attacks the vascular system of the tree, just below the bark, weakening the tree and making it more vulnerable to infection by other tree pests such as fungi and bark beetles. Other species susceptible to foliar infection include big-leaf maple, California buckeye, madrone, manzanita, coast redwood, and certain varieties of rhododendron.

*Phytophthora* species are water-loving molds that produce plentiful spores in moist, humid conditions, and are known plant patho-

gens. While most foliar hosts do not die from the disease, they do play a key role in the spread of *P. ramorum*, acting as breeding ground for spore production, which may then be spread through wind-driven rain, water, plant material, or human activity. Trunk hosts such as oaks are considered terminal hosts, typically becoming infected when exposed to spores produced on the leaves of neighboring plants or through human contamination. The organism is most active during wet periods, and the risk of movement is therefore higher in muddy, wet areas and during rainy weather. *P. ramorum* spores can be found in living, dying, or recently dead plants, as well as in infested waterways and soil, and may be transported to new areas when infected plant material or infested soil is moved.

State and Federal regulations have been created to help slow the spread of this disease by controlling the movement of SOD host material. California Department of Food and Agriculture (CDFA) regulations must be followed when transporting SOD host plant material from infested counties to non-infested counties. This includes plants and plant products such as nursery stock, Christmas trees and wreaths, fire wood, bark chips, burls and other unprocessed products from host plants. Under Title 4, Section 3700 of the California Code, the CDFA regulates the movement of unprocessed green waste and compost out of California counties with known infections, including Alameda County.

The California Oak Mortality Task Force (COMTF) is a non-profit group working to manage SOD in California. COMTF was formed in August 2000 and is a consensus-driven coalition of research/educational institutions, public agencies, non-profit organizations, and private interests. Its primary purpose is to coordinate research, management, monitoring, education, and public policy efforts addressing elevated levels of oak mortality in California resulting from SOD. The Task Force goals are to: minimize the im-



pact and spread of *P. ramorum*; coordinate an integrated response by all interested parties to address *P. ramorum*; and serve as liaison to local, state, national, and international groups.

The COMTF has compiled Best Management Practices (BMPs) for a number of wildland and urban-interface area activities and user groups to prevent the spread of SOD that are applicable to construction and vegetation management in areas of known and potential infection. These include practices related to tree removal and care, vegetation and other debris disposal, and sanitation measures to use during construction and vegetation management activities to minimize pathogen spread. Because California bay is known as a foliar host, recommendations to protect oaks from infection by SOD include removing bay trees growing within 2.5 meters at a minimum but preferably 5 meters or more of the oaks to be retained.

According to OakMapper (see <http://www.oakmapper.org>), a mapping of SOD incident submissions maintained on the COMTF website, no occurrences of SOD have been reported from the Temescal Creek watershed east of Highway 13, but unconfirmed infections have been submitted by property just over a mile away on the west side of Highway 13 north of Park Boulevard and on the west side of Tunnel Road just north of the Highway 13 Grove Shafter Freeway interchange. And numerous official occurrences have been reported in the watershed lands to the east. Future infections in the Temescal Creek watershed encompassing the site and vicinity are highly possible.

Under the Tree Preservation Guidelines defined in the *2009 Tree Report* (see Appendix F of DEIR), no replacement tree plantings would occur within the 2.5 meter minimum distance recommended for California bay removal of existing trees to be retained on the site, which would serve to minimize the potential for future in-

fection and spread of SOD on the site. However, given the risk California bay presents and the long-term limitations it creates for understory vegetation, this species should be removed from the list of possible replacement trees in the Landscape Plan for the project shown in Figure 3-13. In response to the comment, Standard Condition of Approval BIO-5 on page 4.2-30 of the DEIR shall be revised as follows to prohibit the planting of California bay laurel on the site.

**Standard Condition of Approval BIO-5: Tree Replacement Plantings.** *Prior to issuance of a final inspection of the building permit.* Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening, and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- a. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- b. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), or Aesculus californica (California Buckeye) or other tree species acceptable to the Tree Services Division. Umbellularia californica (California Bay Laurel) shall not be used as a replacement tree species or landscape species on the site because it serves as a foliar host to Sudden Oak Death (SOD) and is suspected to be a major cause in the spread of the pathogen known to cause SOD.
- c. Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substitut-

ed for each twenty-four (24) inch box size tree where appropriate.

- d. Minimum planting areas must be available on site as follows:
  - i. For Sequoia sempervirens, three hundred fifteen square feet per tree;
  - ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.
- e. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- f. ~~Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established.~~ The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

In addition, the following project-specific conditions of approval have been included as a part of this Standard Condition of Approval:

- g. A 10-year monitoring period for all plantings shall be established in order to ensure success of vegetation.
- h. All trees designated for removal during construction of Phase 1 of the project, shall be replanted to the satisfaction of the City Arborist Inspector prior to the completion of Phase 1.

- C11-3. This comment expresses a concern about the parking on the project site and in the surrounding neighborhood and correctly describes the project meets the City of Oakland's required parking standard of 1 parking space per 10 seats in the Church sanctuary. This comment expresses an opinion regarding the adequacy of the City of Oakland's Municipal Code regarding parking standards. See Master Response 2, Parking.
- C11-4. This comment expresses a concern about the traffic impacts associated with the project's proposed new entrance off Thornhill Drive relative to its use by users of Thornhill Elementary School. See Master Response 3, Church/School Drop-Off Traffic Interface.
- C11-5. This comment expresses a concern regarding the impacts of the project's proposed circulation plan as it relates to school buses that access Thornhill Elementary. See Master Response 3, Church/School Drop-Off Traffic Interface.
- C11-6. This comment expresses a concern about pedestrian safety of both users of Thornhill Elementary and St. John's Church. Pedestrian safety has been addressed in Chapter 4.4, Traffic and Circulation, of the DEIR. As discussed on page 4.4-27, with the implementation of Mitigation Measure TRAF-1, potentially significant impacts to pedestrians and motorists would be reduced to a less-than-significant impact.
- C11-7. This comment expresses a concern regarding the project's proposed circulation plan as it relates to special events at Thornhill Elementary School. This comment has previously been addressed. See Master Response 3, Church/School Drop-Off Traffic Interface.
- C11-8. This comment identifies that the Church has special events that increase parking on days other than Sunday. Traffic impacts (including parking) were not determined based on a limited number

of special of events, but rather on routine occurrences that could result in regular impacts to traffic in the project area. As discussed on page 4.4-2 of Chapter 4.4, Traffic and Circulation, of the DEIR, vehicle level of service analysis was conducted for weekday and Sunday conditions at the two existing study intersections and the location of proposed project driveway using the Traffix software, employing the 2000 Highway Capacity Manual methodology for unsignalized intersections. See Response to Comment C9-1.

- C11-9. The comment expresses an opinion regarding driver habits in the project area and does not does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Comment C11-4.
- C11-10. This comment expresses a concern about reduced visibility of traffic exiting from the project's proposed new access point on Thornhill Drive due to parking on Thornhill Drive and requests to know if visibility at this access point will be an improvement over the existing visibility at Alhambra Lane exit. As discussed on page 4.4-7 of Chapter 4.4, Traffic and Circulation, of the DEIR, parking on the west side of Thornhill Drive between Alhambra Lane and the mid-block pedestrian crossing is illegal. Implementation of Mitigation Measure TRAF-1, discussed on page 4.4-27 of the DEIR, would require the project to increase the visibility of the mid-block crosswalk and increase sight distance for vehicles exiting the project site.
- C11-11. This comment speculates the proposed project would increase the number of special events currently held at the Church. As discussed on page 3-20 in Chapter 3, Project Description, of the DEIR, it is an objective of the project to construct a new sanctuary

for St. John's Episcopal Church, with functional connectivity between new sanctuary and old sanctuary (to be used as community hall/fellowship space). In preparing a DEIR, an agency is not required to "foresee the unforeseeable"; it need only "disclose all that it reasonably can" (see CEQA Guidelines Section 15144). See Responses to Comments C3-7 and C9-1, as well as Master Response 2, Parking.

- C11-12. This comment expresses a concern regarding the parking relationship between St. John's Church and the Oakland Unified School District. See Master Response 2, Parking, and Response to Comment B3-17.
- C11-13. This comment requests to know what effect the project has on traffic and pedestrian safety. See Responses to Comments C11-3 through C11-12.
- C11-14. This comment express a concern about the potential stormwater runoff to the creek from the project's proposed surface parking and requests to know if the proposed drainage system will function to keep runoff from flowing into the Temescal Creek. The Hydrology Report, included in Appendix G. of the DEIR provides analysis of potential stormwater runoff and the effects of the proposed bridge on Temescal Creek. Additionally, as discussed on page 4.3-8 under Standard Condition of Approval HYD-3: Post-Construction Stormwater Pollution Management Plan, the applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution

management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable. Further, as discussed under Standard Condition of Approval HYD-4: Maintenance Agreement for Stormwater Treatment Measures, if the projects incorporate stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit.

- C11-15. This comment requests to know if the Creek Protection Permit will include all the areas the project construction and grading will effect. As discussed on page 4.3-3, in Chapter 4.3, Hydrology and Water Quality, of the DEIR, Chapter 13.16 of the Municipal Code, City of Oakland Creek Ordinance, the City prohibits activities that will result in the discharge of pollutants to Oakland's waterways or the damaging of creeks, creek functions, or habitat. As required by the City, a creek protection permit is required for any construction work on creekside properties. This will occur concurrently with the FEIR. As set forth in Standard Condition of Approval HYD-7: Creek Monitoring on page 4.3-13 of the DEIR, prior to issuance of a demolition, grading, or building permit within vicinity of the creek, a qualified geotechnical engineer and/or environmental consultant shall be retained and paid for by the project applicant to make site visits during all grading activities; and as a follow-up, submit to the Building Services Division a letter certifying that the erosion and sedimentation control measures set forth in the Creek Protection Permit submittal material have been instituted during the grading activities. Additionally, Standard Condition of Approval HYD-1: Stormwater Pollution Prevention, Standard Condition of Approval HYD-2: Drainage Plan for Project Slopes Greater than 20%, Standard Condition of Approval HYD-3: Post-Construction Stormwater Pollution Management Plan; Standard Condition of Approval HYD-4: Maintenance

Agreement for Stormwater Treatment Measures, Standard Condition of Approval HYD-5: Erosion, Sedimentation, and Debris Control Measures, and Standard Condition of Approval HYD-6: Creek Protection Plan implement various measures to ensure protection of the creek during the construction period and into the operation phase of the project.

- C11-16. This comment expresses an opinion regarding the proposed project's bridge component. The commenter is concerned the development of a bridge on the project site is not consistent with the City's Creek Protection Ordinance and speculates the approval of the bridge will set a precedent in the City which could result in a cumulative impact. See Master Response 5: Creek Protection Ordinance.



COMMENTS FOR PREPARATION OF AN ENVIRONMENTAL  
IMPACT REPORT FOR ST. JOHN'S  
EPISCOPAL CHURCH IN OAKLAND, CA.

Caesar Quitevis  
Community and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 2216  
Oakland, Ca. 94612  
Case number ER08-0001

Dear Caesar

12/19/10

The Creek Protection Ordinance of the city of Oakland outlines "What is typically not allowed". One of those things is a bridge over a creek. St. John's Church has access to and use of the property due to their direct land connection through their existing parking lot to 5928 Thornhill Dr. It does not need a bridge to have viable and economic use of the site at 5928 Thornhill Dr.

C12-1

Alternative to the expansion plan

In 2002, St. John's said at a meeting with neighbors that they needed a new sanctuary so they could change the existing sanctuary into a meeting hall. Then, they would not have to remove the pews every time they wanted to have large meetings instead of services in the existing sanctuary. The DEIR explains that the average attendance of the most attended service on any given Sunday is 100 people. At Easter and Christmas twice the number of people attend the most attended service. The existing church has a seating capacity of 225. That means that the existing sanctuary is adequate for the attendance needs of the church. It is a nice looking building with classic lines. What the church really needs is a separate meeting hall, not a sanctuary. My idea to use the lower floor of the education building for a meeting hall meets the requirement of a separate meeting hall from the sanctuary.

The church needs parking. They have 3 acres of land, none of which would be used for new buildings in this additional alternative. Parking could be increased without building a bridge, removing riparian habitat, cutting down trees, removing a housing unit, excavating many yards of hillside, affecting biological diversity, and changing the aesthetics of the area.

ADA access from Gouldin Road could be created by a skyway from the road to the second story deck of the education building. A new elevator could take handicapped people to the first floor and the sanctuary. The second floor of the education building where the church has classes, meetings and offices does not have current handicap access.

The access road could be widened and graded to conform to OFD rules. It will not be necessary to move the road or build retaining walls for pedestrian and ADA access because of the new skyway entrance. There are adequate stairs that descend outside the

C12-2

education building from the second floor deck for access by pedestrians accessing the site from Gouldin RD. This skyway could be a simple level wood deck that is 6 ft. wide and approximately 16 feet long.

This plan could be the superior development alternative.

C12-2  
cont.

See attached drawing.

Sincerely  
George Moestue  
Secretary and Treasurer  
Thornhill Creekside Neighbors and Friends

6708 Pinehaven Rd.  
Oakland, Ca. 94611  
510 339-1093



**LETTER C12: George Moestue, Secretary and Treasurer of the Thornhill Creekside Neighbors and Friends, December 19, 2010.**

- C12-1. The commenter expresses a concern about the project's bridge component, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments, see also response to Comment C11-16.
- C12-2. The commenter expresses an opinion about the adequacy of the existing Church facilities and makes a recommendation for the use of the existing facility to accommodate the needs of the Church, including providing parking and appropriate access pursuant to the Americans with Disability Act. This comment also provides a diagram of their recommendation. See Master Response 4, Project Alternatives.

**Todd M. Freter  
5900 Thornhill Drive  
Oakland, California 94611-2149**

December 31, 2010

Caesar Quitevis, Planner II  
City of Oakland, Community and Economic Development Agency, Planning Division  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, California 94612-2032

Re: Traffic and Parking in the Neighborhood of St. John's Episcopal Church  
Response to Draft EIR for St. John's Expansion Plan (ER08-0001)

Dear Mr. Quitevis,

I am submitting this comment in response to the Draft EIR that was discussed at the December 15, 2010 meeting of the Oakland Planning Commission.

It is important for members of the Planning Commission to understand the underlying complexity of parking and traffic related to St. John's Episcopal Church (SJEC) in terms of their current operation as an institution and of how their proposed plans will intensify parking and traffic challenges in the area.

C13-1

### **Traffic and parking from SJEC operations**

SJEC operates as an institution on its property at 1707 Gouldin Road, with parking and traffic as a function of these events:

- Sunday church services
- Church-based events, such as weddings or other ceremonies
- Other meetings, such as 12-step groups who rent church facilities for their activities
- Occasional voter precinct functions

C13-2

These events bring cars into their parking lot via their Gouldin Road entrance, and the cars exit the lot via Alhambra Lane and out to Thornhill Drive. I live at the corner of Thornhill and Alhambra, so I am aware of the extent of this traffic.

When the SJEC parking fills up, overflow parking occurs on Gouldin Road, occasionally on the blacktop playground of Thornhill School, and occasionally on Thornhill Drive between Alhambra Lane and Gouldin Road.

### **Traffic and parking from Thornhill School operations**

Because SJEC grants access to its parking lot to Thornhill School faculty, staff, and families during the week, these effects must also be considered as part of SJEC's environmental footprint in the neighborhood. On weekdays, this SJEC-enabled parking results in more traffic:

- Teachers, assistants, and other staff arrive in the morning and depart in the afternoon.
- Some parents arrive and park, accompany their children down to the school, walk back to their cars, and depart via the Alhambra Lane exit. Other parents drive through the parking lot from

the Gouldin Road entrance, drop their children at the back entrance to Thornhill School on Alhambra Lane, and exit at Thornhill. (Frequently these cars park or stop on the wrong side of Alhambra Lane, obstructing two-way traffic.)

- In the afternoon, parents return to pick up their children, either parking and accompanying the children or picking them up at the same rear entrance on Alhambra Lane, exiting at Thornhill.

This school-based impact, enabled because SJEC shares its parking lot with Thornhill School, occurs during the entire school year and is suspended only during summer vacations, winter and spring breaks.

C13-2  
(cont.)

## **Potential effects of a new SJEC entrance at 5928 Thornhill**

A new driveway and parking lot for SJEC at 5928 Thornhill presents a new complication to motorists, bicylists, and pedestrians on Thornhill Drive:

- A new two-way, non-residential driveway at 5928 Thornhill can cause confusion for regular or occasional drivers on Thornhill.
- Backups can occur in either direction on Thornhill when multiple motorists turn in to the new driveway, which is likely to occur at SJEC's institutional functions.
- The new driveway eliminates two parking spaces on Thornhill.
- The new driveway adds a new hazard for bicylists and pedestrians on Thornhill. It is one more entry- and exit-point to negotiate.

C13-3

Assuming the cooperative parking lot-sharing continues between SJEC and Thornhill School based on their similar institutional needs, the following situations can be expected to arise:

- Parents walking their children to and from their cars in the new parking lot will increase pedestrian traffic on Thornhill Drive, and the situation for pedestrians is already unsafe because there is no sidewalk and only a narrow margin on one side of the road.
- More parents will park their cars on Thornhill, forcing pedestrians to walk in active traffic lanes. Currently this only happens on very special school days, such as the first or last day of the school year. However, by locating the new SJEC parking lot much closer to Thornhill Drive, it is inevitable that more overflow will occur on Thornhill more frequently than currently happens with the SJEC parking lot closer to Gouldin Road.

## **Let's not intensify an already complex situation of traffic and parking**

I have lived at the intersection of Thornhill Drive and Alhambra Lane since 1983. I and two neighbors in the court off Alhambra Lane, have found ourselves sandwiched in between both SJEC and Thornhill School, and at times our residential lives feel squeezed by their considerable institutional uses.

The level of traffic in this area increased markedly when the Oakland Unified School District had to eliminate school buses for budgetary reasons. I appreciate Thornhill School's good efforts to enforce some sensible practices for parents who drive their children to and from school, but at times both SJEC and the school have demonstrated how their institutional priorities can blind them to the residential nature of the properties adjacent to them. By increasing SJEC's footprint and creating a new driveway and church parking lot at 5928 Thornhill, the residences will experience an intensification of an already complex situation regarding SJEC's and Thornhill School's traffic and parking impact.

C13-4

A further result is that Thornhill Drive between Gouldin Road and Alhambra Lane will become a more intense choke point for morning traffic than it already is. Frequently the school-based traffic into Gouldin Road and out of Alhambra Lane causes significant back-up for Thornhill commuters on their way to Highway 13 and to work. This already affects everyone who lives further up the Thornhill corridor in the hill areas above the SJEC and Thornhill School facilities, and it will worsen with a new non-residential driveway and parking lot at 5928 Thornhill.

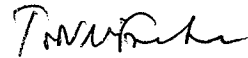
C13-4  
cont.

Unfortunately, the draft EIR for SJEC's expansion project fails to take the complexity and interrelated nature of SJEC's and Thornhill School's institutional land uses into full account. I hope that the Planning Commission will do so as they evaluate the environmental impact of SJEC's plans.

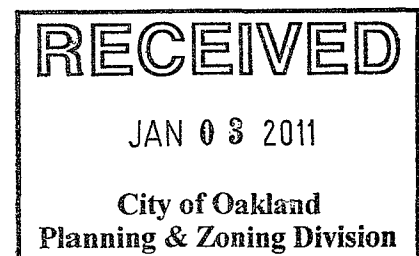
C13-5

Mr. Quitevis, I greatly appreciate your consideration of my comments on the Parking and Traffic components of the Draft EIR for SJEC's expansion project. I hope that you and your office will make sure to include them in the general file. I also look forward to any appropriate response that my comments elicit.

Respectfully submitted,



PS: I am also sending this letter to you as an email to [clquitevis@oaklandnet.com](mailto:clquitevis@oaklandnet.com) for your convenience. Thanks again for your kind consideration.



**LETTER C13: Todd Freter, December 31, 2010.**

- C13-1. This comment introduces ensuing parking and traffic comments. No response is required.
- C13-2. This comment describes the commenter's view of the existing conditions of the project including the project address, potential uses of the Church facilities and how parking and circulation occurs between the Church and Thornhill Elementary School. The comment provides background information on the commenter. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 3, Church/School Drop-Off Traffic Interface.
- C13-3. This comment describes the commenter's view of the potential parking and circulation impacts that could occur as a result of the proposed project. See Master Response 3, Church/School Drop-Off Traffic Interface.
- C13-4. This comment expresses an opinion about where the commenter lives in relation to the Church and Thornhill Elementary School and the causes of past traffic increases in the area. The comment also expresses an opinion regarding traffic impacts. See Master Response 3, Church/School Drop-Off Traffic Interface.
- C13-5. This comment expresses an opinion that the DEIR does not take the complexity and interrelated nature of the Church and Thornhill Elementary School institutional land uses into full account. See Master Response 3, Church/School Drop-Off Traffic Interface.



**From:** Gretchen Reppa [greppa@vt.edu]  
**Sent:** Monday, January 03, 2011 4:05 PM  
**To:** Quitevis, Caesar  
**Subject:** St. John's Episcopal Church  
Dear Mr. Quitevis,

I am writing to you to voice my concerns about the development project proposed by St. John's Episcopal Church in Montclair. "They paved paradise and put up a parking lot." These lyrics are the first thing that came to my mind upon hearing that my neighbor's house and beautiful, mature trees may be torn down to build a parking lot right outside my front door. My husband and I recently moved to the area when he accepted a position with the US Coast Guard in Alameda. We chose to rent the house at 5940 Thornhill Drive because we'd heard wonderful things about the community and also because we felt like we were living in the woods. We have a family of deer and many other types of wildlife living right outside our home, and I am concerned that the aesthetics of this area will be destroyed if the church is permitted to tear down these trees. I also do not believe that the impact on traffic has been adequately addressed in the Draft EIR. It is my understanding that the parking lot will be used by church members on Sundays and by Thornhill Elementary School during the week. There will likely be a significant increase in traffic coming in and out of that parking lot onto Thornhill Drive, and a lot of activity right next to my home. After talking with neighbors who have lived here longer than I've been alive, it is my understanding that the neighborhood and these homes existed long before the church began to buy up property here. They came into a residential neighborhood, and I believe they should be allowed to make improvements to their current structure, but they should not be permitted to completely change the appearance of the neighborhood, and negatively impact the water quality and traffic circulation, and cut down trees. I am asking that you please make the decision that is best for the entire community and environment.

C14-1

C14-2

C14-3

Sincerely,  
Gretchen Zoll

**LETTER C14: Gretchen Zoll, January 3, 2011.**

- C14-1. This comment expresses a concern about the development of the project and provides general information about the commenter. The commenter is concerned about deer and other wildlife, overall aesthetics and loss of trees, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.
- C14-2. This comment expresses an opinion that the DEIR does adequately address traffic impacts as a result of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The commenter is directed to Chapter 4.4, Traffic and Circulation, of the DEIR, for a complete discussion of the project's on-site and off-site traffic, parking and circulation impacts in relationship to the Church and Thornhill Elementary School.
- C14-3. This comment expresses a concern about the timing of the development of the Church in relation to the surrounding residential neighborhood and the potential impacts to water quality, traffic, and loss of trees, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.

Monday, January 03, 2011

Page | 1

Oakland Planning Commission  
c/o Caesar Quitevis, Case Planner  
re: Case File Number ER 08-0001, CMD06-546, TPM 9327, CP06-151, T06-141  
St. John's Episcopal Church – Parking, Bridge and New Sanctuary

Dear Commissioners,

I live in the house adjacent to 5928 Thornhill Dr., the property where St. John's Episcopal Church plans to demolish the existing residence, build a parking lot, and build a 2-lane bridge over Temescal Creek as part of the expansion project that is planned.

I have lived in the house, rented from St. John's, for 10 years and chose it for its quiet seclusion that is highlighted by the open creek bordered on both sides mostly by mature redwood and cedar trees. This stand of trees is teeming with wildlife and provides a natural visual screen of Thornhill Drive from my house and deck. The creek provides an ideal habitat for the large trees, whose roots are embedded deep in the creek banks, providing effective erosion control for the meandering creek.

C15-1

I am concerned that the planned development will disrupt the environment of the creek habitat and the health of the existing mature trees. I question what the "protected status" of the trees actually means and why a waiver is contemplated by the city to allow removal of these trees.

C15-2

I hope to continue living in the house at 5914 Thornhill Dr. and, if the project is implemented, would like a provision to build a tall wall/fence to separate the parking lot from the property. My bedrooms are only a few feet away from the proposed parking area. This wall should be of adequate height and substance to shield the parking lot noise and view from the bedrooms and provide suitable privacy.

C15-3

I am disappointed that the Church did not develop a plan that would minimize the impact of the expansion project on the creek, protected trees, and the adjacent neighbors in this residential zoned area. I don't think the project alternatives proposed by the Church represent other realistic scenarios. That being said, I do support the desire of the church to have a separate sanctuary, but would like the scope of the expansion to be reduced to be more in keeping with the existing neighborhood environment.

C15-4

I have not seen any alternative plans that would try to utilize the existing 3-bedroom residence, rather than demolish it for the planned parking lot. A realistic alternative plan that maintains the existing parking spaces and places a new sanctuary in the upper part of the 5928 Thornhill lot could be explored. The sanctuary size may have to be scaled back some, but would fit in the old apple orchard that is there currently. These, and other possible alternative plans would save the existing open creek and mature stands of protected trees and not impact the existing neighbors to the extent planned.

C15-5

I am concerned that expansion plans will increase traffic to the area. Although the Church claims the addition of the new sanctuary and parking lot will not increase the number of parishioners attending the Church, the new 5,500 sq. ft. building increases the capacity for church activities significantly. The expenses of the Church are paid for by gifts from the parishioners, and it is only natural that the larger space will be used to attract more income to pay for the expansion and future plans. The proposed Church plans show a finished net loss of parking spaces, which makes no sense to me.

C15-6

The traffic impact analysis provided in the EIR seems to ignore the fact that the majority of the traffic in the area is caused by the adjacent Thornhill School during the week and not the weekend traffic to the Church. I would like to see a proper analysis done that includes the school traffic, which makes use of the Church property parking and thoroughfare when kids are dropped off and picked up. A set of stairs and walkway was built by the Church a few years ago to facilitate shared parking between the School and Church and provides a path to the existing church parking lot. Any informal and formal agreements between the Church and School should be openly revealed as they are relevant to any traffic concerns and safety projections.

C15-7

The planned bridge from the parking lot will provide ingress and egress from and onto Thornhill Drive. The traffic path to the West from the proposed parking lot will immediately cross a pedestrian walkway. The bridge and parking lot will be apparently be used by the School as well. The total traffic analysis does not seem to have been made within this context. Also, there is no sidewalk, or safe pathway, from the School to the proposed parking lot, and this has not been addressed.

C15-8

I encourage the Commissioners to visit the area to get a better idea of the existing environment and assess the impact of the project as currently proposed.

C15-9

Respectfully,



Nelson Stoll  
5914 Thornhill Drive.  
Oakland, CA 94611

**LETTER C15: Nelson Stoll, January 3, 2011.**

- C15-1. This comment provides general background information on the commenter and the commenter's residence. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C15-2. This comment expresses a concern regarding the creek habitat and the health of the mature trees, and questions the protected tree status and why a waiver is contemplated by the City to allow the removal of the trees. As described on page 4.2-2 in Chapter 4.2, Biological Resources, of the DEIR, Title 12, Chapter 36 of the City of Oakland Municipal Code, identifies protected trees that require a permit for removal and trees that must be protected from construction impacts. According to the ordinance, a tree permit must be obtained to remove coast live oaks (*Quercus agrifolia*) measuring 4 inches in diameter at breast height (dbh) or to remove any other tree measuring 9 inches dbh or larger, except Eucalyptus and Monterey Pine (*Pinus radiata*) or if any protected tree on the property might be damaged by construction activity. The City's protected tree status ordinance is designed to provide guidance to assist decision-makers when considering new or redevelopment projects; however, the ordinance is not intended to prohibit the removal of protected trees. Moreover, factors to be considered in determining whether tree removals constitute a significant impact under CEQA include: The number, type, size, location, and condition of (a) the protected trees to be removed and/or impacted by construction and (b) the protected trees to remain, with special consideration given to native trees. As noted on page 4.2-30 of the DEIR, under Standard Condition of Approval BIO-4: Tree Removal Permit. Prior to issuance of a demolition, grading, or building permit and

prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit. See also Master Response 7, Tree Removal.

- C15-3. This comment requests a tall wall/fence to separate their residence from the proposed parking lot to shield noise and provide privacy. As discussed in the Initial Study prepared for the project and included as Appendix B of the DEIR, the operational and construction noise impacts would be less than significant and no mitigation measures are warranted under CEQA. Accordingly, the construction of a noise barrier is not required. The DEIR is not meant to address personal well being, economic or financial issues, or the market demand for the project. Rather, the purpose of CEQA and the DEIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment.
- C15-4. This comment expresses an opinion regarding the development of the project and its impact on the creek, protected trees and adjacent neighbors and does not believe the alternatives analyzed in the DEIR represent realistic scenarios. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR and does not articulate the manner in which the alternative should be made to be realistic. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.
- C15-5. This comment expresses an opinion regarding the alternatives prepared in the DEIR. The commenter suggests an alternative that

preserves the existing 3-bedroom house, preserves protected trees and impacts surrounding neighbors less should be explored.

The DEIR alternative analysis occurs in the context of Section 15126.6(a) of the State CEQA Guidelines, which states: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives." In Chapter 5, Alternatives, of the DEIR, three alternatives were evaluated in detail include: Alternative 1 - No project Alternative, Alternative 2 - Existing Gouldin Road/Alhambra Lane Access (One-Way/No Bridge) and Alternative 3 - Gouldin Road Access (Two-way/No Bridge). These alternatives were prepared to reduce the project's potential aesthetics, biological resources, hydrology and water quality, land use and traffic and circulation. The loss of the existing 3-bedroom house was not determined to be a significant impact and therefore an alternative analysis preserving the house is not required. See Master Response 4, Project Alternatives.

- C15-6. This comment expresses an opinion and speculates the proposed project would increase the number of Church users and could lead to additional expansion. While the Church may choose to expand operations at some future date, such plans, if warranted, would require separate environmental review and are outside the scope of this EIR. In preparing a DEIR, an agency is not required to "foresee the unforeseeable"; it need only "disclose all that it reasonably can" (see *CEQA Guidelines* Section 15144). See Response to Comments C9-1 and C11-11.
- C15-7. This comment incorrectly states the traffic analysis prepared for the DEIR only considered weekend traffic to the school. The commenter is direct to Chapter 4.4, Traffic and Circulation, of the

DEIR for a complete discussion of project and cumulative traffic impacts. As discussed on page 4.4-2 of the DEIR, vehicle level of service analysis was conducted for “weekday and Sunday” conditions at the two existing study intersections and the location of proposed project driveway using the Traffix software, employing the 2000 Highway Capacity Manual methodology for unsignalized intersections. This comment also expresses a concern about the parking relationship between the Church and Thornhill Elementary School. The project’s less-than-significant parking demand finding is not based on the Church and the School’s mutually beneficial and informal shared-parking relationship described in the DEIR. See Master Response 2, Parking, and C11-13.

- C15-8. This comment expresses a concern regarding the project’s proposed circulation path as it relates to the pedestrian crossing on Thornhill Drive and incorrectly states this has not be addressed in the DEIR. The commenter is directed to Chapter 4.4, Traffic and Circulation, for a complete discussion of the project’s traffic impacts. Any existing problems within the existing project due to lack of sidewalks in the area are not due to impacts created by the project and are outside the scope of this EIR. The project is not required to correct these problems. As discussed on page 4.4-27 of the DEIR, the implementation of Mitigation Measure TRAF-1 would reduce the potentially significant hazardous impacts to pedestrians and motorists to a less-than-significant levels.
- C15-9. This comment requests the Oakland Planning Commissioners visit the project site. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.



January 3, 2011

Oakland Planning Commission  
 c/o Caesar Quitevis, Case Planner  
 re: Case File Number ER 08-0001, CMD06-546, TPM 9327, CP06-151, T06-141  
 St. John's Episcopal Church – Parking, Bridge, and New Sanctuary

Dear Commissioners:

I have been living at 5928 Thornhill Dr. for over 13 years, in the house that is slated to be demolished to make room for a parking lot. The Church and I have always had a comfortable landlord-tenant relationship. I love living here, and even though I would love to stay here for another 13 years, I understand the Church's right to develop their property. Although the Church's plans will force me to find a new home, I wish they would reconsider cutting down so many protected trees to accommodate their plans. My main concern at this point is to save some of the larger trees, which will also lessen the impact of the demolition on the wildlife who also make their home here.

C16-1

The Tree Report commissioned by St. John's contains some omissions and mislabeling. Three mature pines on the south border of the property may be slated to be removed, but there is no way to tell since two of them, tagged S and R, are not listed in the tree report. The other big pine is tagged as I, but it is not an Irish Yew with multiple trunks, as stated in the Tree Report. I have attached a picture of this tree (which has just one very large trunk, as you can see).

C16-2

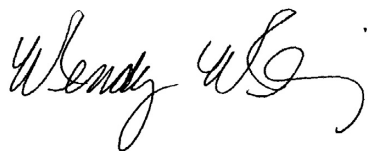
Another tree slated to be cut down is an incense cedar (#20 in the Tree Report) located next to the carport. The photo I've attached shows this double-trunked tree (21" diameter each) with a saved redwood in the background. You can see that this cedar is not a small tree.

C16-3

This residential property is essentially in a forest with a creek running through it. These mature pines are almost as tall as the redwoods, and the cedar tree is not far behind. Commissioners, please consider this information when making your decision.

C16-4

Respectfully submitted,



Wendy Weiner  
 5928 Thornhill Drive  
 Oakland, CA 94611  
 (510) 339-0968  
 waweiner@pacbell.net



C16-5

St. John's Episcopal Church Project  
Incense Cedar Tree #20 (2-21" trunks) planned for removal  
5928 Thornhill Drive.





C16-6

St. John's Episcopal Church Project  
Large Pine, tagged as "I", listed as Irish  
Yew tree with multiple trunks in the tree report

**LETTER C16: Wendy Weiner, January 3, 2011.**

C16-1. This comment expresses a concern about the development of the project and provides general background information on the commenter. The commenter requests the project applicant reconsider cutting down the protected trees and suggests this could lessen impacts to on-site wildlife. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.

C16-2. Comment noted. The *2009 Tree Report* is contained in Appendix F of the DEIR. Tree information was collected over two days of mapping, with both number and letter codes to identify individual trees. HortScience who prepared the 2009 Tree Report had to use the existing numbering system established by PGA Design, and follow the City's requirements for identifying trees to be removed (numbers) and those to be preserved (letters). Each tree is identified to species, the tags are installed and date recorded before the next tree is inventoried, so it is unlikely the arborist miss-identified any of the trees, especially for such common species. But it is possible that someone may have switched tags on individual trees given the length of time since the inventory work was conducted.

Regarding the question about Trees R (Monterey pine) and S (Douglas fir), these trees were originally to be preserved under the PGA Design mapping. Both are mature trees, but based on the subsequent HortScience evaluation of tree health/structure and suitability for preservation, they were recommended for removal and renumbered 72 and 73, respectively, and are included in Table 3 of the *2009 Tree Report*. Both trees had fair health at best, poor

from and branch dieback, and were considered to have poor suitability for preservation. The old PGA Design tags are apparently still on those two trees, leading to confusion about why they're not contained in the inventory.

Regarding the question about Tree I, this is a multi-trunk Irish yew located off-site between the existing sanctuary and the parcel to the west, between Trees BW and AL. The yew has small, needle-like leaves that could be confused for a pine, but it is not the tree in question shown in the photograph in Comment C16-6, which appears to be a pine located near the existing residence at 5928 Thornhill Drive. Unfortunately there is not enough information in the comment or photograph to positively identify which tree is shown in the image, but it is not an Irish yew, as pointed out by the commenter.

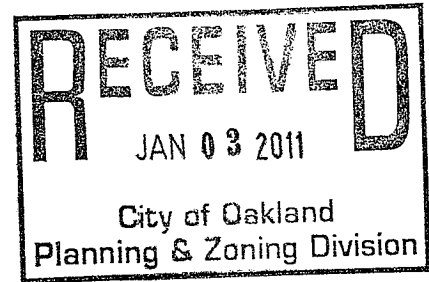
- C16-3. This comment expresses a concern regarding the identification of Tree #20 as presented in the *2009 Tree Report* contained in Appendix F of the DEIR. The incense cedar in question (Tree #20 in the *2009 Tree Report*) is located within the edge of the footprint to the proposed access road onto the site, and would require eliminating at least two additional parking spaces in addition to adjusting the alignment of the access road to retain. Given the limited flexibility in adjusting the roadway alignment further west without threatening additional mature trees, particularly the large native cottonwood (Tree M) near the southwest footing of the proposed bridge over Temescal Creek, preserving Tree #20 was considered infeasible. Because the incense cedar is not a native species and was planted as part of the ornamental landscaping around the residence at 5928 Thornhill Drive, replacement trees plantings would not be required as defined under Standard Condition of Approval BIO-5.
- C16-4. This comment provides a brief description of the project site and requests the Planning Commissioners consider their comments

when making their decision. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.

- C16-5. This comment provides the commenter's picture of Incense Cedar Tree #20 (2-21" trunks) planned for removal at 5928 Thornhill Drive as identified by the commenter. Refer to the Response to Comment C16-3.
- C16-6. This comment provides the commenter's picture of a large pine, tagged as "I", listed as Irish Yew tree with multiple trunks in the tree report as identified by the commenter. Refer to the Response to Comment C16-4.

January 2, 2011

Caesar Quitevis  
CEDA  
250 Frank H. Ogawa Plaza, Suite 2216  
Oakland, CA 94612



Re: St. John's Episcopal DEIR Comments ER-08-001, SCH#2008032031

Dear Mr. Quitevis,

The Oakland Creek Protection Ordinance prohibits building a bridge across a creek when access is not an issue. Invalidation of the Creek Protection Ordinance will set a precedent for future developments on Oakland creeks. Their property has an easement and bridge which has existed since the 1920's. The creek and its shrubbery have been undeveloped for 90 years. The proposed bridge is 25 feet wide and the sight lines to Thornhill Drive will open about 60 feet. It is late in history for such development.

C17-1


The proposed plan would divide a nine house block into isolated units of three and five houses, separated by a gravel and asphalt parking lot. Four houses would have one side permanently affected by a busy and lighted parking lot.

C17-2

In the early 1950's, the Episcopal Church bought property in Montclair, removed a single family residence, cut down many trees, built commercial structures, and paved all level surfaces. Will St. John's be allowed to continue this legacy?

C17-3

Respectively submitted

  
Eric Anderson  
1675 Gouldin Rd  
Oakland Ca 94611

510 339 2661

**LETTER C17: Eric Anderson, January 3, 2011.**

- C17-1. This comment expresses an opinion regarding the proposed project's bridge component. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The commenter is concerned the development of a bridge on the project site will set a precedent in the City and invalidates the City's Creek Protection Ordinance. The commenter erroneously states the City's Creek Protection Ordinance prohibits the building of a bridge across a creek when access is not an issue. See Response to Comment C11-16.
- C17-2. This comment provides the commenter's description of the proposed project site if the project were to be constructed. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C17-3. This comment states that a church bought property in Montclair in the 1950's and proceeded to change the uses on the project site. The commenter asks if this legacy would continue with the proposed project. See Master Response 1, Merits/Opinion-Based Comments.



To: Caesar Quitevis, Planner II  
 City of Oakland  
 Community and Economic Development Agency  
 Planning Division  
 250 Frank H. Owawa Plaza, Suite 3315  
 Oakland, CA 94612

Re: St. John's Episcopal Church Draft EIR ER08-001: SCH# 2008032031

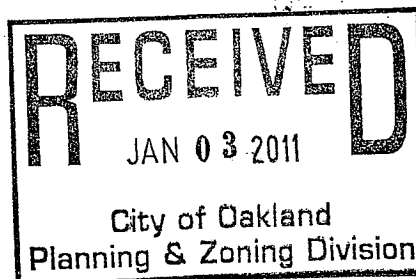
Attached are documents to be submitted for consideration and hand delivered by Alice Youmans and Nancy Havassy on January 3, 2011.

Received by: CR 1/3/11

Inventory of documents attached:

Venerouso and Moncharsh / Leila Moncharsh  
 Shawn Smallwood + CV  
 WM Vandivere / Clearwater Hydrology + CV  
 Nancy Havassy  
 George Moestue ①  
 George Moestue ②  
~~Eric and Pam Anderson~~ see next page  
 Diana Velez  
 Georgianne Mosher  
 Donald Graves and June Esola  
 Joanne Hill  
 Nancy Havassy Re: Email Kent Lewandowski  
 - Additional packet containing (27) twenty-seven letters and 2 petitions.

(page 1 of 2)




C18-1

To: Caesar Quitevis, Planner II  
City of Oakland  
Community and Economic Development Agency  
Planning Division  
250 Frank H. Owawa Plaza, Suite 3315  
Oakland, CA 94612

Re: St. John's Episcopal Church Draft EIR ER08-001: SCH# 2008032031

Attached are documents to be submitted for consideration and hand delivered by Alice Youmans and Nancy Havassy on January 3, 2011.

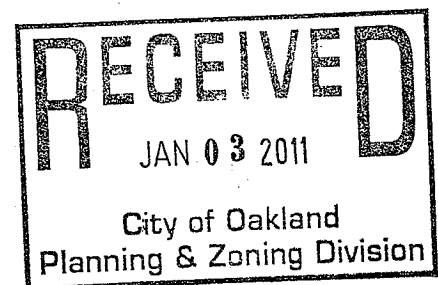
C18-1  
cont.

Received by:  1/3/11

Inventory of documents attached:

- Letter from Eric Anderson
- Letter from Dan Brown
- Letter from Elaine F. Kawakami
- Letter from Marilyn M. Singleton, M.D.
- Letter 1 from Patrick Twomey
- Letter 2 from Patrick Twomey
- Letter from Sylvia Kiosterud
- Letter from Alice I. Youmans and Tyler Pon

(page 2 of 2)



**LETTER C18: Alice Youmans and Nancy Havassy, January 3, 2011.**

- C18-1. This comment is a cover letter that identifies a list of commenter letters, included in this FEIR, that were hand delivered to the City of Oakland by Alice Youmans and Nancy Havassy. No response is required.

1/1/11

Caesar Quitevis

City of Oakland

Community and Economic Development Agency

Planning and Zoning Division

250 Frank H. Ogawa Plaza, Suite 2114

Oakland, CA 94612

Re: St. John's Episcopal DEIR ER08-001 SCH# 2008032031, CMD06-546,  
TPM 9327m CP06-151, T06-141

Dear Mr. Quitevis,

1. The proposal violates the Oakland Creek Ordinance. Is the Creek Ordinance no longer in effect? When will the Creek Ordinance be addressed for this project?

C19-1

2. Inaccurate: In the 12/15/10 Staff Report under Site Description, (page 4) "Surrounding Land Uses" the reference to *"The Church rectory is located at 1715 Gouldin Road..."*. This is no longer used as the rectory, and hasn't been for some time. It is a duplex rental property, owned by St. John's. The Rev. Denman resides elsewhere in Oakland and not in the neighborhood.

C19-2

3. Inaccurate and incomplete: The drawings that show the existing shared gravel driveway are incorrect, incomplete and misleading. The existing gravel driveway is shared not by two homes, as stated, but three: 5928 and 5940 Thornhill and 1675 Gouldin Road. The cooperative use of the driveway over the last 60 years involves all three properties. St. John's plans to simply remove part of the shared turn around area and incorporate it into their pedestrian path and landscape plan. How could this even be considered? This driveway has been in continuous use for over 60 years and the turn around area is necessary for the residents for vehicular access. (Please see mark-up drawing A attached and refer to figure 3-5)

C19-3

4. Incomplete: Brought up with Caesar Quitevis 12/7/10 in a phone conversation. Where are the new (added) fire hydrants on any of the site plans? Where is the water source and excavation plan for the water pipes?

C19-4

5. Incomplete: Where is the completed design for Phase 2? An environmental review of <i>Aesthetics</i> cannot be accurately studied and commented upon without a plan for the new sanctuary.	C19-5
6. Inadequate and inaccurate: Plan for overflow parking on Thornhill Elementary School's playground. Parking is not allowed on playground back-top by the Oakland Unified School District. Currently, Sunday church parking is allowed on the playground by the principal of Thornhill Elementary by both St. John's Episcopal Church and Montclair Presbyterian Church.	C19-6
7. Inadequate: The use of the existing shared driveway for demolition purposes is not justified. St. John's could use their existing parking lot access to accomplish this. The proposed activity could severely damage the small gravel driveway and culvert causing a multitude of problems including exacerbating the existing erosion of the creek bank caused by a failed concrete culvert box.	C19-7
8. Inadequate: Page of the DEIR states "Because a more specific timeline for Phase 2 is contingent upon completion of Phase 1 and procurement of additional construction funds, the construction start date cannot be determined at this time." Shouldn't a guarantee of funding for Phase 2 be required before Phase 1 is approved or begun?	C19-8
9. Inaccurate: Figure 3-13 Legend states dashed circle indicates " <i>existing tree shown...to remain and be protected during construction.</i> " Several of these are on neighboring properties and it is unclear what some are or that they exist.	C19-9
10. Inadequate: Figure 3-13 or Adobe page 67: " <i>Note: During demolition and construction tree protection zones may need to be temporarily modified to accommodate construction activities.</i> " Who decides this and who supervises this to insure the protection of the trees?	C19-10
11. Inadequate: There doesn't seem to be a plan included for ongoing stewardship of the creek after the 3 year post permit period required by CA Fish and Game. For the last 10 years Himalayan Blackberry and Ivy vines have been left to grow up trees, up the walls of the house (a rental) and over the banks of the creek.	C19-11

Exactly what will be the guarantee that the invasive species won't just be allowed take over again?

C19-11  
(cont.)

12. Inadequate: There doesn't seem to be a plan for landscape maintenance. St. John's has a poor track record. In a woodsy and modest neighborhood where residents currently enjoy the wildlife and natural surroundings, the church stands out in their lack of maintenance on their Thornhill residential properties. Residents of the neighborhood, primarily mothers who walk their children to school, voluntarily cut back the vegetation from 5928 and 5914 (rental properties owned by St. John's) that obstructs the "sidewalk" so that pedestrians are not forced to walk in the street and oncoming vehicular traffic. DEIR Biological consultants describe the landscape at 5928 as "poorly maintained."

C19-12

13. Inaccurate or inadequate: On Page 3-20, E. Project Objectives Four bullet points are listed. Of these, only the first "Construct a new sanctuary" is the true objective of the proponents of this project at St. John's.

- Is not to provide for "*traffic and pedestrian safety*", as clearly, there will be fewer parking spaces and more (hazardous) on-street parking.
- It is not to "*improve emergency access*" or add fire hydrants, as these improvements can be accomplished without cutting down mature protected trees or building a new sanctuary.
- It is not to "*provide ADA compliant facilities*", as this objective could also be accomplished without the building of a new sanctuary.

C19-13

St. John's currently has a beautiful sanctuary complete with pews, raised dais, alter, and stained glass windows. But, some in the congregation want a new, bigger, shinier one, and above all, they want a "greater visibility" than they already have.

C19-14

In the first meeting, June 2002, they publicly stated church growth as one reason to expand. Since that time, the church membership has actually declined.

The other reason stated was so they wouldn't have to move the pews around when they have a large event that includes the whole congregation. This seems like it may be a valid and practical reason for the desire for more meeting space. This is an objective, however, which can be accomplished

using fewer resources, without building a new sanctuary, or a bridge over Temescal Creek, or removing protected trees. (e.g.: A plan similar to one of ***D. Alternatives Considered Infeasible*** on page 5-30, or Adobe page 242. **4. Alteration of Existing Church Hall**

- “*This alternative would not result in a new sanctuary,*” This would be an accurate statement.
- “*would result in additional vehicle use of Gouldin Road,*” This would not be accurate if the words “Alternative 3” were replaced with the words: Alternative 2.
- “*would not improve the natural habitat by replacing non-native existing trees and shrubbery with native species of trees and shrubbery, and would not improve ADA access.*” These are improvements that could be made by St. John’s, if they desired, and they are not contingent upon building a new sanctuary.).  
Please see concept sketch provided by George Moestue and attached.

C19-14  
cont.

14. Inaccurate: On page 4.1-2 the meditation garden is not a “*quasi-public*” space used by the community at large or neighbors. It is used by groups that rent space in the meeting/education/office building and overflow before or after meeting times into the meditation garden which includes a bench or two.

Note: Not an ***Aesthetics*** issue, but nevertheless true, is the “quasi-public” use of the Gouldin Road ingress to the Alhambra Lane egress for over 50 years.

C19-15

15. Inaccurate and misleading: The photo-shopped Figure 4.1-3 is not an accurate depiction of how the project’s vegetation and landscaping will look in 5 years, 10 years, 15 years, or even 20 years.

C19-16

16. Inaccurate or inadequate: Page 4.1-5, B. 2. This statement indicates no real understanding of the area. St. John’s rental home at 5928 Thornhill Drive, my house to the north at 5940 Thornhill and those to the north of us on Gouldin Road are not “*hillside homes*.” We are creek-side homes, and as such, have relatively flat/level lots, except obviously, where the creek is.

C19-17

17. Inadequate: The parking configuration in Alternatives 2 and 3 seems to be designed specifically (and unnecessarily) to remove some of the very

C19-18

largest Redwoods, BD, H, and X (X is not mentioned on page 5-11, only the trees closest to me are. X is located at 1670 Alhambra Lane) with diameters of 36 inches, 61 inches, 56 inches respectively, and F, a Coast Live Oak with a diameter of 25 inches. Some of the parking spaces could be moved around to avoid the loss of these beautiful trees. (Please see my mark-up drawing B attached and refer to figures 5-1 and 5-5: Alternatives 2 and 3)

C19-18  
cont.

18. Marianne Tatasciore, who has been away for the holidays, might be surprised to find that her home is included in this project. She lives at 1676 Alhambra Lane.

C19-19

Respectfully submitted,

Nancy Havassy  
5940 Thornhill Drive  
Oakland, CA 94611  
[n.havassy@att.net](mailto:n.havassy@att.net)

Attachments: A, B and concept drawing of alternative by G. Moestue



20' SETBACK  
FROM TOP  
OF CREEK

C19-20

100' SETBACK  
FROM  
CENTERLINE  
OF THE CREEK

5940 THORNHILL DRIVE  
SINGLE FAMILY HOMES

Garage

1675 Gouldin Rd.  
GARAGE

EXISTING  
GRAVEL DRIVE  
TO REMAIN

2257

Area needed for  
3-point turn around by residents

1675 Gouldin

CARPORT

by residents

16'-5"

7'-6"

D

18'-0"  
TYP.

5928  
CARPORT  
TYP.

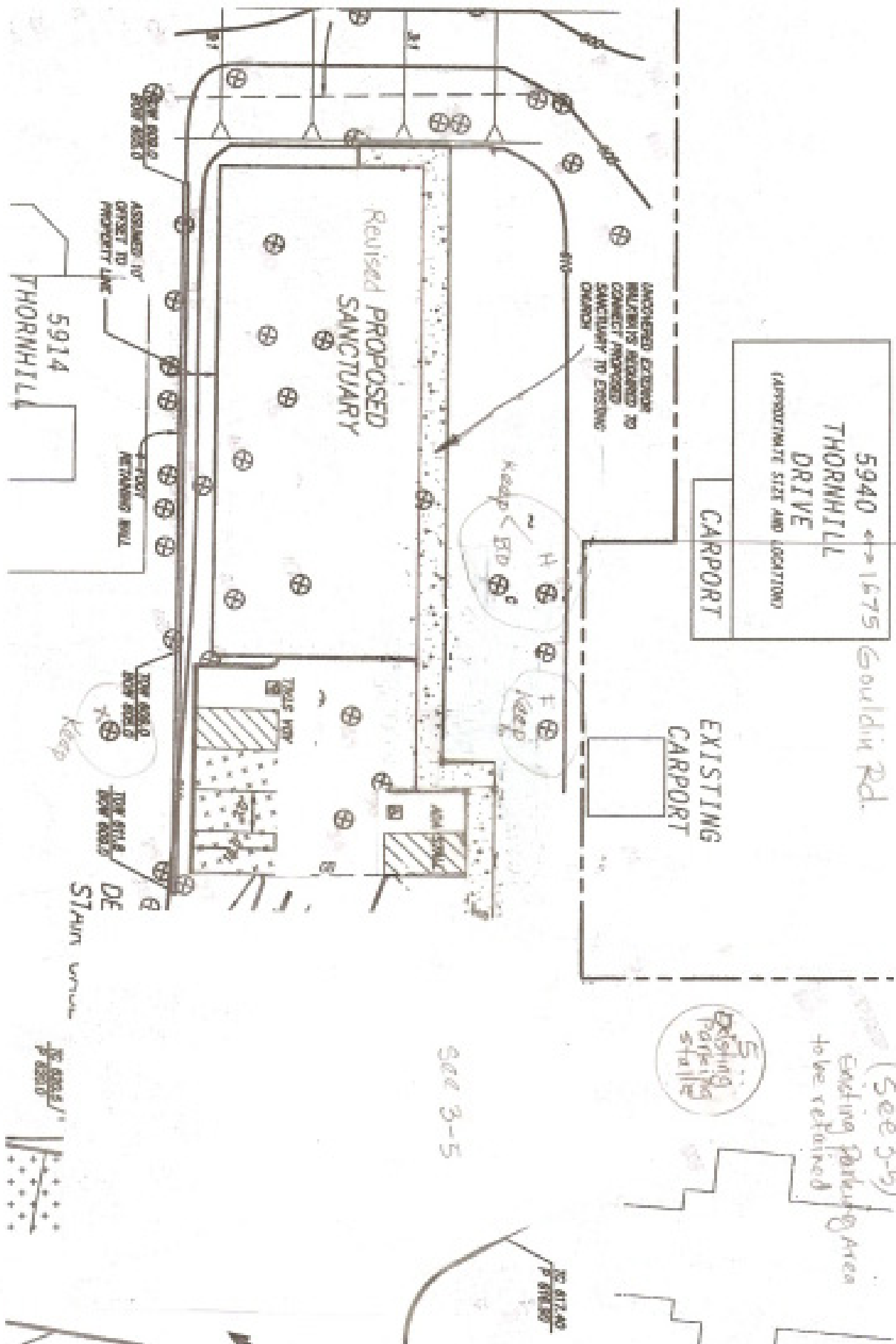
BD

14'-0"

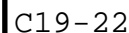
LOCATION OF  
5928 THORNHILL DRIVE  
SINGLE FAMILY HOME  
TO BE DEMOLISHED

24'-0"  
DRIVE AISLE

Attachment 'A' mark-up from fig. 3-5



Attachment 'B' made-up from Fig. 5-1 or 5-3



- ① Existing Sanctuary large enough to meet congregation needs
- ② New Meeting Hall in Education Building
- ③ Skyway from 2nd story deck of Education Building to Gouldin Rd (ADA)
- ④ Grade existing Gouldin road access for emergency vehicles
- ⑤ Emergency vehicle turn around for exit at Gouldin Road
- ⑥ 58 parking spaces 3 of which are ADA.

**LETTER C19: Nancy Havassy (comment letter and alts), January 1, 2011.**

- C19-1. This comment expresses a concern about the application of the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) and requests to know when the Creek Ordinance will be addressed for this project. The comment erroneously states the project violates the Oakland Creek Ordinance. The commenter is directed to DEIR pages 4.2-33 through 4.2-51, and pages 4.3-21 through 4.3-22 for a complete discussion on project consistency with the Creek Protection Ordinance. See also Master Response 5, Creek Protection Ordinance.
- C19-2. This comment is in reference to the December 15, 2010 Staff Report and states that, although the Church rectory is stated as being located at 1715 Gouldin Road, this parcel is no longer used as the rectory. The DEIR makes reference to the rectory in Figure 3-5, Site Plan, but does not go into any detail regarding the use of the site. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C19-3. This comment expresses a concern about a project design feature and believes the text in Chapter 3, Project Description, and illustrations on Figure 3-5, Site Plan, are misleading because they do not indicate a portion of the driveway is shared by the residents at 1675 Gouldin Drive in addition to the residents at 5928 and 5940 Thornhill Drive. The Project Description has been amended to reflect that 1675 Gouldin Road uses the shared driveway for access, as shown below.

Phase 1 of the project includes demolishing the house at 5928 Thornhill Road, abandoning a portion of the shared access road with the homes at 5940 Thornhill Road and 1675 Gouldin Road, and constructing a new bridge over Temescal Creek that will connect to a new internal travel lane and parking area.

As shown in Figure 3-5, a portion of the existing gravel driveway will be retained on property owned by St. John's Church for use by the residents of 5940 Thornhill and 1676 Gouldin Road. The commenter is correct and a portion of the existing driveway, located directly adjacent to the existing carport attached to 5928 Thornhill Drive and on property owned by St. John's Church, will be incorporated into parking and landscaping. The shared driveway will still be operational and will provide access for residents of 5940 Thornhill and 1676 Gouldin Road. However, the St. John's Church is within their rights to construct parking and landscaping features within their privately owned parcel. There is no need for Figure 3-5, Site Plan to be revised.

- C19-4. The comment questions where new fire hydrants would be located within the project site, and asks where the water source and excavation plan for the water pipes is located. The proposed project would be required to comply with local and State requirements regarding on-site facilities for fire suppression. At this time specific location of water pipeline for fire suppression and whether or not fire hydrants would be required is not yet known. However, the Oakland Fire Department has confirmed with Planning and Zoning staff that adequate water pressure and water flow exist from both Gouldin Road and Thornhill Drive. As shown in Chapter 2 of this FEIR, the City has recommended a project-specific condition of approval, based on the Fire code requirements, to be imposed that requires a fire hydrant and fire sprinklers be located within the project site, and that the fire hydrant be located on the

traffic circle within the required distance to the furthestmost rear wall of the structure.

- C19-5. This comment expresses a concern regarding the final site design plans for Phase 2 of the project were not prepared for the DEIR. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur before a project gains irreversible momentum. In other words, CEQA requires agencies to prepare EIRs as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment. However, despite such project design details not being required at this juncture in the application process or for CEQA analysis, the project applicant has provided the conceptual site plans that are described in detail on pages 3-19 through 3-25 in Chapter 3, Project Description of the DEIR. Figure 3-15 show a conceptual floor plan for the proposed one-story sanctuary building between 5,000 and 5,500 square feet at the location of the current Gouldin Road entrance to the Church. The conceptual plans illustrate the new sanctuary will call for a 33-foot-high structure and a cupola. Figures 3-16 and 3-17 show west and east section views of the new sanctuary. Therefore, Phase 2 conceptual site plans have been adequately prepared and discussed in the DEIR to complete the aesthetics analysis in the context CEQA. While certain project details would be determined during site-specific design, the project is required to comply with applicable Planning Code Design Review Criteria and as such the conceptual site plans have been designed to be grouped on one portion of the site and in a compatible scale and architectural style. The commenter is directed to pages 4.1-10 through 4.1-19 in Chapter 4.1, Aesthetics, of the DEIR for a complete discussion of aesthetics impacts for both Phase 1 and Phase 2 of the proposed project.

- C19-6. This comment expresses a concern regarding the existing arrangement for parking between Thornhill Elementary School, St. John's Episcopal Church and Montclair Presbyterian Church. See Master Response 3, Church/School Drop-Off Traffic Interface.
- C19-7. This comment expresses an opinion regarding the potential damage to an existing shared driveway resulting from demolition activities on church-owned property. This comment expresses an opinion about soil erosion impacts associated with the proposed project, yet does not provide facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of this assertion. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. However, it is recommended that project-specific conditions of approval be imposed to limit and restrict use of the existing shared access during construction of the project. The recommended measure is included in Chapter 2 of this FEIR.
- C19-8. This comment addresses the economics of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The DEIR is not meant to address personal well being, economic or financial issues, or the market demand for the project. Rather, the purpose of CEQA and the DEIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C19-9. This comment states that Figure 3-13 is inaccurate by stating that dashed circles indicates existing trees to remain that will be protected during construction and further states that several of the identified trees are shown to be located on neighboring properties

and it is unclear what species the trees are that they even exist. Figure 3-13 includes trees within close proximity to construction activities. For the most part, the trees that the commenter is referring to are located within 30 feet of the limit of work. In order to protect existing trees that could potentially be impacted by the construction of the proposed project, the Tree Survey included these trees. For the purposes of the Tree Preservation Plan, the species of the trees is not necessary. With regard to the existence of specific trees, the commenter does not state which trees possibly do not exist.

- C19-10. This comment cites the note on Figure 3-13 that states that during demolition and construction, tree protection zones may need to be temporarily modified to accommodate construction activities, and asks who will make this determination and who will supervise tree protection. As stated in measure c. of Standard Condition of Approval BIO-6 (Tree Protection During Construction), the project's consulting arborist will make any determinations that could affect tree protection during the construction period. The Mitigation Monitoring and Reporting Program will provide details regarding timing, implementation, and responsibilities for each mitigation measure and standard condition of approval proposed in this EIR.
- C19-11. This comment expresses a concern regarding the long term stewardship of the portion of the creek as it relates to the project. See Response to Comment B3-14 and B3-15.
- C19-12. This comment states that there does not seem to be a landscape maintenance plan for the proposed project. The comment further provides anecdotal evidence of the poorly maintained nature of the vegetation on St. John's Church-owned properties located on Thornhill Drive. The commenter is correct by stating that the DEIR described the vegetation on 5928 Thornhill Drive as poorly maintained. The project includes a project planting plan (included



as Figure 3-14) that requires temporary irrigation to allow for the establishment of new plantings. The property will be subject to the City of Oakland Standard Conditions of Approval with respect to maintenance of vegetation within the project site.

- C19-13. This comment expresses an opinion about the objectives of the project as identified on page 3-20 of Chapter 3, Project Description, of the DEIR. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C19-14. The comment expresses an opinion regarding the existing Church facilities and the Church's desire to expand. The commenter suggests a plan similar to the alternative found to be infeasible (Alteration of Existing Church Facilities) discussed Chapter 5, Alternatives, of the DEIR on page 5-30 could be feasible. The comment provides a copy of the previously proposed alternative design discussed in Response to Comment C12-2. See Master Response 4, Project Alternatives.
- C19-15. The commenter expresses an opinion regarding the "quasi-public" use of the meditation garden described on page 4.1-2 of Chapter 4.1, Aesthetics, of the DEIR and questions the use of the "quasi-public" use of Gouldin Road ingress to the Alhambra Lane for over 50 years. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.

- C19-16. This comment expresses an opinion that the image presented in Figure 4.1-3, Phase 1 - Simulated View of Site from Thornhill Drive, on page 4.1-13 of Chapter 4.1, Aesthetics, of the DEIR, is not an accurate depiction of how the project's vegetation and landscaping will look in 5 years, 10 years, 15 years, or even 20 years. The comment does not articulate the manner in which the image should be changed to be an accurate depiction. This image was created by preparing a 3-dimensional model of the project site and proposed project components then superimposing photos of age-appropriate vegetation onto the desired view of the site. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C19-17. This comment expresses an opinion regarding the description of the adjacent properties to the north of the project site as being identified as hillside homes as opposed to creekside homes. The City of Oakland General Plan land use designation land use designation for the project site is Hillside Residential where low residential densities and residential character are affected by slope, environmental, transportation, and fire safety constraints. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C19-18. This comment expresses the opinion that the parking configuration of Alternatives 2 and 3 seems to be designed specifically to remove several large trees (BD, H, X and F), and further states that some of the parking stalls within the project site could be relocated to avoid the trees. The commenter also includes a drawing to illustrate concerns regarding the alternatives. The project alternatives were designed meet the objectives of the proposed project and result in minimal environmental impacts. The trees that the commenter identifies were included for removal under Alternatives 2

and 3 because of their close proximity to proposed components of the alternatives. Alternatives 2 and 3 were designed in order to show feasible alternatives to constructing a bridge over Temescal Creek. In order to do so, the proposed sanctuary and parking areas would require relocation within the project site. Due to site topography the proposed locations of the sanctuary and parking areas would result in the removal of the trees that the commenter identified.

- C19-19. This comment expresses a concern regarding the inclusion 1676 Alhambra Lane as a part of the project, and states that the resident, who was not present during the public review period would find it surprising that her residence is included in the project site. It should be noted that 1676 Alhambra Lane is owned by the project applicant, and although no specific modifications are proposed within that particular parcel, it has been included within the project description due to proximity to the proposed actions. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. As such, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C19-20. This comment provides a mark-up of Figure 3-5, Site Plan, presented on page 3-7 of Chapter 3, Project Description, of the DEIR. See Response to Comment C19-3.
- C19-21. This comment provides a mark-up of Figure 3-5, Site Plan, presented on page 3-7 of Chapter 3, Project Description, of the DEIR. See Response to Comment C19-3.
- C19-22. The comment provides a copy of the previously proposed alternative design discussed in Response to Comment C12-2. See Response to Comment C19-14.

Diana Velez  
 6684 Sobrante Road  
 Oakland, CA 94611  
 (510) 339-6378 [dbarbav@yahoo.com](mailto:dbarbav@yahoo.com)

January 2, 2011

Caesar Quitevis  
 Case Planner  
[clquitevis@oaklandnet.com](mailto:clquitevis@oaklandnet.com)

Re: Case file # ER08-001.

Dear Mr. Quitevis,

I am writing in response to St. John's Episcopal Church's expansion project ER08-001 / Draft Environmental Impact Report (DEIR). I have been a resident of the area affected for over 20 years and both of my children attended Thornhill Elementary School. Though my property is not directly impacted by the proposed development, the impact on my neighborhood and the road I use daily would definitely be detrimental.

It is my opinion that the expansion of St. John's in our currently quiet, woodsy residential neighborhood is totally inappropriate and disrespectful of the residents and the environment, which make our area unique. The idea of cutting down majestic trees, plants, and a quaint family home to build a parking lot so more people can bring their cars into an already small area runs sorely counter to our Montclair setting.

C20-1

In an age where the rest of us are all doing our part to cut down on energy consumption, where parents are walking their children to school and we are carpooling to work, it seems an abrupt slap in the face, that we are now asked to give up an oasis of green open space where the deer gather, the wild flowers bloom, and the creek flows freely in order to accommodate people from outside our neighborhood to park for a few hours on Sundays.

Phase 1 of the project, which includes creating a new parking lot and 2-lane bridge on Thornhill Drive and closing off the Gouldin Road entrance is contrary to Policy OS4.2: *Protection of Residential Yards* (pg. 4.1-2). Despite the proposed "improvements" to the area, replacing an open space with a parking lot and bridge will not improve the aesthetics or the safety of our neighborhood; on the contrary, it will destroy the existing trees and vegetation that not only provide us with a scenic environment, but also provides shelter for animals that are increasingly being squeezed out of their habitats. Phase 1 is also contrary to Policy 3. *Urban development should be related sensitively to the natural setting.* (pg. 4.1-3) Removing 65 trees, 56 of which are protected under the city of Oakland

C20-2

C20-3

preservation ordinance, is not being “sensitive to the natural setting” and negatively impacts the community's biological resources.	C20-3 cont.
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Phase 2 of the project, which includes building a new 5,500 square foot sanctuary near where the current entrance is on Gouldin Road, and converting the current sanctuary into a meeting/reception hall is inappropriate and grandiose for our small quiet neighborhood. The area is residential and already strained by the growth of the elementary school and the two local churches. If St. John’s has outgrown their current building, they should move to a more appropriate area that can accommodate a large facility. Expanding in a space that affects other homes, the existing school, and the access roads in not an acceptable proposal.	C20-4
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All of us who use Thornhill Drive to leave and return home will be adversely affected by a fourth entrance and exit on Thornhill between the 5800 and 6000 blocks of Thornhill. This exit will contribute to the already difficult left-turn situation onto Thornhill from Gouldin Rd., Alhambra Lane and the shared driveway at 5940 Thornhill Drive. I can envision the potential back up that will be caused on the street by vehicles trying to park, enter, and exit a parking lot with 90-degree angle spaces. It also nightmarish to think about the potential safety dangers to children trying to make their way to school through a parking lot of ever moving cars. All of this disruption and hazard would actually reduce the number of parking spaces which raises a host of questions that concern us: Where will the 15 to 40 extra cars park on Sundays? What happens when the school and church have simultaneous events? What happens when the church has a wedding and reception, or other event?	C20-5  C20-6
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------

For the above stated reasons, I urge that <i>Alternative 1 – No Project</i> be recommended. If the church needs more space, they should look for a suitable building in urban Oakland, not force a residential area to give up our precious open space and subject us to increased traffic headaches and dangers.	C20-7
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Respectfully submitted,

*Diana Velez*

Diana Velez

**LETTER C20: Diana Velez, January 2, 2011.**

- C20-1. This comment expresses a concern about the development of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.
- C20-2. This comment expresses a concern regarding the project's consistency with General Plan Open Space Policy OS4.2: projection of Residential Yards as discussed on page 4.1-2 of Chapter 4.1, Aesthetics, of the DEIR. As discussed on page 4.1-2, the project includes the demolition of one home, and conversion of the yard to parking. The determination that the proposed project is consistent or inconsistent with the City plans, policies, and ordinances is ultimately the decision of the City of Oakland. See Response to Comment C19-1.
- C20-3. This comment expresses a concern regarding the project's consistency with General Plan Oakland Scenic Highways Element Policy 3, which states that urban development should be related sensitively to the natural setting. As discussed on page 4.1-3, the Oakland Scenic Highways Element "addresses itself to the preservation and enhancement of those distinctively attractive roadways that traverse the city and the visual corridors which surround them."<sup>1</sup> The closest freeway, to the project area is California State Route 13; however the project is not visible from this roadway. The determination that the proposed project is consistent or inconsistent with the City plans, policies, and ordinances is ultimate-

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<sup>1</sup> City of Oakland General Plan, Scenic Highways Element, page 1.

ly the decision of the City of Oakland. See Response to Comment C19-1.

- C20-4. This comment expresses an opinion regarding the size of the proposed project in relation to the surrounding development. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The commenter is directed to Chapter 4.1, Aesthetics, of the DEIR, for a detailed discussion of the project's compatibility with surrounding land uses beginning on page 4.1-12.
- C20-5. This comment expresses a concern about overall traffic impacts, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The commenter is directed to Chapter 4.4, Traffic and Circulation, of the DEIR, for a detailed discussion of the project's traffic impacts.
- C20-6. This comment expresses a concern regarding the overflow parking during peak events at the Church and simultaneous events at the Church and Thornhill Elementary School. This comment is addressed in detail in Master Response 2, Parking.
- C20-7. This comment expresses an opinion on the selection of the No project Alternative. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.

## Kyle Simpson

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**From:** n.havassy@att.net  
**Sent:** Saturday, January 01, 2011 7:05 PM  
**To:** Vince Gibbs; Madeleine Zayas-Mart; Michael Colbruno; Sandra Gálvez; C. Blake Huntsman; Vien Truong; Douglas Boxer; Quitevis, Caesar  
**Cc:** Piper, Susan; Cowan, Richard; Quan, Jean  
**Subject:** St. John's Episcopal /Fw: Sierra Club NACG May Minutes  
**Attachments:** Sierra Club Letter.doc

12/26/10  
 Re: ER08-001 SCH# 2008032031

Dear Mr. Quitevis and Planning Commissioners,

Please see the email from Kent Lewandowski, of the Sierra Club, sent to me on July 17, 2007, below. Mr. Lewandowski and I had a previous phone conversation that day about the email he sent to Richard Cowan on April 6, 2007 (included in Appendix C, page 82, of St. John's DEIR).

Mr. Lewandowski said the Sierra Club did not reconsider their February 27, 2007 letter written on behalf of the Thornhill Creekside Neighbors & Friends regarding St. John's expansion project (included in Appendix C, page 83, of the DEIR and attached).

Contrary to the insinuation by St. John's of the 4/6/07 email from K. Lewandowski to R. Cowan in their DEIR, the 2/27/07 letter from the Sierra Club to Jean Quan on behalf of the Thornhill Creekside Neighbors, still stands.

I respectfully request that this email and the following email from Mr. Lewandowski be added to the project file for ER08-001.

Please let me know if you have any questions.

Sincerely,

Nancy Havassy  
 5940 Thornhill Drive  
 Oakland, CA 94611  
[n.havassy@att.net](mailto:n.havassy@att.net)  
 510 339-3043

C21-1

----- Original Message -----

**From:** [Kent Lewandowski](#)  
**To:** [Nancy Havassy](#)  
**Sent:** Tuesday, July 17, 2007 10:13 AM  
**Subject:** Fw: NACG May Minutes

Nancy,

The minutes from our May meeting, per your request. You're correct - I was gone in April. There is no mention of the St. John's issue in the May minutes, either.

Kent

----- Forwarded Message -----

From: BILL CHRISTOPHER <[bc63@msn.com](mailto:bc63@msn.com)>  
 To: [helenburke@earthlink.net](mailto:helenburke@earthlink.net); [kentlewan@yahoo.com](mailto:kentlewan@yahoo.com); [hmclean@berkeley.edu](mailto:hmclean@berkeley.edu);

C21-2



[joyceroy@earthlink.net](mailto:joyceroy@earthlink.net); arboone3@yahoo.com; clevelandlaw@aol.com; Andykatz@cal.berkeley.edu  
Sent: Monday, June 25, 2007 8:55:59 AM  
Subject: NACG April Minutes

DRAFT MINUTES 5-29-07

SIERRA CLUB NORTHERN ALAMEDA COUNTY GROUP (NACG)

MEETING DATE: Monday, May 29, 2007, 7:00 p.m.

LOCATION: 525 29th Street (at Telegraph), Oakland, CA

Present

ExCom and/or ConsCom: Arthur Boone (7:07), Afton Crooks, Andy Katz (7:16), Helen Burke, Joyce Roy, Joanne Drabek, Kent Lewandowski, Wendy Alfsen, Bill Christopher

Guests: Jim Cunradi, Stuart Coen, Len Conly, Rob Wrenn, Hank Resnik, Chiye Azuma, Philip Dow, Tony Sweet, Laura Dunn, Sandra Marburg, Aaron Israel

CONSERVATION COMMITTEE – Chair: Arthur Boone (filling in till Arthur arrives: Vice Chair, Afton Crooks)

C21-2  
cont.

Agenda

1. Introductions and Changes to the Agenda (Boone/Crooks)
2. Approval of Last Month's Minutes (Boone/Crooks/Christopher)
3. Reports from Committee Members
4. Bus Rapid Transit DEIR - NAC Group response (Alfsen/Burke) – 7:15
5. Oak Knoll Development (Tony Sweet, Guests) – 8:00
6. CCA discussion (Aaron Israel, Lewandowski) – 8:30
7. Threat to MLK Regional Preserve (Lewandowski, Crooks) – 8:50

Introductions

Changes to Agenda – Agenda approved as-is

Approval of April Minutes

M/S Afton/Kent - To approve April minutes – Passed: 8-0-0

Reports from Committee Members

- Helen adds agenda item: Possible daylighting of Strawberry Creek.
- Afton reports that all of our recommendations regarding AA bond issues were accepted.
- Wendy: Transportation Cmte. BRT, Chapter ExCom – Issue of Port has a chapter-wide interest in ecology
- Kent: CCA meeting at BayLocalize - consensus is that our job will be more difficult without Carol Misseldine.

Bus Rapid Transit (BRT) DEIR (Arthur Boone resumes chair - 7:17 pm)

Jim Cunradi gives his presentation on BRT.

Question/Answer session on BRT.

M/S Afton/Andy - To approve the Resolution as written below – Passed: 8-0-0

Whereas:

- The Sierra Club has long sought to reduce the environmental, social, and economic costs associated with overdependence on automobiles for transportation.
- Public transit, walking, and bicycling trips can often substitute for some automobile trips.
- AC Transit has proposed a Bus Rapid Transit (BRT) project along a corridor including Telegraph Avenue and International Boulevard extending between 15 and 17 miles between Berkeley and San Leandro. The Sierra Club strongly supports the project's goals to: (1) improve transit service and better accommodate existing bus ridership; (2) increase transit ridership by providing a viable and competitive alternative to private automobile travel; (3) improve and maintain the efficiency of transit service delivery; and (4) support local and regional goals to enhance transit-oriented development.
- UC Berkeley is planning to expand its workforce by approximately 4,000 more employees and 4,000 more students by 2020, and ABAG predicts significant population growth in the Bay Area over the same time frame. As one mitigation of the environmental impact of its projected population growth, UC Berkeley stated in the final EIR of its 2020 Long Range Development Plan (LRDP) that it will defer 500 of the 2,300 net new parking spaces proposed in the draft 2020 LRDP until after 2020 if a route is approved and construction begins on the AC Transit Bus Rapid Transit/Telegraph project by January 2010.
- The Lawrence Berkeley National Laboratory's own LRDP projects the addition of 1,000 employees by 2025 who could also use BRT to get to work.
- In its Draft Environmental Impact Report (DEIR) for the project, AC Transit predicts that the proposed service, which is to run on dedicated bus lanes (described in the EIR as "transitways") along much of its length, will attract thousands of passengers every week who would otherwise drive.
- The BRT system stations will be designed to attract users making trips on foot within 1/4 mile of stations. Localities can work with AC Transit to locate stops where neighborhood service uses are already located or could be located, thus encouraging more non-automobile trips.

C21-2  
cont.

Therefore, be it resolved that:

- The Sierra Club strongly supports AC Transit's overall objective of implementing high level bus rapid transit (BRT) improvements along an approximately 17-mile corridor connecting the cities of Berkeley, Oakland, and San Leandro.
- With regard to key points in the DEIR, the Sierra Club affirms that the fullest possible implementation of the transitways and proof of payment (prepayment of fares that will eliminate the need for drivers to collect fares at each bus stop) will be critically important to the project's success.
- In the interest of best serving the needs of the community and of merchants and neighbors along the proposed BRT route, the Sierra Club will continue to study the DEIR and observe the public review process in order to determine at a later date whether or not the Club should take a position on the specific route choices and alternatives and mitigations presented in the DEIR.

#### Oak Knoll Open Space Preservation

Tony Sweet speaks on behalf of the Oak Knoll Coalition who are opposed to the destruction of Oak Knoll by developers.

M/S Kent/Andy - To approve the Resolution as written below – Passed: 7-1-1

Regarding the old Oak Knoll Naval Base, one of the largest remaining properties in the south Hills scheduled for leveling for residential development:

The Sierra Club strongly objects to attempts by the developer SunCal Properties, to change the designation of various hilltops and ridgelines on the northeast portion of their property (including the "Knoll"), from "open urban space" to the knoll "hillside." In doing so, we align ourselves with the community and citizen groups seeking to protect this land as open space and native habitat. This kind of development of hilltops and ridgelines in the middle of a wooded area will cause lasting damage to plants and wildlife, cause scenic and aesthetic harm and destroy open space.

The Oak Knoll lands with greater than 30 percent slope are designated as "open space," per the General Plan/OSCAR recommendations. The developer bought this land with these restrictions in place. The Sierra Club insists that this designation not be changed, and that the Oakland Planning Commission reject any plans submitted by the developer calling for demolition of vegetation / regarding of these hilltops and ridgelines.

Community Choice Aggregation (CCA)

C21-2  
cont.

Aaron Israel, Chapter Energy Committee Chair, leads a discussion on why the NAC should support CCA in the East Bay.

Andy suggests trying to set up a meeting with Dan Bogen (Dellums' Chief of Staff).

Arthur, Andy, Kent and Bill to develop proposal for CCA workshop, which could be held sometime in September.

## MLK Regional Preserve

See Pg. 24 of packet and separate handout from Kent (letter from Golden Gate Audubon Society – GGAS).

M/S Helen/Afton - To approve the Joint Resolution with GGAS as written below – Passed: 7-1-1

NACG joins with GGAS in its appeal against the approval of Port of Oakland and City of Oakland of truck transfer or shipping depots on the parking lot area next to Martin Luther King Regional Park (this is the same location as what was proposed for the Koi Nation casino). Sierra Club is already on record opposing development of this site due to impacts on the MLK Regional Park, and has included it in our priorities for acquisition under the AA Re-Enlistment.

ConsCom adjourns (9:45 PM)

## EXECUTIVE COMMITTEE – Chair: Kent Lewandowski

### Executive Committee Agenda

1. Changes to the Agenda (Lewandowski)
2. Discussion of new "phone polling" rules (national committee) (Lewandowski/Drabek)
3. Plan for New Member Party (Burke/Lewandowski)
4. Plan for NAC Group Picnic (tentatively mid-July) (Drabek/Burke)

### Treasurer's Report

Joyce: we currently have a balance of \$2983.93;  
Outstanding allocations:

C21-2  
cont.

1. \$ 400 - Oakland Apollo Alliance
2. \$ 125 - Just Cause Oakland
3. \$ 75 - Save the Oaks (Jan '07)
4. \$ 100 - ULTRA
5. \$ 75 - Save the Oaks (Mar '07)
6. \$ 1000 - CCA Campaign

#### Phone Polls

M/S Wendy/ Helen - The NACG elects to use electronic and/or phone polls, and to abide by the new national policy – Passed: 8-0-1

#### NACG Picnic

M/S Helen /Andy - The NACG allocates up to \$100 for a postcard mailing for the NACG picnic on July 22 – Passed: 9-0-0

M/S Approval of Resolutions – Passed: 8-1-0

#### Ecocity Builders

M/S Afton /Arthur - The NACG agrees to co-sponsor with Ecocity Builders a visit from SLO officials to talk with Berkeley officials about the possible daylighting of Strawberry Creek, if feasible, on July 12 and 13th and to make a donation of \$250 to Ecocity Builders to offset costs of the visit – Passed: Approved 9-0-0

Executive Committee adjourns (11:10 PM)

- Minutes respectfully submitted by Bill Christopher (Group Secretary)

C21-2  
cont.

*Northern Alameda County Group  
Oakland – Alameda – Berkeley – Emeryville –  
Albany – San Leandro*



Honorable Jean Quan  
Oakland City Council  
City Hall  
Oakland, CA 94612

February 27, 2007

**SUBJECT: St. John's Episcopal Church vs. Thornhill Creekside Neighbors**

Dear Councilwoman Quan,  
Dear Planning Commissioners:

At the January meeting of the Northern Alameda Group of the Bay Chapter of the Sierra Club, Nancy Havassy of Thornhill Drive and of the Thornhill Creekside Neighbors and Friends informed us of the site development plans of the St. John's Episcopal Church at 1717 Gouldin Road which involves removing some trees, greatly altering their parking lot, and bridging the upper reaches of Temescal Creek to provide a new access to their property.

The proposed expansion of the church, the parking lot and the entry road are of concern to the Sierra Club because they will impact the surrounding environment in significant ways – removal of native plants and trees, asphaltting of previous water retaining woodland, increasing traffic flow to and from the area, and impacting water quality and creek runoff. Sierra Club Northern Alameda County feels the plan as presently designed is inappropriate and not in keeping with the generally rustic character of that neighborhood. We were particularly concerned about the bridge over the creek.

We hope that you or some member of your staff could be helpful in assisting the church to develop a plan for their property that would be more in keeping with the existing development (and lack of it). We request that you contact us at 510-625-5831 to address our concerns. Thank you, and

Very truly yours,

Kent Lewandowski, Executive Chair  
Arthur Boone, Conservation Chair  
Northern Alameda County Group Executive Committee

cc. Caesar Quitevis  
Planning and Zoning Division  
250 Frank Ogawa Plaza, Suite 2114  
Oakland, CA 94612-2031

cc. John Russo  
City Attorney  
Oakland City Hall  
Oakland, CA 94612

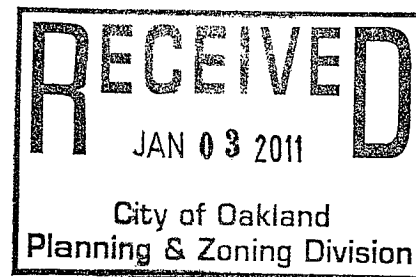
cc. Nancy Havassy

C21-3

**LETTER C21: Nancy Havassy (Sierra Club letter), January 1, 2011.**

- C21-1. This comment requests the previous letters sent to the commenter from the Sierra Club be included in the City's project file ER08-001. No response is required.
- C21-2. This comment is a copy of an email to the commenter and includes a copy of the Sierra Club Northern Alameda County Group meeting minutes dated May 29, 2007. No response is required.
- C21-3. This comment is a copy of a letter submitted to then Councilwoman Jean Quan dated February 27, 2007. The letter expresses concerns about the development of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.

**Dan J. Brown**  
 3871 Piedmont Ave., PMB #351  
 Oakland, CA 94611  
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 Mobile: 916-275-3229  
 Fax: 510-339-3211  
 Email: danb@airtechsales.com



January 2, 2011

**Re: St. John's Church, Case Number ER08-0001; SCH# 2008032031**

Caesar Quitevis, Planner II  
 City of Oakland, Community and Economic Development Agency  
 250 Frank H. Ogawa Plaza, Suite 2216  
 Oakland, CA 94612

Dear Mr. Quitevis:

My name is Dan Brown, not the famous author. I live 1666 Gouldin Road, across the street from St. John's Church. After reviewing the DEIR for the St. John's project I have the following concerns:

1. Parking Lot Design:
  - a. Traffic congestion on Thornhill Drive.
  - b. ADA compliance and safety for pedestrians.
  - c. Drawing - Parking lot pedestrian traffic.
2. Parking Lot Size - Error in calculating the parking lot size.
3. 100 Year Flood Reports – Omitting studies on the drainage above the Church's property.
4. ADA Compliance.

The following pages address each of the above concerns.

Thank you.

 A handwritten signature in dark ink, appearing to be "Dan J. Brown", followed by a long horizontal line extending to the right.
 

Dan J. Brown

C22-1



**Dan J. Brown**  
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January 2, 2011

**Re: St. John's Church, Case Number ER08-0001; SCH# 2008032031**

## Parking Lot Design

### Traffic Congestion on Thornhill Drive

DEIR Page 4.4-31 (207 of 258 online) last paragraph

*"The maneuvering aisle serving the 90-degree parking may be too narrow for two-way traffic, if non-compact vehicles park in the stalls and jut out into the maneuvering aisle."*

C22-2

The above should read "The maneuvering aisle serving the 90-degree parking is too narrow for two-way traffic when non-compact vehicles park in the stalls and jut out into the maneuvering aisle".

The DEIR traffic studies only addressed the intersections and traffic flows on the public streets. There needs to be a study of the traffic flow within the new parking lot to assure the two way traffic and parking congestion will not flow onto Thornhill Drive and block traffic in both directions. (See Appendix A, letter from Dan Brown, March 30, 2008 – pages 106-109 online.)

C22-3

### ADA Compliance and Safety for Pedestrians

APPENDIX A: Dowling Associates, Inc, Memorandum, September 23, 2008, page 5 of 9 (Page 344 of 390 on line)

*Pedestrian Access to Church:*

*The Proposed Project would provide ADA compliant sidewalks along one side of the driveway from Thornhill Drive to the Church buildings and to the ADA parking spaces.*

C22-4

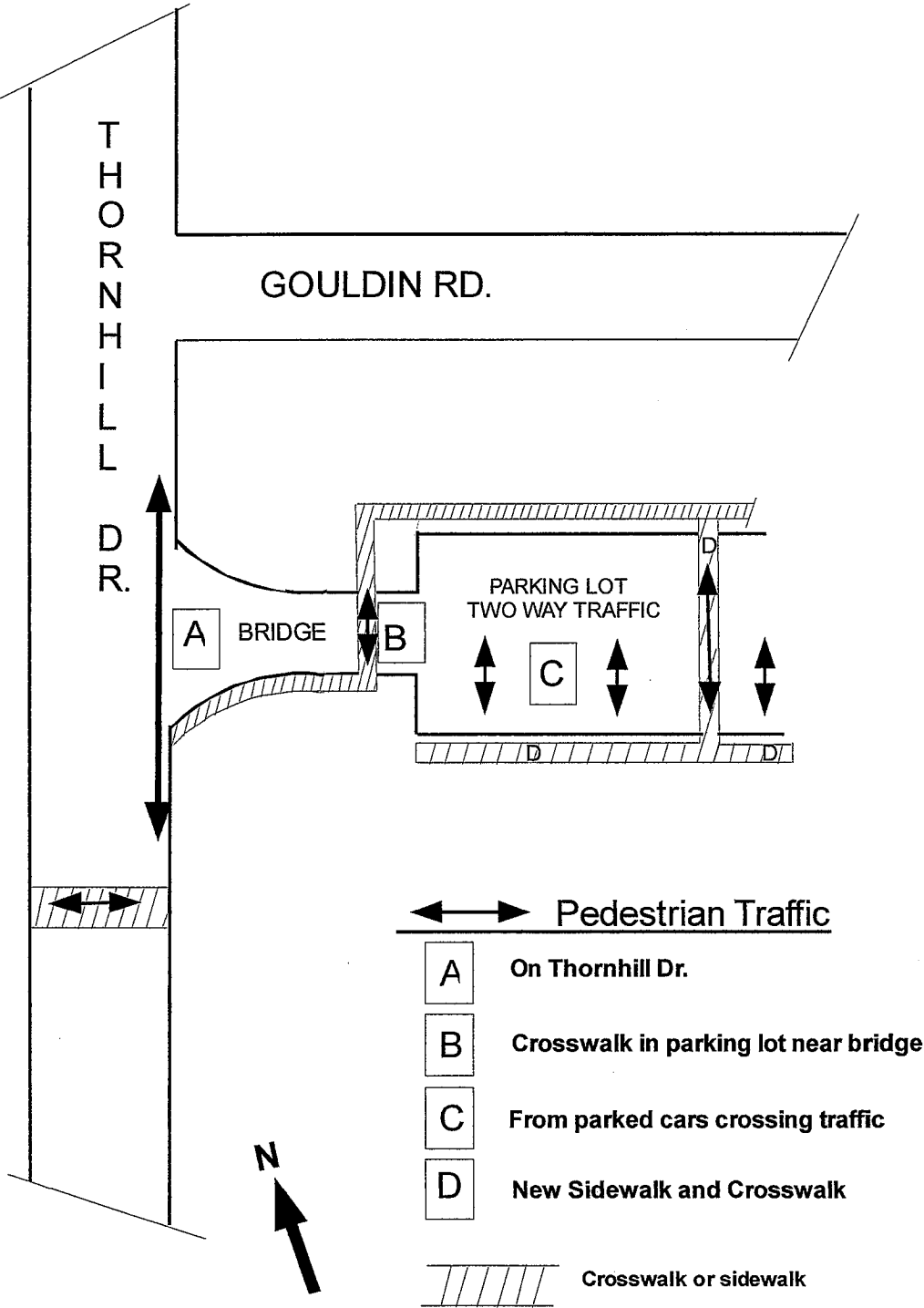
An ADA compliant sidewalk on both sides of the driveway and the crosswalk shown on the original parking lot drawing must be included in the parking lot plan. Sidewalk access to the Church should be available from both sides of the driveway for all pedestrians. This is a 2-way driveway. Without the second sidewalk and crosswalk pedestrians will be forced to cross the driveway where they park their vehicles. With a sidewalk on both sides of the driveway pedestrians will be able to use the marked crosswalks to cross the 2-way traffic.

The attached drawing shows the pedestrian traffic that will occur with the proposed parking lot design. In addition to congestion caused by parking and backing out, the drivers have to watch out for pedestrians crossing the 2-way driveway in numerous locations. (See attached drawing.)

C22-5

January 2, 2011

Re: St. John's Church, Case Number ER08-0001; SCH# 2008032031



Dan Brown - 12/27/2010  
No Scale

C22-5  
(cont.)

**Dan J. Brown**  
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January 2, 2011

**Re: St. John's Church, Case Number ER08-0001; SCH# 2008032031**

### Parking Lot Size

There is a huge error in measurement or an omission of facts in the DEIR. It describes the existing sanctuary as a 5,000 square foot building. There are actually two existing buildings involved: the sanctuary and the education building. The sanctuary is a single story building approximately 2,930 square feet in size. The newer of the two is the education building: this has been conveniently omitted in the DEIR. The education building is a two story building, which includes several classrooms and offices, and is over 6,300 square feet in size. Note: there is no ADA access to the second floor. They are connected and could be considered one building but, they have separate activities now and will in the future. Their combined square footage is over 9,000 square feet, not the 5,000 square feet stated in the DEIR.

C22-6

The calculations for the minimum number of parking spaces must be re-evaluated to meet the Oakland City Code:

Oakland Planning Code, effective August 20, 2010

*17.116.030 More than one activity on a lot.*

C22-7

*Whenever a single lot contains different activities with the same off-street parking or loading requirement, the overall requirement shall be based on the sum of all such activities, and the minimum size prescribed hereafter for which any parking or loading is required shall be deemed to be exceeded for all such activities if it is exceeded by their sum.*

The re-evaluation must include the different activities that will be taking place in the education building, the future community hall and the new sanctuary. The Church claims there would be no increase in parking requirements because "both buildings would be in use only when adults are using one building and children (non-drivers) are using the other building":

DEIR page 3-20 (66 of 258)

*Upon completion of the new sanctuary building, the existing building would be converted into a community hall, fellowship space. There would be no increase in capacity for parking when both buildings are in use. Both buildings would be in use only when adults are using one building and children (non-drivers) are using the other building."*

C22-8

What exactly does only “children (non-drivers)” mean? Do Church officials mean unattended young children without adult supervision in one building and only adults in the other? Are they trying to tell us that these buildings will never be occupied by adults (drivers) at the same time? The total number of parking spaces required must be calculated for the activities of all three buildings including the offices and classrooms.

C22-8  
(cont.)

The re-evaluation must also include the new sanctuary at 400 seats. If the current sanctuary, at 2,970 square feet (not 5,000 square feet) can seat 225 people (see DEIR page 4.4-7) then the new sanctuary, at 5,500 square feet, could seat over 400 people.

C22-9

We don’t have enough parking spaces available in the neighborhood to support an increase parking load from the proposed new sanctuary. The DEIR states 60 more parking spaces are not even enough to accommodate the requirements and street parking could accommodate only a minimal increase.

DEIR page 4.4-33 (209 of 258) second paragraph

*“The blacktop at Thornhill Elementary School is currently used to handle the existing overflow. It has room for approximately 60 vehicles, which can accommodate most of the increased demand for parking attributed to this project. Additionally, on-street parking in the area around the Church appears to be under-utilized and could accommodate a minimal increase in parking by Church patrons.*

C22-10

Apparently there is no written agreement between St. John’s and the Oakland Unified School District officials that allows parking on the blacktop. There is no guarantee that this parking area will be available in the future.

Since the car count was taken, the school substantially increased the playground equipment area, including specialized cushion surfacing, and added two more buildings on the blacktop area, thus decreasing the number of available parking spaces.

C22-11

The DEIR does not disclose that the Montclair Presbyterian Church also uses this playground for parking on Sundays, even further reducing the parking capacity.

Appendix A - Page 8 of 9 (337 of 390)

*“A count conducted by Dowling Associates on Sunday, March 18, 2007 found that sixty-two (62) cars were parked in Church’s parking lot at its peak. A 15% increase in parked vehicles would mean seventy-one (71) parked cars could be anticipated for its Sunday peak hour. The proposed 52 spaces on-site would not meet the existing or projected parking demand and may result in on-street parking by Church attendees.*

C22-12

*To mitigate this impact, the Church should explore reciprocal relationship with the Thornhill Elementary School to utilize school parking during the Sunday services to accommodate the increased demand for parking with the expansion. It may also initiate valet parking and/or tandem parking in the undesignated spaces.”*

This states the current parking lot with up to 62 cars is too small for the current attendance. To mitigate the parking problem they suggest (1) valet parking. This is not feasible: where will they park all those cars?; and/or (2) parking tandem, but where would tandem parking space be in the new lot design?

C22-13

Simply put, the new parking lot capacity is too small.

**Dan J. Brown**  
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January 2, 2011

**Re: St. John's Church, Case Number ER08-0001; SCH# 2008032031**

## 100 YEAR FLOOD HAZARD

Questions asked on the DEIR:

1. *"Place within a 100-year flood hazard area structures which would impede or redirect flood flows?"*
2. *"Expose people or structures to a substantial risk of loss, injury or death involving flooding?"*

There is a storm drain that goes underground just above the Church's property along Gouldin Rd. If the inlet to this storm drain is blocked the sanctuary will flood as it did in the past.

I could not find this storm drain or tributary discussed in any of the Hydrology or other reports. The storm drain only shows up as undefined light dashed lines on some of the drawings. It is defined in Appendix A in very light lettering, on PGA design Inc's. Planting Plan #L2-1, dated Nov. 1, 2006 as a "5' Storm Drain Easement 8079 OR 436 & D-7859-64" (see page 250 of 390 online).

Danger from flooding by this tributary should be included in the Hydrology reports.

Also, it appears that the new sanctuary will be built very close to this storm drain. The Church plans to remove 7 feet of dirt in the area of this drain. Its location should clearly appear on all construction drawings to prevent accidental damage.

C22-14

**Dan J. Brown**  
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January 2, 2011

**Re: St. John's Church, Case Number ER08-0001; SCH# 2008032031**

## **ADA Compliance**

The Church states its Project objectives as follows:

*DEIR Page 3-30 (66 of 258) E. Project Objectives*

*The major objectives of the project are to:*

- ◆Construct a new sanctuary for St. John's Episcopal Church, with functional connectivity between new sanctuary and old sanctuary (to be used as community hall/fellowship space).*
- ◆Provide safer ingress and egress for emergency vehicles, St. John's parishioners, and parents of Thornhill School children by constructing a bridge that would direct traffic to the improved St. John's parking lot.*
- ◆Improve traffic conditions along Alhambra Lane and Gouldin Road.*
- ◆Provide ADA compliant facilities.*

C22-15

The Church fails to meet one of their own Objectives, provide ADA compliance, in two areas:

1. The Education Building is a 2-story building. It does not have ADA access. This proposed large addition to the Church's property must include and elevator for the Education Building to comply with ADA regulations.
2. The south side of the proposed parking lot does not have an ADA compliant sidewalk, forcing all pedestrians to cross 2-way traffic to get to and from the Church. A sidewalk along the south side must be incorporated in the plans for the safety of all pedestrians.

C22-16

**LETTER C22: Dan J. Brown, January 2, 2011.**

- C22-1. This comment provides general background information on the commenter and introduces ensuing comments. No response is required.
- C22-2. This comment expresses an opinion regarding the description of the 90-degree parking proposed on the project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C22-3. This comment requests a traffic analysis be prepared for the flow of traffic in the proposed project parking lot to assure the two way traffic and parking congestion will not flow onto the Thornhill Drive and block traffic in both directions. As described in Chapter 4.4, Traffic and Circulation, of the DEIR, the Traffic Study prepared for the project found that the project is expected to add one additional AM peak vehicle trip and one additional PM peak trip. During the Sunday peak hour, additional trips generated by the project would be 21 trips. No significant impacts were found to occur as a result of the project or cumulative impacts regarding the proposed project entrance, left turns onto Thornhill Drive, potential back-up on to the surrounding streets. In addition, no significant impacts were found as a result of the proposed parking design. The Traffic Demand Management Plan (TDM) will contain strategies to reduce on-site parking demand and single occupancy vehicle travel. Accordingly, no further traffic analysis such as the one requested by the commenter is warranted. See Master Response 2, Church/School Drop-Off Traffic Interface.



- C22-4. This comment expresses a concern regarding the project's proposed ADA compliant sidewalks and suggests the project should include two sidewalks. As noted on the page 3-19 of the DEIR, ADA requirements would be achieved by the inclusion of ADA parking and access adjacent to the proposed sanctuary. The required number of parking spaces and proximity to the proposed sanctuary would meet ADA requirements. The inclusion of a sidewalk in the parking area would not add any improvement to ADA compliance because connecting a sidewalk to the sidewalk included in the proposed project would still lead to a stairway that would not be ADA compliant. Due to the existing grade change between the parking area level and the higher elevation of the church, the construction of an ADA-accessible ramp is not feasible, and would therefore make a sidewalk from the south side of the parking impractical.
- C22-5. This comment provides an illustration of the proposed parking lot and the commenter's interpretation of how pedestrian traffic could flow on the project site, and states that in addition to congestion caused by parking and backing out of the proposed parking stalls, drivers will also have to watch out for pedestrians crossing the proposed driveway in numerous locations. This comment expresses a concern, but does not question the sufficiency of the analysis or mitigation measures included in the DEIR. As stated on page 4.4-32 of the DEIR, the dimensions of the parking stalls meet the minimum requirements. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C22-6. This comment provides the commenter's interpretation of the existing site facilities and how they are used. The comment suggests the existing education building has not been discussed in the DEIR and states the DEIR identifies the existing facilities as being 5,000

square feet in size. In referring to the existing education building, the commenter is referring to the existing meeting hall within the project site. As described in the Project Description, the project includes the construction of a proposed sanctuary no larger than 5,500 square feet. The DEIR evaluates the impacts resulting from the construction and operation of the proposed sanctuary and the impact analysis includes the potential use of the meeting hall in coordination with the proposed sanctuary. The analysis considers limited use of the existing church buildings during the use of the proposed sanctuary.

- C22-7. This comment expresses an opinion regarding the parking calculations presented in the DEIR and suggests they are not compliant with Oakland Municipal Code Section 17.116.030. This comment suggests the parking requirements should consider parking standards with all the existing and proposed facilities in use simultaneously. This comment has been previously addressed. See Master Response 2, Parking.
- C22-8. This comment correctly states the project proposes that upon project completion both buildings (new and existing) would be in use only when adults are using one building and children (non-drivers) are using the other building. This statement is not meant to imply children who have been accompanied to the Church by an adult would be left unsupervised in one building, but rather is simply meant to explain that the facilities would be used in such a manner that an adult service would occur in one building at the same time an event such as children's Sunday School classes would occur in the other. See Master Response 2, Parking, and Responses to Comment C3-7.
- C22-9. This comment has been previously addressed. See Master Response 2, Parking.

- C22-10. This comment has been previously addressed. See Master Response 2, Parking.
- C22-11. This comment expresses a concern about the reduced number of parking spaces at the Thornhill Elementary School since the traffic analysis was prepared for the DEIR. However, the number of parking spaces at the Thornhill Elementary School has not bearing on the impacts of the project. See Master Response 2, Parking.
- C22-12. This comment expresses a concern regarding the use of Thornhill Elementary School by Montclair Presbyterian Church. However, the use of the parking facilities at Thornhill Elementary School has not bearing on the impacts of the project. See Master Response 2, Parking.
- C22-13. This comment expresses a concern about the parking on the project site as it relates to the shared parking relationship with Thornhill Elementary School. See Master Response 2, Parking.
- C22-14. This comment expresses a concern about the location of a storm drain within the project site within close proximity to Gouldin Road. It is believed that the comment refers to the existing stormwater drainage easement that runs between Gouldin Road between the existing church. The easement, although not called specifically identified is shown in Figures 3-5 (Site Plan), 3-6 (Phasing Plan), and 3-12 (Grading, Drainage and Paving Plan). The easement restricts development within the designated area, and, as noted on page 4.3-5 of the DEIR, the project site is not located within a 100-year floodplain zone as delineated by the Federal Emergency Management Agency (FEMA).
- C22-15. This comment expresses a concern about ADA access and states that because construction is occurring within the site, an elevator must also be constructed within the existing church building. The

project does not propose any modifications to the existing church structure and, therefore, ADA compliance is not required within the existing church structure.

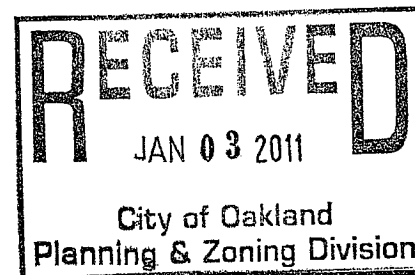
- C22-16. This comment states that the south side of the proposed parking lot does not include an ADA-compliant sidewalk, and that all pedestrians must cross the driveway in order to access the Church. As noted on the page 3-19 of the DEIR, ADA requirements would be achieved by the ADA parking and access adjacent to the proposed sanctuary. See Response to Comment C22-4.

December 31, 2010

TO: Mr. Caesar Quitevas, Planner  
Planning Department  
250 Frank Ogawa Plaza  
Oakland, CA 94612

FROM: Elaine F. Kawakami  
1731 Gouldin Road, Oakland, CA 94611

RE: St. John's Episcopal Church Project EIR  
State Clearinghouse Number: 2008032031



PROPOSED SANCTUARY LOCATION

Dear Mr. Quitevas:

I reside on the property next door to St. John's Church at 1731 Gouldin Road. I have lived here for the past 42 years.

It has been enjoyable living here, but since my house is built on a hillside, there is always concern of the possibility of the hillside sliding especially when there is heavy, continuous rainstorms that drench and saturate the soils.

In 1982, a landslide occurred on the property adjacent to mine. The slide began at the top of Alhambra Ave. and cut across the hill down to and through the corner of my property near the garage. It was of significant proportion which necessitated the reconstruction of the whole hillside to prevent further slides from possibly happening.

This slide was caused from an exceptional amount of rainfall that year, plus the earth at the top of the hill had been excavated for construction of several new homes on Alhambra Ave.

On May 12, 1993, Mr. Gerald Rose, President of the Merriewood Forest Park Home Owners Association, went before the Oakland Planning and Building Dept. to seek a resolution opposing any further development on the property due to the huge slide and hydrological and earth-movement problems. (see Exhibit A). This request came about because the developer who had built the homes at the top of Alhambra Ave., was seeking to build additional homes again on the unstable land. The Planning and Building Dept. did not approve the developer's application to build. (see Exhibit B).

C23-1

Since learning several years ago of St. John's plans to build the proposed sanctuary adjacent to my property, my immediate worry was that any excavation or moving of the soil on or near the St. John property during construction could bring about impacts of major significance. I strongly feel that I do not want to have my house and property exposed to the risk of more sliding or shifting of the soil.

I am aware that if there is slippage of the house and hill, shoring them up would become necessary in order for habitability of the place. The cost would be prohibitive for me to pay at this stage of my life, being a senior citizen.

C23-1  
cont.

I strongly urge that the alternative plan which proposes the sanctuary being built on the land closer to Thornhill Drive with the egress and ingress on Gouldin Road be selected. I believe it would be a safer choice which would avoid destabilization and erosion to my house and property and to St. John's.

Aesthetically speaking, it appears the sanctuary will be looming in front of my windows if built next to my house as proposed,. I have always treasured the view of the church and the valley from my living room. The prospect of looking out at the top and sides of a sanctuary instead of green trees and seasonal flowers will be absolutely dreadful.

C23-2

Thank you very much for your consideration in this matter.

Sincerely,

*Elaine F. Kawakami*

Elaine Kawakami

1731 Gouldin Road

Oakland, CA 94611

(510) 339-2045 - home

(510) 847-5993 - cell

Attachments 2

[ebrrpd@sbcglobal.net](mailto:ebrrpd@sbcglobal.net) - email

MERRIEWOOD  
HOMEOWNERS



FOREST PARK  
ASSOCIATION

May 12th, 1993  
Oakland, California

TO: Mr. Quesada, Senior Planner  
Office of Planning and Building  
Oakland, California

RE: JUNKER, JIM TPM 6414

Dear Mr. Quesada;

In re: the request to divide the existing parcel at 1730 Alhambra Lane, our Board of Directors has voted unanimously to OPPOSE the proposed division based on the issues raised in our members letter to you of May 10th to wit:

- \* violation of any existing verbal contract of 15 years duration
- \* violation of proper notification
- \* violation of time for appropriate response

Over and above the violations cited, an adjacent property owner whose lot is downhill has raised significant issues that need to be addressed, to wit:

- \* the huge slide in the property area
- \* the loss of credential/license by the previous soil engineer
- \* the proposed footprint crushing an existing run-off pipe
- \* major hydrological and earth-movement problems
- \* loss of ground-cover with drainage and erosion problems

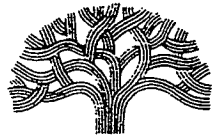
Mister Kawakami, the property owner, has a licensed engineer prepared to speak to these matters and we feel his input is vital. Mister Kawakami also has correspondence putting the property owner on notice that needs to be introduced.

The Association has questions regarding frontage on a dedicated street as required by law and the location of driveway(s).

AGAIN, WE ARE OPPOSED TO THE PROPOSED LOT DIVISION.

Gerald A. Rose  
President

GAR: mb



OFFICE OF PLANNING & BUILDING • 1330 BROADWAY • OAKLAND, CALIFORNIA 94612  
May 17, 1993

Jim Junker  
6211 La Salle Avenue  
Oakland, California 94611

TDD 839-6451

RE: Case File No.: TPM 6414; 1730 Alhambra Lane

Dear Mr. Junker:

Staff has reviewed the proposed Tentative Parcel Map (referenced above) to subdivide two existing parcels into three, and has determined that this application cannot be further processed for reasons outlined below.

The parcel of land proposed for subdivision is part of a previously recorded map, Parcel Map 3147, which contains a condition of approval that states that the deeds of each lot will restrict use of each lot to one habitable structure and "precludes further lot splits." (Enclosed is the Conditions of Approval recorded January 31, 1980.) As such, the present proposal is inconsistent with current deed restrictions that limit further division of the subject property.

You may get a portion of your refund of your Tentative Parcel Map application fee by completing the enclosed refund form and returning it, along with the original cash receipt (#682247, White Copy) to Bill Quesada, Zoning Division, OPB, 1330 Broadway, 2nd Floor, Oakland CA 94612. The amount that will be refunded is \$1,763.00 (total fee minus \$160 notification fee).

C23-4

If you have any questions, please contact me at (510) 238-6345.

Sincerely,

BILL QUESADA, Planner III  
Zoning Division

cc: Burney Johnson, Zoning Division  
Phil Grubstick, Engineering Services  
Peter Kawakami ✓  
Merriewood Forest Park Homeowners Assn.  
Bryan Remer  
Robert Witser  
Glen Miyajima  
Cheryl Robnett

Enclosure

F-M271 1TPM6414.BQ



**LETTER C23: Elaine Kawakami (includes 1993 exhibits), January 3, 2011.**

- C23-1. This comment provides general background information on the commenter and for other past development in the area. The commenter expresses a concern regarding potential impacts resulting from landslides. As discussed in the Initial Study prepared for the project and included in Appendix B of the DEIR, landsliding, liquefaction ground failures including lateral spreading (a.i through a.iii), soil subsidence, and soil collapse have been determined to be less than significant because the project design would do the following: incorporate foundation recommendations of a project geotechnical evaluation, comply with applicable City regulations and standard conditions of approval, be constructed to applicable California Building Code standards, and would incorporate the proposed measures to address potential liquefaction hazards. Thus, the potential impacts associated with landslides, would be less than significant.

The comment further requests that Alternative 3 be adopted as the project. The comment is acknowledged and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.

- C23-2. The commenter expresses a concern about the view of the proposed project from the location of her residence. CEQA requires analysis of public viewsheds and does not require consideration of private views. As discussed on page 4.1-12, although the project would alter the visual character of the site and surroundings, the changes would not be significant because the site is currently developed with a sanctuary building and paved parking area. As shown on Figures 4.1-3 and 4.1-4, which represent the most open views of the site, the height, bulk, and overall massing of the pro-

posed sanctuary, bridge, and parking area would not overwhelm or degrade the visual character of the project site.

- C23-3. This comment includes an attachment to the commenter's letter that references events that occurred on other development in the area. No response is required.

Re: File # ER08-0001; SCH# 2008032031. St John's Aesthetics/Safety

Dear Mr. Quitevis,

I wish to point out important omissions concerning aesthetics and safety from the recently released DEIR.

C24-1

### **Missing Details of Proposed New Sanctuary**

Figs 3-16 and 3-17 purport to show section views but disclaim, "...The section views do not show the proposed sanctuary in relation to the existing topography or represent the potential view of the building from Gouldin Road." (pdf p 65). The latter is labeled "not to scale" and has an interrupted base line. When do we get to see what the actual plan is?

C24-2

These conceptual drawings dodge the question of depth of excavation for the new sanctuary. Is the floor to be at the level of the patio or of the Upper Parking? Both are mentioned, but the ambiguity not resolved. This is a matter of grave concern for neighbors just uphill on this potentially unstable slope with a history of landslides and evanescent springs.

### **Sixty-five Trees Cut Down is Too Many!**

This is an order of magnitude greater than any request we've seen in our residential part of Oakland in the last 30 years. (Perhaps 6 trees, but not 60!) No proportionate justification has been presented by the Developers.

Note that the 50 ft hole in the green curtain along Thornhill comes immediately at the start of the bridge construction (Phase 1), but that the replanting of replacement saplings awaits the end of Phase 2, the Sanctuary construction. St John's has not presented a timetable for this and presently lacks funding even for completing Phase 1. The proposed mitigation by replanting wouldn't be seen in the lifetimes of most of us.

C24-3

### **Project in Search of a Justification**

The stated needs for this project over the last decade form a web of changing rationales. Over time, important justifications have been variously given as 1) More space in the Sanctuary, 2) More abundant parking 3) "Restore" the creek. These are all now abandoned.

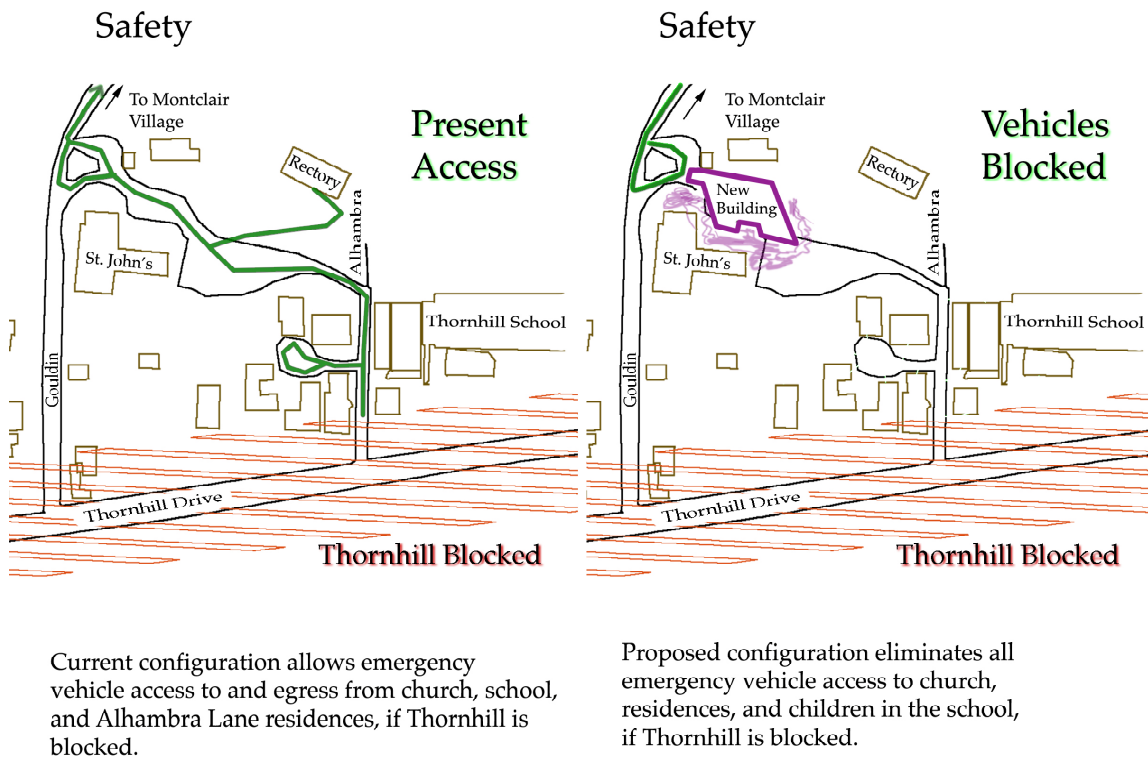
At the 12/15/2010 public hearing the main justification was given as "better safety," for instance a new emergency vehicle turn-around. The turn-around circle proposed in the project is less than half the size of the existing one at the nearby Y-junction of Thornhill and Merriewood, which has been used for decades by hook and ladder units, buses, and big-rigs. Where is the data showing that this is not working? Access to the church buildings by Fire Dept vehicles can more easily be provided by the non-bridge alternatives, and with much less environmental damage.

C24-4

The addition of 2 new fire hydrants, always welcome, does not require tree removal or a new bridge – or an EIR.

## Safety Worsened if Thornhill Blocked in Disaster

The proposed project would block access to Gouldin up the driveway (green line). This would prevent emergency vehicle access to and escape from St. John's buildings and neighbors in the event of closure of Thornhill Drive in a disaster. Vehicular access would also be blocked to Alhambra Lane and Circle and to Thornhill School, which would then be completely cut off. Such closure might occur from flood (as in the 1950s), earthquake (we are half a mile from the Hayward fault), landslide (an annual occurrence in the Oakland Hills), or fire (as in 1989). This escape route "over the shoulder" to Montclair village via Gouldin-Aspinwald-Snake was used by St. John's staff and fleeing neighbors during the 1989 fire (including me).



C24-5

## Abandoned Construction Site - the Ultimate Aesthetic Blot

Radically reduced parking (50% loss of current **actual** parking) and the inevitable untidiness of a building site could trigger decline in church attendance and support, reducing fundraising and prolonging construction. In similar situations elsewhere this has ended in a "death spiral" for the parish, leaving a half-completed construction site as the only legacy.

C24-5

Patrick Twomey  
6022 Thornhill  
Oakland, CA

**LETTER C24: Patrick Twomey, January 3, 2011.**

- C24-1. This comment introduces ensuing comments. No response is required.
- C24-2. This comment expresses a concern regarding Figure 3-16, Phase 2 Sanctuary Conceptual Plan – West Section and Figure 3-17, Phase 2 Sanctuary Conceptual Plan – East Section. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur “before a project gains irreversible momentum” (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334). In other words, CEQA requires agencies to prepare EIRs “as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (see *CEQA Guidelines* Section 15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358). Phase 2 conceptual site plans have been adequately prepared and discussed in the DEIR to complete the aesthetics analysis in the context CEQA. See Response to Comment C19-6.

With regard to the portion of the comment that expresses a concern about landslides, the Initial Study prepared for the project and included in Appendix B of the DEIR, landsliding, liquefaction ground failures including lateral spreading (a.i through a.iii), soil subsidence, and soil collapse have been determined to be less than significant because the project design would do the following: incorporate foundation recommendations of a project geotechnical evaluation, comply with applicable City regulations and standard conditions of approval, be constructed to applicable California Building Code standards, and would incorporate the proposed measures to address potential liquefaction hazards. Thus, the po-

tential impacts associated with landslides, would be less than significant.

- C24-3. This comment expresses a concern about the loss of trees on the project site and raises concerns when replanting of trees within the project would occur. The majority of trees to be removed as a part of the project would be removed to allow for construction of Phase 1 project components, and planting of replacement trees would occur during the construction of Phase 1 project components. Standard Condition of Approval BIO-5 has been amended to include a project-specific standard condition as shown below and in Chapter 2.

In addition, the following project-specific conditions of approval have been included as a part of this Standard Condition of Approval:

- g. A 10-year monitoring period for all plantings shall be established in order to ensure success of vegetation.
- h. All trees designated for removal during construction of Phase 1 of the project, shall be replanted to the satisfaction of the City Arborist Inspector prior to the completion of Phase 1.

- C24-4. This comment expresses an opinion on the merits of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments.

- C24-5. This comment expresses a concern regarding the project access points in the event of an emergency. Emergency Access is discussed on page 4.4-29 in Chapter 4.4, Traffic and Circulation, the

estimated frontage of the project site along Thornhill Drive is approximately 120 feet and does not require a second emergency access route. Furthermore, emergency vehicle access is provided to the project site by the proposed bridge/driveway. The bridge meets the City of Oakland's minimum requirement width 20 feet for an access road and 5 feet for a pedestrian sidewalk. Currently, access to the project site does not meet the City's requirement of a grade of less than 18 percent, nor does it provide separated pedestrian pathways to provide safer pedestrian travel. The proposed bridge access road provides an improvement over current driveway on Gouldin Road that will meet the City's requirement. As a result, the project would have a less-than-significant impact on emergency access to and from the site. With respect to public access through the project site in an emergency in which Thornhill Drive could be blocked, it should be noted that the current configuration of the driveway and parking area with St. John's Church property are not a publically maintained and are located within private property. Although the St. John's Church allows for daily access within the site, access through the St. John's Church is not recognized as an emergency evacuation route by the City of Oakland.

- C24-6. This comment expresses an opinion on the merits of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments.

Re: File # ER08-0001; SCH# 2008032031. St John's Parking

Dear Mr. Quitevis,

Thank you for your lucid and objective review of the St. John's Episcopal Church project at the Oakland City Planning Commission meeting Dec. 15, 2010. May I point out several important concerns in the related Draft EIR (DEIR) which were not discussed at that meeting?

C25-1

### **Parking Reduced but Floor Space Increases**

With refreshing candor the current submission now concedes there would be a reduction in on-site parking as part of this project. Code-compliant spaces would decrease from 56 to 41 (DEIR 3-19). Moreover, actual on-site parking regularly exceeds the code-compliant number by another 20 or more vehicles, so the reduction in actual on-site parking capacity would be about 50%.

C25-2

Meanwhile under the proposal, building floor-space would increase, as the 5000 sq foot "Old Sanctuary" is augmented by a 5500 sq ft "New Sanctuary". In addition, there is already a 10,000 sq ft Education Building adjoining the Old Sanctuary with numerous sit-down rooms used for classes and meetings, often during services in the main church. This Education Building is nowhere mentioned in the DEIR. Parking would be required for all three of these buildings by both common sense and the Oakland Municipal Code.

### **Code Requirement Misrepresented**

The DEIR (4.4-31) states: "The proposed construction of the new sanctuary will result in a total of 259 seats... which means 26 off-street parking stalls would be required. The project proposes 41 off-street parking stalls...thus the Church is providing 15 parking stalls over the amount required by the City of Oakland's municipal codes."

These DEIR numbers would be correct only if the two existing buildings were to be removed as part of the project. The 26 code-mandated stalls are required in addition to those already mandated for the existing buildings.

Assertions that there will be "...no simultaneous use..." of the old and the new sanctuary buildings (Appendix I p. 325) are implausible, impossible to monitor, unenforceable, and not provided for in the Code. Rather, the code directly addresses this situation in Sect 17.116.030 stating: Whenever a single lot contains activities with different off-street parking or loading requirements, the overall requirement shall be the sum of the requirements for each such activity calculated separately.

C25-3

The "sum of required spaces" specified in the Code would exceed 100 spaces for the proposed project. This number is close to the estimate elsewhere in the DEIR: "...parking demand from St. John's Church patrons on a typical Sunday...[is] approximately 91 vehicles." (DEIR 4.4-32)

How might a shortfall of 40 to 60 spaces on a typical Sunday be addressed?



## **Thornhill School Playground Not Dependably Available**

From time to time, the school has allowed overflow parking from St. John's church, Montclair Presbyterian church, and others. At other times, they have not. Construction of ever-encroaching "portables", placement of new gym equipment and cushioned ground covering, and presence of school or other community events have all resulted in closure of the playground to parking. At other times, the gates are locked on Sunday with no obvious reason. (As I write this today, Sunday Jan 2, 2011, the gates are locked and overflow parking is all on neighborhood streets.)

Attempts by neighbors to find any written commitment on future availability of playground parking have failed. Interviews were held in December, 2010, with the Thornhill School principal, Sallyann Tomlyn, and with Carla Colbert of Buildings and Grounds of the Oakland Unified School District. There is no public written agreement between St. John's and the school on this point, but Ms Colbert stated that parking is not allowed on the blacktop of any Oakland public school, unless there is a designated parking spot.

C25-4

Even if someone tried to give an ironclad commitment to provide all needed overflow parking on the playground in perpetuity, and the related questions of supervision, liability, and resolution of scheduling conflicts were all answered, parking on this playground is problematic. Access to the church from the playground is either via a steep, non-ADA-compliant flight of 57 stairs, or via Thornhill Dr. where there is no sidewalk and where any parked cars force pedestrians into the traffic lanes.

## **Pedestrians Forced into Traffic Lanes**

The proposed bridge and driveway would enter Thornhill Dr. at one of its narrowest points, between Alhambra Lane and Gouldin Rd. In this stretch, mudslides and retaining walls crowd the west edge and Temescal Creek comes within 5 feet of the east edge leaving no room for sidewalks on either side. Thus, when the proposed, smaller, on-site parking area fills up and cars line Thornhill, pedestrians must walk out into traffic to get to the new bridge to enter church property. Such dangerous pedestrian routing already occurs when simultaneous events congest local parking. (See Fig.)

C25-5

We share the conclusion of the DEIR (4.4-32): "The proposed 41 spaces at the Church's parking lot on-site do not meet the existing or projected parking demand and may result in an increase of on-street parking by Church attendees."

This is unacceptable. The Developers' plan would lead to choking jams as visitors seek scarce parking and spill onto this narrow traffic artery. No good intentions can offset the resulting disastrous consequences to the neighborhood.

Patrick Twomey  
6022 Thornhill Dr.  
Oakland, CA 94611



C25-6

- There is no sidewalk on this narrow portion of Thornhill near proposed bridge. When parking overflows onto streets pedestrians are forced into traffic. On this Saturday there was a Halloween Party at Thornhill School and an AA meeting at St. John's Church.

**LETTER C25: Patrick Twomey, January 3, 2011.**

- C25-1. This comment introduces ensuing comments. No response is required.
- C25-2. This comment expresses a concern about the parking provided on the project site. See Master Response 2, Parking.
- C25-3. This comment expresses an opinion regarding the parking requirements for the proposed project and suggests the parking requirements should consider parking standards for both the existing sanctuary and the proposed sanctuary. See Master Response 2, Parking. Also see Response to Comment C3-7.
- C25-4. This comment expresses a concern about parking at Thornhill Elementary School by users of St. John's Church. This comment has been previously addressed. See Master Response 2, Parking.
- C25-5. This comment expresses a concern regarding pedestrian safety as it results to lack of parking on the project site. This comment has been previously addressed. See Response to Comment C15-8 and Master Response 2, Parking.
- C25-6. This comment includes a picture of traffic and cars parked on Thornhill Drive. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. For additional information regarding parking, see Master Response 2, Parking.

**Kyle Simpson**

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**From:** Sylvia Kiosterud [sylvia.kiosterud@gmail.com]  
**Sent:** Sunday, January 02, 2011 6:18 PM  
**To:** Quitevis, Caesar  
**Subject:** Regarding St. John's Draft EIR (ER 08-0001; SCH# 2008032031)-Thornhill project

Dear Mr. Quitevis,

I'm glad to see that in their most recent DEIR revision, St. John's has finally acknowledged that their proposed building program will reduce onsite church parking in this narrow and already-congested stretch of Thornhill Drive.

C26-1

But I'm sorry to see that the **actual extent of parking loss is still understated.**

In addition to reducing the code-compliant spaces from 56 to 41, the new plan also completely eliminates the parking now available on undesignated but currently-used spaces. .

In fact, St. John's frequently now accommodates more than 80 cars on its property, one way or another.

And not just on Sundays. In early December, 2010, a popular Saturday AA meeting and simultaneous choir practice drew 68 cars, and there was still some room on the grounds.

C26-2

A typical Sunday sees a peak of 70 - 75 autos on the site. Some big events have crammed as many as 85 vehicles into the lot.

Where are all these cars going to go? Picture this: **as lurkers stall at the head of the bridge, waiting/hoping for a scarce Sunday-morning spot, traffic will back up hopelessly on overparked Thornhill Drive,** already too narrow at that point.

C26-3

Faced with an unavoidable traffic and parking horror, attendance -- and thus the church's base of financial support -- must inevitably suffer, challenging the entire basis of the project. Besides weekly traffic jams, a legacy of this effort may well be a half-completed project and a bankrupt congregation.

C26-4

This will surely be awful for the neighborhood, and could be fatal for the church.

Sylvia Kiosterud

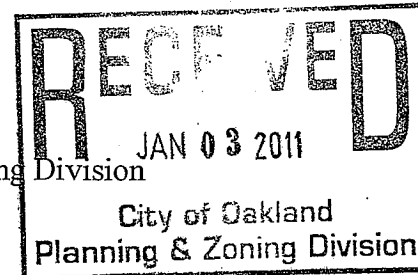
6022 Thornhill Drive

**LETTER C26: Sylvia Kiosterud (email and letter), January 2, 2011.**

- C26-1. This comment expresses a concern about the loss of parking on the project site but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments and Master Response 2, Parking.
- C26-2. This comment describes the commenter's account of past parking scenarios, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C26-3. This comment describes the commenter's account of what could occur on a Sunday morning as Church goes wait for a parking spot, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. As discussed on page 4.4-2 of Chapter 4.4, Traffic and Circulation, of the DEIR, the vehicle level of service analysis was conducted for weekday and Sunday conditions at the two existing study intersections and the location of proposed project driveway and traffic related impacts were found to be less than significant.
- C26-4. This comment expresses a concern on the merits of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the

DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments.

To: Caesar Quitevis, Planner II  
 City of Oakland  
 Community and Economic Development Agency, Planning Division  
 250 Frank H. Ogawa Plaza, Suite 3315  
 Oakland, CA 94612



Copy: Libby Schaaf, Oakland City Council Member for District 4

From: Alice I. Youmans and Tyler B. Pon, 5950 Thornhill Drive, Oakland, CA

Re: Response to Draft EIR for St. John's Episcopal Church (ER08-0001)

C27-1

We are writing in response to the DEIR submitted by St. John's Episcopal Church that was discussed at the Planning Commission meeting on December 15, 2010. We believe that the DEIR is inadequate and misleading in several respects as outlined below. We have lived at 5950 Thornhill Drive for 27 years, and both of our children attended Thornhill Elementary School.

#### 1. Trees

The plan proposes removal of 65 trees, 56 of which fall under the Oakland Tree Ordinance. We do not understand how the removal of so many trees could go forward given the purpose of the ordinance. The replacement plantings proposed include several "parking orchard trees," which hardly makes up for the loss of more mature trees. Moreover, many of the replacement trees are not actually on the property at 5928 Thornhill but are instead located adjacent to the existing church building at 1707 Gouldin or adjacent to the existing parking lot. Replacing trees in those locations cannot make up for the loss of trees at 5928 due to the installation of a parking lot. We would also like to address the fact that many of the trees slated to be cut down are described in the DEIR and accompanying documents as being appropriate for removal because of "poor condition or unsuitability for preservation." St. John's has owned the property at 5928 for more than a decade, so if the trees on that property are not healthy they have only themselves to blame. It does not seem to us that a property owner should be able to circumvent the intent of the tree ordinance by allowing protected trees to deteriorate and then proposing them for removal because of their poor condition.

C27-2

#### 2. Creek

The construction of a bridge across Temescal Creek seems on its face to violate the Oakland Creek Ordinance and the objectives of this project and the proposed mitigations are not adequate to justify a departure from the ordinance. The bridge would add a fourth crossing of the creek within the very short distance between the existing Gouldin Road and Alhambra Lane crossings (the other crossing is the existing residential driveway at 5940 Thornhill). The description of the proposed bridge and the accompanying drawings also do not make clear how close the new bridge would be to the crossing at 5940. The mitigation proposals are vague and do not identify any specific off-site locations or amount of money to cover the costs of maintaining the mitigation

C27-3

C27-4

C27-5

site. Off-site mitigation, of course, does nothing for the permanent loss of riparian habitat at the Thornhill location.

C27-5  
cont.

### 3. Objectives

We do not believe that the objectives as stated in the DEIR (page 3-20) accurately reflect the goals of the church as they have been expressed at various meetings that we have attended with church representatives. The first objective (a new sanctuary) is accurate. The DEIR does not clearly state, however, the basis for this objective. Church representatives have several times noted that when a large social meeting is held, the existing sanctuary is the only space large enough to be used. The pews in the sanctuary are moved to accommodate the meeting, and then must be replaced for services. St. John's wishes to have a sanctuary space to be used only for services, and a separate meeting space large enough to accommodate events such as wedding receptions, funeral receptions and the like. We believe that this is a practical objective that could be met without the removal of a large number of trees and the destruction of riparian habitat (see later discussion under Alternatives).

C27-6

The other "objectives" as noted in the DEIR are either highly speculative outcomes of the parking lot project, or could be achieved by much less drastic means. The DEIR states, for example, that one of the objectives is safer ingress and egress for Thornhill school children. In fact, we believe that the proposed parking lot would actually create a more dangerous situation for Thornhill families. At present, parents wishing to park in the existing St. John's lot enter on Gouldin Road and park in one of the spots nearest to the school. They get to the school via a staircase (fairly recently reconstructed and in good repair) that puts them directly onto school property. Under the proposed plan, parents parking in the new "improved" lot would walk back out onto Thornhill via a pathway immediately next to the automobile entrance/exit off of Thornhill. They would then walk along Thornhill for about half a block and have to cross Alhambra Lane to get to school property. There is no true sidewalk on this section of Thornhill and the street is quite busy during the times that students would be starting or leaving school. This is hardly an improvement over the existing situation.

C27-7

We believe that it is also inaccurate to say that improving traffic conditions along Alhambra Lane and Gouldin Road is an objective of the project. Again, this "objective" is a highly uncertain outcome, not a reason for doing the project. Moreover, any "improvements" in traffic along Gouldin or Alhambra Lane would be at the expense of traffic conditions along Thornhill, already the busiest road in the immediate area.

C27-8

Improving emergency vehicle access and meeting ADA requirements could be achieved by much less drastic means by adding additional ADA-compliant parking in the existing lot and by upgrading the existing church entrance on Gouldin.

C27-9

The list of project objectives is inaccurate and incomplete because it fails to include an objective that has been repeatedly stated by St. John's representatives in several meetings that we have attended – the church's longstanding desire to have a more prominent "presence" and greater visibility in the community by having their main entrance on Thornhill rather than Gouldin. This objective exists entirely independently of the desire for a new sanctuary. This seems to us a poor justification for permanently altering the neighborhood by removing so many trees, installing a parking lot on

C27-10



Thornhill, and building a bridge across Temescal Creek. In any event, failure to include a discussion of this objective renders the DEIR incomplete.

C27-10  
cont.

#### 4. Traffic and Circulation

The traffic and pedestrian counts uses in this section of the DEIR are almost all based on one-day statistics. We do not believe that one-day studies are enough to reflect accurately automobile and pedestrian traffic in the project area. During peak periods it is already difficult enough to make left turns onto Thornhill from Gouldin and Alhambra Lane. Adding another heavily used ingress/egress point between Gouldin and Alhambra Lane will exacerbate what is already a congested situation. The DEIR underplays the danger to pedestrians using the mid-block crosswalk from cars exiting the new parking lot and turning left onto Thornhill, and the proposed mitigations do not eliminate that danger. The DEIR also does not adequately address the added danger to pedestrians coming down Thornhill. Those pedestrians would have to cross the new project driveway, with cars entering and exiting, as well as the existing crossings at Gouldin and Alhambra Lane.

C27-11

The parking analysis section of the DEIR is inadequate and does not present an accurate picture of current and future parking impacts. First of all, it must be clearly understood that virtually all attendees at St. John's arrive by private automobile. There is no public transportation on Thornhill, and we believe that few church members live within walking distance of the church. As noted in the DEIR, the proposal includes 41 off-street parking stalls, already a decrease from the "approximately 56" parking spaces currently available. In reality, we believe that many more than 56 cars are often parked in the existing lot. This parking takes place in the area of the lot where the proposed new sanctuary would go, so would no longer be available when that phase of the project is completed. The net loss of on-site parking is therefore greater than that reflected in the DEIR. Currently St. John's has some sort of agreement to use the blacktop schoolyard at Thornhill Elementary School for overflow parking. We do not know whether this agreement has ever been put in writing or, indeed, who would be authorized to sign such an agreement on behalf of Thornhill School or the Oakland Unified School District. In the DEIR (p. 4.4-34) there is a reference to developing a "memorandum of understanding with Thornhill Elementary School to utilize the school's blacktop, as needed, for non-construction parking during the summer when school is not in session." This does not make sense, as the overflow parking currently goes on throughout the year during church services. This confusion needs to be clarified, and a true binding MOU would need to be in place before phase I of the project should be allowed to go forward. The DEIR should also be expanded to include a full analysis of parking impacts on the neighborhood should such an MOU be unavailable or only effective for a limited time period.

C27-12

The DEIR refers to on street parking around the church as "underutilized" (p. 4.4-33), but there is no detail about exactly where this parking is located. If they are referring to parking along Gouldin or along Thornhill above and below Gouldin, this presents a serious problem for the neighborhood. While parking is technically allowed on Gouldin near the current entrance to the church, the road is narrow and when cars are parked on both sides traffic is reduced to one lane. Cars parked in this way make it extremely difficult and dangerous (and sometimes impossible) for residents to back out of their driveways onto Gouldin, or to get up or down the street. On Thornhill, when cars are

parked above and below Gouldin, it severely restricts the already limited visibility for drivers turning left onto Thornhill. It is necessary to pull so far into Thornhill to look for oncoming traffic moving north or south on Thornhill that it becomes dangerous to motorists on both streets. Such parking also forces pedestrians into the traffic lanes, another dangerous situation. At present, these conditions occur occasionally, when there is an especially large event at St. John's. If fewer parking places are available at the church, and overflow parking at Thornhill is not available, the situation will occur regularly.

C27-12  
(cont.)

Finally, none of the traffic and parking discussions in the DEIR analyzes what will happen when more frequent and larger events are held at St. John's because of the increased capacity of the new sanctuary and separate social hall.

C27-13

#### 5. Access for 5940 Thornhill and 1675 Gouldin

We do not know if this is a proper topic for discussion at this point, but we are including it here because it was raised and discussed at the December 15, 2010 hearing before the Planning Commission. It is our understanding that there is an area on the property at 5940 Thornhill that has been used for many years by the residents at 5940 Thornhill and 1675 Gouldin as a turnaround to get out of their existing garage and carport. This use long predates St. John's acquisition of the property at 5928, and continues today. This is not reflected in the plan for the 5928 property, and in fact this use would seem to be eliminated in that plan. At the hearing the representative of St. John's seemed to say that it is their property and they can do what they want with it, but is that really the case when eliminating this longstanding use would severely restrict the neighbors vehicular access? This issue will have to be addressed before the project can go forward.

C27-14

#### 6. Alternatives

We do not believe that the discussion of alternatives to the project is adequate. In Alternative 1 (no project) and elsewhere St. John's seems to be saying that the trees and the creek would remain exactly as they are now and that the trees that are in poor condition and the invasive species would remain. Are they saying that unless they are allowed to proceed with their project, they will refuse to do any of the upkeep or maintenance that would ordinarily be the responsibility of any property owner? More detail and discussion is needed here.

C27-15

Alteration of the existing Church Hall is rejected as an alternative, but the reasons for rejecting this alternative are incomplete and inaccurate. Neighbors have tried on several occasions to encourage St. John's to explore this approach, but have been rebuffed. The existing St. John's building consists of two main parts – the existing sanctuary (pews, altar, stained glass windows etc.) and the adjoining building that contains various meeting rooms and offices. We have not seen all the parts of this building, so we aren't sure how many rooms there are or what they are used for. This building is sometimes referred to as the "Education Building" and we will use that terminology for this discussion. Since the proposed new sanctuary includes an increase of only 34 seats, it does not appear that the existing sanctuary is significantly too small for church needs. Also, if the need to occasionally move the pews was eliminated, the seating capacity of the existing sanctuary could possibly be increased. The Education

C27-16

Building could be remodeled to create a large enough community hall to meet church needs. As we have seen in other large public spaces, the large hall could be fitted with dividers so that the space could be configured to meet the need for one large or several smaller meeting rooms. This plan would displace certain functions, but we think that it would be primarily offices that would be eliminated. These offices could be relocated elsewhere on the property, possibly to the former rectory at 1715 Gouldin or to the property at 5928 Thornhill. Even if this approach required demolishing the existing home at 5928 Thornhill, and the construction of some sort of building to accommodate church offices, it would be a far less destructive and intrusive approach than either the proposed plan or Alternatives 2 or 3. Such a building would be substantially smaller than the proposed new sanctuary and would require removal of far fewer trees. Access would be through the existing entrance on Gouldin, so no bridge would be required. Such an approach might also require moving the "meditation" garden (which in our observation is not used by neighbors or the general public), but that space is not large and could be relocated elsewhere on the property. We believe that this alternative would meet the practical needs of St. John's without the construction of a bridge over Temescal Creek or the removal of a large number of trees.

C27-16  
cont.

#### 7. Aesthetics

We do not agree that the alterations to the neighborhood occasioned by this project are "less than significant." Figures 4.1-1 (existing view of site from Thornhill) and 4.1-3 (simulated view of site from Thornhill) present very different pictures to the many Montclair residents who drive and walk past the site. The existing view presents a tree-lined picture with filtered views of the existing house at 5928. The simulated view of the entrance and parking lot shows a gaping, paved entrance, a sign announcing the church, and a parking lot. Plantings are shown at a very advanced state – surely it would be many years (if ever) before this very idealized view of the property became a reality. Few cars are shown – an inaccurate presentation of what this lot would look like when in full use. The discussion of lighting on the property is also inadequate, and fails to note the effect of headlights shining into adjoining residential properties as cars turn into the parking spaces during evening activities at the church and school.

C27-17

**LETTER C27: Alice I. Youmans and Tyler Pon, January 3, 2011.**

- C27-1. This comment provides general information on the commenter and introduces ensuing comments. No response is required.
- C27-2. This comment expresses a concern about the loss of trees on the project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. See Response to Comment C11-1. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.
- C27-3. This comment expresses a concern about the application of the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) and the project's consistency with this ordinance. The commenter is directed to pages 4.2-33 through 4.2-51 for a complete discussion on project consistency with the Creek Protection Ordinance. See Response to Comment C11-16.
- C27-4. This comment describes the existing setting with regards to other bridges in the project area and expresses a concern that the DEIR does not identify how close the proposed bridge will be to the crossing at 5490 Thornhill Drive. As illustrated on Figure 3-5, Site Plan, in Chapter 3, Project Description, of the DEIR, the proposed bridge would be approximately 45 feet from the existing private driveway at 5490 Thornhill Drive.
- C27-5. This comment expresses a concern that the creek mitigation measures in the DEIR are vague and do not identify any specific off-site locations or funding mechanisms. See Response to Comment A1-3.

- C27-6. This comment expresses an opinion about the objectives of the project as identified on page 3-20 of Chapter 3, Project Description, of the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 6, Project Objectives.
- C27-7. This comment expresses an opinion about the objectives of the project as identified on page 3-20 of Chapter 3, Project Description, of the DEIR and expresses concern about the existing conditions in the project area as they relate to pedestrians. The comment suggests the project will create hazardous conditions for pedestrians. See Response to Comment 15-8 and C27-6, and Master Response 6, Project Objectives.
- C27-8. This comment expresses an opinion about the objectives of the project as identified on page 3-20 of Chapter 3, Project Description, of the DEIR. See Response to Comment C27-6, and Master Response 6, Project Objectives.
- C27-9. This comment expresses an opinion on the merits of the project design with regards to improving emergency access and compliance with the Americans with Disability Act. See Master Response 1, Merits/Opinion-Based Comments and Master Response 6, Project Objectives.
- C27-10. This comment expresses an opinion about the objectives of the project as identified on page 3-20 of Chapter 3, Project Description, of the DEIR. See Response to Comment C27-6, and Master Response 6, Project Objectives.
- C27-11. This comment expresses an opinion regarding the methodology applied to the preparation of the traffic analysis presented in Chapter 4.4, Traffic and Circulation, of the DEIR. The traffic analysis

prepared for the project was done so by experienced traffic engineers using industry standards. As discussed on page 4.4-2 of the DEIR, vehicle level of service analysis was conducted for weekday and Sunday conditions at the two existing study intersections and the location of proposed project driveway using the Traffix software, employing the 2000 Highway Capacity Manual methodology for unsignalized intersections. As discussed on page 4.4-4, traffic was observed and counts were taken on both a weekday and on a Sunday.<sup>2</sup> In addition, page 4.4-27 of the DEIR includes a discussion of the potential hazards to pedestrians and motorists as a result of roadway traffic and parking on Thornhill Drive. The DEIR fully discloses this scenario as a potentially significant impact to pedestrians and motorists and recommends the implementation of Mitigation Measure TRAF-1, to reduce this impact to a less-than-significant level. See Response to Comment 15-8.

- C27-12. This comment expresses concerns regarding the impacts to the neighborhood as a result of limited parking at the project site and the shared parking relationship between St. John's Church and Thornhill Elementary School. This comment has been previously addressed. See Master Response 2, Parking.
- C27-13. This comment expresses a concern regarding the consideration of the impacts associated with special events at the Church. This comment has been previously addressed. See Master Response 2, Parking.
- C27-14. This comment expresses a concern on the merits of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be

---

<sup>2</sup> The weekday count was taken on Tuesday, May 13, 2008 from 8:15 A.M. to 8:45 A.M. and 2:45 P.M. to 3:15 P.M. The Sunday count was taken on Sunday, March 18, 2007 from 9:30 P.M. to 12:30 P.M.

forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.

- C27-15. This comment expresses a concern regarding Alternative 1, No Project Alternative and requests to know how the project site will be maintained if this alternative were selected. The issue of property maintenance for the No Project Alternative is outside the scope of this EIR. The decision whether to enforce blight/nuisance property maintenance is the responsibility of the City of Oakland.
- C27-16. The comment expresses a concern that the alternative found to be infeasible (Alteration of Existing Church Facilities) discussed Chapter 5, Alternatives, of the DEIR on page 5-30 could be feasible and describes how this could occur. The comment suggests the rationale provided in the DEIR is incomplete and irrational, but does not articulate how the rationale is incomplete or irrational. The DEIR alternative analysis occurs in the context of Section 15126.6(a) of the State CEQA Guidelines, which states: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives." As noted on page 5-30 of the DEIR, the project alternative "Alteration of Existing Church Facilities" would not satisfy basic project objectives as listed in Chapter 3, Section E., of the Project Description.
- C27-17. This comment expresses a concern regarding the aesthetics analysis presented in the DEIR. The commenter disagrees with the less-than-significant findings and expresses a concern regarding the selected tree growth on the visual simulations and lack of cars. The commenter also suggests the light and glare impacts from the car headlights of Church users were not properly addressed.

While it is difficult to quantify and judge aesthetic impacts, which can be quite subjective, the aesthetic analysis presented in the DEIR is done in the context of CEQA and is measured against the nine thresholds of significance identified on pages 4.1-9 and 4.1-10. The visual simulations presented in the DEIR on Figures 4.1-3 and 4.1-4, represent the most open views of the site, the height, bulk, and overall massing of the proposed sanctuary, bridge, and parking area and would not overwhelm or degrade the visual character of the project site. Although the parking lane would be partially visible from Thornhill Drive, existing vegetation, new plantings and landscaping, and use of crushed granite would provide visual relief that would soften the view. In addition, because significant native redwood and oak trees would be retained, the view would be filtered. For these reasons and others described in Chapter 4.1 of the DEIR aesthetic impacts were found to be less than significant with implementation of City of Oakland's Standard Condition of Approvals.

With regards to the portion of the comment addressing light impacts from automobile headlights, this is considered an existing condition and implementation of the proposed project would not increase the number of evening events at the project site.



January 2, 2011

Letter C28

Dear Mr. Quitevis,

Attached are historical letters and signed petitions that have not been submitted to the Planning Department prior to January 2, 2011.

The letters represent the community's concerns about St. John's expansion plan ER08-001, as well as, the strong desire to protect the riparian corridor and the wildlife dependent upon the mature trees threatened by it.

Inventory of documents attached:

Jerri Mariott

Pamela Brougham

Petitions by street: ①②③④  
Suzanne Quick (w/19 signatures)

Gail Wilkinson

Russell Nelson

Jeff Graves, Don and Jane Graves

Jan Bayley

Susan Tsukayama

Wendy Dutton

Petition w/20 signatures

Scott Henshaw

Laura Curtis

Ruth Ann Liu-Johnston

Michael Costello and Elaine Yates

Everett Erlandson

Dora Fisher

Jerry Smith

Janet Drew

Ian and Lesta Nadel

Susan Tsukayama

Jan Hamilton

Katherine Mayo

Catherine Symens Bucher

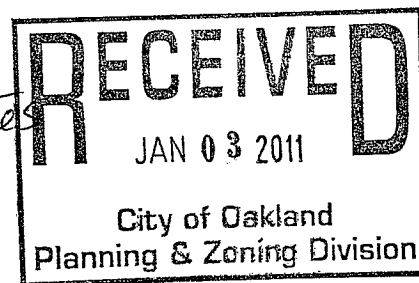
Gary Morrison

Rebecca Kuensting

Lesli Van Moon

Kirk VanDruten

C28-1



**From:** <msilpa@pol.net>  
**To:** <clquitevis@oaklandnet.com>; <jquan@oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Tuesday, July 24, 2007 11:16 AM  
**Subject:** St. John's Parking Lot

Dear Mr. Quitevas,

I will be out of town on August 1st, and unable to attend the hearing to discuss the proposed construction at St. John's church.

I am writing to express my strong opposition to this proposed project. I live in the Thornhill neighborhood (and have been a homeowner in the area for 25 years), and I cannot even begin to imagine the negative impact this project, if allowed to proceed, will have on the neighborhood and the environment. The removal of scores of trees and the diversion of a creek, in order to build a parking lot and a two lane bridge, to me, is a horrible idea, and not in keeping with the look and feel that those of us who live in this area like and want to preserve. If I am correctly informed, there has not been an Environmental Impact Report regarding this issue. I suspect the church has not gotten an EIR because they know what it will show...this project will not only ruin the woodsy feel of the neighborhood, but the environment and habitat for many animals as well.

I urge you to stop this terrible idea as soon as possible.

When you see the people at the hearing who are opposed to this ridiculous idea, please imagine one more person in that group.

Thank you very much for you time.

Sincerely,

Jerri Mariott  
5947 Sherwood Drive  
Oakland CA 94611

C28-1  
cont.

# Thornhill

oppose the proposed expansion plan of St. John's Episcopal Church, which includes removal of many protected trees, demolition of a single-family home, moving the Temescal Creek bed and construction of a 2-lane bridge and parking lot at 5928 Thornhill Drive. July/Aug 2007

## Address

**Signature**

Nancy Havassy	5940 Thornhill Dr.	94611	Nancy Havassy
Savannah Havassy	5940 Thornhill Dr.	94611	<del>Savannah Havassy</del>
Arlene Schwartz	5915 Thornhill Dr.	94611	Arlene Schwartz
Eric Wesselman	5915 Thornhill Dr.	94611	Eric Wesselman
Sharon Banks	6042 Thornhill Dr.	94611	Sharon Banks
Patrick Tuomey	6022 Thornhill Dr.	94611	Pat Tuomey

Gouldin

Thornhill Creekside Neighbors &amp; Friends Petition

oppose the proposed expansion plan of St. John's Episcopal Church, which includes removal of many protected trees, demolition of a single-family home, moving the Temescal Creek bed and construction of a 2-lane bridge and parking lot at 5928 Thornhill Drive. *July/August*

July/August 2007

Name Please Print

## Address

**Signature**

Derek Lietz, 1688 Gouldin Rd. Oak. 94611 Derek Lietz  
 Rigg J. Youmans 5950 Thornhill Dr. Oakland 94611 Alisa J. Youmans  
 Alan Brown 1666 Gower Rd. Oakland 94611 Alan Brown  
 Mervyn Singerman 1666 Gower Rd. Oakland 94611 Mervyn Singerman  
 Jennifer Brown 1658 Tenthredin Rd. Oak 94611 Jennifer Brown  
 JENEL ERIC ANDERSON 1675 GOULDIN RD OAKLAND CA 94611 JENEL ERIC ANDERSON  
 MIKE MARSHALL 1715 GOULDIN RD OAKLAND CA 94611 MIKE MARSHALL  
 Natalie VanTassel 1933 Gouldin Rd, Oakl and Ca 94611 Natalie VanTassel

*Aliso J. Spumens* 5950 Thornhill Dr. Oakland 94611 *Aliso J. Spumens*

1666 Gouvenor Rd OAKLAND 94611 415/438-1103

Marvyn S. Singer, 1666 S. Main Rd. Oakland 94611, 415/769-5988

James 1658 Forked Rd Oak 94619 June

ENRLE ERIC ANDERSON 1675 GOUNDMAN RD OAKLAND CA 94611 *Enrique Anderson*

6 MICE MARSHALL 1715 GORDIN RD AKLAWCA 94411

Alhambra  
Thornhill Creekside Neighbors & Friends Petition

oppose the proposed expansion plan of St. John's Episcopal Church, which includes removal of many protected trees, demolition of a single-family home, moving the Temescal Creek bed and construction of a 2-lane bridge and parking lot at 5928 Thornhill Drive.

July/August  
2007

Name (please print)

Address

Signature

Margaret S. Mosher 1665 Alhambra Ln.


Peter Bettensoff 5914 Thornhill Drive

Margaret Tatasciore 1676 Alhambra Ln

Todd Frever 5900 Thornhill Dr







④

## Almaden

Thornhill Creekside Neighbors & Friends Petition  
I oppose the proposed expansion plan of St. John's Episcopal Church, which includes removal of many protected trees, demolition of a single-family home, moving the Temescal Creek and construction of a 2-lane bridge and parking lot at 5928 Thornhill Drive. July/August

Name

Address

Signature

GRAVES, DONALD 5900 ALMADEN LANE

*Donald Graves*

**From:** "Suzanne Quick" <suequick@mac.com>  
**To:** <CGarcia@oaklandnet.com>  
**Cc:** <jquan@oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Tuesday, December 05, 2006 4:22 PM

I am writing to express my concerns regarding the granting of tree permit T06-141--which involves removal of protected species of trees on Thornhill Rd. by St. John's Church. It is my opinion that the public interest will not be served by granting this zoning variance. Many of us who walk along Thornhill on a regular basis enjoy the woodsy feel of Thornhill road. It's something that makes us proud to live in Oakland and the trees are one of the main reasons we want to be out and about in our neighborhood. Removing the trees to create additional church parking is a step in the wrong direction.

C28-1  
cont.

**From:** "Jeff Graves" <jefferygraves@comcast.net>  
**To:** <CGarcia@Oaklandnet.com>  
**Cc:** <nhavassy@acninc.net>; <jquan@oaklandnet.com>  
**Sent:** Wednesday, December 06, 2006 10:12 PM  
**Subject:** St John's Episcopal Church Project

To Whom It May Concern,

On behalf of my parents, Don and June Graves (Almaden Ln.) and myself (Gouldin Rd), I would like to ask you to help us maintain the character of our neighborhood and protect the creek which will be threatened by the St John's Episcopal church complex expansion plan. Apparently the project has been moving forward despite the observations and concerns that were raised during previous church and neighborhood meeting.

Specifically, it is one of the last areas in Montclair that still have small houses, an open creek and verdant yards that look and feel like old Montclair-Oakland. The proposal which plans for a large new building, cutting down "an ungodly amount" of trees, an expanded parking lot and a car bridge. This car bridge will cross one of the last areas of exposed creek exit onto the already heavily used Thornhill Dr. and have a dramatic impact on the area. I am also concerned about how the increased activity will adversely change the residential look, feel and value of our currently residential neighborhood. Also, entering Thornhill Dr. from our driveway is already unsafe and unless the church is willing to install sidewalks and traffic lights, this is a disaster waiting to happen.

We are just a small group of very concerned neighbors who don't have a lot of power to fight this project. We have had good relations with the church for many years and hoped this would never happen, but it appears it is not going to be resolved with mutual understanding and cooperation alone. We need your help.

Sincerely yours,

Jeff Graves  
Don and June Graves

C28-1  
cont.



**From:** <nhavassy@acninc.net>  
**To:** <nhavassy@acninc.net>  
**Sent:** Thursday, November 30, 2006 9:24 PM  
**Subject:** Re: Creek near St. John's Church

----- Original Message -----

**From:** Susan Tsukayama  
**To:** LEstes@Oaklandnet.net  
**Sent:** 11/27/2006 7:22:01 PM  
**Subject:** Creek near St. John's Church

Dear Leslie Estes,  
We have three children who have attended Thornhill Elementary School over the past 11 years. In driving to and from the school, we go through the St. John's Church parking lot and have always-always loved the peace and serenity in that area. We've also become friends with a family living near 5928 Thornhill and have learned that the church wants to build a two lane bridge at this home's entry which means rerouting the creek. It appears the house at 5928 Thornhill will be torn down and the orchard near the present church parking lot will be completely removed. We've watched deer go through this orchard, our children have released tadpoles at the current bridge and we've always just loved the greenery that is present at this site.

I am writing this email with objections to the church's plans for the creek. (CP06-151) The three homes in the court by the current bridge enjoy a very secluded and peaceful state. I can't even imagine the changes that would take place by diverting traffic in front of their homes and through the current orchard. This orchard is a wonderful wildlife sanctuary and the trees do make the neighborhood what it is.

Thanks for listening.

Susan Tsukayama  
510-428-1389

Susan Tsukayama  
[pslro@earthlink.net](mailto:pslro@earthlink.net)  
EarthLink Revolves Around You.

C28-1  
cont.

From: <shoots2000@aol.com>  
To: <CGarcia@Oaklandnet.com>  
Cc: <rootsnshoots@sbcglobal.net>; <nhavassy@acninc.net>  
Sent: Sunday, November 19, 2006 1:33 PM  
Subject: T06-141

I called you last week the day after I saw the red-tagged Oak outside my kitchen window. Now I have finally seen the whole plan for St. John's Church's massive tree removal and can more intelligently object. I wanted to warn you too, CeCe, that I gave your number out to some of my friends. Tell me now if that is becoming an annoyance to you because it looks like this thing is going to heat up even more.

Here's the thing: Oak #20 is outside of the construction zone. So are redwoods #14, #16, #17, #18, and #19. #19 in particular is a beauty. All 5 of these redwoods, like Oak #20, are not at all in the way of construction. They are in my neighbor's yard. (He and I both rent from the Church who, in fact, own four homes in this neighborhood. They are that kind of church.) These houses and their yards are not supposed to be effected that much by the construction. The only reason I can think of to tag all those redwoods is that they are in the path of the creek once the Church reroutes the creek (CP06-151 also under consideration). The Church has applied for a variance on the Oakland Creek Ordinance in order that they would have enough shore to drill in their piers for a two-lane bridge coming across Temescal Creek from Thornhill Drive. Everyone in this neighborhood hates this plan. The homeowners around here feel they would never be granted permits to remove these redwoods OR to change the course of a very old creek. The Church, however, feels very confident. My understanding of redwoods is that they are incredibly versatile trees and could possibly adjust to a change in water flow. If they die or fall from a change in water flow, you could allow that to happen naturally rather than allowing them to be cut prematurely. I am asking that you consider declining permits for the above mentioned trees because they are not in the path of construction.

C28-1  
cont.

I also object to removing #3, #4, #5, #6, two Douglas firs and two more redwoods, because these are nice young trees that deserve a chance to live.

I also object to #21 and #22, two young oaks, because they are nice young trees that deserve a chance to live.

My other objection is about the scope of this project. The Church applied to remove 22 mature trees, but they also intend to remove over 40 trees that are less than 9" in diameter, including an entire orchard. Yes, the orchard is neglected - as are all of the Church's trees. Even though these small trees are not your concern, I would like you to consider the scope of the project nonetheless. Removing more than 62 trees for one project is a real blow to the neighborhood. The orchard is a popular route for school children on their way to Thornhill Elementary. Many, many homes look down on this canyon site and will be looking down on a large parking lot instead of a woodland. Although the Church intends to replant many trees on the periphery of their parking lot, the open space will alter the view from above and destroy this very active wildlife habitat forever.

On a final note I object to the Church's entire application based on their horrible environmental record. Last year alone two Monterey Pines and one oak fell across the parking lot. That finally got their attention after ignoring requests for years that they develop a tree care plan for removing an entire hillside of Monterey Pines that they also own. Even then they hired East Bay Conservation Core to save

ying or thirst because the asphalt comes up to their base. That was in 2000, and they did nothing to improve the health of those trees such as water them or remove some of the asphalt around them. I question whether this Church's leadership really has any understanding of trees and their care. They have owned this creekside property for a number of years. Their poor maintenance of it is pretty shocking and easy to see.

Thank you for letting me voice my objections more clearly. Here's to protecting protected trees!  
Wendy Dutton 338-1296 1670 Alhambra Lane (Your map has me listed as 1676 Alhambra)

---

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C28-1

cont.

**From:** "scott Hanshew" <filmdestruction@yahoo.com>  
**To:** <nhavassy@acninc.net>  
**Sent:** Tuesday, December 05, 2006 4:14 PM  
**Subject:** No Construction on Thornhill Drive

Hello,

I am writing on behalf of the tree's St. John's wants to cut down to build their parking lot. Some of these are oak and redwood trees, which are protected by law.

Removal of these old trees will cause a dent in an inherently valuable place. Though the creek may not be the prettiest creek, or most popular, the natural area around it should be preserved. That said, ecological restoration is crucial to that area; ivy strangles the ground and trees, blackberry bushes swarm everywhere.

The church will do some restoration of the area if their plans succeed, but building a parking lot and a bridge WILL DO NOTHING to help restore the area. I believe that, yes, their ideas for restoration and altering the creek to prevent infrastructure damage are important.

BUT, restoration is not their main goal. They want to build a parking lot. There is nothing natural about a parking lot. St. John's did not buy this land out of the goodness of their hearts to restore it; they want to develop it.

Please do not let them build a parking lot ( which will be smaller than the one they already have) in place of an ecosystem that already is in desperate need of help.

Scott Hanshew  
6147 Aspinwall Rd

C28-1  
cont.

124 Nova Drive  
Piedmont CA 94610

CeCe Garcia  
Tree Section  
City of Oakland  
7101 Edgewater Drive  
Oakland CA 94621

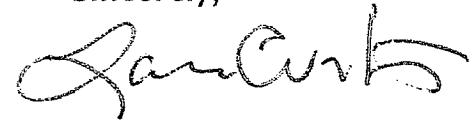
Dear Ms. Garcia:

I am writing to express my dismay at the proposed removal of trees at 5928 Thornhill Drive (Tree Removal Permit DR06-141).

My children attended preschool and elementary school on Thornhill Drive, so we often saw deer and other wildlife enjoying the creekside habitat that St. John's Church now intends to turn into a parking lot. Currently that area still looks like the real Montclair, a special place with mature Coastal Redwoods and Coastal Live Oaks. How sad to think of it all covered by a parking lot!

Please do not allow these wonderful, irreplaceable trees to be removed.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Curtis", written in a cursive style.

Laura Curtis

C28-1  
cont.

cc: Jean Quan, District 4, Oakland City Council

**From:** "Ruth Ann Liu-Johnston" <liu-john@pacbell.net>  
**To:** <cgarcia@oaklandnet.com>  
**Cc:** <jquan@oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Tuesday, November 28, 2006 11:11 AM  
**Subject:** Please limit destroying trees as much as possible

Regarding: Tree Removal Permit, DR06-141  
Location: 5928 Thornhill Drive

As a long time resident of Montclair in Oakland, trees are a large reason why we live here. Not only does it contribute to our beautiful surroundings, it is also a large reason for the property value being high. Please limit tree removal to a minimal. It is important to have design consciousness to incorporate more trees and greenery than remove it; espcecially from a entity associated with the church.

C28-1  
cont.

Thank you,

Ruth Ann Liu-Johnston

LIU-JOHNSTON DESIGN  
One Diaz Place  
Oakland, CA 94611

T: 510.339.2914  
F: 510.339.0915  
C: 510.326.9031  
E: [liu-john@pacbell.net](mailto:liu-john@pacbell.net)

**From:** "Michael Costello and Elaine Yates Costello" <cosmic@lmi.net>  
**To:** <cgarcia@oaklandnet.com>  
**Cc:** <jquan@oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Wednesday, November 29, 2006 10:48 AM  
**Subject:** Tree Removal Permit # DR06-141

Dear Ms. Garcia,

We had previously written to you on November 16, 2006 regarding our opposition to the tree removal proposed via the above referenced Tree Removal Permit.

We are once again asking that you deny this permit particularly because we have now discovered that there are over 60 trees being scheduled for removal, not the 22 we had originally been informed of.

The removal of these trees would have a serious negative impact on this area, not only due to the fragile ecosystem surrounding the area (including Temescal Creek) but also because it would irreversibly alter the very essence of the Montclair area.

We have always supported the strong tree protection program implemented by the City of Oakland, and this permit would make a mockery of the ordinance. Planting new trees in other areas to "compensate" for such removal is no compensation at all, and it has been our experience that little follow up is made to see that replacement trees are actually planted.

Once again, we urge the City of Oakland to deny the entire St. John's project for many, many reasons and we can begin that process by disallowing the removal of the trees.

You may contact us by return email or by mail at 6200 Valley View Rd., Oakland, CA 94611. Our telephone number is 510-339-1867.

Thank you for your time and consideration,

Michael Costello and Elaine Yates

C28-1  
cont.

**From:** "Michael Costello and Elaine Yates Costello" <cosmic@lmi.net>  
**To:** <nhavassy@acninc.net>  
**Sent:** Wednesday, November 29, 2006 11:10 AM  
**Subject:** Fw: Tree Removal Application # T06-141

----- Original Message -----

**From:** Michael Costello and Elaine Yates Costello  
**To:** cgarcia@oaklandnet.com  
**Sent:** Thursday, November 16, 2006 10:07 AM  
**Subject:** Tree Removal Application # T06-141

Dear Ms. Garcia,

We are writing to you to express our strong opposition to the removal of 22 trees (including Redwoods and Oaks) which has been proposed through Tree Removal Application Number T 06 - 141.

The proposal would have an extremely negative effect on our neighborhood and must be denied. As you know, Oakland has a vigorous tree protection program and the removal of 22 mature trees (particularly native Redwoods and Oaks) would be counter to the City of Oakland's mission. Further, the City of Oakland has a strong creek ordinance and the removal of trees will have a negative impact on the fragile ecosystem surrounding Temescal Creek.

The entire St. John's project should be denied for many, many reasons; we can begin by disallowing the removal of the trees.

We urge you to deny this permit application.

Thank you,

Michael Costello and Elaine Yates

C28-1  
cont.



**From:** "Everett Erlandson" <eerlandson@sfpl.org>  
**To:** <CGarcia@Oaklandnet.com>  
**Cc:** <jquan@Oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Thursday, November 30, 2006 4:35 PM  
**Subject:** Tree permit T06-141

Dear Ms. Garcia,

My name is Everett Erlandson and I live at 1690 Woodhaven Way, just off of Thornhill Drive in the Montclair district of Oakland. I am writing to express my alarm and unhappiness with the proposal to cut down 20 + trees on Thornhill Drive to expand St. John's Episcopal Church. I think the project is a big mistake on a number of levels.

I drive my car or my bike up and down Thornhill everyday and I see lots of trees being cut down by individual homeowners. Every one of those trees has left an ugly gap in the neighborhood. St. John's proposal will end up with not only the loss of a lot of trees, but also a big parking lot visible from Thornhill and right next to Temescal Creek. It will forever change the look and feel of this neighborhood.

My partner and I moved into this neighborhood because of the beautiful trees. It is what makes Montclair so special. I was especially happy moving there due to the fact that many of the trees are either redwoods or coastal live oaks – protected trees, trees that were in no danger of being cut down. But now what is happening? The protection for these trees written into our Municipal Code ends up being useless.

C28-1  
cont.

**The Municipal Code states that 12.36.050 Criteria for tree removal permit review.**

B. A finding of any one of the following situations is grounds for permit denial, regardless of the findings in subsection A of this section:

1. Removal of a healthy tree of a protected species could be avoided by:
  - a. Reasonable redesign of the site plan, prior to construction;

I feel that this entire design can be avoided. Yesterday I drove up Gouldin to St. John's, went through their parking lot and exited on to Alhambra to get back to Thornhill. St. John's could turn this route into a wider, invisible path to and from the church. There are other ways to do this.

Please do register my objection to approving Tree Permit T06-141. Keep Thornhill beautiful.

Thank you.

Everett Erlandson

San Francisco Public Library  
100 Larkin Street  
San Francisco, CA 94102  
(415) 557-4596 Phone  
(415) 557-4281 Fax  
Email: [eerlandson@sfpl.org](mailto:eerlandson@sfpl.org)  
Web: [www.sfpl.org](http://www.sfpl.org)

**From:** "Dora Fisher" <dlfca@sbcglobal.net>  
**To:** <CGarcia@Oaklandnet.com>  
**Cc:** <jquan@Oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Wednesday, November 29, 2006 11:26 AM  
**Subject:** St. John's proposed tree removal

I am writing to express my concern and opposition to the plan St. John's Episcopal church in montclair has proposed. They are intending to cut down 62 trees and re-route the creek. I am very concerned about the environmental impact of these plans, on the air quality in the area, soil erosion, wildlife, etc. I am also concerned about the impact on traffic on Thornhill drive which is already dangerous for pedestrians and school-children. I am concerned about the impact on the neighborhood, and quality of life for the neighbors.

C28-1  
cont.

We need more dialogue to consider whether the changes are in the community's best interest, or only St. John's. Please hold a public hearing to open dialogue about this major commercial construction project in a single-family-home community.

Thank you,

Dora Christopulos  
1730 Alhambra Lane  
Oakland, CA 94611  
510-339-6591  
dlfca@sbcglobal.net

**From:** "Jerry Smith" <jerry\_smith42@hotmail.com>  
**To:** <CGarcia@oaklandnet.com>  
**Cc:** <juan@oaklandnet.com>; <nhavassay@acninc.net>; <nhavassy@acninc.net>;  
<jerry\_smith@post.harvard.edu>  
**Sent:** Wednesday, November 29, 2006 3:17 PM  
**Subject:** Objection to Tree Permit T06-141

To All Concerned:

My wife & I purchased 6233 Thornhill Dr. in Oakland, CA 94611 (Montclair) in the last 6 months. We were drawn specifically to Thornhill Drive by the glorious, old trees and wildlife thriving under the protection of an environmentally-forward-thinking local government. (We moved from Los Angeles.) We knew Thornhill Dr. was zoned for single-family homes and happily bought our "woody retreat."

Today, I learned of the major problem brewing on this beautiful street. I learned St. John's Church at 1707 Gouldin Rd. (94611) is planning major construction of a bridge to a large parking lot - on a commercial scale. I have learned that their proposed plan will result in:

- \*Destruction of legally-protected Redwoods & Oaks
- \*Displacement of wildlife that call these trees home (Redtail Hawks, Owls, & more)
- \*Re-routing Temescal Creek to allow construction of a two-way bridge for cars to the proposed parking lot (the width of this bridge would rival the width of Thornhill Dr. itself)
- \*Creation of a car traffic-jam on Thornhill at the bridge, where pedestrians would not even be protected by a traffic light (current plans overlook any provisions for public safety)

Why does St. John's need to destroy legally-protected trees, wildlife, perhaps the oldest creek in Oakland and risk the safety of pedestrians to access their parking lot from Thornhill Drive instead of Gouldin Road?

The downside & cost to the community appears HUGE.

The benefit? You don't need to turn onto Gouldin Road to enter St. John's parking lot?

*Please* protect our local, natural habitat. The natural beauty is why we love it here & moved here. Let's not open the flood gates to massive, group interests driving out the community along Thornhill. This area was zoned for single-family housing intentionally.

*Please* help us protect our neighborhood from any powerful interest groups that abuse permits creatively and have the resources to push their agenda. The spirit of our laws must not change even if someone finds a loophole that serves their own interest.

Thanks for your consideration in this important time.

-Gerald J. Smith, MD &  
-Helen L. Steele, MD

6233 Thornhill Dr

C28-1  
cont.

**From:** "Janet Drew" <jmdrew2001@yahoo.com>  
**To:** <cgarcia@oaklandnet.com>  
**Cc:** <jquan@oaklandnet.com>; <nhavassy@acninc.net>; <clquitives@oaklandnet.com>; "Jane Brunner" <jbrunner@oaklandnet.com>  
**Sent:** Thursday, December 07, 2006 10:50 AM  
**Subject:** 5928 Thornhill/St.John's Tree Removal

Ceci Garcia,

This letter is in protest of the St. John's Church plan to remove the trees to create a parking lot and expansion at 5928 Thornhill Drive.

I recommend that St. John's work with the local community to find an alternative that will offer a more beneficial solution for all the parties involved. Removing large and numerous trees does not benefit the environment and the quality of life for those of us who live in this area of Montclair.

There is also the impact on the traffic patterns of Thornhill Drive to take into consideration. With a new parking lot which would have direct access to Thornhill Drive in that location just above Thornhill Elementary School I can only anticipate that it would become a quagmire to negotiate this new intersection at the busy driving times. We already have a serious traffic problem on Thornhill Drive and a new access road to a larger parking lot at that location appears to be not well thought out as to the greater impact that it may present to the those of us who live here and use Thornhill Drive every day to conduct our daily lives in the community.

Again, please look for a solution which does involve removing the trees to create asphalt open space. One thing to consider; I have seen many parking lots in the Lake Tahoe area where they have parking space and leave the trees.... using more natural materials rather than the typical black asphalt. This creates a much more pleasing aesthetic for a gathering place when it is not being used by automobiles. In the 15+ years that I have been going to St. John's site there is rarely a time - other than a special Sunday event or when Thornhill Elementary school is having a function when the parking lot has more than a couple of cars in their lot. Let's work to find a way to keep the trees. They provide us the air we breathe and quality of life as well.

Janet Marie Drew "JM" 

510-339-3787

---

Cheap Talk? Check out Yahoo! Messenger's low PC-to-Phone call rates.

C28-1  
cont.

**From:** "Ian and Lesta Nadel" <ilnadel@comcast.net>  
**To:** <cgarcia@oaklandnet.com>; <nhavassy@acninc.net>  
**Cc:** <jquan@oaklandnet.com>  
**Sent:** Wednesday, November 29, 2006 4:22 PM  
**Subject:** strenous objection to permits for St. John's episcopal church, tree removal for parking

This email is written to voice our strong objection to the proposed parking lot, bridge and tree permit (T06-141) for St. John's Episcopal Church off Thornhill Avenue in the Montclair District of Oakland. We are property owners on Merriewood Drive and have resided here for over twenty-five years.

Our objections include:

- oaks and redwood trees are protected and should remain protected
- the plan is severely damaging to the environment and the wildlife of the area
- changing the shore structure and flow of the creek is unacceptable
- the impact on traffic will be serious.

In summary, we consider the plan to be damaging in aesthetic, physical and enviromental ways.

Please feel free to contact us if you would like further comment or need further information.

Thank you,  
Ian and Lesta Nadel  
5865 Merriewood Drive  
Oakland, CA 94611

C28-1  
cont.

**From:** <nhavassy@acninc.net>  
**To:** <nhavassy@acninc.net>  
**Sent:** Thursday, November 30, 2006 9:21 PM  
**Subject:** Re: Tree Removal Permit T06-141

**From:** Susan Tsukayama  
**To:** cgarcia@Oaklandnet.net  
**Sent:** 11/27/2006 7:22:51 PM  
**Subject:** Tree Removal Permit T06-141

Dear CeCe Garcia,

We have three children who have attended Thornhill Elementary School over the past 11 years. In driving to and from the school, we go through the St. John's Church parking lot and have always-always loved the peace and serenity in that area. We've also become friends with a family living near 5928 Thornhill and have learned that the church wants to build a two lane bridge at this home's entry. It appears the house at 5928 Thornhill will be torn down and the orchard near the present church parking lot will be completely removed. We've watched deer go through this orchard, our children have released tadpoles at the current bridge and we've always just loved the greenery that is present at this site.

I am writing this email with objections to the permit of any of these trees being removed. This is a wonderful wildlife sanctuary and the trees do make the neighborhood what it is.

Thanks for listening.

Susan Tsukayama  
510-428-1389

Susan Tsukayama  
[pslro@earthlink.net](mailto:pslro@earthlink.net)  
EarthLink Revolves Around You.

C28-1  
cont.

**From:** "Jan Hamilton" <hamjan@sierratel.com>  
**To:** "Tree Section" <cgarcia@oaklandnet.com>  
**Cc:** "Nancy Havassy" <nhavassy@acninc.net>; "Jean Quan" <jquan@oaklandnet.com>  
**Sent:** Monday, December 04, 2006 7:56 AM  
**Subject:** Tree Removal Permit DR06-141

Gentlemen:

The planned expansion by St. John's Episcopal Church at the corner of Gouldin Road and Thornhill Drive will demolish a wonderland of flora and fauna where I played as a child. These are the happiest memories in all of my seventy-two years. Trees and shrubs of a great variety (you already have testimony as to the species) abounded. Birds, rabbits, squirrels, possums and other small rodents used it as their sanctuary. The creek provided many fascinating adventures, and is home to a wide variety of amphibians as well.

I lived for many years in the late 30's and early 40's with my mother and grandparents in a rambling house which has since been demolished and replaced by the church building.

Please do not go forward with this plan as currently envisioned. I realize that you are busy people with a great many requests to analyze, but please do not be swayed by the power and prestige of a large organization. Once destroyed, the loss of this beautiful area will be irretrievable.

Sincerely,  
Jan Hamilton  
6654 Jerseydale Road  
Mariposa, CA 95338  
209/966-2387  
[hamjan@sti.net](mailto:hamjan@sti.net)

C28-1  
cont.



**From:** <Obillies@comcast.net>  
**To:** <CGarcia@Oaklandnet.com>; <jquan@oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Monday, December 04, 2006 9:17 AM  
**Subject:** THORNHILL DEFORESTATION

Dear City Council,

I am writing to you on behalf of the Thornhill Tree Lovers Association in Oakland. True I might only be a high school senior, but I am currently taking Environmental classes that are teaching me how best to judge a situation like that of St. John's Episcopal Church. The honest statement is that our Thornhill creek needs to be preserved in its place, and the trees need to be preserved in their delicate and natural habitat.

I have lived in the area for most of my life and have personally observed the unique and interesting habitat of the creek and its entire splendor. If the creek were to be dammed or broken up, or even moved, there would short term and long term damage. The deer of the area would not come around as often to help cut back the brush, therefore leaving the creek overgrown. If moved the creek could lose its place in the sun and plants and algae would not flourish as before. My biggest concern are the trees, these trees have been around for years and are a unique and wonderful part of the Oakland hills. Oak trees, California Red Woods and many other trees that are a delicate part of the balance of the Thornhill neighborhood biology. I could not imagine paving paradise to put up a parking lot.

I would really appreciate your action against the plans of St. John's Church.

A concerned resident,  
Katherine Mayo

C28-1  
cont.

**From:** "Anne Symens-Bucher" <symensbucher@earthlink.net>  
**To:** <jquan@oaklandnet.com>  
**Cc:** <nhavassy@acninc.net>; "Annie Prutzman" <aprutzman@bishopodowd.org>  
**Sent:** Sunday, December 03, 2006 2:22 PM  
**Subject:** Request to protect the environment

Catherine Symens-Bucher  
1968 36th Avenue  
Oakland, CA 94601

I am writing to you today because I feel that something needs to be done to prevent St. John's Episcopal Church of Oakland, from cutting down an area of trees to build a parking lot and a connecting bridge. The cutting down of this woodland area will in turn destroy a whole ecosystem that depends and thrives on its trees. Everything is connected. The trees provide shelter and food to a variety of animals and when they are gone so are the resources for these animals. If that is not enough to stop someone from cutting down this beautiful atmosphere another reason is the fact that the redwoods and oaks that inhabit the area are protected and should remain so. It is time to consider the needs of all nature's creatures before building parking lots and bridges. So many of nature's wonders are being carelessly destroyed to benefit the human race. In Genesis, the story of the world's and our creation, God gave domain over the animals and nature to human beings, because they could not stand up for themselves. This "domain over" has been abused and distorted to mean that God gave humankind power over all living things and the freedom and permission to do as we please even if it hurts nature in the process. It does not mean this. When God gave us "domain over" God meant that we are supposed to use the power that we have to take care and watch over God's creation. We are here to protect and tend to God's beautiful, majestic garden of life and being. If St. John's Episcopal Church decides and is permitted to destroy this ecosystem, this sanctuary of nature and God, they would be doing the exact opposite of what God intended for human beings to do. Killing is not caring.

Sincerely,  
Catherine Symens-Bucher

C28-1  
cont.

**From:** "Morrison, Gary" <GMorrison@aclibrary.org>  
**To:** <CGarcia@Oaklandnet.com>  
**Cc:** <jquan@oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Monday, December 04, 2006 11:25 AM  
**Subject:** St John's expansion

I am opposed to St. John's proposal to destroy trees, reroute the creek, and build a new parking area. I haven't talked to a single neighbor who approves of their plan.

Gary Morrison

6396 Thornhill Drive

C28-1  
cont.

**From:** "beck diggs" <fuzzygumdrop@yahoo.com>  
**To:** <CGarcia@Oaklandnet.com>  
**Cc:** <jquan@oaklandnet.com>; <nhavassy@acninc.net>; <apruzman@bishopodowd.org>;  
<admin@stjohnsoakland.org>  
**Sent:** Monday, December 04, 2006 6:59 PM  
**Subject:** Objection to St. John's Development Plans

To whom it may concern,

My name is Rebecca Kuensting and I am a high school student in Oakland, CA. Recently, a classmate of mine made me aware of St. John's Episcopal Church's development plans for the Thornhill Canyon area. I am extremely concerned about these plans, as I feel that the bridge and parking lot proposed by the church will unnecessarily distress this region. The trees threatened by this project are extremely old and invaluable. They are protected by the government for a reason, and all the resistance the church is facing is not simply bureaucratic red tape, it is the protective build-up left by environmentalists over time, all of whom were concerned with the well-being of these irreplaceable trees. Though the church has pledged to re-plant all the trees which are destroyed as part of their project, they must realize that a baby redwood sapling does not have the same effect, environmentally or aesthetically, as a centuries-old giant Sequoia. These trees belong to a diminishing species; how could this church feel right about diminishing them further? At its core, this church was built to protect, guide, and enlighten people spiritually. This church was founded to spread beauty in the world, cultivating and communicating God's love. This is why it is so senseless and sickening to me that this group's nearest pending project involves the devastation of a forest habitat and the installation of a desolate parking lot.

Thank you for your time and concern.

Rebecca Kuensting

---

Cheap Talk? Check out Yahoo! Messenger's low PC-to-Phone call rates.

C28-1  
cont.

~~nhavassy@acninc.net~~

**From:** "Lesli van Moon" <lesli@lansharks.net>  
**To:** <ccgarcia@oaklandnet.com>  
**Cc:** "Jean Quan" <jquan@oaklandnet.com>; "Nancy Havassay" <nhavassy@acninc.net>  
**Sent:** Monday, December 04, 2006 11:20 PM  
**Subject:** Objection to St. John's Tree Removal and Creek Plan

Hello,

I strongly object to the proposed plans submitted by St. John's Church on Thornhill Drive in Oakland to remove trees and build a vehicle bridge across Temescal Creek. The proposed project would negatively impact both the immediate and the greater neighborhood, and would irreversibly change the nature of this beautiful area. The redwoods and oak trees slated for removal are protected species. They should remain protected.

Please do not issue the tree removal permits! There must be a better solution. This plan is bad for the people who live here, and for the environment.

Sincerely,

Lesli van Moon  
5960 Merriewood Drive  
Oakland, CA 94611  
lesli@lansharks.net

C28-1  
cont.

**From:** "Kirk van Druten" <kirk@lansharks.net>  
**To:** <CGarcia@Oaklandnet.com>  
**Cc:** "Jean Quan" <jquan@oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Monday, December 04, 2006 10:57 PM  
**Subject:** Objection to St. John's Tree Removal and Creek Plan

Hello,

I am writing with my disapproval for St. John's Church on Thornhill Drive in Oakland to remove trees and divert Temescal creek for any reason whatsoever. Additional parking and/or direct access for church members to Thornhill Drive is a poor reason to remove any number of trees. Diverting the creek is simply a bad idea.

Please consider NOT issuing any permits for this project. It will negatively impact the neighborhood, traffic on Thornhill Drive and, most importantly, the environment.

Thank you very much,

Kirk van Druten  
5960 Merriewood Drive  
Oakland, CA 94611

Kirk van Druten -----> [kirk@lansharks.net](mailto:kirk@lansharks.net)  
LANsharks Consulting -----> <http://www.lansharks.net>  
510-601-KIRK -----> (510-601-5475)

C28-1  
cont.

**From:** "Susan Schultz" <slschultz1@msn.com>  
**To:** <CGarcia@Oaklandnet.com>; <jquan@oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Friday, December 01, 2006 2:02 PM  
**Subject:** St. John's Episcopal Tree Permit T06-141

I am writing to voice my objections to the St. John's Episcopal Church tree permit T06-141. My name is Susan Schultz. My address is 1826 Woodhaven Way, Oakland CA 94611. My phone number is: 510-339-9038.

I object to this permit because:

It will cut down 22 protected trees such as redwoods and oaks.

It will create irreversable damage to the woodsy appearance of Thornhill in that area of Montclair.

It will cut down 62 trees in total, a terrible thing to do to the environment. We need the oxygen they produce. Remember global warming...

It will damage the wooded environment for animals in that area.

It will be ugly.

Please do not allow this permit.

Susan Schultz

C28-1  
cont.

**From:** "Pamela" <pamelabr@earthlink.net>  
**To:** <cgarcia@oaklandnet.com>  
**Cc:** <jquan@oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Friday, December 01, 2006 1:50 PM  
**Subject:** Tree Removal Permit, DR06-141, 5928 Thornhill Drive

Hello,

As Montclair residents and homeowners, we are writing to express our concern for the current building plan and our opposition to the tree removal permit named above. The abundance of trees is one of the main reasons we moved to this part of the city--this plan would be a great aesthetic blow to the beauty of our street.

We are also concerned on the adverse effects on wildlife that would result from this proposed tree removal. Every year there are fewer and fewer havens for birds and mammals in our area; we already encounter deer (and even coyotes) running up Thornhill Drive because they have been forced out of their longtime habitats because of new building and deer fences. We love our owls and our groves of trees. This plan doesn't seem to have been written with any sensitivity to these issues, nor to the effect of denser building on the life of our street.

Surely there's a way that St. John's can revise their plans so that they are more sensitive to the neighborhood without disrupting its traffic, aesthetics, and natural denizens.

Thank you for your consideration.

Pamela Brougham  
Peter Moore  
6359 Thornhill Drive  
Oakland CA 94611-1222

C28-1  
cont.



**From:** "Gail Wilkinson" <gailwilkinson@yahoo.com>  
**To:** <CGarcia@Oaklandnet.com>  
**Cc:** "Jean Quan" <jquan@oaklandnet.com>; "Nancy Havassy" <nhavassy@acninc.net>  
**Sent:** Thursday, February 22, 2007 9:43 AM  
**Subject:** T06-141

Hello,

I am a Thornhill neighbor and I object to the St.Johns Episcopal Church plan to remove many mature trees, and build a two lane drive to a new parking lot.

These trees are protected and should not be removed. The church would also like to move the creek and build a new bridge. All of these changes will have a significant impact on the environment and neighborhood. Perhaps the church can alter their building plans to appease the neighbors and protect the trees.

Sincerely,  
Gail Wilkinson  
6147 Aspinwall Rd.  
Oakland, CA 94611

C28-1  
cont.

**From:** "Russell Nelson" <russell-nelson@sbcglobal.net>  
**To:** <CGarcia@Oaklandnet.com>  
**Cc:** <jquan@oaklandnet.com>; <nhavassy@acninc.net>  
**Sent:** Friday, December 01, 2006 5:33 PM  
**Subject:** Reject Tree Permit T06-141

I am a homeowner at 6150 Mazuela Dr. From my house I have a beautiful view of Thornhill Canyon from the Elementary School all the way to the Skyline ridge. I read in the Montclarion today about the protest signs on Thornhill Dr and Gouldin Rd about a plan to remove many of the old and protected trees which are easily visible from my balcony. When looking into this I found that there was a website describing the issue:

<http://www.thornhilltreelovers.com/>

After seeing which trees are to be removed I am quite concerned about this plan. There are many beautiful trees planned for destruction for the simple reason of increasing their parking area. The website indicates, however, that the number of spaces will actually not increase. Many of the trees to be removed are large Coast Live Oaks, Coastal Redwoods and even Giant Sequoias.

Many times I have watched red-tailed hawks spiral up from this very location. They will be forced to relocate and I will no longer be able to witness their beautiful skill. I am also very concerned about the visual impact of this planned destruction. The removal of these trees will have a significant physical, environmental, and aesthetic impact on the neighborhood that will be irreversible -- especially to simply improve a parking area. I know that the view from my house will certainly suffer. If it happens as planned, I will get a view of a parking lot rather than the beautiful green trees.

Please reject this permit.

Russell Nelson  
6150 Mazuela Dr  
Oakland, CA 94611  
(510) 339-0300

C28-1  
cont.

Tree Section  
City of Oakland  
7101 Edgewater Drive  
Oakland, CA 94621

Attn: CeCe Garcia  
Regarding: Tree Removal Permit, DR06-141  
Location 5928 Thornhill Drive

**Approaching my home, the taxi drive exclaims, “You really live here?!”** He was talking about the trees. My home was constructed in 1936, and I have lived here since 1967. The driver was not commenting about the house itself but the setting. I narrowly escaped the “Hill Fire” of fifteen years ago, so “my trees” still set the hill apart from most city dwellers’ experience, and that is what drew me here so long ago. My children cringe when they hear the all too often sound of chain saws, but we understand that some trees must go to allow the others to prosper and allow light for the richness of life here. When they were five, I thought they’d strap themselves to the next threatened tree. Every time a large tree falls, I wonder where the ravens will live. About 18 years ago, one huge tree was felled, and down came a huge nest of baby ravens. Three quickly learned to fly, but one immature bird fell to the ground. We called the Lindsey Museum for help, but they figured it had to be a crow and wouldn’t offer advice let alone an offer to retrieve the bird, so we cared for him by allowing him access through open windows, retrievable food, and walks around the block with our dog. At the end of three months, our neighbor said that the raven was approached by his own kind, so upon returning from work, we discovered he was nowhere to be found. He returned to continue his role in maintaining the balance of life, and that evidence was found in a nest full of the remains of rats, among other animals we strive to manage. This wonderful Montclair Hill environment is a living, breathing mix of people, animals and plants interdependent upon each other. The sounds of birds pierce the air. Skunks, raccoons, deer and birds maintain a respect for the balance of life. But what will happen if St. John’s church is allowed to cut and pave? A common exercise for school children to appreciate available water vs. usable water is demonstrated by cutting an apple into corresponding parts. It is clear, even to the most challenged students, that the constant tarring of the ground is greatly limiting the flow of precious water thus restricting the nurturing of life we don’t see that maintains the obvious life we do see. Block the creek? Reroute the creeks? Take down the purifying evergreens that give us oxygen to breathe? What are they thinking? What do you think?

Cc Jean Quan, District 4, City Council  
#1 Frank H. Ogawa Plaza  
Oakland, CA 94612  
Cc nancy Havassy  
5940 Thornhill drive  
Oakland, CA 94611

Jan Bayley  
6124 Merriewood Drive  
Oakland, CA 94611

C28-1  
cont.

We who have signed this statement are concerned about the effects of St. John's Episcopal Church's (1707 Gouldin Road) expansion plans on the quality of life and character of the local area.

NAME (PRINT) /  
SIGNATURE

ADDRESS

PHONE /  
E-MAIL

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Margaret Soglow	1666 Gouldin Rd	
<del>Ann Brown</del>	<del>1666 Gouldin Rd</del>	
Marianne Tadascione	1676 Alhambra Ln Oakland	94611
<del>M. Tadascione</del>		
Diana Velez	6684 Sobrante Road, Oakland	94611 (510) 339-6378
Fernando Velez	6684 Sobrante Road, Oak	94611 (510) 339-6378

C28-1  
cont.

**LETTER C28: Nancy Havassy, January 3, 2011**

This comment is a cover letter that introduces the following past comments and signed petitions regarding the project:

- " Jerri Mariott, July 24, 2007
- " Thornhill Creekside Neighbors & Friends Petition 1, July-August 2007
- " Suzanne Quick, December 5, 2006
- " Jeff Graves, December 6, 2006
- " Susan Tsukayama, November 30, 2006
- " Wendy Dutton, November 19, 2006
- " Scott Hanshew, December 5, 2006
- " Laura Curtis, No Date
- " Ruth Ann Lio-Johnson, November 28, 2006
- " Michael Costello and Elaine Yates, November 29, 2006
- " Everett Erlandson, November 29, 2006
- " Dora Christopulos, November 30, 2006
- " Gerald Smith and Helen Steele, November 29, 2006
- " Janet Marie Drew, November 29, 2006
- " Ian and Lesta Nadel, December 7, 2006
- " Susan Tsukayama, November 29, 2006
- " Jan Hamilton, November 30, 2006
- " Katherine Mayo, December 4, 2006
- " Catherine Symens-Bucher, December 3, 2006
- " Gary Morrison, December 4, 2006
- " Rebecca Kuensting, December 4, 2006
- " Lesli van Moon, December 4, 2006
- " Kirk van Druten, December 4, 2006
- " Susan Schultz, December 1, 2006
- " Pamela Brougham and Peter Moore, December 1, 2006
- " Gail Wilkinson, February 22, 2007
- " Russell Nelson, December 1, 2006
- " Jan Bayley, No Date
- " Petition 2, No Date

These comment letters and signed petitions were submitted to the City prior to the preparation of the DEIR between November 2006 and July 2007, apparently in response to a notice relating to proposed tree removal. Consequently, the comments address the merits of the project and do not state specific concerns or questions regarding the sufficiency of the analysis or mitigation measures contained in the November 17, 2010 DEIR. Lead Agency review of environmental issues and project merits are both important in the decision of what action to take on a project, and both are considered in the decision-making process for a project. However, a Lead Agency is only required by CEQA to respond in its EIR review to environmental issues that are raised related to the analysis presented in the EIR. Environmental concerns raised in the letters have been analyzed in the DEIR in Chapters 4.1 through 4.4 and other responses in this document.

The comments are acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Response to Master Response 1, Merits/Opinion-Based Comments.

## 6 RESPONSES TO COMMENTS RECEIVED AT THE PLANNING COMMISSION PUBLIC HEARING ON THE DRAFT EIR

A Public Hearing on the St. John's Church Project Draft EIR was held before the Planning Commission on December 15, 2010. This chapter provides a summary of the comments received during the public hearing followed by responses to the comments that are relevant to the EIR.

### D1: Jim Dexter

D1-1. EIR process deeply flawed.

**Response:** This comment states that the DEIR is deeply flawed, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments.

D1-2. Traffic data presented in DEIR is accurate, but data only pertains to weekend traffic and does not reflect weekday traffic associated with school trips.

**Response:** This comment expresses a concern regarding the traffic analysis presented in the DEIR and incorrectly suggests the traffic study pertains only to weekday traffic. As discussed on page 4.4-2 of Chapter 4.4, Traffic and Circulation, of the DEIR, vehicle level of service analysis was conducted for weekday and Sunday conditions at the two existing study intersections and the location of proposed project driveway using the Traffix software, employing the 2000 Highway Capacity Manual methodology for unsignalized intersections.

D1-3. Reciprocal agreement between St. John's Church and Thornhill Elementary School should be evaluated to provide additional information regarding weekday traffic.

**Response:** This comment suggests a reciprocal agreement between St. John's Church and Thornhill Elementary School be evaluated to provide additional information regarding weekday traffic, but does not articulate what the reciprocal agreement should include. See Master Response 3, Church/School Drop-Off Traffic Interface

- D1-4. Proposed left-hand turn from Church property on to Thornhill Drive would intersect mid-block crossing.

**Response:** This comment expresses a concern about the proposed left-hand turn from the project site on to Thornhill Drive and suggests the turn would intersect the mid-block crossing. As discussed on page 4.4-27 of the Draft EIR, the mid-block crossing is located approximately 40 feet south of the proposed driveway on Thornhill Drive. Because the proximity of the crosswalk could limit sight distance for vehicles exiting the project site, and could create a hazard to all users of the crosswalk regardless of the peak use times associated with the surrounding land uses, Mitigation Measure TRAF-1 is recommended to reduce the worsening of this hazard due to increased traffic trips to the Church. As described in Chapter 4.4, Traffic and Circulation, of the DEIR, the Traffic Study prepared for the project found that the project is expected to add one additional AM peak vehicle trip and one additional PM peak trip. During the Sunday peak hour, additional trips generated by the project would be 21 trips. No significant impacts were found to occur as a result of the project or cumulative impacts regarding the proposed project entrance, left turns onto Thornhill Drive, potential back-up on to the surrounding streets.

**D2: Alice Youmans**

- D2-1. Questions the timing of the release of the document for public review.



**Response:** This comment expresses a concern about the timing of the release of the Draft EIR. The Draft EIR was released when it was completed and appropriate for release by the City. The document was circulated for 45 days, which meets the minimum legal requirements.

- D2-2. Believes that the trees are in poor condition because of neglect by St. John's Church

**Response:** This comment expresses a concern regarding the existing state of the trees on the project site. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The concerns of the commentor have been previously addressed. See Response to Comments B1-2 through B1-21. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments.

- D2-3. Believes that the project objectives are distorted and that parking and access is a substantial problem.

**Response:** This comment expresses an opinion regarding the project objectives as identified on page 3-20 of Chapter 3, Project Description, of the DEIR, and parking and project access. See Master Response 6, Project Objectives.

**D3: George Moestue**

- D3-1. Bridge is violation of creek protection ordinance.

**Response.** This comment expresses a concern that the project violates the City's Creek Protection Ordinance. See Master Response 5, Creek Protection Ordinance.

D3-2. There is a cumulative impact in allowing the bridge.

**Response.** This comment expresses an opinion regarding a cumulative impact in allowing the bridge. See Master Response 5, Creek Protection Ordinance.

D3-3. When is a bridge allowed or disallowed?

**Response.** This comment requests to know when a bridge is allowed or not. See Master Response 5, Creek Protection Ordinance.

D3-4. The proposed parking is not enough. What is code compliant?

**Response.** This comment suggests the proposed parking is not enough and requests to know what is code compliant. See Master Response 2, Parking.

D3-5. A new alternative could include a sky bridge from Gouldin Road to the second floor of the existing St. John's hall. This would improve ADA compliance.

**Response.** This comment suggests an alternative design for the proposed project that would include a sky bridge from Gouldin Road to the second floor of the existing St. John's Church. The comment does not articulate how the suggested alternative would reduce any potential impacts associated with the project, but does suggest it could accomplish the project objective to provide ADA compliant facilities as stated on page 3-20 of Chapter 3, Project Description, of the DEIR. However, the DEIR alternative analysis

occurs in the context of Section 15126.6(a) of the State CEQA Guidelines, which states: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives." In Chapter 5, Alternatives, of the DEIR, three alternatives were evaluated in detail include: Alternative 1 - No project Alternative, Alternative 2 - Existing Gouldin Road/Alhambra Lane Access (One-Way/No Bridge) and Alternative 3 - Gouldin Road Access (Two-way/No Bridge). These alternatives were prepared to reduce the project's potential aesthetics, biological resources, hydrology and water quality, land use and traffic and circulation. In addition, five other alternatives were considered but were rejected from further detailed study. Accordingly, an alternative that includes a sky bridge from Gouldin Road to the second floor of the existing church building would be problematic for the several reasons, and is not warranted under CEQA. Nevertheless, given the following reasons, the commenter's suggested alternative would be problematic:

- " The existing St. John's Church building does not contain an elevator, and construction of an elevator is not appropriate for a project of this size.
- " ADA compliance from Gouldin Road would not address safety concerns of the existing driveway configuration from Gouldin Road.

For additional discussion regarding project alternatives, see Master Response 4, Project Alternatives.

D3-6. Too many trees are proposed to be removed.

**Response.** This comment expresses a concern that too many trees are being removed as part of the proposed project. The comment does not does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The concerns of the commentor have been previously addressed. See Response to Comments B1-2 through B1-21. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments, and Master Response 5, Tree Removal.

**D4: Ron Bishop (Bay Area Easy Riders)**

D4-1. The project is just about parking.

**Response.** This comment suggest the project is just about parking, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments, and Master Response 2, Parking. Additionally, refer to the Standard Condition of Approval TRAF-1, Parking and Transportation Demand Management, included on page 4.4-33 in the Draft EIR.

D4-2. Lighting affects views of stars.

**Response.** This comment expresses a concern that lighting at the project site will affect the view of the stars. Implementation of the proposed project would not increase the number of evening events at the project site and impacts to views of the stars in the project area would not change from that of existing conditions. Standard

Condition of Approval AES-1, included in the Draft EIR, states that proposed lighting fixtures shall be adequately shielded to prevent unnecessary glare onto adjacent properties. See Response to Comment C27-17.

- D4-3. The project should consider detention swales for stormwater runoff.

**Response.** This comment suggests the project should consider detention swales for stormwater runoff. This issue is discussed in the Initial Study prepared for the project and in the Chapter 4.3, Hydrology and Water Quality, of the DEIR. As discussed on page 3-12 of the Project Description, the project would include the use of gravel paved parking stalls along the new entry road to allow for stabilization and water detention underneath the parking stalls to handle peak runoff and allow water to percolate on-site and not into the creek. The incorporation of this component would reduce pollutants entering the creek. In addition, as discussed on page 4.3-7, the project shall comply with Standard Condition of Approval HYD-2: Drainage Plan for projects on Slopes Greater than 20% prior to issuance of building permit (or other construction-related permit). See Response to Comment A3-4, and Master Response 5, Creek Protection Ordinance, which refers to developing a Stormwater Pollution Prevention Plan.

- D4-4. There is very little information on bikes and pedestrian access.

**Response.** This comment expresses a concern that there is very little information on bikes and pedestrian access, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. As discussed in Chapter 4.4, Traffic and Circulation, of the DEIR, weekday pedestrian counts were conducted at the mid-block crosswalk located on Thornhill Drive between Gouldin Road and Alhambra Lane

due to its proximity to the proposed driveway for St. John's Church and pedestrian crossings were also counted at the two existing study intersections, as well as at the mid-block pedestrian crossing. During the AM and PM 30-minute weekday counts, no bicyclists were observed at the study intersections. There were, however, pedestrians counted, with the highest number of crossings observed in the AM. Thirty-minute pedestrian crossings at the existing study intersections and mid-block crossing are shown in Figure 4.4-4 and displayed in Tables 4.4-2 and 4.4-3. As discussed on page 4.4-28, implementation of Mitigation Measure TRAF-1 would reduce impacts traffic hazards to pedestrians and motorized vehicles using Thornhill Drive to less than significant. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project.

**D5: Eric Anderson**

D5-1. Driveway access to 1675 Gouldin Road is limited.

**Response.** This comment expresses a concern that driveway access to 1675 Goulding Road is limited, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. The commentor is directed to Chapter 4.4, Traffic and Circulation, of the DEIR for a complete analysis of the project's traffic related impacts.

**D6: Tao Matthews**

D6-1. Not easy to hike or bike in the vicinity of the project site.

**Response.** This comment expresses a concern that it is not easy to hike or bike in the vicinity of the project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments.

D6-2. Lighting is needed along Thornhill Drive.

**Response.** This comment expresses a concern that lighting is needed along Thornhill Drive, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments.

**D7: Sanjay Handa (East Bay News Service)**

D7-1. The City of Oakland has poor electronic communications (website, document distribution, email, etc.)

**Response.** This comment expresses a concern that the City of Oakland has poor electronic communication, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments.

D7-2. Bikes are important and should be considered.

**Response.** This comment expresses a concern that bikes are important and should be considered, but does not articulate how bikes should be considered. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments.

**D8: Nancy Havassy**

D8-1. Has a concern about the release date of the Draft EIR.

**Response.** This comment expresses a concern regarding the release of the DEIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. See Response to Comment D2-1.

D8-2. Many inaccuracies and insufficient information.

**Response.** This comment expresses a concern that there are many inaccuracies and insufficient information, but does not articulate what the inaccuracies or insufficient information is in regards to. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the DEIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the FEIR for their consideration in reviewing the project. See Master Response 1, Merits/Opinion-Based Comments and Responses to Comments C19-1 through C19-22 for responses to comments previously made by the commentor.



- D8-3. Concerned with Figures 3-5, 5-1 and 5-5. The houses on figures are misrepresented, and three houses use the shared driveway.

**Response.** This comment expresses a concern about a project design feature, and believes the text in Chapter 3, Project Description, and illustrations on Figure 3-5, Site Plan, are misleading because they do not indicate a portion of the driveway is shared by the residents at 1675 Gouldin Drive in addition to the residents at 5928 and 5940 Thornhill Drive. Refer to Comments C19-3, C19-20, and C19-21 for responses to comments previously made by the commenter.

- D8-4. Removal of trees in alternatives does not need to happen.

**Response.** This comment suggests the removal of the trees in the alternatives does not need to happen, but does not say why. The trees proposed to be removed in each alternative were selected based on their relative proximity to each alternative component, and other factors cited for removal in the Tree Report (Appendix F of the Draft EIR). In many cases trees not identified for removal under the proposed project were proposed for removal under a specific alternative because a specific component of an alternative differed from the proposed project (e.g. expanded entry driveway from Gouldin Road).

- D8-5. The alternatives were proposed to make the project look better.

**Response.** This comment suggests the alternatives were prepared to make the project look better, but does not provide any details. As discussed in Response to Comment D3-5, a reasonable range of alternatives was considered and analyzed. Indeed, the Environmentally Superior Alternative was the No Project Alternative, while Alternative 2 is the Environmentally Superior Development

Alternative, and the proposed project was not. See Master Response 4, Project Alternatives.

**D9: Planning Commissioner Zayas-Mart**

- D9-1. Would like a project alternative that focuses on traffics issue better, specifically considering an alternative that considers one-way in and one-way out driveways.

**Response.** This comment requests that a project alternative be considered that one way in and one-way out driveways. Alternative 2 (Existing Gould Road/Alhambra Lane Access) proposed a one-way in and one-way out driveway. This Alternative is considered to be the Environmentally Superior Development Alternative. See also Master Response 4, Project Alternatives.

- D9-2. Driveways should be narrow to be consistent with the neighborhood.

**Response.** This comment suggests the driveways should be narrow, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The access driveways must be a minimum size to allow for emergency vehicles. The existing driveways do not currently meet minimum requirements for width or grades. Each alternative evaluated a minimum driveway size, but due to sight restrictions, improvements to the existing driveways are no feasible.

- D9-3. Would like to see a quantification of and comparison of pervious and impervious surfaces of project and alternatives.

**Response.** This comment requests to see a quantification of pervious and impervious surfaces of the project and the alternatives. The commentor is directed to Chapter 4.3, Hydrology and Water Quality, of the DEIR beginning on page 4.3-16 for a complete dis-

cussion on the quantified pervious and impervious surfaces of the proposed project and associated hydrology and water quality impacts of the project. Table 6-1, Project Alternatives Stormwater Runoff Comparison, shows a comparison of project alternatives as they related to impervious surface area. A complete discussion of hydrology and water quality impacts resulting from Alternative 2, Existing Gouldin Road/Alhambra Lane Access (One-Way/No Bridge), is included on page 5-12 and illustrated on Figure 5-1. The hydrology and water quality impacts resulting from Alternative 3, Gouldin Road Access (Two-Way/No Bridge), is discussed on page 5-23 and illustrated on Figure 5-5.

- D9-4. Pedestrian and bicycle traffic should be considered, specifically allowing for ample and comfortable space for pedestrians and bicycles to move around.

**Response.** This comment requests that pedestrian and bicycle traffic be considered and that the project should allow for ample and comfortable space for pedestrians and bicycles. As discussed in Chapter 4.4, Traffic and Circulation, of the DEIR, weekday pedestrian counts were conducted at the mid-block crosswalk located on Thornhill Drive between Gouldin Road and Alhambra Lane due to its proximity to the proposed driveway for St. John's Church and pedestrian crossings were also counted at the two existing study intersections, as well as at the mid-block pedestrian crossing. During the AM and PM 30-minute weekday counts, no bicyclists were observed at the study intersections. There were, however, pedestrians counted, with the highest number of crossings observed in the AM. Thirty-minute pedestrian crossings at the existing study intersections and mid-block crossing are shown in Figure 4.4-4 and displayed in Tables 4.4-2 and 4.4-3. As discussed on page 4.4-28, implementation of Mitigation Measure TRAF-1 would reduce impacts traffic hazards to pedestrians and motorized vehicles using Thornhill Drive to less than significant.

TABLE 6-1 PROJECT ALTERNATIVES STORMWATER RUNOFF  
COMPARISON

Project Alternative	Impervious Surface Area	Stormwater Runoff (Cubic Feet Per Second)
Proposed Project	1.0 acre	3.3 CFS
Alternative 1 (No Project)	1.0 acre	3.3 CFS
Alternative 2	1.6 acres	3.97 CFS
Alternative 3	1.6 acres	3.97 CFS

CFS= cubic feet per second.

Accordingly, the project would not substantially increase traffic hazards to motor vehicles, bicycles, or pedestrians due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). Any existing problems within the existing project due to lack of sidewalks or bicycle lanes in the area are not due to impacts created by the project and are outside the scope of this EIR. The project is not required to correct these currently existing conditions.

D9-5. Would like to see if any alternatives can reduce the number of trees to be removed as part of the project.

**Response.** This comment requests to see an alternatives analysis that would reduce the number of trees to be removed as part of the project. As previously noted in Response to Comment D3-5, the DEIR analyzed a reasonable range of alternatives. Impacts to biological resources, which includes trees, has been discussed in detail in Chapter 4.2, Biological Resources, of the DEIR. The project shall comply with Title 12, Chapter 36 of the City of Oakland Municipal Code, which identifies protected trees that require a

permit for removal and trees that must be protected from construction impacts. The proposed project includes an application for a tree removal permit as required under the City of Oakland Protected Trees Ordinance. With implementation of Standard Conditions of Approval BIO-2 through BIO-4 as described on pages 4.2-31 through 4.2-34 of the DEIR biological resources impacts associated with the loss of trees would be less than significant. Accordingly, as part of the CEQA process, no such alternative analysis is warranted. Refer to Master Response 4, Project Alternatives, and Master Response 7, Tree Removal.

#### **D10: Planning Commissioner Boxer**

- D10-1. Would like the analysis, to the extent that it can, to look at what items might actually work to reduce vehicle traffic coming to the project site, and as to whether or not that impacts the alternatives scenario and analysis as to the level of parking that is needed.

**Response.** This comment requests to see an alternative analysis to reduce the vehicle traffic coming to the project site, and if so, how this would impact the alternatives considered and analyzed in the DEIR in relation to the level of parking that is needed by the project. See Master Response 2, Parking for a detailed discussion on parking, and Master Response 4, Project Alternatives, for a discussion on the development of the project alternatives evaluated in the DEIR.

- D10-2. The way parking is configured does impact the site's environmental condition. There may be an alternative that is preferred that has less of an impact if we can figure out a way to reduce the number of cars coming to the site. This may be something that is more for discussion and not included in the EIR and TDM when it comes. Wouldn't mind if the TDM was more narrow in scope as to things that actually have impact as opposed to the things that

are just listed because the City always includes them. It might be more impactful. It's not a deal-killer for me, but I would like the two to be linked in terms of what alternative might be best.

**Response.** This comment expresses an opinion regarding the parking configuration of the proposed project impacting the project site's environmental condition, but does not articulate how the parking configuration results in environmental impacts. The comment states that a preferred alternative could have less of an impact if the number of cars coming to the project site can be reduced. The commentor correctly describes that such a discussion is not part of the CEQA process and should be part of the City required Transportation Demand Management (TDM) plan. See Response to Comment D10-1.

D10-3. The EIR needs to address the church allowing weekday use of parking lot and how that would affect traffic counts. A weekday agreement between church and school is not reflected. If there is an agreement, the EIR needs to reflect that agreement. Impact needs to be calculated during the week.

**Response.** This comment requests a parking agreement between St. John's Church and Thornhill Elementary School be reflected in the DEIR and that impacts to traffic counts as a result of the agreement be included in the DEIR. On page 4.4-35, in Chapter 4.4., Traffic and Circulation, of the DEIR, the parking discussion discloses the blacktop at Thornhill Elementary School is currently used to handle the existing Church parking demand overflow for approximately 60 vehicles and if used, the School blacktop would continue to accommodate most of the increased demand for parking attributed to this project. While it is reasonable to assume the Church and the School will continue their mutually beneficial informal shared-parking relationship described in the DEIR, the project's less-than-significant parking demand finding is not based on

CITY OF OAKLAND  
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this shared-parking relationship. See Master Response 2, Parking, Master Response 3, Church/School Drop-Off Traffic Interface, and Response to Comment C9-1.

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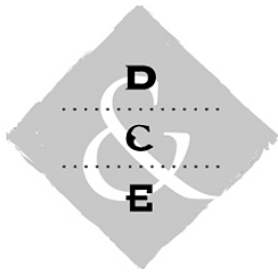


*A P P E N D I X   A*

DAYLIGHTING OF PUBLIC  
CONDUIT EASEMENT  
MEMORANDUM

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**MEMORANDUM**

DATE March 29, 2011  
TO Jim Martin  
FROM Kyle Simpson, Isabelle Minn  
RE ***Daylighting of Public Conduit Easement at St. John's Church***

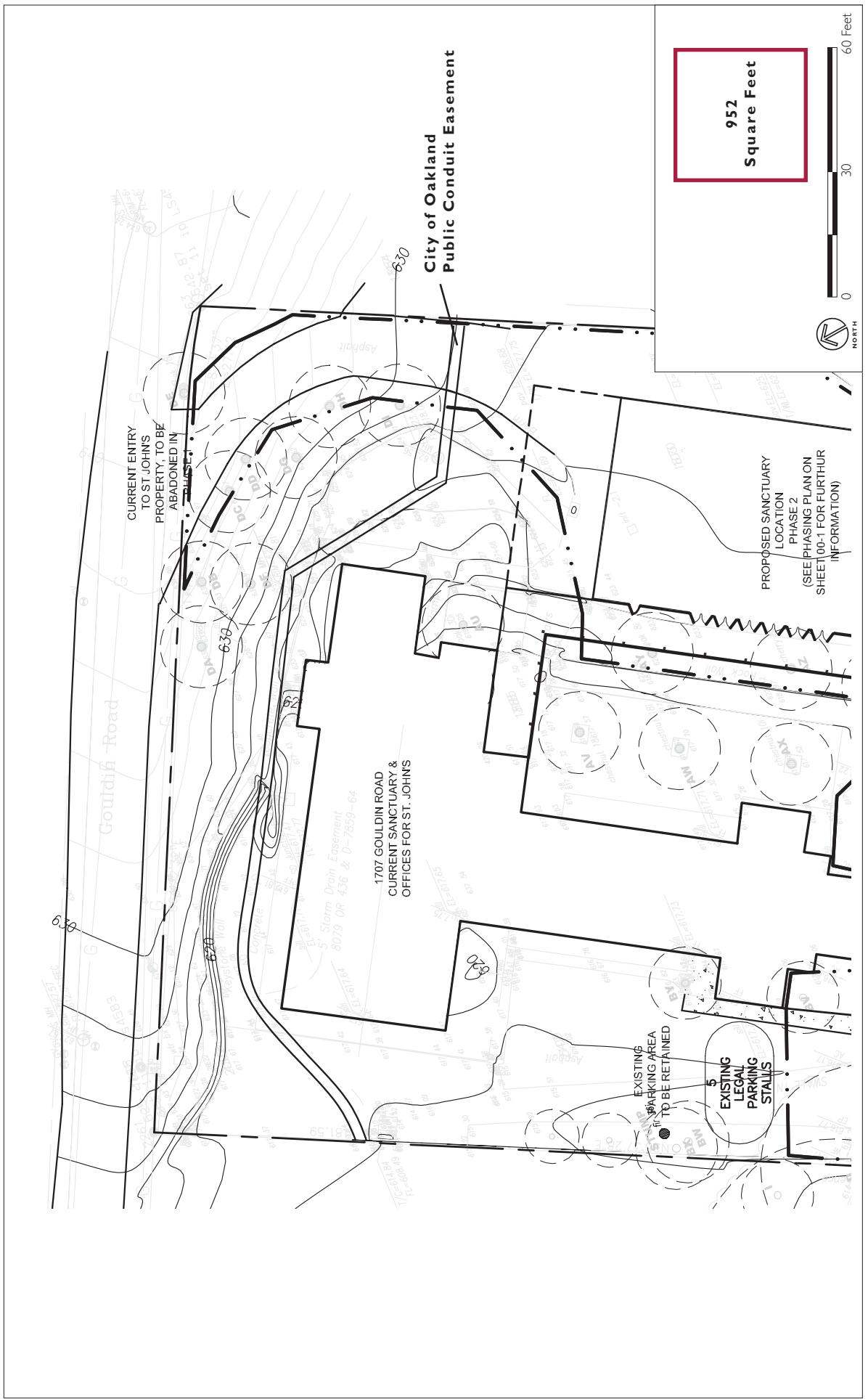
During the public comment period for the St. John's Church Draft EIR, the Bay Area Regional Water Quality Control Board (RWQCB) submitted a letter encouraging the project applicant to develop on-site mitigation for the loss of 476 square feet of riparian habitat, as identified in the Draft EIR. The comment states that daylighting a culverted tributary within the project site would provide the location for on-site mitigation. Since the church does not own the property located to the east of the sanctuary driveway, any daylighting would need to occur adjacent to the sanctuary, within the property lines.

It is assumed that the tributary identified by the RWQCB is the public conduit easement identified in Figure 3-5 in the Draft EIR. The easement is located in the eastern portion of the project site, within close proximity to the existing Church sanctuary, and under the existing asphalt driveway and parking area. The figure attached to this memorandum shows the location of the easement at a greater scale.

It does not appear feasible to daylight the creek in the segment that runs between the Gouldin Road and the existing Church sanctuary for the following reasons:

- 1) The distance between the existing church structure and Gouldin Road totals between 25 and 30 feet and is characterized by steep grades (1:1 or steeper). Daylighting of the creek in this area would result in very steep channel banks, and could create erosion issues adjacent to Gouldin Road.
- 2) The daylighted tributary would need to match the flow line elevation and the alignment of the existing conduit in order to maintain flow of water. This would require significant regrading of the existing slope (to approximately 2:1 or steeper), and may require a retaining wall. This would be a relatively high-cost mitigation project and would result in a small area of isolated habitat. In addition, the daylighted tributary would quickly return to an undergrounded culvert.
- 3) Construction of the daylighted tributary would require long-term maintenance to prevent potential impacts resulting from new surface water flow and erosion in a

steep area. A square showing an area of approximately 952 SF, the proposed mitigation area, is shown in the graphic legend for illustration purposes.





## *A P P E N D I X   B*

### SCOUR ANALYSIS





# Memorandum

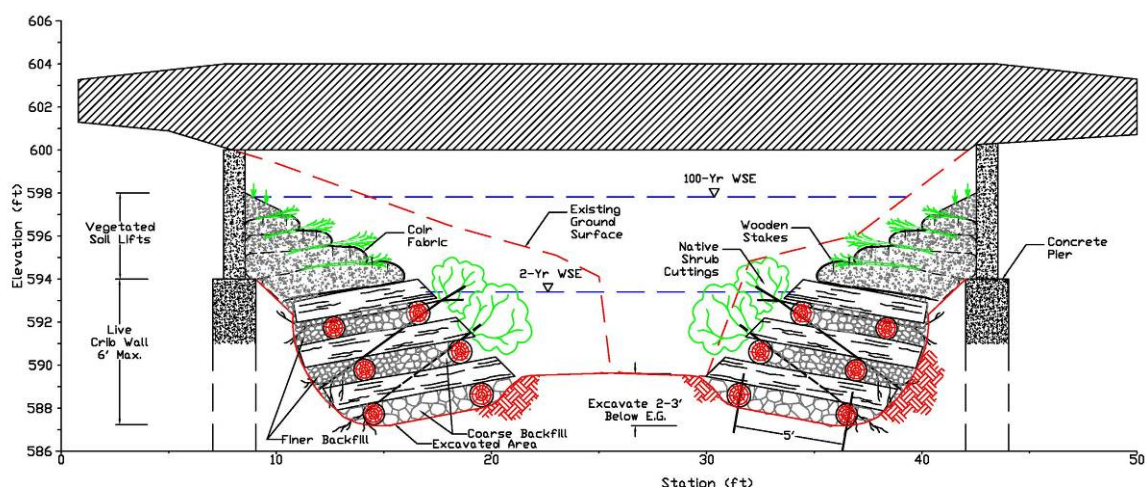
**Date:** March 30, 2012  
**To:** Kyle Simpson, DCE  
**From:** Stephanie Lapine, PE and Rachel Kamman, PE  
**Subject:** St. John's Church Scour Analysis at Temescal Creek

## Purpose:

This document summarizes the procedures and results of KHE's hydraulic analysis of scour risks associated with the proposed bridge construction and bank modifications at the St. John's project site on Temescal Creek. The bridge deck is sited above the 100 year floodplain (100 yr WSE), and the deck and associated footings do not impinge on creek hydraulics over the foreseeable range of design flows. (See Figure 1). The proposed channel modifications associated with the bridge design increase the channel cross sectional width under both low flow and high flow conditions. However, the earthen banks under the bridge will be replaced with a bioengineered design encompassing live (vegetated) crib wall and vegetated soil lifts. The scour analysis is undertaken to determine the necessary depth of footing for the bridge to preclude local scour. In addition, KHE examined the impacts of the proposed channel modification on the predicted channel velocities to determine if the project poses an increase in potential bed mobilization risk, relative to existing conditions, due to changes in flow velocities at or in the vicinity of the bridge site.

Figure 1: Cross Section at Proposed Bridge Location (Not to scale)

Note: Live crib walls anchored together





## Summary and Conclusions:

The scour analysis of the proposed bridge at St. John's Church evaluated the potential for regional scour, local scour due to change in channel cross section, and abutment scour associated with flow around the proposed crib wall structure. The following conclusions are drawn from the scour analysis:

- Regional Bed Scour is not a significant risk in the reach because the bed elevation is constrained by culverts at the upstream and downstream limits of the reach (See Figure 2). Between these controls, the channel appears at stable grade and composed of a mixture of medium to fine gravel and medium to large concrete block cobble. The channel modifications proposed with bridge construction will create a 35% increase in flow area, reducing local flow velocities. The proposed project will reduce overall scour risks in the reach.
- Contraction Scour associated with the local change in channel cross section was evaluated at the proposed bridge site and immediately downstream for existing (EC) and proposed conditions (PC) at 2-yr and 100-yr flow rates. *To provide a conservative estimate of scour risk, the analysis assumed the bed was composed solely of gravel observed in the reach; concrete cobble block was ignored.* The results of this analysis indicated that 0.9 to 1.4 feet of scour could be anticipated in the existing conditions (EC) reach in the absence of the concrete cobble. Under proposed conditions (PC), which encompasses a larger cross section, the predicted equilibrium scour depths were reduced to 0.15 ft and 0 ft respectively. Downstream of the proposed bridge site, 0.49 to 0.81 feet of scour is predicted in the absence of the concrete cobble under both existing (EC) and proposed conditions (PC). The presence of the proposed bridge will not exacerbate or reduce scour potential downstream of the site.
- The prediction of minimal scour (in the absence of course cobble) suggests that 1) the proposed geometry approximates an equilibrium cross section for the anticipated range of flows; and 2) the proposed design could be successfully implemented without local replacement of the concrete cobble.
- Abutment Scour created by localized deflection of flows adjacent to the bridge foundation will be precluded by construction the live crib wall and soil bank. However, scour pressure on the bank structure is likely on the upstream left bank due to the oblique angle of upstream culvert discharge. KHE estimated scour depths of between 1.1 and 1.5 feet at this location. The proposed design specifies construction of the crib wall start 2 - 3 ft below existing grade, and as such is expected to provide adequate protection against local scour.
- Total Scour the sum of the regional, contraction and abutment scour estimates, is presented in Table 1 and reflects the likely maximum scour depth for the bridge. The total scour at 2-yr and 100-yr flows is estimated as 1.26 ft to 1.46 feet respectively. These estimates did not consider the presence of concrete rubble in the bed. The proposed design places





**Table 1: Predicted Scour Depths below Channel Cross Section at Proposed Bridge Location**

Return Period	Scenario	Type of Scour	Contraction Scour Depth Ys, (ft)	Abutment Scour Depth Ys, (ft)	Total Potential Scour Depth Ys, (ft)
2-Yr	EC	Clear Water	0.90	n/a	0.90
100-Yr	EC	Live Bed	1.05	n/a	1.05
100-Yr	EC	Clear Water	1.38	n/a	1.38
2-Yr	PC	Clear Water	0.15	1.11	1.26
100-Yr	PC	Live Bed	0	1.46	1.46

#### **Hydraulic Analysis Approach:**

KHE's bridge scour analysis utilized the HEC-RAS model results and channel configurations prepared during prior analysis and engineering design. The site plan and model geometry are presented in Figure 2 (previously cited as Figure 4 in KHE's May 2010 report).

Design flows for 2-yr and 100-yr storm events were defined as 161 cfs and 569 cfs respectively. These flow rates, determined in KHE's Hydrology Report (May 2010), conservatively reflect design flows associated with future "full watershed build-out" conditions. The flows reflect a conversion of 96 acres of currently undeveloped upstream parcels, as determined from the City of Oakland's Zoning and Parcel Maps, and the Alameda County Assessor's Use Codes, into residential development. The flows are considered the most conservative anticipated under future conditions. The proposed conditions scenario includes modifications to the HEC-RAS model cross sections associated with project implementation. Flows through the reach are conserved and there are no other known water sources or sinks between the channel cross section upstream (XS 185) and the project cross section (XS 156).

The area downstream of the culvert and upstream of the proposed bridge site comprises XS 196 through XS 156 and is considered the "upstream" area. The "project" area lies between XS 156 and XS 131 and encompasses the proposed bridge site. The "downstream" area lies below cross-section Sta. 131.

For the scour analysis summarized below, KHE followed procedures described in the Federal Highway Administration's (FHWA) 2001 Hydraulic Engineering Circular No.18 (HEC-18) *Evaluating Scour at Bridges* (Fourth Edition). In order to frame the analysis in terms of the change in scour potential, KHE evaluated the difference in scour potential between Existing Conditions (EC) scenarios and Proposed Conditions (PC) scenarios. The HEC-18 model code requires specification of a structure in order to run the scour algorithm. Therefore a "fake" bridge deck located above and out of the channel was added to the existing conditions (EC) scenario to enable computation of scour depths at the bridge location under existing conditions. To evaluate scour depth and impacts downstream of the proposed bridge location, a "fake" bridge deck was

located above and out of the channel for both proposed conditions (PC) and existing conditions (EC) downstream of the proposed bridge site (XS 117).

### **Scour Analysis**

The FHWA defines total potential scour for a reach as the composite of long term channel elevation change (aggradation or degradation), general scour which is frequently driven by a change in cross section (typically a contraction), and local scour which occurs adjacent to piers or abutments in contact with the flow field.

### **Regional Scour:**

In this reach, regional channel incision is constrained by the invert elevations of culverts located both upstream and downstream of the project site. The upstream and downstream culverts locations are shown on Figure 2, and are approximately 30 ft above and 300 ft below the proposed bridge location respectively. Between the culverts, bed scour can be induced locally, if flows are sufficient to mobilize the bed material. However, regional bed scour below the elevation of the downstream culvert invert is not likely. Site inspection and Figure 2 contours show the creek to be at a stable grade with both upstream and downstream culvert inverts.

To address concerns regarding potential scour risks around the proposed structure, KHE applied FHWA methodologies to evaluate the potential scour risks associated with: 1) the change in channel cross section (Contraction Scour), and 2) the scour adjacent to the live crib wall installation (Abutment Scour).

### **Contraction Scour:**

Contraction scour occurs when the flow area of a stream is altered. From the continuity equation, a change in flow area creates an inverse change in flow velocity which directly affects the bed shear stress through the changed section. Typically, we would use this analysis to address a contraction, which decreases channel cross section and increases local flow velocity and bed shear stress. Bed shear stress is a measure of erosive force and in turn the potential for scour at the site of channel geometry change. As scour increases, the flow area increases until an equilibrium condition is reached which balances flow area with erosive shear forces. The equilibrium is a function of flow area, velocity through the reach and sediment size. The HEC-18 code determines this equilibrium condition for a single steady flow rate.

At the St John's project site, the channel cross section is increased with bridge construction. Our analysis compares predicted equilibrium bed elevation (expressed as a change in channel depth) driven by the change in cross section from the upstream reach (HEC XS 185) to the bridge cross section HEC XS-156) under existing (EC) and proposed conditions (PC). A parallel analysis compares the predicted equilibrium bed elevation downstream at XS 117 under existing (EC) and proposed conditions (PC). The analysis described below was conducted using the existing HEC-RAS model and FHWA's HEC-18 scour assessment model.

Prior to computing the equilibrium scour depth for the bridge section, the model determines if the reach conditions will support Clear Water or Live Bed scour. These conditions correspond to conditions assuming that bed is immobile or mobilized respectively. Calculations are made per



HEC-18 Equation 5.1 to determine critical velocity ( $V_c$ ) as a function of grain size and flow depth as follows:

$$V_c = K_u y^{1/6} D^{1/3} \quad (5.1)$$

where:

- $V_c$  = Critical velocity above which bed material of size  $D$  and smaller will be transported, m/s (ft/s)
- $y$  = Average depth of flow upstream of the bridge, m (ft)
- $D$  = Particle size for  $V_c$ , m (ft)
- $D_{50}$  = Particle size in a mixture of which 50 percent are smaller, m (ft)
- $K_u$  = 6.19 SI units
- $K_u$  = 11.17 English units

Application of Equation 5.1 (above) requires that KHE define the  $D_{50}$  particle size. KHE characterized bed substrate composition and representative median grain size ( $D_{50}$ ) based on site inspection and analysis of grain size distribution using pebble counts. KHE staff conducted pebble counts at three locations in the reach identified on Figure 2. Samples were collected utilizing a standard geomorphic pebble count method as described by Wolman<sup>1</sup>. A grain size frequency distribution is defined for each sampling point to describe the sediment size characteristics at a given location (Figure 4). This assessment yielded a  $D_{50}$  is 0.027 feet (8.17 mm). **The  $D_{50}$  does not include large concrete chunks, which were intentionally excluded from the pebble count to generate a conservative assessment of bed mobility and potential scour depth in the absence of the concrete rubble presently armoring the bed.**

Concrete rubble is found throughout the reach, and appears to provide significant armoring of the bed. KHE determined that typical rubble sizes ranged from 8 to 16 inches, and conservatively estimated that 25% of the bed surface could be considered rubble. (See Figure 3).

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<sup>1</sup> Wolman, M.G., 1954. A Method for Sampling Coarse River-Bed Material. Transactions of the American Geophysical Union, volume 35, number 6.





Kamman Hydrology  
& Engineering, Inc.

**Figure 3: Temescal Creek Channel Looking Upstream Toward Culvert from Bridge Site**



Figure 4: Grain Size Distributions in Temescal Creek near St John's Church

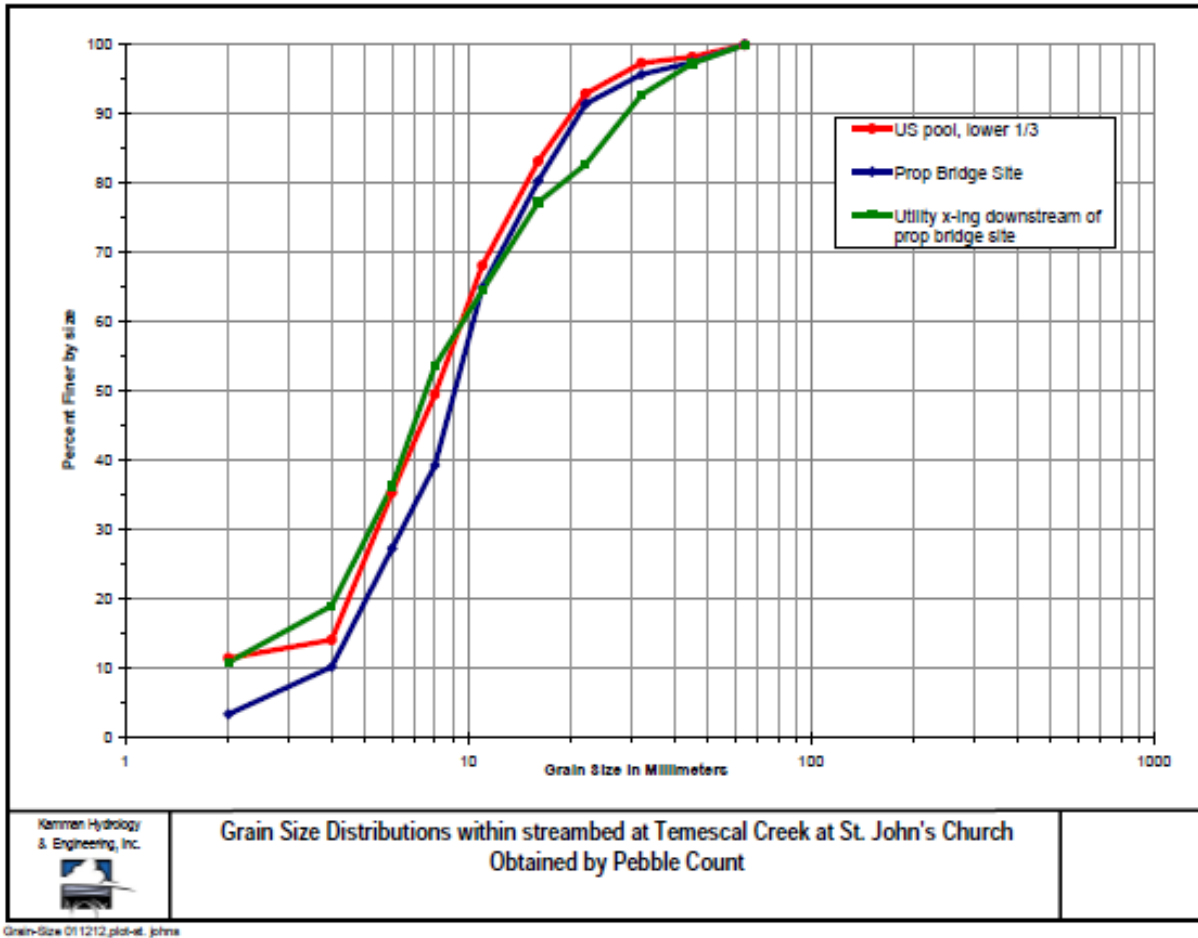


Table 2 summarizes simulation results using the HEC-RAS model to predict channel velocities, and the HEC-18 model to predict critical velocities for bed transport. More detailed simulation output tables are provided in Attachment A.

Table 2: Predicted Flow Velocity and Scour Velocity Thresholds above St John's Bridge

Return Period	Scenario	Critical Vel. (V <sub>c</sub> , Ft/sec)	Reach Vel. (V, ft,sec)	Selection Criterion	Type of Scour*
2-Yr	EC	4.05	3.11	V <sub>c</sub> > V	Clear Water
2-Yr	PC	4.02	3.28	V <sub>c</sub> > V	Clear Water
100-Yr	EC	4.47	4.46	V <sub>c</sub> = V	Clear Water or Live Bed
100-Yr	PC	4.46	4.51	V <sub>c</sub> < V	Live Bed

\* Definitions for clear water and Live Bed scour.



Table 2 indicates that the 100-yr flows require a live bed scour calculation, and 2-year flows require a clear water solution. The Live Bed and Clear Water scour equations used in HEC-18 are summarized as:

### FHWA's Live-Bed Contraction Scour Equation

$$\frac{y_2}{y_1} = \left( \frac{Q_2}{Q_1} \right)^{5/7} \left( \frac{W_1}{W_2} \right)^{k_1} \quad (5.2)$$

$$y_s = y_2 - y_o = (\text{average contraction scour depth}) \quad (5.3)$$

where:

- $y_1$  = Average depth in the upstream main channel, m (ft)
- $y_2$  = Average depth in the contracted section, m (ft)
- $y_o$  = Existing depth in the contracted section before scour, m (ft) (see Note 7)
- $Q_1$  = Flow in the upstream channel transporting sediment,  $\text{m}^3/\text{s}$  ( $\text{ft}^3/\text{s}$ )
- $Q_2$  = Flow in the contracted channel,  $\text{m}^3/\text{s}$  ( $\text{ft}^3/\text{s}$ )
- $W_1$  = Bottom width of the upstream main channel that is transporting bed material, m (ft)
- $W_2$  = Bottom width of the main channel in the contracted section less pier width(s), m (ft)
- $k_1$  = Exponent determined below

### FHWA's Clear-Water Contraction Scour Equation

$$y_2 = \left[ \frac{K_u Q^2}{D_m^{2/3} W^2} \right]^{3/7} \quad (5.4)$$

$$y_s = y_2 - y_o = (\text{average contraction scour depth}) \quad (5.5)$$

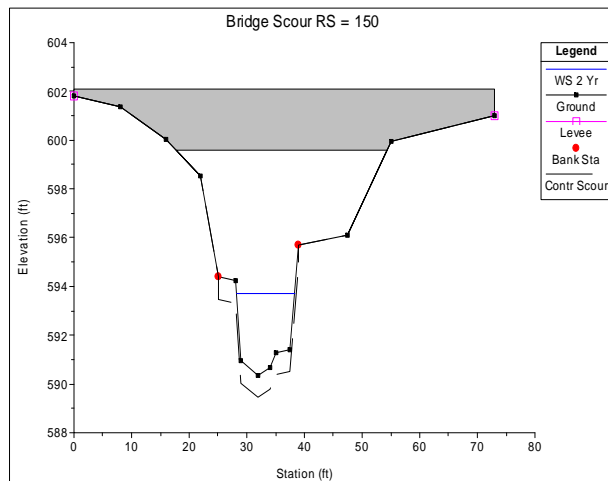
where:

- $y_2$  = Average equilibrium depth in the contracted section after contraction scour, m (ft)
- $Q$  = Discharge through the bridge or on the set-back overbank area at the bridge associated with the width  $W$ ,  $\text{m}^3/\text{s}$  ( $\text{ft}^3/\text{s}$ )
- $D_m$  = Diameter of the smallest nontransportable particle in the bed material (1.25  $D_{50}$ ) in the contracted section, m (ft)
- $D_{50}$  = Median diameter of bed material, m (ft)
- $W$  = Bottom width of the contracted section less pier widths, m (ft)
- $y_o$  = Average existing depth in the contracted section, m (ft)
- $K_u$  = 0.025 SI units
- $K_u$  = 0.0077 English units

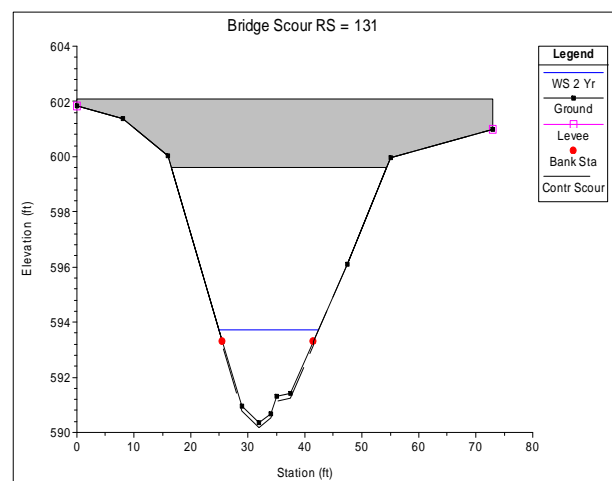
The predicted contraction scour under existing (EC) and proposed (PC) conditions at XS 156 at the proposed bridge site and at XS 117 downstream of the proposed bridge site are summarized in Tables 3 and 4 and presented graphically in Figures 5 and 6. The EC 100-year flow scenario for the proposed bridge site was evaluated for both Clear Water and Live Bed Scour scenarios because the approach velocity was determined to be equal to the defined velocity threshold.

**Figure 5: HEC-18 Contraction Scour Results at the Proposed Bridge Location**

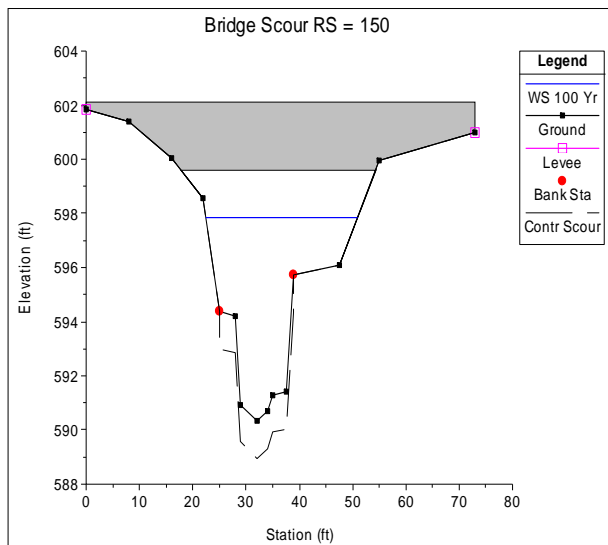
**Existing Conditions: Q2 Simulation  
Clear Water Analysis**



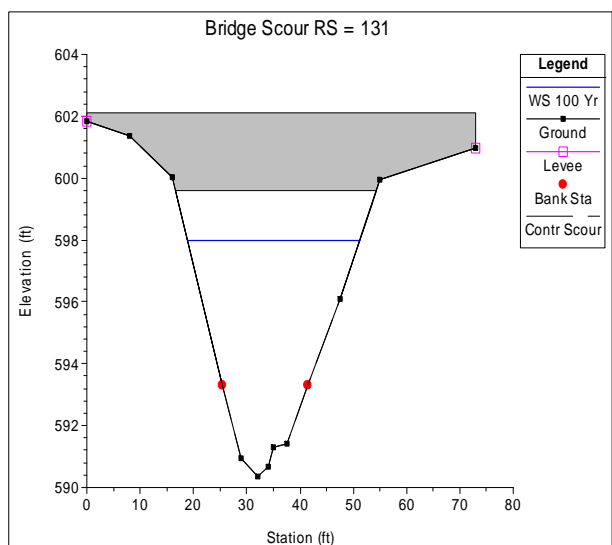
**Proposed Conditions: Q2 Simulation  
Clear Water Analysis**



**Existing Conditions: Q100 Simulation  
Clear Water Analysis**

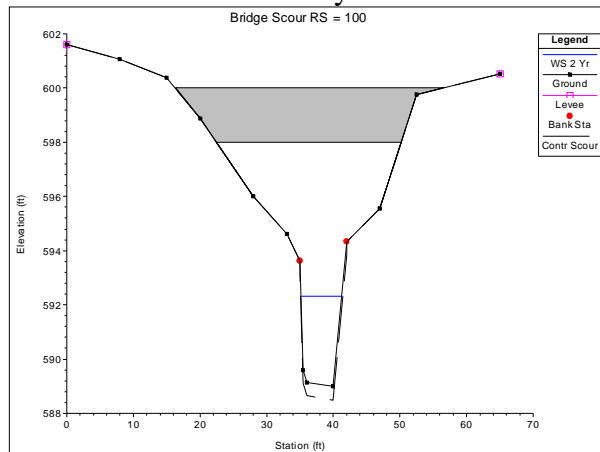


**Proposed Conditions: Q100 Simulation  
Live Bed Analysis**

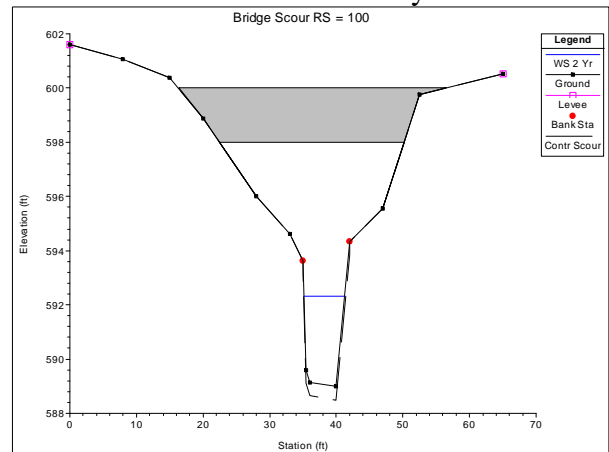


**Figure 6: HEC-18 Contraction Scour Results Downstream of the Proposed Bridge Location**

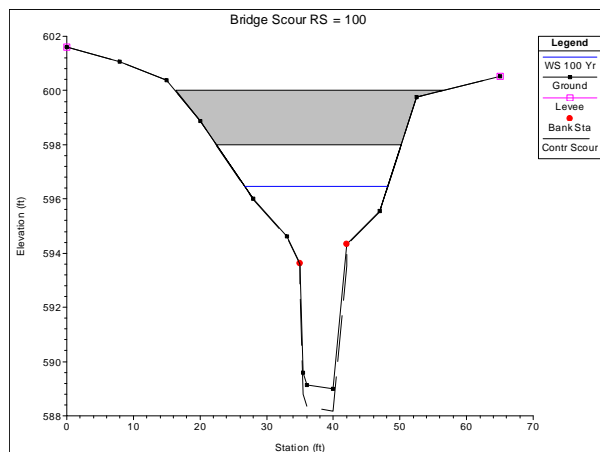
**Existing Conditions: Q2 Simulation  
Live Bed Analysis**



**Proposed Conditions: Q2 Simulation  
Live Bed Analysis**



**Existing Conditions: Q100 Simulation  
Live Bed Analysis**



**Proposed Conditions: Q100 Simulation  
Live Bed Analysis**

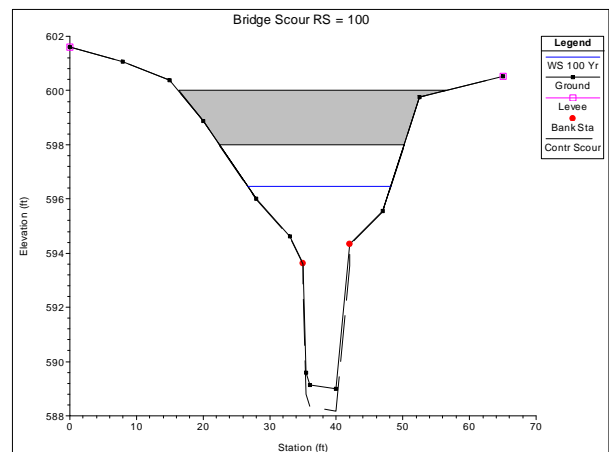




Table 3: Predicted Scour Depth below Channel Cross Section at Proposed Bridge Location

Return Period	Scenario	Scour Depth Ys, (ft)	Type of Scour*
2-Yr	EC	0.90	Clear Water
100-Yr	EC	1.05	Live Bed
100-Yr	EC	1.38	Clear Water
2-Yr	PC	0.15	Clear Water
100-Yr	PC	0	Live Bed

\* Definitions of Clear and Live Bed Scour

Table 4: Predicted Scour Depth below Channel Cross Section Downstream of Proposed Bridge Location

Return Period	Scenario	Scour Depth Ys, (ft)	Type of Scour*
2-Yr	EC	0.49	Live Bed
100-Yr	EC	0.81	Live Bed
2-Yr	PC	0.49	Live Bed
100-Yr	PC	0.81	Live Bed

\* Definitions of Clear and Live Bed Scour

The analysis indicates that at the proposed bridge location under existing conditions (EC), equilibrium bed elevations are 0.9 to 1.38 ft lower than the existing bed elevation for the 2-yr and 100-yr flow scenarios respectively. We hypothesize that the higher-than-predicted elevation of the existing bed is due to the concrete rubble which is present in the bed but was not considered in the analysis.<sup>2</sup> We hypothesize that under current conditions, the concrete plays an active role in preventing bed scour, and that additional bed incision would likely result if the rubble were to be removed.

Under proposed conditions (PC) equilibrium bed elevations are predicted to be 0.15 ft and 0.0 ft lower than the proposed design grade. This indicates the proposed design cross section would be relatively stable under expected flow conditions, even if no concrete rubble were present in the bed material. The proposed design provides a 35% wider flow area under both 2-yr and 100-yr flow conditions, which is largely responsible for reducing channel velocities and in turn, local scour risks. The design as currently proposed would key the live crib wall into the bed 2 – 3 ft below existing grade. As such, the design can be considered robust in the context of both existing and proposed channel cross sections.

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<sup>2</sup> This excess stream power is likely responsible for the localized bank erosion observed in the reach. Bank erosion occurs to dissipate excess stream energy in the context of a bed which is armored or subject to grade control.

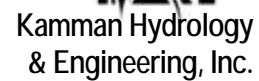


Downstream of the proposed bridge location, under both existing (EC) and proposed conditions (PC), equilibrium bed elevations are 0.49 to 0.81 ft lower than the existing bed elevation for the 2-yr and 100-yr flow scenarios respectively. Again, we hypothesize that the higher-than-predicted elevation of the existing bed is due to the concrete rubble which is present in the bed but was not considered in the analysis. The presence (PC) or absence (EC) of an upstream bridge does not influence the scour potential of unmodified area downstream of the bridge.

### **Abutment Scour:**

Abutment scour occurs when the bridge abutments block approaching flow and are subject to the erosive forces at the contact between the structure and the flow field. A plan view of the proposed design (Figure 7) shows the abutments set back 10 feet behind the live crib wall and engineered soil bank. These soft bank features are designed to support vegetation, which once colonized will create a second soft buffer between the flow and the structure. The proposed soft bank wraps around the bridge abutments and ties smoothly into the contours of the existing bank. The design is consistent with FHWA guidelines which recommend protecting abutments from local scour using riprap and/or guide banks. (FHWA, 2001 pg.7.7).

While the engineered bank protects the bridge structure, the bank itself is subject to scour by the obliquely passing water. The most “at risk” location in the structure is the left upstream bank which is set at approximately a 30 deg. angle from the channel flow line. KHE utilized FHWA’s recommended procedures to evaluate abutment scour at this location in the proposed structure. The Froehlich abutment scour equation is recommended to evaluate both live bed and clear water scour at sites like the St. John’s Bridge where the ratio of flow depth to abutment length is less than 25.



This map illustrates the approximate limits of vegetated soil lifts (green) and live crib wall (red) for the Wood Bridge. The bridge structure is shown with two abutments and a central span. The vegetated soil lifts are indicated by green shaded areas, and the live crib wall limits are indicated by red shaded areas. The map includes a scale bar (0 to 40 feet) and a north arrow. Various labels are present, including 'Gravel Driveway', 'culvert outfall', 'bridge abutment', 'A', 'B', 'A'', 'B'', 'S64%%17622'32"E', '1107 A', '1108', '1133 A', '15480', '1700', '133', '602.81', '602-81', '600-81', '600-85', '600-86', '600-88', '600-89', '600-90', '600-91', '600-92', '600-93', '600-94', '600-95', '600-96', '600-97', '600-98', '600-99', '600-100', '600-101', '600-102', '600-103', '600-104', '600-105', '600-106', '600-107', '600-108', '600-109', '600-110', '600-111', '600-112', '600-113', '600-114', '600-115', '600-116', '600-117', '600-118', '600-119', '600-120', '600-121', '600-122', '600-123', '600-124', '600-125', '600-126', '600-127', '600-128', '600-129', '600-130', '600-131', '600-132', '600-133', '600-134', '600-135', '600-136', '600-137', '600-138', '600-139', '600-140', '600-141', '600-142', '600-143', '600-144', '600-145', '600-146', '600-147', '600-148', '600-149', '600-150', '600-151', '600-152', '600-153', '600-154', '600-155', '600-156', '600-157', '600-158', '600-159', '600-160', '600-161', '600-162', '600-163', '600-164', '600-165', '600-166', '600-167', '600-168', '600-169', '600-170', '600-171', '600-172', '600-173', '600-174', '600-175', '600-176', '600-177', '600-178', '600-179', '600-180', '600-181', '600-182', '600-183', '600-184', '600-185', '600-186', '600-187', '600-188', '600-189', '600-190', '600-191', '600-192', '600-193', '600-194', '600-195', '600-196', '600-197', '600-198', '600-199', '600-200', '600-201', '600-202', '600-203', '600-204', '600-205', '600-206', '600-207', '600-208', '600-209', '600-210', '600-211', '600-212', '600-213', '600-214', '600-215', '600-216', '600-217', '600-218', '600-219', '600-220', '600-221', '600-222', '600-223', '600-224', '600-225', '600-226', '600-227', '600-228', '600-229', '600-230', '600-231', '600-232', '600-233', '600-234', '600-235', '600-236', '600-237', '600-238', '600-239', '600-240', '600-241', '600-242', '600-243', '600-244', '600-245', '600-246', '600-247', '600-248', '600-249', '600-250', '600-251', '600-252', '600-253', '600-254', '600-255', '600-256', '600-257', '600-258', '600-259', '600-260', '600-261', '600-262', '600-263', '600-264', '600-265', '600-266', '600-267', '600-268', '600-269', '600-270', '600-271', '600-272', '600-273', '600-274', '600-275', '600-276', '600-277', '600-278', '600-279', '600-280', '600-281', '600-282', '600-283', '600-284', '600-285', '600-286', '600-287', '600-288', '600-289', '600-290', '600-291', '600-292', '600-293', '600-294', '600-295', '600-296', '600-297', '600-298', '600-299', '600-300', '600-301', '600-302', '600-303', '600-304', '600-305', '600-306', '600-307', '600-308', '600-309', '600-310', '600-311', '600-312', '600-313', '600-314', '600-315', '600-316', '600-317', '600-318', '600-319', '600-320', '600-321', '600-322', '600-323', '600-324', '600-325', '600-326', '600-327', '600-328', '600-329', '600-330', '600-331', '600-332', '600-333', '600-334', '600-335', '600-336', '600-337', '600-338', '600-339', '600-340', '600-341', '600-342', '600-343', '600-344', '600-345', '600-346', '600-347', '600-348', '600-349', '600-350', '600-351', '600-352', '600-353', '600-354', '600-355', '600-356', '600-357', '600-358', '600-359', '600-360', '600-361', '600-362', '600-363', '600-364', '600-365', '600-366', '600-367', '600-368', '600-369', '600-370', '600-371', '600-372', '600-373', '600-374', '600-375', '600-376', '600-377', '600-378', '600-379', '600-380', '600-381', '600-382', '600-383', '600-384', '600-385', '600-386', '600-387', '600-388', '600-389', '600-390', '600-391', '600-392', '600-393', '600-394', '600-395', '600-396', '600-397', '600-398', '600-399', '600-400', '600-401', '600-402', '600-403', '600-404', '600-405', '600-406', '600-407', '600-408', '600-409', '600-410', '600-411', '600-412', '600-413', '600-414', '600-415', '600-416', '600-417', '600-418', '600-419', '600-420', '600-421', '600-422', '600-423', '600-424', '600-425', '600-426', '600-427', '600-428', '600-429', '600-430', '600-431', '600-432', '600-433', '600-434', '600-435', '600-436', '600-437', '600-438', '600-439', '600-440', '600-441', '600-442', '600-443', '600-444', '600-445', '600-446', '600-447', '600-448', '600-449', '600-450', '600-451', '600-452', '600-453', '600-454', '600-455', '600-456', '600-457', '600-458', '600-459', '600-460', '600-461', '600-462', '600-463', '600-464', '600-465', '600-466', '600-467', '600-468', '600-469', '600-470', '600-471', '600-472', '600-473', '600-474', '600-475', '600-476', '600-477', '600-478', '600-479', '600-480', '600-481', '600-482', '600-483', '600-484', '600-485', '600-486', '600-487', '600-488', '600-489', '600-490', '600-491', '600-492', '600-493', '600-494', '600-495', '600-496', '600-497', '600-498', '600-499', '600-500', '600-501', '600-502', '600-503', '600-504', '600-505', '600-506', '600-507', '600-508', '600-509', '600-510', '600-511', '600-512', '600-513', '600-514', '600-515', '600-516', '600-517', '6

Froehlich's Abutment Scour Equation (FHWA, 2001)

$$\frac{y_s}{y_a} = 2.27 K_1 K_2 \left( \frac{L'}{y_a} \right)^{0.43} Fr^{0.61} + 1 \quad (7.1)$$

where:

- $K_1$  = Coefficient for abutment shape (Table 7.1)
- $K_2$  = Coefficient for angle of embankment to flow
- $K_2$  =  $(\theta/90)^{0.13}$  (see Figure 7.4 for definition of  $\theta$ )  
 $\theta < 90^\circ$  if embankment points downstream  
 $\theta > 90^\circ$  if embankment points upstream
- $L'$  = Length of active flow obstructed by the embankment, m (ft)
- $A_e$  = Flow area of the approach cross section obstructed by the embankment,  $m^2$  ( $ft^2$ )
- $Fr$  = Froude Number of approach flow upstream of the abutment =  $V_e/(gy_a)^{1/2}$
- $V_e$  =  $Q_e/A_e$ , m/s (ft/s)
- $Q_e$  = Flow obstructed by the abutment and approach embankment,  $m^3/s$  ( $ft^3/s$ )
- $y_a$  = Average depth of flow on the floodplain ( $A_e/L$ ), m (ft)
- $L$  = Length of embankment projected normal to the flow, m (ft)
- $y_s$  = Scour depth, m (ft)

Applying this algorithm to the St John's site yields estimates of abutment scour for the upstream left bank of 1.46 ft and 1.11 ft for proposed conditions at 100-yr and 2-yr flows respectively. Estimation parameters are presented in Attachment 3. These results indicate that the proposed design is sufficient to withstand anticipated abutment scour because the Live Crib Wall is keyed into the bed to a depth of 2 -3 ft below the existing grade. As such, the design dimensions are sufficient to preclude abutment scour at the location most vulnerable to attack.

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## Attachment 1: HEC-RAS Modeling Summary Tables

**Existing Conditions Simulation**

River Sta	Profile	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl	Hydr Depth C	W.P. Channel	W.P. Total
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)		(ft)	(ft)	(ft)
185	2 Yr	161	589.83	594.36	592.33	594.51	0.002539	3.1	51.85	16.58	0.31	3.13	20.34	20.34
185	5 Yr	264	589.83	595.78	593.03	595.97	0.002272	3.43	76.99	18.77	0.3	4.1	23.94	23.94
185	10 Yr	337	589.83	596.62	593.46	596.83	0.002185	3.61	93.31	20.06	0.3	4.65	26.07	26.07
185	25 Yr	431	589.83	597.42	593.95	597.66	0.002301	3.93	109.69	21.28	0.3	5.16	28.08	28.08
185	50 Yr	511	589.83	597.92	594.31	598.2	0.002502	4.24	120.6	22.05	0.32	5.47	29.35	29.35
185	100 Yr	569	589.83	598.24	594.56	598.55	0.00266	4.46	127.67	22.54	0.33	5.67	30.16	30.16
156	2 Yr	161	590.34	593.75	593.06	594.31	0.008681	6.03	26.7	10.17	0.66	2.62	14.19	14.19
156	5 Yr	264	590.34	595.31	593.89	595.81	0.005646	5.7	46.55	14.53	0.55	3.34	19.34	20.48
156	10 Yr	337	590.34	596.2	594.59	596.7	0.004178	5.67	62.54	24.04	0.49	4.2	19.76	30.77
156	25 Yr	431	590.34	597.04	595.08	597.54	0.003421	5.8	83.68	26.27	0.46	5.04	19.76	33.64
156	50 Yr	511	590.34	597.55	595.47	598.08	0.003299	6.07	97.35	27.62	0.45	5.54	19.76	35.37
156	100 Yr	569	590.34	597.87	595.74	598.43	0.003286	6.28	106.17	28.46	0.46	5.86	19.76	36.44
117	2 Yr	161	588.99	592.66	592.31	593.76	0.020502	8.44	19.08	6.25	0.85	3.05	11.67	11.67
117	5 Yr	264	588.99	593.75	593.48	595.32	0.023959	10.07	26.22	7.04	0.9	3.87	13.81	14.1
117	10 Yr	337	588.99	594.54	594.25	596.26	0.021711	10.56	32.64	9.69	0.87	4.53	14.44	17.37
117	25 Yr	431	588.99	595.66	595.48	597.2	0.015248	10.25	48.06	17.86	0.76	5.64	14.44	25.86
117	50 Yr	511	588.99	596.25	596.15	597.75	0.013586	10.35	59.61	20.59	0.73	6.24	14.44	28.88
117	100 Yr	569	588.99	596.56	596.47	598.1	0.013397	10.61	66.16	21.85	0.73	6.55	14.44	30.3

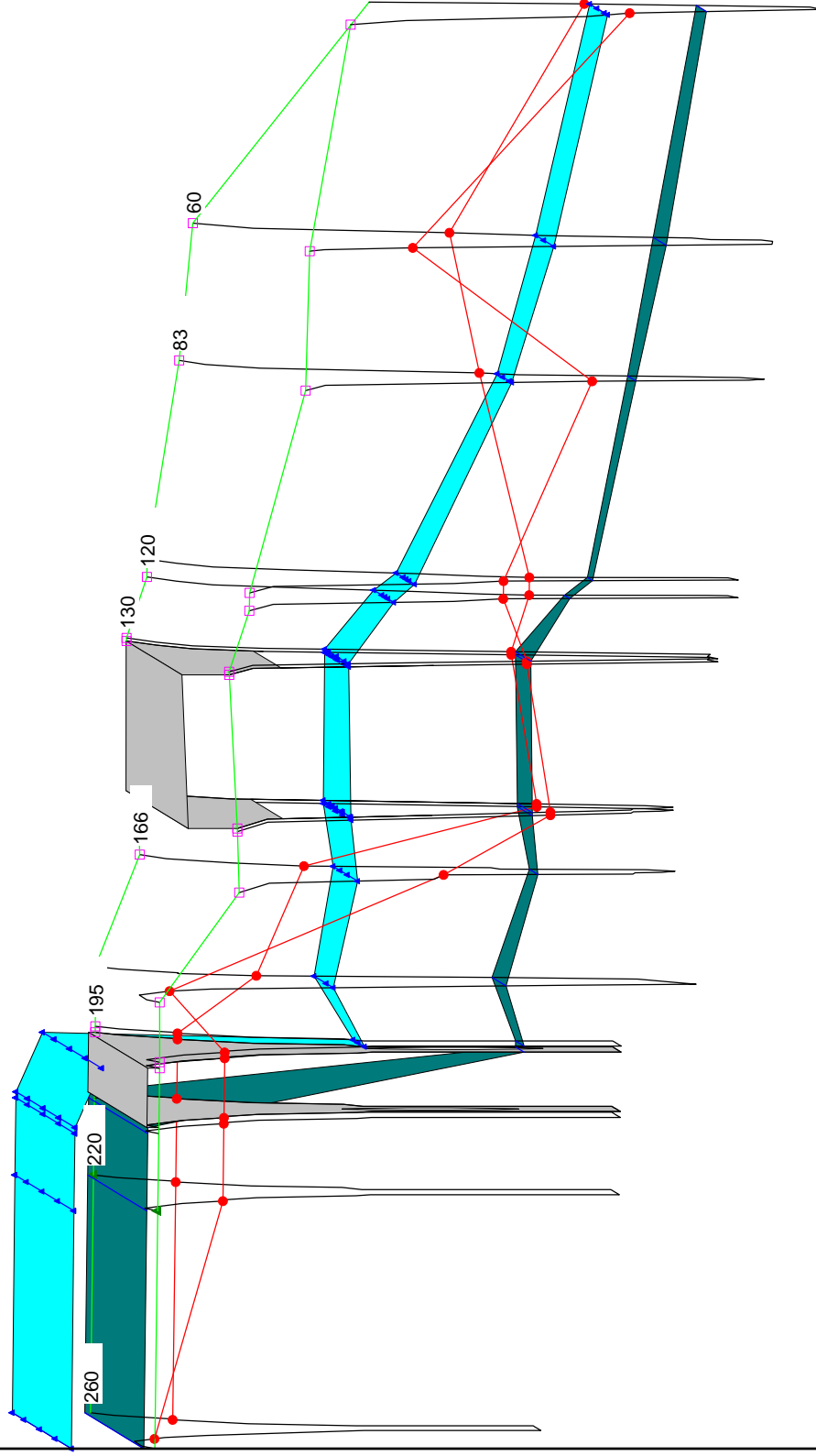
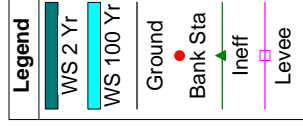
**Proposed Conditions Simulation**

River Sta	Profile	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl	Hydr Depth C	W.P. Channel	W.P. Total
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)		(ft)	(ft)	(ft)
185	2 Yr	161	589.83	594.2	592.33	594.36	0.002953	3.28	49.15	16.33	0.33	3.01	19.92	19.92
185	5 Yr	264	589.83	595.64	593.03	595.84	0.002505	3.55	74.31	18.55	0.31	4.01	23.58	23.58
185	10 Yr	337	589.83	596.53	593.46	596.74	0.002312	3.69	91.4	19.91	0.3	4.59	25.83	25.83
185	25 Yr	431	589.83	597.35	593.95	597.59	0.002386	3.98	108.24	21.17	0.31	5.11	27.91	27.91
185	50 Yr	511	589.83	597.85	594.31	598.14	0.002588	4.29	119.11	21.94	0.32	5.43	29.18	29.18
185	100 Yr	569	589.83	598.17	594.56	598.48	0.002748	4.51	126.13	22.43	0.34	5.62	29.98	29.98
156	2 Yr	161	590.34	593.74	592.92	594.05	0.004331	4.51	36.02	17.56	0.53	2.23	17.42	19.21
156	5 Yr	264	590.34	595.35	593.55	595.61	0.001775	4.15	69.04	23.31	0.37	3.85	17.42	25.84
156	10 Yr	337	590.34	596.3	593.93	596.55	0.001306	4.12	92.78	26.65	0.33	4.8	17.42	29.69
156	25 Yr	431	590.34	597.16	594.39	597.43	0.001161	4.34	116.97	29.53	0.32	5.66	17.42	33.06
156	50 Yr	511	590.34	597.68	594.73	597.98	0.001178	4.63	132.61	31.25	0.33	6.17	17.42	35.07
156	100 Yr	569	590.34	598	594.96	598.33	0.001207	4.85	142.81	32.33	0.34	6.49	17.42	36.32
117	2 Yr	161	588.99	592.66	592.31	593.76	0.020502	8.44	19.08	6.25	0.85	3.05	11.67	11.67
117	5 Yr	264	588.99	593.75	593.48	595.32	0.023959	10.07	26.22	7.04	0.9	3.87	13.81	14.1
117	10 Yr	337	588.99	594.54	594.25	596.26	0.021711	10.56	32.64	9.69	0.87	4.53	14.44	17.37
117	25 Yr	431	588.99	595.66	595.48	597.2	0.015248	10.25	48.06	17.86	0.76	5.64	14.44	25.86
117	50 Yr	511	588.99	596.25	596.15	597.75	0.013586	10.35	59.61	20.59	0.73	6.24	14.44	28.88
117	100 Yr	569	588.99	596.56	596.47	598.1	0.013397	10.61	66.16	21.85	0.73	6.55	14.44	30.3



Attachment 2: HEC-RAS Water Surface Profiles

St.\_John's\_Church\_RK    Plan: prop-cond-TR55buildout    2/3/2012



### Abutment Scour at the Upstream Left Bank of the St John's Church Bridge

Parameter	Description	100-yr Flows	2-yr Flows	units
	Units: English or Metric	E	E	
	Min Channel Elevation at XS 156	590.3	590.3	ft
	WSE at XS 156	598.0	593.7	ft
y1	Depth of flow at abutment on the overbank or in the main channel	6.5	2.2	ft
L	Length of embankment projected normal to flow	5	5	ft
	ratio Length to Depth	0.8	2.3	
	If ratio>25, HIRE Eq.; If ratio<25, Froehlich Eq.	Froehlich	Froehlich	
K1	Coefficient for abutment shape (Table 7.1, HEC-18)	0.55	0.55	
K2	Coefficient for angle of embankment to flow	0.866910448	0.86691045	
L'	Length of active flow obstructed by the embankment	5	10	ft
Ae	Flow area of the approach cross section obstructed by the embankment.	16	6	ft^2
Fr	Froude Number of Approach flow	0.34	0.33	
Qe	Flow obstructed by the abutment and embankment (25% of Q)	142.25	40.25	cfs
Ve	Qe/Ae (Ft/s)	8.890625	6.70833333	ft/s
Ya	Average depth of flow on floodplain (Ae/L)	1.6	0.6	ft
L	Length of embankment projected normal to the flow (ft)	10	10	ft
<b>Ys</b>	<b>Abutment Scour Depth</b>	<b>1.4637618</b>	<b>1.10714</b>	

Calculations per FHWA, 2001 Chapter 7.

*A P P E N D I X C*

CALIFORNIA RED-LEGGED FROG  
HABITAT ASSESSMENT



## MEMORANDUM

#15,528a  
July 19, 2011

**To:** James A. Martin, Environmental Collaborative.  
**From:** Mark R. Jennings, Rana Resources.  
**Subject:** CRLF Habitat Assessment for the Proposed St. John's Church Project.

Dear Jim:

Per your request, I have reviewed all the pertinent draft EIR documents (and public responses) for the proposed St. John's Church Project in the Oakland Hills. I additionally conducted a protocol habitat assessment for California red-legged frogs (*Rana draytonii*; CRLF) on the project site on 07 June 2011 (see Appendix 1). Based on my review, as detailed below, it is my professional opinion that the St. John's Church Project site lacks suitable habitat for CRLF and that historic CRLF populations in the area have long been eliminated due to habitat loss, the introduction of bullfrogs, and the presence of a large population of raccoons (*Procyon lotor*). Therefore, the construction of the proposed Project will have no significant adverse effect on currently surviving CRLF populations in the East Bay region.

I found the site to be accurately characterized by the draft EIR, with a small urban stream [=Temescal Creek] running through the northern half of the property along Thornhill Road. Much of the creek in the vicinity along Thornhill Road runs through a 48-inch culvert and I noted that it enters the property from such a culvert and then goes extensively underground through another culvert downstream of the property boundary under the adjacent Thornhill Elementary School grounds. The stream itself on the Church property is from 3-5 feet wide in a well-defined, shaded, channel that contains a considerable amount of urban rubble (e.g., glass shards, asphalt, concrete, bricks, etc.)—as well as sand and silt—on the bottom, and lacks any escape pools or aquatic cover for CRLF. Essentially, it is a shallow stream composed entirely of riffles and pocket water. The deepest aquatic habitat was less than 6 inches deep.

The stream banks are well covered with native and introduced vegetation. Based on the numerous living structures, fences, and associated refuse cans in the area, I presume this riparian corridor is well patrolled by a large local raccoon population. Given the lack of suitable pool habitat for aquatic cover, no CRLF would be able to survive here due to predation by raccoons.

In reviewing the evidence for CRLF in the area of the project, there is nearby record in the California Department of Fish and Game's Natural Diversity Data Base that states that there is a 1940's location of CRLF in Thornhill Pond. The location for this pond is plotted to be approximately 0.25 miles upslope from the project site in the Oakland Hills. There is no other known historic or current CRLF location within 2 miles of the project

site. The Thornhill Pond information was included in the draft EIR and also in letters by project opponents posted on the City of Oakland's website. However, the plotted location of "Thornhill Pond" in the Data Base is incorrect and there is further pertinent information regarding introduced bullfrogs (*Rana catesbeiana*) in the area that has not been previously disclosed. Below is summary of my research regarding the fate and location of Thornhill Pond and the amphibians that have been documented at this site.

Thornhill Pond was located approximately 3 miles southeast of Berkeley and was well studied by zoology students at the nearby University of California at Berkeley. The late Tracy Irwin Storer conducted a major portion of his dissertation studies here and there is a nice photograph of the pond in Storer (1925; Plate 3, Figure 5). Additionally, on page 238 of Storer (1925), he states that Thornhill Pond is known as "Lone Willow Pond" and was artificially created. Further, CRLF were apparently stocked there a number of years ago (Storer 1925, p. 238). Given this information, I was able to track down further locality information from his unpublished field notes at MVZ (at the University of California at Berkeley) and CAS (at the Archives at the California Academy of Sciences). The site is actually located adjacent to Moraga Road near the old Thornhill train station [for the San Francisco-Sacramento Railroad] (apparently very near the old town site of Montclair). I have attached a map of the plot location from Storer's 1920-1924 field notebook [=Book 4] (see Appendix 2). Storer and other University of California at Berkeley students visited this location dozens of times during the teens and twenties and it is clear that there was a large pond [=Thornhill Pond or Lone Willow Pond] and several smaller ponds in the immediate vicinity. The site was easy to access because it was close to the train station and the University. Based on Storer's field notes and the photo in Storer (1925), this would place Thornhill Pond in the vicinity of present-day Hwy 13 and Thornhill Road (i.e.: in the valley and not the hills) which is therefore downstream (and not upstream) of the Project site. The Data Base record is stated to be based on Stebbins (1965) [which is actually a reprint of Stebbins (1951)], Slevin (1928), and Moyle (1973) as well as MVZ specimen records from 1931. It is clear that the published literature statements are all based on Storer (1925). Further, the locality record is stated to be imprecise, being within "1/5 of a mile." I presume the record was based on "3 miles southeast of Berkeley" rather than an exact location. Whatever the reason, Thornhill Pond apparently disappeared during development of the highway corridor along present-day Moraga Avenue and there are no records of CRLF from the vicinity during the 1940s as stated by the Data Base.

Additionally, introduced bullfrogs have been previously found in the area. There is a record of an adult bullfrog from Thornhill Pond from 01 May 1931 (MVZ 13936; observed by Storer sometime between 15-17 May 1931 when he was attending the Cooper Ornithological Meetings in Berkeley (Storer, unpublished field notes for May 15-


Mr. James A. Martin  
July 19, 2011  
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17, 1931 [Book 7, Jan. 1931-Dec. 1933, p. 1392]). Bullfrogs have also been known from Temescal Lake as early as 23 April 1937 (CAS-SU 3566-3571). Given the known presence of bullfrogs in the vicinity and the loss of Thornhill Pond and associated wetlands due to development, there is no chance of CRLF now inhabiting this part of the Oakland Hills and thus moving along Temescal Creek across the Project site.

Therefore, in summary it is my professional opinion that the St. Johns Church Project site lacks suitable habitat for CRLF and that historic CRLF populations in the area have long been eliminated due to habitat loss, the introduction of bullfrogs, and the presence of a large population of raccoons. The construction of the proposed Project will therefore have no significant adverse effect on currently surviving CRLF populations in the East Bay region.

Thanks again for allowing me to be involved with this interesting project. Please let me know if you have any questions on my CRLF habitat assessment and discussion regarding Thornhill Pond.

Sincerely,



Mark R. Jennings

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Mr. James A. Martin  
July 19, 2011  
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California Red-Legged Frog Habitat Site Assessment Data Sheet

Site Assessment reviewed by _____ (FWS Field Office) (date) (biologist)
----------------------------------------------------------------------------

Date of Site Assessment: 06/07/2011  
(mm/dd/yyyy)

Site Assessment Biologists: Jennings Mark  
(Last name) (first name) (Last name) (first name)

\_\_\_\_\_  
(Last name) (first name) (Last name) (first name)

Site Location: Alameda, Oakland Hills 5914/5928 Thornhill Drive, 1707 Gouldin Road  
(County, General location name, UTM Coordinates or Lat./Long. or T-R-S)

**\*\*ATTACH A MAP** (include habitat types, important features, and species locations)\*\*

Proposed project name: St. John's Church

Brief description of proposed action: To renovate and replace structures on site and put an access bridge across Temescal Creek on the property.

- 1) Is this site within the current or historic range of the CRF (circle one)? YES NO
- 2) Are there known records of CRF within 1.6 km (1 mi) of the site (circle one)? YES NO  
If yes, attach a list of all known CRF records with a map showing all locations.

**GENERAL AQUATIC HABITAT CHARACTERIZATION**

(if multiple ponds or streams are within the proposed action area, fill out one data sheet for each)

POND: N/A

Size: \_\_\_\_\_ Maximum depth: \_\_\_\_\_

Vegetation: emergent, overhanging, dominant species: \_\_\_\_\_

Substrate: \_\_\_\_\_

Perennial or Ephemeral (circle one). If ephemeral, date it goes dry: \_\_\_\_\_

California Red-Legged Frog Habitat Site Assessment Data Sheet

STREAM: [Temescal Creek]  
Bank full width: 6 feet  
Depth at bank full: 4 feet  
Stream gradient: 6%

Are there pools (circle one)? YES ☒ NO

If yes,

Size of stream pools: \_\_\_\_\_  
Maximum Depth of stream Pools: \_\_\_\_\_

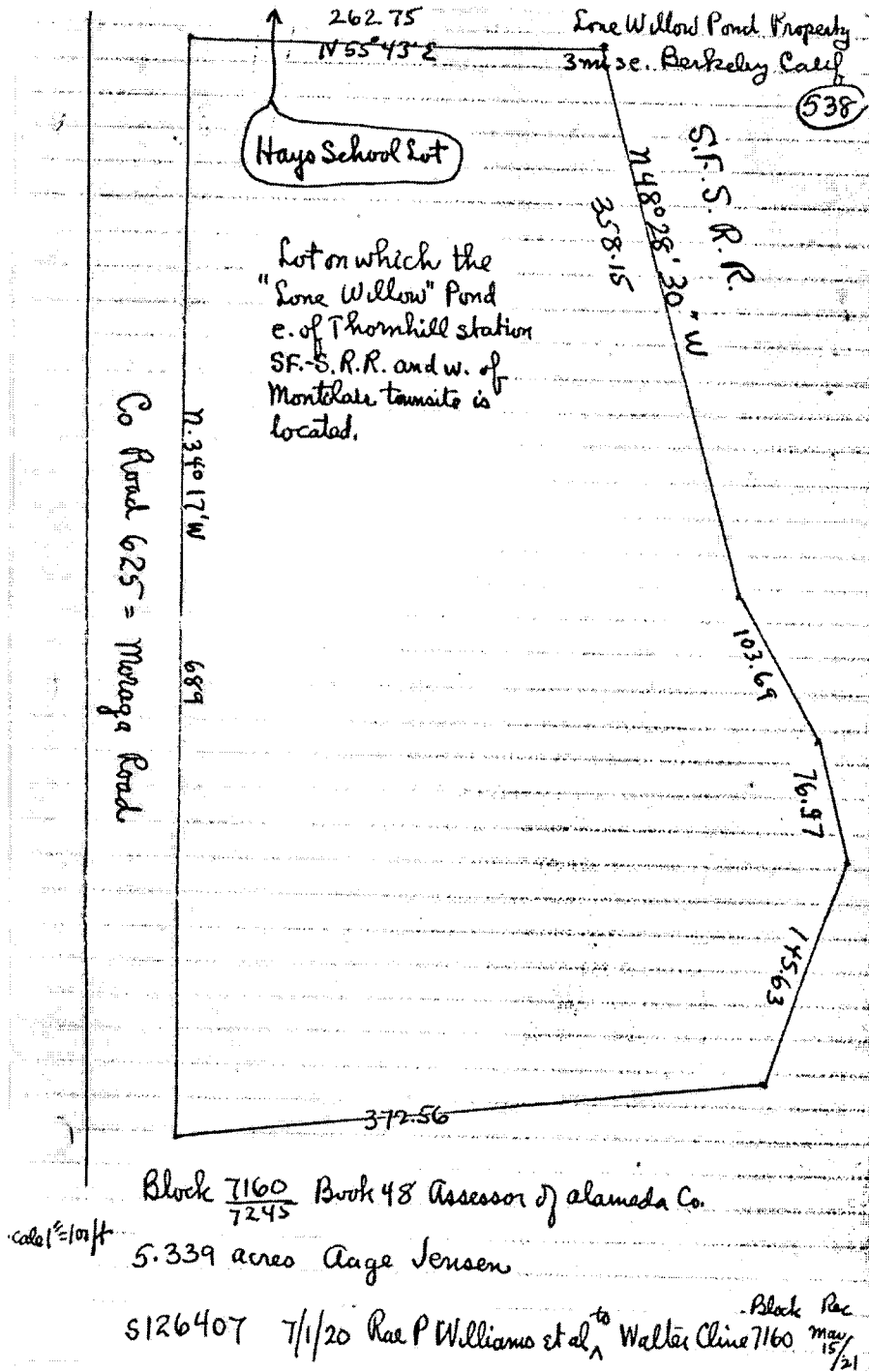
Characterize non-pool habitat: run, rifle, glide, other: 80% Rifle, 20% Pocket water  
Flows out of a 48" culvert and under Alhambra Lane into another  
culvert (under Thornhill Elementary School).  
Vegetation: emergent, overhanging, dominant species: Well shaded by redwoods,  
limes and other introduced species. Banks well-covered by  
grasses, blackberries, and other introduced vegetation.  
Substrate: Sand, silt, road debris (asphalt), bricks, glass shards, and  
some rocks.  
Bank description: Soils well vegetated next to isolated houses

☒ Perennial ☐ or Ephemeral (circle one). If ephemeral, date it goes dry: \_\_\_\_\_

Other aquatic habitat characteristics, species observations, drawings, or comments:  
Area well developed with houses, fences, roads, and  
culverts. Thornhill Road adjacent to creek. Lots of fresh  
cars -- probably a significant raccoon population present in area.  
No pools present; only riffles and pocket water to 6 inches  
deep.  
Drift EIR cites CRLF record in "Thornhill Pond" about  
0.25 miles away from the 1940s. The pond location is  
incorrect and has been destroyed by development. No CRLF  
records from the area since 1931. Bullfrogs present in the  
area since 1931.  
Presently no currently occupied CRLF habitat within 2  
miles of the site. Habitat not currently suitable on site for  
CRLF.  
Much of Temescal Creek is currently covered with culverts.

Necessary Attachments:

1. All field notes and other supporting documents
2. Site photographs.
3. Maps with important habitat features and species locations



Appendix 2. Location of Thornhill Pond [=Lone Willow Pond]. From Tracy Irwin Storer's Field Notes (1920-1924, Book 4, page 538).

