

Mountain View Cemetery Expansion Project



Response to Comments / Final Environmental Impact Report

SCH # 2015022037

Lead Agency: City of Oakland

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Executive Summary

Project Overview

Mountain View Cemetery Association is proposing to develop portions of the undeveloped upper areas of the Mountain View Cemetery to accommodate future needs for additional burial sites. Mountain View Cemetery is an Oakland institution dating to 1863, its original landscape concept was designed by the renowned landscape architect Frederick Law Olmsted, and it is considered an important historic resource by the City of Oakland. The Project does not include any alterations within the existing developed portions of the Cemetery or the historic Frederick Law Olmsted landscape. Located within the undeveloped eastern hillside portions of the property, the Project would not alter any existing historic buildings or other character-defining contributing features to the Mountain View Cemetery historic district.

Mountain View Cemetery is seeking a conditional use permit (CUP) for expanded cemetery use, and Design Review approval for the overall Project plan, including development at sites known as Plot 82, Plot 98 and the Panhandle.

The City of Oakland Bureau of Planning and Building, Planning Division determined that the Project is subject to CEQA, and that an Environmental Impact Report (EIR) was required. A Notice of Preparation was issued on February 6, 2015, and public comments on the scope of the EIR were solicited through March 11, 2015. The NOP was sent to responsible agencies, neighboring cities, interested organizations and individuals, and to the State Clearinghouse. An EIR scoping session was also held before the City of Oakland Planning Commission on March 4, 2015. All comments received by the City on the NOP and at the scoping session have been taken into account during preparation of the Draft EIR.

The Draft EIR was published on June 16, 2016. The 45-day public review and comment period on that Draft EIR ended on August 1, 2016. During the public review and comment period, the City of Oakland held public hearings before the City of Oakland Landmarks Preservation Advisory Board (July 10, 2016) and before the City of Oakland Planning Commission (July 20, 2016). The purpose of these hearings was to inform the public about the contents of the Draft EIR and to receive comments on the Draft EIR. This Response to Comments / Final EIR document provides a list or summary of all comments from public agencies and the public, and contains the City of Oakland (as Lead Agency) responses to those comments.

This Response to Comments document, together with the Draft EIR and the Draft EIR Appendixes, constitute the Final EIR for the Project.

Project Location

Mountain View Cemetery occupies a site of approximately 223 acres located primarily within the City of Oakland, surrounded by the Claremont Country Club and St. Mary Cemetery on the north, the City of Piedmont on the south, and Oakland residential neighborhoods to the east and west. The Project site consists of approximately 7.5 acres of currently undeveloped land within the upper hillside portion of

the Cemetery. The Project site includes development plans at three separate but interrelated development plots on the Cemetery property, all of which are entirely within the City of Oakland.

Project Description Summary

The proposed Project includes development plans at three separate but interrelated development sites on the Cemetery property, all of which are entirely within the City of Oakland. The three new development sites will be connected to each other and to the existing portions of the Cemetery by extensions of on-site roadways. The grading operation needed to develop these sites as desired by Mountain View Cemetery is an interrelated cut-and-fill plan that will move existing soils from proposed cut locations to proposed fill locations, with a resulting cut and fill balance on site. The intent of the Project is to develop new burial sites that are gently pitched to the southwest, offering panoramic views of the San Francisco Bay and skyline.

All grading operations are proposed to be completed at one time, with all cut and fill placed on the plot sites as a single operation. However, final design plans and individual plot sales and development are expected to be implemented in phases for operational and economic purposes. Opening of Plot 82, including installation of irrigations systems and landscaping, will comprise Phase 1. Phase 2 will include final development of Plot 98, and opening of the Panhandle site for burial use will be the final phase of the Project. Activities at the new burial sites will be the same as the majority of the Cemetery, primarily a pastoral and scenic area with occasional burial services and visitors. With a design capacity of approximately 6,300 individual plots among the three development sites, the Project would provide Mountain View Cemetery with approximately 15 years of additional operational capacity.

Revised Project

The Project applicant has revised the originally proposed Project in response to public comments on the Draft EIR and staff recommendations. The intent of this Revised Project design is to preserve in place more Coast live oaks, to include more Coast live oaks in the replacement planting mix, and to include larger Coast live oaks as part of the proposed new landscape plan for the Project. Replacement planting of protected Coast live oaks and other protected tree species proposed for removal will exceed the 1:1 ratio required under the City's Tree Protection Ordinance.

Public Agency Approvals

This EIR is intended to provide environmental review for all City of Oakland approvals and actions necessary for this Project. A number of City permits and approvals would be required before the development of the Project could proceed. These approvals include, but are not limited to:

- **Conditional Use Permit:** According to the City Planning Code, cemetery use is considered an "extensive impact use," requiring approval of a Conditional Use Permit for expansion. Under the City of Oakland Standard Conditions of Approval, permits expire after two years unless a different termination date is prescribed. It is anticipated that a modification to the Standard Conditions of Approval to accommodate build-out of the project over a 15-year period will be requested as part of the Conditional Use Permit.
- **Design Review:** The Project is subject to the City of Oakland's regular design review process, as it includes new construction requiring a CUP.

- **Grading permits:** City of Oakland grading permits will be required for the proposed Project. Applications for these grading permits may be submitted after zoning approval, or concurrent with the CUP application.
- **Building Permits:** Pursuant to the City of Oakland Building Code, the Project's proposed retaining walls and mausoleum and/or columbaria walls will each require building permits prior to construction.
- **Tree Removal permits:** The Project's proposed sub-surface excavations and soils remediation process and finish grading operations will require removal of certain existing trees. Tree surveys have been conducted to identify the location, health and suitability of existing trees, and to determine which trees will need to be removed and which trees will remain and require protective measures to ensure their preservation. Tree Removal permits will be needed for all qualifying trees proposed to be removed.
- **Creek permit.** Based on the Project site's location relative to the nearest defined creek, City approval of a Category III Creek Permit (for projects that are more than 100 feet from the centerline of a creek, but that involve extensive grading) will be required prior to any grading or construction activity.

The Project is also expected to require certain permits and/or approvals from other outside agencies. These other agencies, acting as responsible agencies and relying on this EIR for their decision-making process include, but are not limited to:

- State Water Resources Control Board (SWRCB) – Acceptance of Notice of Intent to obtain coverage under the General Construction Activity Storm Water Permit.
- Regional Water Quality Control Board – Waste Discharge Requirements (WDRs) or National Pollutant Discharge Elimination System (NPDES) permit

Summary of Alternatives

Chapter 5 presents an analysis of a range of reasonable alternatives to the Project. The following alternatives were analyzed:

- **Alternative #1, No Project:** In this instance, failure to approve the Project as proposed is unlikely to result in preservation of the existing environmental conditions. Not approving the Project does not remove the Cemetery's need for additional burial sites. The practical result of the Project's non-approval would most likely result in Mountain View Cemetery proposing a re-designed version of the current Project's layout; considering one of the other alternatives addressed below; or potentially re-considering one of the alternatives that were previously considered but rejected as either environmentally inferior to the Project or too speculative to consider at this time.
- **Alternative #2: Reduced Project – Plot 82 and Plot 98 Only:** The Reduced Alternative provides a comparative assessment of an alternative development program for the Project that reduces the extent of proposed grading operations. This alternative would result in less total future burial sites than the Project, and would not include new cemetery development at the Panhandle site.
- **Alternative #3: Larger Plot 82 Site – Off-Haul of Excess Soil:** This Alternative seeks to develop additional burial sites by utilizing a greater portion of the undeveloped property by expanding the Plot 82 site upwards into the adjacent Hill 500). Rather than re-using excess soil generated by grading activity on this hillside elsewhere on site, all excess soils would be off-hauled to a landfill or other appropriate location.

- **Alternative #4: Stark Knoll Buttressing Alternative:** This alternative differs from the Project only in that it considers a different grading concept whereby excess fill material would be placed against the Stark Knoll hillside all the way to the top of the hill, serving as a buttress against potential slope movement, instability and erosion.
- **Alternative #5: Blasting to Remove Existing Bedrock:** This alternative differs from the Project only in the method for removal of the large rock mass located within the approximate center of the Plot 82 site using blasting, rather than pneumatic drilling and ram hoes to crush fractured rock pieces into smaller rock suitable for use as fill material.

In the absence of a practical and reasonable No Project alternative wherein the Project site is preserved in its existing condition, the Reduced Project (Alternative #2) is environmentally superior as compared to the Project and all other alternatives. On balance, the environmental effects of the Reduced Project (Alternative #2) and the Project are both able to be mitigated to less than significant levels with implementation of applicable City of Oakland Standard Conditions of Approval. The environmental effects of the Reduced Project are comparatively less than those of the Project, but the differences in the level of significance of these effects are minor. There are no significant impacts of the Project that can be reduced or avoided only by consideration of the Reduced Project Alternative. However, because the Reduced Project would result in impacts that are reduced as compared to the Project, it is marginally environmentally superior to the Project and all other alternatives considered in this EIR.

Summary of Impacts and Mitigation Measures

The following **Table 8-1** provides a summary of potential environmental impacts. As indicated in this Table, all potential environmental impacts can be addressed with implementation applicable City of Oakland Standard Conditions of Approval (SCAs), such that no additional mitigation measures are required. The resulting level of significance after implementation of all SCAs would be less than significant. For a more complete discussion of potential environmental impacts and applicable SCAs, please refer to specific discussions in individual chapters of the Draft EIR.

Significant and Unavoidable Impacts

Based on the analysis presented in the EIR, the Project would not result in any environmental impacts that would be considered significant and unavoidable. SCAs have been identified that, when implemented, would be capable of reducing all identified environmental impacts to a level of less than significant.

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Aesthetics		
Aesthetics-1: Development of the Project would not have a substantial adverse effect on scenic views or vistas generally enjoyed by members of the public.	None needed	Less than Significant
Aesthetics-2: The Project would not substantially degrade the existing visual character or quality of the site and its surroundings.	None needed	Less than Significant
Aesthetics-3: The Project would remove scenic trees from the site, including trees that are specifically visible from state and locally designated scenic routes.	SCA #27: Tree Permit, inclusive of tree protection during construction and tree replacement plantings	Less than Significant
Aesthetics-4: The Project would not create new sources of substantial light or glare that would substantially and adversely affect day or nighttime views in the area.	None needed	No Impact
Air Quality		
Air-1: During construction, the Project will generate fugitive dust from grading, hauling and construction activities.	SCA #19: Construction-Related Air Pollution Controls (Dust and Equipment Emissions) SCA #24: Naturally-Occurring Asbestos	Less than Significant
Air-2: During construction, the Project will generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust. However, these emissions will not exceed City of Oakland's established construction-period thresholds.	SCA #19: Construction-Related Air Pollution Controls (Dust and Equipment Emissions)	Less than Significant
Air-3: TAC emissions resulting from construction activity at the Project site would not result in an increase in cancer risk level for the maximum exposed individual of greater than 10 in one million, would not exceed the chronic health hazard index of	SCA #19: Construction-Related Air Pollution Controls (Dust and Equipment Emissions)	Less than Significant

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1, and would not exceed the annual average PM2.5 concentration threshold of 0.3 ug/m ³ .		
Air-4: The Project will not result in significant new operational emissions of criteria pollutants, carbon monoxide (CO) concentrations, or new sources of toxic air contaminants.	None needed	Less than Significant
Air-5: The Project would not expose new sensitive receptors to substantial levels of toxic air contaminants (TACs).	None needed	Less than Significant
Biological Resources		
Bio-1: The Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.	SCA #26: Tree Removal during Breeding Season	Less than Significant
Bio-2: The Project will not have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.	None needed	Less than Significant
Bio-3: The Project will not have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means.	None need to address direct effects See Hydrology chapter regarding potential indirect effects	Less than Significant
Bio-4: The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or	SCA #26: Tree Removal during Breeding Season	Less than Significant

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
impede the use of native wildlife nursery sites.		
Bio-5: The Project would not fundamentally conflict with an applicable habitat conservation plan or natural community conservation plan.	None needed	No Impact
Bio-6: The Project would not fundamentally conflict with the City of Oakland’s Tree Protection Ordinance by removing protected trees under certain circumstances. Factors considered in determining significance include the number, type, size, location and condition of the protected trees to be removed and/or impacted by construction, the number of protected trees to remain, and the proposed replacement with appropriate new tree species.	<p>SCA #27: Tree Permit, inclusive of tree protection during construction and tree replacement plantings</p> <p>Project-specific recommendations in furtherance of SCA #27 include the following</p> <p>Additional Tree Preservation Efforts. During preparation of final grading plans for the proposed Project, the applicant’s landscape architect and geotechnical engineer shall work collaboratively to seek, where possible, reasonable Project re-design strategies that can effectively result in the preservation and protection of additional trees, specifically including the following:</p> <p><u>Plot 82:</u></p> <p>a. At the westerly portion of Plot 82 near the terminus of the retaining/crypt wall, attempt to reduce the extent of ‘cut’ below the existing Plot 77 slope, such that additional tree preservation in this area can be achieved. Specific trees that could potentially be preserved in this area include oak trees #180, 184 and 185.</p> <p>b. At the most westerly portion of Plot 82 and immediately upslope of the existing road, attempt to reduce the extent of ‘cut’ just above the existing road such that additional tree preservation in this area can be achieved. Specific trees that could potentially be preserved in this area include oak trees #197 through #206.</p> <p>c. At the most southerly portion of Plot 82, efforts shall be attempted to contour the proposed cut and fill just above the existing road, such that the prominent 91 inch dbh eucalyptus tree (#137) at this location can be achieved. Although this eucalyptus is not considered a “protected” tree, its size and spreading canopy serves to provide existing erosion control, visual screening and shade, and is a dominant tree in the existing landscape.</p> <p><u>Plot 98 and Panhandle:</u></p> <p>d. Along the unimproved portion of the ridge road immediately north of Plot 98, seek to reduce “extra” roadway grading and improvements beyond the edge of pavement, and/or design the proposed fill slope in this area such that additional tree preservation can be achieved. Specific trees that could potentially be preserved along the perimeter of the upper road alignment include oak trees # 2, 4, 11, 14, 16, 17 and 21 in the westerly portion</p>	Less than Significant

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p>of Plot 98, #37 and 38 in the central portion, and #48 in the eastern portion of the Panhandle.</p> <p>e. At the southerly edge of Plot 98 near the existing water tank, seek to design the proposed retaining wall in this area such that it is uphill and does not intrude into the root zone of oak trees # 86, 87 and 327 near the water tank, #92 west of the water tank, and #85 east of the water tank.</p>	
Cultural Resources		
<p>Cultural-1: The Project as designed complies with the Secretary of the Interior’s Standards for Rehabilitation, and does not affect the eligibility of the Mountain View Cemetery for listing in any local, state, or national historical registers. According to Section 15126.4(b)(1) of the CEQA Guidelines, if a project complies with the Secretary’s Standards, the project’s impact will generally be considered mitigated below a level of significance and thus is not significant. Because the proposed Project complies with the Secretary’s Standards, it does not cause a significant adverse impact under CEQA.</p>	None needed	Less than Significant
<p>Cultural-2: The Project area is unlikely to yield archaeological information important in history or prehistory, and the Project is unlikely to directly or indirectly destroy a unique archaeological resource or site, or cause a substantial adverse change in the significance of currently undiscovered archaeological resources.</p>	SCA #29: Archaeological and Paleontological Resources – Discovery during Construction	Less than Significant
<p>Cultural-3: The Project area is unlikely to disturb any human remains, including those interred inside or outside of formal cemeteries.</p>	SCA #31: Human Remains – Discovery during Construction	Less than Significant
Geology and Soils		
<p>Geo-1: The Project will be constructed within areas containing unknown fill soils and. These existing</p>	SCA #34: Soils Report	Less than Significant

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>conditions could potentially jeopardize the long-term stability and permanence of the proposed cemetery use.</p>	<p>Project-specific recommendations pursuant to SCA #34 include the following</p> <p>Grading Practices for artificial fill:</p> <ol style="list-style-type: none"> 1. <u>Plot 82 Over-Excavation</u>: The Project’s proposed grading plan for Plot 82 includes removal of approximately 100,000 cubic yards of material from this location to create a gradually sloped, near level cemetery site. The planned cuts within this area will be of sufficient depth to remove all existing fill. Over-excavation and removal of additional fill beyond this cut is not expected to be necessary. 2. <u>Grading Near Existing Burial Sites</u>: Plot 77, immediately adjacent to the Plot 82 site and adjacent to the ridgeline road, will be retained at its existing approximately 3:1 slope. Removal of fill material from this location is not anticipated. The condition of the area immediately downslope from Plot 77, within the Plot 82 site, will be checked during construction. If zones of loose fill or debris are encountered, additional grading may be required at the lower edge of Plot 77. 3. <u>Plot 98 and the Panhandle</u>. The existing fill near and below the footprint of Plot 98 and the Panhandle will need to be removed and re-compacted during grading, mixed with the relocated fill excavated from Plot 82. 4. <u>North Access Road</u>. The access road along the north side of Plot 98 and the Panhandle will be partially located on fill, and this fill also extends downslope of the roadway. The fill below the road will be removed and replaced as a compacted buttress, whereas the fill further downslope is expected to remain. 5. <u>Grading within Piedmont</u>. The existing fill to the east of the Panhandle and within the City of Piedmont will not be removed since no significant grading is planned in this area. 	
<p>Geo-2: The Project will be constructed within areas containing landslide-prone materials. These existing conditions could potentially jeopardize the long-term stability and permanence of the proposed cemetery use.</p>	<p>SCA #34: Soils Report</p> <p>Project-specific recommendations pursuant to SCA #34 include the following:</p> <p>Grading Practices to address potential landslides:</p> <ol style="list-style-type: none"> 1. <u>Site Preparation</u>: Surface soils and existing fill be removed, and the areas rebuilt as well-compacted fills. Grading will include construction of keyways into rock, benching into firm material and placement of subdrains. The future development sites will be cleared of brush, trees, stumps and surface vegetation designated for removal. Brush, trees, and stumps will be removed from the site, and the site will be stripped to remove grasses and shallow roots. 2. <u>Grading</u>: The fill and cut slopes will be constructed in accordance with the typical details 	<p>Less than Significant</p>

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

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	<p>presented on Figure 4.5-4 and 4.5-5. A keyway will be excavated at the slope toe. Keyways should be at least 20 feet wide, measured front to back. The keyway should extend through the surface soils and existing fill, and at least 5 feet into bedrock at the back of the keyway; at least 2 feet into bedrock at the front of the keyway for fill slopes, and at least 5 feet for cut slopes. Keyways should dip slightly into the hill. As the fill is extended up the hillside, benches will be excavated into the slope, exposing undisturbed bedrock. Benches at sub-drain locations should be at least 10 feet wide.</p> <p>3. <u>Retaining Structures / Mausoleums and Niche Walls</u>: To minimize the need for extensive remedial grading outside of (and down-slope from) the grading limits, retaining walls maybe constructed and are planned for at certain locations at Plot 82 and at Plot 98 and the Panhandle (see Figure 4.5-4).</p> <p>a. The retaining structures may consist of a soldier-pile and lagging walls, and to limit deflections, tiebacks may be needed in some areas. The design criteria for the walls will be provided as part of final building permit design.</p> <p>b. Design of foundations and flatwork for mausoleums or niche walls will also need to consider the presence of expansive soil material at foundation level and proximity to grave excavations. Recommendations for these structures will be presented as part of final building permit design.</p> <p>4. <u>Subdrains</u>: New subdrains shall be installed at the rear of the excavated keyways and on benches above the keyway (as shown on Figures 4.5-4 and 4.5-5).</p> <p>a. Sub-drains should consist of a free-draining layer of Class 2 permeable material meeting Caltrans’ Standard Specifications. The permeable material should be at least 12-inches thick and extend up the face of the back cuts. The permeable material should cover at least 50 percent of the vertical height of the existing slope.</p> <p>b. The maximum height of excavated slope that is not covered by permeable material should not exceed 8 feet between subdrains.</p> <p>c. Four-inch diameter perforated collector pipes should be installed near the bottom of the Class 2 permeable material. The pipes should be underlain by at least 3-inches of permeable material. The sub-drain pipes should have a minimum slope of one percent and should drain to discharge to a suitable outlet. Sub-drain lines should include a clean-out riser that should be covered with a tamper-proof locking cap and a concrete Christie box.</p> <p>d. The sub-drains shall be connected to solid pipes that outlet to V-ditches, storm drains or paved areas. The discharge point of the down-drains should be covered with a heavy wire mesh to deter rodent access. The locations of subdrains and their cleanouts and</p>	

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Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p>outlets should be surveyed and marked on the as-built grading plans.</p> <p>5. <u>Fill Materials</u>: Fill placed at the site will be derived from the on-site excavations. Chert may generate large pieces of rock, depending on the method of excavation and massiveness of the rock. Boulders up to 3 feet in maximum dimension may be placed at least 3 feet below finished grade where burials are not planned. No rock fragments larger than 6-inches should be placed within 3 feet of finished grade or future gravesite areas. Wood, tree limbs, roots greater than 1-inch in diameter, tree stumps, metal and concentrated zones of common trash should be removed from existing fill during grading. Some debris (glass, plastic) that is well mixed within the existing fill may remain and be placed in the new, compacted fills. The contractor should stage grading such that existing fill containing debris is only placed in the lowest elevation of the fill below depths of future graves and excavations.</p> <p>a. Select fill placed at the site should be a soil or soil/rock mixture, free of deleterious matter and contain no rocks or hard fragments larger than 4-inches in maximum dimension, with less than 15 percent larger than 1-inch in maximum dimension.</p> <p>b. Select fill should have a low expansion potential, which for this site should be defined as having a Liquid Limit (LL) less than 40 and Plasticity Index (PI) less than 15.</p> <p>c. Select fill should be predominantly granular with 100 percent passing a 2-inch sieve and less than 30 percent passing the Number 200 sieve.</p> <p>d. Permeable material should meet requirements for Class 2 Permeable Material in accordance with Caltrans Standard Specification Section 68-1.025.</p> <p>e. Sub-drain pipe should be an ABS or PVC plastic pipe having a SDR of 23.5. The collection pipe should be nominally 4-inches in diameter and should have nominally ¼-inch diameter perforations at 12-inches or less longitudinal spacing. Sub-drain pipes should be placed with perforations down. Cleanouts should be solid 4-inch diameter SDR 23.5 pipe, and discharge pipes should be solid 6-inch diameter SDR 23.5 pipe.</p> <p>6. <u>Compaction</u>: Fill shall be placed in lifts 8-inches or less, in loose thickness, and moisture conditioned to at least over optimum moisture content. Moisture conditioning should be performed prior to compaction. Each lift should be compacted to a least 90 percent relative compaction with a sheepsfoot compactor. A sheepsfoot compactor or equivalent equipment should be used for compacting soils. Materials that are too wet to compact should be spread out and aerated by tilling or discing to achieve a moisture content suitable for compaction. ASTM Test No. D-1557 should be used to assess relative compaction. The outside face of the slope should be over-filled (constructed fat) to allow the finished slope to be cut back to a well compacted surface.</p>	

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p>7. <u>Slopes</u>: Slopes should be inclined at 2:1 or flatter. Fill slopes should be constructed in accordance with the details shown on Figure 4.5-5. Cut slopes should include a slope buttress constructed in accordance with the details provided on Figure 4.5-4. Slopes should include surface benches and concrete V-ditches to collect surface water.</p> <p>a. The benches should be at least 10 feet wide and at about 25 feet vertical spacing. The new V-ditches should drain to the existing storm drain system or paved areas.</p> <p>b. A V-ditch or lined swale should be located at the top of slopes or the area above the slopes should be graded to drain away from slopes.</p> <p>8. <u>Slope Creep and Setback</u>: Slopes tend to creep downhill due to gravity forces. Structures located near tops of slopes will tend to move slowly downslope and settle. New structures, including retaining walls, crypt walls and graves, should not be founded within 10 feet of finished slopes that are inclined at 3:1 or steeper. A railing or fence should be considered at the top of steep slopes in public areas to improve safety and limit access to the slope face.</p> <p>9. <u>Hydro-Seeding</u>: Shortly after completion of filling, slopes will be hydro-seeded and irrigated to establish groundcover to minimize surface erosion.</p> <p>10. <u>Utility Trenches</u>: Utility trenches will be set back far enough from structures (retaining walls) so they will not affect the planned foundations. The utility lines should not extend down below an imaginary plane inclined at 2:1 down and away from the base of footings. In the absence of local agency requirements, the following criteria for bedding and backfilling utility lines should be used.</p> <p>a. For pipes other than concrete storm drains, a bedding layer consisting of clean sand or fine gravel should be placed below and around pipes and extend at least 12-inches above their tops. The bedding thickness below the bottom of the pipe should be at least 3-inches.</p> <p>b. For concrete storm drains, the above bedding criteria may be modified by extending the sand or fine gravel bedding material only up to the spring line of the pipe, provided care is taken during placement and compaction of the fill around and above the pipe. Common fill may be used for trench backfill above the sand or fine gravel. Backfill materials should be placed and compacted as described above. Jetting should not be allowed for compacting backfill.</p>	
<p>Geo-3: The Project will not result in substantial soil erosion, loss of topsoil or exacerbation of slope instability that could create substantial risks to life or property.</p>	<p>None needed</p>	<p>Less than Significant</p>

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
Geo-4: The proposed Project would not expose people or structures to substantial risk of loss, injury, or death involving strong seismic ground shaking or seismic-related ground failure including liquefaction, lateral spreading, subsidence, or collapse.	SCA #33: Construction-Related Permits SCA #34: Soils Report	Less than Significant
Geo-5: The proposed Project could result in substantial soil erosion or loss of topsoil, creating substantial risks to property or downhill creeks and waterways.	SCA #45: Erosion and Sediment Control Plan for Construction SCA # 46: State Construction General Permit SCA #50: NPDES C.3 Stormwater Requirements for Regulated Projects	Less than Significant
Geo-6: The Project is not located above a well, pit, swamp, mound, tank vault or unmarked sewer line. There are no subsurface features that could result in substantial risks to life or property.	None needed	Less than Significant
Geo-7: The proposed Project is not located above a landfill for which there is no approved closure and post-closure plan. The proposed Project is located above fill.	None needed	Less than Significant
Geo-8: The Project does not include the need for septic tanks or alternative wastewater disposal systems, so concerns relative to soils capable of adequately supporting such facilities are not relevant.	None needed	Less than Significant
Hazards and Hazardous Materials		
Haz-1: The Project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and does not represent a significant hazard to the public or the environment.	None needed	Less than Significant
Haz-2: The Project's construction activities will likely utilize construction materials and fuels considered	SCA #35: Hazards Best Management Practices	Less than Significant

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
hazardous, and regular landscape maintenance of the expanded cemetery will likely involve the use of hazardous chemicals. Spills or accidents with these materials or chemicals could result in a significant impact to the health of workers and the environment. Compliance with existing regulations and applicable Standard Conditions of Approval will ensure the Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	SCA #41: Hazardous Materials Business Plan (HMBP)	
Haz-3: the proposed Project would not expose people or structures to risks involving wildland fires.	SCA #70 Vegetation Management Plan Recommendation Haz-3: The Project applicant should consider providing a centralized Joss paper burner, specifically fitted with a cover which can eliminate the spread of burning ashes while allowing enough oxygen in to ensure that all of the offering is completely burned.	Less than Significant
Haz-4: The Project would not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan.	None needed	Less than Significant
Haz-5: The Project site is not located in the vicinity of a public airport or private airstrip.	None needed	No Impact
Hydrology and Water Quality		
Hydro-1: During construction, the Project could result in substantial erosion, siltation and pollution that could affect the quality of receiving waters.	SCA #45: Erosion and Sedimentation Control Plan for Construction SCA #46: State Construction General Permit	Less than Significant
Hydro-2: The Project would result in increased storm water runoff from the site, potentially creating a new source of polluted runoff that could degrade downstream water quality.	SCA #50: NPDES C.3 Stormwater Requirements for Regulated Projects	Less than Significant
Hydro-3: The Project site is located at a high elevation within the Oakland Hills and would not be	None needed	No Impact

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
susceptible to flooding hazards of any type.		
Hydro-4: The Project would not substantially alter the course of any creek, or otherwise substantially alter (increase or decrease) stormwater runoff volume or the velocity of runoff into a receiving creek.	SCA #50: NPDES C.3 Stormwater Requirements for Regulated Projects	Less than Significant
Hydro-5: The Project would not substantially deplete groundwater supplies, nor would it interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.	None needed	Less than Significant
Hydro-6: The Project would not conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources.	<p>SCA #45: Erosion and Sedimentation Control Plan for Construction</p> <p>SCA #50: NPDES C.3 Stormwater Requirements for Regulated Projects</p> <p><u>SCA #54: Creek Protection Plan (required for Category III Creek Permit)</u></p> <p>a. <u>Creek Protection Plan Required. Requirement: The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices (“BMPs”) during construction and after construction to protect the creek.</u></p> <p>b. <u>Construction BMPs: The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following:</u></p> <p>i. <u>On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.</u></p> <p>ii. <u>The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with</u></p>	Less than Significant

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p><u>fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.</u></p> <p>iii. <u>Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.</u></p> <p>iv. <u>All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.</u></p> <p>v. <u>Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.</u></p> <p>vi. <u>Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.</u></p> <p>vii. <u>Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.</u></p> <p>viii. <u>Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.</u></p> <p>ix. <u>Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.</u></p> <p>x. <u>Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.</u></p> <p>xi. <u>Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.</u></p>	

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
	<p><u>xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).</u></p> <p><u>xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.</u></p> <p><u>c. Post-Construction BMPs. Requirement: The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.</u></p> <p><u>d. Creek Landscaping: Requirement: The project applicant shall include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season. Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.</u></p> <p><u>e. Creek Protection Plan Implementation: Requirement: The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.</u></p>	
Noise		
Noise-1: Construction activity at the Project site	SCA #58: Construction Days/Hours	Less than Significant

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>would include use of heavy grading, rock breaking and other construction equipment that would temporarily increase noise levels at surrounding sensitive receptors to noise levels exceeding City construction-period thresholds. In consideration of the limited duration of grading and construction activity and the required implementation of all reasonable and feasible noise attenuation measures pursuant to the City’s Standard Conditions of Approval, the construction-period noise impacts of the Project are considered to be less than significant with implementation of all required SCAs.</p>	<p>SCA #59: Construction Noise SCA #60: Extreme Construction Noise SCA #61: Project-Specific Construction Noise Reduction Measures SCA #62: Construction Noise Complaints</p>	
<p>Noise-2: Project construction is not expected to generate groundborne vibration that exceeds City of Oakland established criteria.</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Noise-3: The Project will not generate operational noise that would exceed the City of Oakland Noise Ordinance standards at adjacent sensitive receivers, will not expose persons to an interior Ldn or CNEL greater than 45 dBA, and will not expose new or existing noise-sensitive land uses to noise levels in excess of noise levels considered normally acceptable according to the land use compatibility guidelines of the Oakland General Plan.</p>	<p>None needed</p>	<p>Less than Significant</p>
<p>Noise-4: The Project site is not located within an airport land use plan or in the vicinity of a private airstrip, and would not expose people to excessive noise levels from aircraft activity.</p>	<p>None needed</p>	<p>No Impact</p>
<p>Other Less than Significant Effects</p>		
<p>Ag-1: The Project would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources</p>	<p>None needed</p>	<p>No Impact</p>

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Agency, to non-agricultural use.</p> <p>Ag-2: The Project would not conflict with existing zoning for agricultural use, or with a Williamson Act contract.</p> <p>Ag-3: The Project would not conflict with existing zoning for, or cause rezoning of forest land, and would not result in the loss of forest land or conversion of forest land to non-forest use.</p> <p>Ag-4: The Project would not involve any changes in the existing environment which could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.</p>		
<p>GHG-1: Construction and operation of the Project would not result in GHG emissions that exceed City thresholds of significance. Therefore, the Project would result in a less-than-considerable contribution to cumulative global climate change, and thus a less-than-significant impact.</p> <p>GHG-2: Because the estimated GHG emissions of the Project would not exceed the City’s numeric significance threshold, development and implementation of the Project would comply with applicable plans, policies and regulations adopted for the purpose of reducing GHG emissions.</p>	None needed	Less than Significant
<p>Land Use-1: The Project would not physically divide an established community.</p> <p>Land Use-2: The Project would not result in a fundamental conflict between adjacent or nearby land uses.</p> <p>Land Use-3: The Project will not fundamentally conflict with any applicable City of Oakland, City of Piedmont or other agency land use plan, policy, or regulation.</p>	None needed	Less than Significant / No Impact

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Land Use-4: the Project will not fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan.</p>		
<p>Mineral-1: The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.</p> <p>Mineral-2: The Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</p>	None needed	No Impact
<p>Pop-1: The Project will not induce substantial population growth in a manner not contemplated in the General Plan, either directly or indirectly.</p> <p>Pop-2: The Project would not displace existing housing or people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City’s Housing Element.</p>	None needed	No Impact
<p>Public Serv-1: The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times or other fire protection service performance objectives.</p> <p>Public Serv-2: The Project would not result in an increase in calls for police protection services or result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities or the need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other Police Department performance objectives.</p>	None needed	Less than Significant / No Impact

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Public Serv-3: The Project would not result in new students for local schools, and would not require new or physically altered school facilities to maintain acceptable performance objectives.</p>		
<p>Rec-1: The Project would not increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.</p> <p>Rec-2: The Project does not include recreational facilities nor does it require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</p>	None needed	No Impact
<p>Transp-1: The Project would not result in a substantial increase in motor vehicle traffic and would not impact the capacity of roadways, intersections or arterials or highways, nor would it increase travel times for AC Transit buses.</p> <p>Transp-2: The Project would not make, require, or result in alterations to the public circulation system, and therefore would not cause or expose public roadway users to permanent substantial transportation hazards. The Project would make alterations in the private internal circulation system of Mountain View Cemetery, which would be designed to accommodate increased vehicle and pedestrian use in the Project site, and would not expose Cemetery roadway users to permanent or substantial transportation hazards.</p> <p>Transp-3: The Project would not fundamentally conflict with adopted City policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities adopted for the purpose of avoiding or mitigating an environmental effect.</p>	None needed	Less than Significant / No Impact

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
<p>Transp-5: The Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.</p> <p>Transp-4: The proposed Project would not result in temporary adverse effects on the circulation system during construction of the Project.</p>	<p>SCA #13: Construction Management Plan</p>	<p>Less than Significant</p>
<p>Util-1: The Project would not exceed water supplies available from existing entitlements and resources, and would not require or result in construction of water facilities or expansion of existing facilities that could result in environmental effects.</p> <p>Util-2: The Project will not generate new wastewater flows and will not affect or otherwise exceed the wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board, exceed the capacity of existing wastewater treatment facilities, or necessitate the expansion of existing wastewater treatment facilities.</p> <p>Util-3: The Project will include the expansion of existing storm water drainage facilities, but construction of these facilities would not cause a significant environmental effect.</p>	<p>SCA #78: Green Building Requirements – Small Projects</p>	<p>Less than Significant</p>
<p>Util-4: The Project would not generate solid waste that would exceed the permitted capacity of a landfill, nor would it violate any applicable federal, state or local statutes and regulations related to solid waste.</p>	<p>SCA #74: Construction and Demolition Waste Reduction and Recycling.</p>	
<p>Util-5: The Project would not require more energy than what the local energy provider (PG&E) has the capacity to serve, nor would it require construction of new energy facilities or expansion of existing</p>	<p>SCA #78: Green Building Requirements – Small Projects</p>	

Table 8-1: Summary of Project Impacts, Standard Conditions of Approval and/or Mitigation Measures, and Residual Impacts:

Potential Environmental Impacts	Mitigation Measures / Standard Conditions of Approval (SCA)	Resulting Level of Significance
facilities which could cause significant environmental effects. The Project would be subject to the requirements of currently applicable federal, state and local statutes and regulations relating to energy standards.		

Introduction

Purpose of the Final EIR

This Environmental Impact Report (EIR) is an informational document prepared by the City of Oakland (as Lead Agency) containing environmental analysis for public review and for City decision-makers to use in their consideration of approvals for discretionary actions needed on the proposed Mountain View Cemetery Expansion Project (Project).

On June 16, 2016, the City of Oakland released a Draft EIR for the Project. The 45-day public review and comment period on that Draft EIR ended on August 1, 2016. During the public review and comment period, the City of Oakland held the following public hearings:

- a Public Hearing before the City of Oakland Landmarks Preservation Advisory Board on July 10, 2016 (Oakland City Hall)
- a Public Hearing before the City of Oakland Planning Commission on July 20, 2016 (Oakland City Hall, Council Chambers)

The purpose of these meetings and hearings was to inform the public about the contents of the Draft EIR and to receive oral comments on the Draft EIR about its adequacy and accuracy.

This Response to Comments document, together with the Draft EIR and the Draft EIR Appendixes, constitute the Final EIR for the Project. Due to its length, the text of the Draft EIR is not included with this Response to Comments document, but is included by reference as part of the Final EIR and is available for review at the City Planning and Zoning Division offices at 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612 and on the City's website at:

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak059236.pdf>

Following the required 10-day agency review of the Response to Comments document, the City of Oakland Planning Commission will consider certification of the Final EIR, certifying that it adequately discloses the environmental effects of the proposed Project and that the Final EIR has been completed in conformance with the California Environmental Quality Act (CEQA). Before the Planning Commission and City Council may consider approval of the discretionary actions recommended as part of the Project, both the Commission and the Council must independently review and consider the information contained in the Final EIR.

The City of Oakland has prepared this document pursuant to CEQA Guidelines Section 15132 which specifies that the Final EIR shall consist of the following:

- The Draft EIR or a revision of that Draft
- A list of persons, organizations, and public agencies commenting on the Draft EIR
- Comments and recommendations received on the Draft EIR (either verbatim or in a summary)
- The response of the Lead Agency to significant environmental points raised in the review process

- Any other information added by the Lead Agency

This Final EIR incorporates comments from public agencies and the public. It also contains the Lead Agency's response to those comments.

No New Significant Information

If significant new information is added to a Draft EIR after notice of public review has been given, but before certification of the Final EIR, the lead agency must issue a new notice and recirculate the Draft EIR for further comments and consultation.

Although this Response to Comment document may contain corrections or clarifications to information presented in the Draft EIR, none of these corrections or clarifications constitutes significant new information as defined under Section 15088.5 of the CEQA Guidelines. More specifically:

- No new significant environmental impacts have been identified as resulting from the Project or from a new mitigation measure or a new Standard Condition of Approval proposed to be implemented.
- No substantial increase in the severity of a previously identified environmental impact has been identified as resulting from the project or from a new mitigation measure or a new Standard Condition of Approval, and no additional mitigation measures or Standard Conditions of Approval are necessary to reduce such impacts to a level of insignificance.
- There is no feasible alternative, mitigation measure or Standard Condition of Approval considerably different from others previously analyzed in the Draft EIR that would clearly lessen the significant environmental impacts of the Project that the Project sponsor has declined to adopt.
- The Draft EIR was not so fundamentally or basically inadequate or conclusory in nature that meaningful public review and comment were precluded.

Information presented in the DRAFT EIR and in this document, supports the City's determination that recirculation of the Draft EIR is not required.

Organization of this Final EIR

This Final EIR contains information about the proposed Project, supplemental environmental information, and responses to comments that were raised during public review and comment period on the Draft EIR. Following this Introduction chapter, the document is organized as follows:

- *Chapter 10: Revised Project Description* summarizes the original proposed Project and the modifications to the proposed Project made in response to public comments.
- *Chapter 11: Commenters on the Draft EIR*, lists all agencies, organizations, and individuals that submitted written comments on the Draft EIR during the public review and comment period, and/or that commented at the public meetings and/or hearings.
- *Chapter 12: Master Responses to Frequent Comments on the Draft EIR*, provides comprehensive responses to numerous, similar comments made by several commenters on specific issues relative to the Draft EIR.
- *Chapter 13: Individual Responses to Written Comments on the Draft EIR*, contains each of the comment letters received on the Draft EIR and presents individual responses to the specific CEQA-related comments raised.

- *Chapter 14: Responses to Comments Made at Public Hearings on the Draft EIR*, contains a summary of oral comments made at each of the public hearings on the Draft EIR, and presents specific responses to each of the specific CEQA-related comments raised.
- *Chapter 15: Revisions to the Draft EIR*, contains text changes and corrections to the Draft EIR initiated by the Lead Agency or resulting from comments received on the Draft EIR.

Use of the Final EIR

Pursuant to CEQA, this Final EIR is a public information document for use by governmental agencies and the public. The information contained in this Final EIR is subject to review and consideration by the City of Oakland prior to its decision to approve, reject, or modify the proposed Project. The City of Oakland Planning Commission must ultimately and independently certify that they have reviewed and considered the information in the Final EIR and that the Final EIR has been completed in conformity with the requirements of CEQA before making any decision regarding the proposed Project. This EIR identifies significant effects that would result from the proposed Project.

Public Agency Approvals

The City of Oakland Planning Commission will make findings regarding certification of the EIR and will make final decisions regarding:

- **Conditional Use Permit:** According to the City Planning Code, cemetery use is considered an “extensive impact use,” requiring approval of a Conditional Use Permit (CUP) for expansion. Under the City of Oakland Standard Conditions of Approval, permits expire after two years unless a different termination date is prescribed. It is anticipated that a modification to the Standard Conditions of Approval to accommodate build-out of the project over a 15-year period will be requested as part of the Conditional Use Permit.
- **Design Review:** The Project is subject to the City of Oakland’s regular design review process, as it includes new construction requiring a CUP.
- **Grading permits:** City of Oakland grading permits will be required for the proposed Project. Applications for these grading permits may be submitted after zoning approval, or concurrent with the CUP application.
- **Building Permits:** Pursuant to the City of Oakland Building Code, the Project’s proposed retaining walls and mausoleum and/or columbaria walls will each require building permits prior to construction.
- **Tree Removal permits:** The Project’s proposed sub-surface excavations and soils remediation process and finish grading operations will require removal of certain existing trees. Tree surveys have been conducted to identify the location, health and suitability of existing trees, and to determine which trees will need to be removed and which trees will remain and require protective measures to ensure their preservation. Tree Removal permits will be needed for all qualifying trees proposed to be removed.
- **Creek permit.** Based on the Project site’s location relative to the nearest defined creek, City approval of a Category III Creek Permit (for projects that are more than 100 feet from the centerline of a creek but that involve extensive grading) will be required prior to any grading or construction activity.

The Project is also expected to require certain permits and/or approvals from other outside agencies. These other agencies (or responsible agencies) and relying on this EIR for their decision-making process include, but are not limited to:

- San Francisco Regional Water Quality Control Board (RWQCB): Acceptance of a Notice of Intent to comply with the requirements of the Construction General Permit issued by the (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required permit registration documents to SWRCB.

Areas of Public Concern

Public comments primarily concern the environmental and CEQA topics discussed below, in addition to other topics addressed in Chapter 13.

Biological Resources

Many commenters expressed concern about tree removal associated with Project development (particularly the loss of coast live oaks), impacts related to the benefits the trees provide, as well as the Project's compliance with the City's Tree Protection Ordinance.

Cultural Resources

Commenters expressed concern about the effects of tree removal on the historic Frederick Law Olmsted landscape, Olmsted's vision and design for the Cemetery, and the overall heritage and history of the City of Oakland. Comments also questioned whether the Cemetery would adhere to Secretary of the Interior Standards for Rehabilitation. Some commenters also noted the eligibility of the Cemetery for listing with National Register of Historic Places or California Register of Historic Resources and suggested formal applications be filed.

Hydrology, Water Quality, and Public Services

Commenters expressed concern about the Project's water use and opportunities for water conservation (e.g., through use of drought-tolerant landscaping or recycled water). Comments also questioned whether the Cemetery would comply with the State Model Water Efficient Landscape Ordinance and the Bay Friendly Basic Landscape Checklist. Some commenters also expressed concern about the Project's potential reliance on groundwater pumping and East Bay Municipal Utility District municipal water supplies.

CEQA Process

Commenters expressed concern as to whether the City provided adequate public notice for the Mountain View Cemetery Expansion Project Draft EIR and some of these commenters also requested an extension of the public comment period.

Revised Project Description

As detailed in this chapter, the Project applicant has revised the Project in response to public comments on the Draft EIR and staff recommendations. The intent of this Revised Project design is to preserve in place more Coast live oaks, to include more Coast live oaks in the replacement planting mix, and to include larger Coast live oaks as part of the proposed new landscape plan for the Project. Replacement planting of protected Coast live oaks and other protected tree species proposed for removal will exceed the 1:1 ratio required under the City's Tree Protection Ordinance.

Originally Proposed Project

Context

Mountain View Cemetery Association (Cemetery) wishes to develop an approximately 7.5-acre portion of undeveloped Cemetery property in accordance with its dedication for cemetery burial use, to accommodate future needs for additional burial sites. The intent of the Project is to develop new burial plots that are moderately flat, but which provide a gentle pitch to the southwest, offering panoramic views of the San Francisco Bay and skyline. Burial sites in such a setting are highly desirable, in short supply throughout the Bay Area, and uniquely available at this upper portion of the Mountain View Cemetery.

The Project site includes development plans at three separate but interrelated development plots on the Cemetery property, all of which are proximate to other more recently developed portions of the Cemetery and entirely within the City of Oakland. The interrelationship between these three new development plots is operational in that each of these new development plots will be connected to each other and to the existing portions of the Cemetery by extensions of on-site roadways. The grading operation needed to develop these plots as desired by the Cemetery is also interrelated. A cut-and-fill grading plan will move existing soils from proposed cut locations to proposed fill locations, with a resulting cut and fill balance on site. A more detailed description of the Project's proposed grading operation as analyzed in the Draft EIR (the Original Project) is provided below.

New Plot 82

Plot 82 is located just above the currently developed portion of the Cemetery, generally centered within the north-south dimensions of the Cemetery property, and at existing elevations of between 440 to 520 feet. Development of this burial site includes relocation of the existing roadway; construction of a retaining wall, amphitheater, pedestrian pathways and staircases; and development of a moderately sloped open lawn area of approximately 3 acres that will provide spaces for new burial sites. The retaining wall will allow concrete or stone chambers to be placed fronting the wall for interment sites, and chambers could accommodate caskets and/or urns. Upwards of 2,800 new burial sites (in a combination of mausoleum and/or columbaria above ground, and traditional in-ground plots) could be accommodated within this area.

The Plot 82 site is steeply pitched with a sharp incline at about the center of its elevation gain. The grading concept for this site is to smooth this steep grade by removing a substantial portion of the hillside. Unconsolidated soils and artificial fill underlay portions of the site and need to be remediated. Hard bedrock (or chert) underlies and is, in places, exposed along the steep grade. The grading concept for this area includes removal of approximately 115,000 cubic yards (CY) of soil and rock from the site. Soil removal will be accomplished with large grading equipment such as graders and dozers, and rock removal may require drilling and fracturing (or potentially blasting). The maximum depth of cut for soil and rock removal would be approximately 15 to 18 feet. Keyways will be excavated at the toe of the slope, extending into the bedrock. Subdrains will be installed at the lower end of the keyways and benched fill. Removed soil will be placed back into the excavated area as benched, compacted and engineered fill. An approximately 10-foot high retaining wall/crypt wall will be constructed along the upper portions of the slope to retain the existing hillside above. The volume of soil and rock removal from this area will substantially exceed the volume of replaced material by as much as approximately 100,000 CY. This excess material will be placed as fill in Plot 98 and the Panhandle.

Plot 98

Plot 98 is located southeast and up-hill of Plot 82, connected by the existing ridgeline road, ranging in elevation from 530 to 600 feet. Development of this burial site includes improvements to the existing roadway to make it a more finished access road, and construction of a pedestrian pathway/maintenance path around the perimeter of the site. A moderately sloped open lawn area of approximately 2 acres is pitched to provide westerly views. Construction of a retaining wall along the lower portion of this Plot, which ranges in height from several feet to 15 feet in height, will retain this sloped burial area. Construction of a separate niche memorial wall will visually shield this burial site from an adjacent water tank. This site may accommodate between 1,200 and 2,000 new, traditional in-ground burial sites and may include future above ground mausoleum and/or columbaria development within the footprint of the Plot.

The Plot 98 site is moderately pitched from west to east. The grading concept for this site is to remediate loose soils with over-excavation, and smooth this grade by adding engineered fill back into this area, held in place with a retaining wall. Unconsolidated soils and artificial fill that underlay portions of the Plot 98 site at depths of approximately 10 or more feet will be temporarily removed, and keyways will be excavated into the slope and extending into the bedrock. Subdrains will be installed at the lower end of the keyways and benched fill. A 660-linear foot, 10 to 15-foot-high retaining wall will be constructed at the lower end of the slope, anchored into the keyway. All the soil temporarily removed from this area, and an additional 52,000 CY of soil from Plot 82, will be placed back onto the Plot 98 site as benched, compacted and engineered fill, partially held in place by the retaining wall. Finish grade will generally be 5 to 10 feet higher than existing grade.

Panhandle

The "Panhandle" is the third proposed new burial site pursuant to the Project. It is located immediately east of Plot 98, and is accessed by the existing ridge road. This Panhandle site ranges from 640 to 675 feet in elevation. A steep, wooded hillside of approximately 25 to 35 feet in height separates the Panhandle site and the Cemetery property from the residences along Stark Knoll Place and Hilltop Crescent Road. Development of this burial site includes improvements to the existing roadway terminating at a cul-de-sac at the base of the Stark Knoll hillside; and improvements to the existing pedestrian pathway/maintenance path; and development of a moderately sloped open lawn area of approximately 2.4 acres that will provide spaces for new burial sites. All improvements and new burial sites will be designed to remain on the Oakland side of the City of Oakland /City of Piedmont boundary.

The Panhandle site will be the last phase of development of the Project. Ultimately, this site may accommodate upwards of 1,500 new interment sites.

The grading concept for the Panhandle is to add new fill to this currently relatively flat area such that the entire site will be raised and moderately pitched to the southwest views. The grading concept for this area includes temporary removal of unconsolidated soils and artificial fill that underlay the Panhandle site; keyways excavated into the slope and extended into the bedrock, and subdrains installed at the lower end of the keyways and benched fill. All the soil temporarily removed from this area, and an additional 48,000 CY of soil from Plot 82, will be placed back onto the Panhandle site as benched, compacted and engineered fill. Finish grade will generally be at a 2:1 slope, with maximum fill depths of 15 to 20 feet higher than existing grade, primarily along the lower base of the Stark Knoll hillside. Grading work will “feather” new grades at the Panhandle site to match existing grades to the east within the City of Piedmont boundaries.

Tree Removal Implications of the Original Project

The Draft EIR included an analysis of the necessary tree removal that would occur to enable development of the Original Project as proposed. Each of the trees identified for removal pursuant to the Original Project was either located within the limits of proposed grading, or was conservatively assumed removed because its canopy extended across the limits of proposed grading (see also Master Response A, which provides an updated and more detailed count of removed trees).

The Draft EIR also concluded that grading operations as proposed under the Original Project could potentially endanger additional trees, unless site work was carefully conducted in a manner to protect and preserve these trees. These “at risk” trees are intended to be preserved, but require special precautions to ensure they are not damaged during the construction process. At-risk trees include trees located outside of the limits of proposed grading but within 30 feet of the graded area. At-risk trees also include certain trees located beyond 30 feet from the limits of grading, but which have the potential to be damaged. These trees include those located along the proposed construction-period haul road route, in areas known to be potentially susceptible to uphill landslide potential, and/or trees along the banks of the Stark Knoll hillside that could potentially be affected by grading and soil compaction.

Original Project’s Proposed Tree Replacement Planting

Replacement tree plantings are required for removal of all protected trees. The replacement tree plantings must provide for erosion control, groundwater replenishment, visual screening, wildlife habitat and preventing excessive loss of shade. The Original Project was estimated to result in removal of as many as 113 protected native Coast live oaks. Consistent with the requirements of the Tree Preservation Ordinance, the Original Project proposed to replace these removed native trees with new, 24-inch box trees to be selected from the City-approved list of allowable replacement tree species, meeting or exceeding the City’s required ratio of 1:1 replacement for removed protected native trees.

The Original Project’s proposed landscaping plan proposed to plant a mix of new evergreen trees including Coast live oak, Canyon live oak, Mesa oak, Island oak, and Coast redwoods; as well as deciduous canopy species including California buckeye, Oregon white oak, California black oak and Valley oak. Replacement trees are required to be at least 24-inch box size, or three 15-gallon size trees, which may be substituted for each 24-inch box size tree where appropriate. The Original Project’s proposed Landscaping Plan proposed to plant a total of 143 new, 24-inch box size trees from the City-approved list of allowable species, plus other canopy and accent trees, shrubs and groundcover.

Revised Project Description

In response to numerous public comments and staff recommendations, the Project applicant has prepared a revised Project design that seeks to further preserve and protect existing trees, particularly larger oak trees on the Project's development sites (the Revised Project). The Revised Project also includes a proposed landscape plan that has a much higher proportion of oak trees included within the new planting mix. These changes represented by the Revised Project are more specifically described below.

Revised Grading Scheme

The majority of tree removal pursuant to the Original Project would occur due to the grading operations as described above for the Original Project. These same grading operations would need to occur pursuant to the Revised Project. With excavations of 15 to 18 feet, and placement of new fill at depths of 5 to 20 feet depending on location, it is not possible to protect or preserve those existing trees that are located within these substantially regraded locations. Rather, opportunities for tree preservation occur at the margins or edges of proposed grading operations.

The Revised Project's proposed grading plan now includes specifically targeted tree protection measures that would occur along the exterior edge of grading operations, capable of protecting certain individual trees (primarily larger oaks) located along the outer edges of each proposed development site. These tree protection measures (see **Figure 10-1**) include:

- Incorporation of tree wells and short retaining walls constructed at the outside edge of tree canopies, holding back new fill from the base of certain trees to be retained;
- Feathering or sculpturing the edges of grading operations such that the limits of grading are pulled back from below the canopy of certain trees to be retained; and
- Lowering the height of fill against the Stark Knoll hillside by flattening the peak of fill outboard of the existing hillside face.

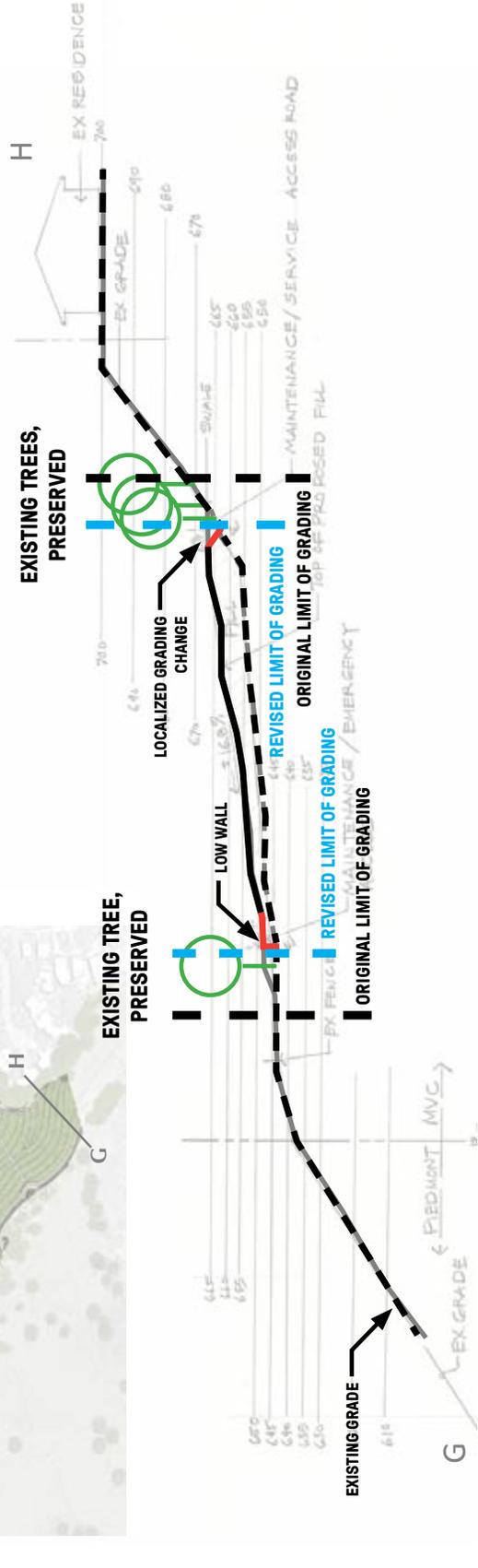
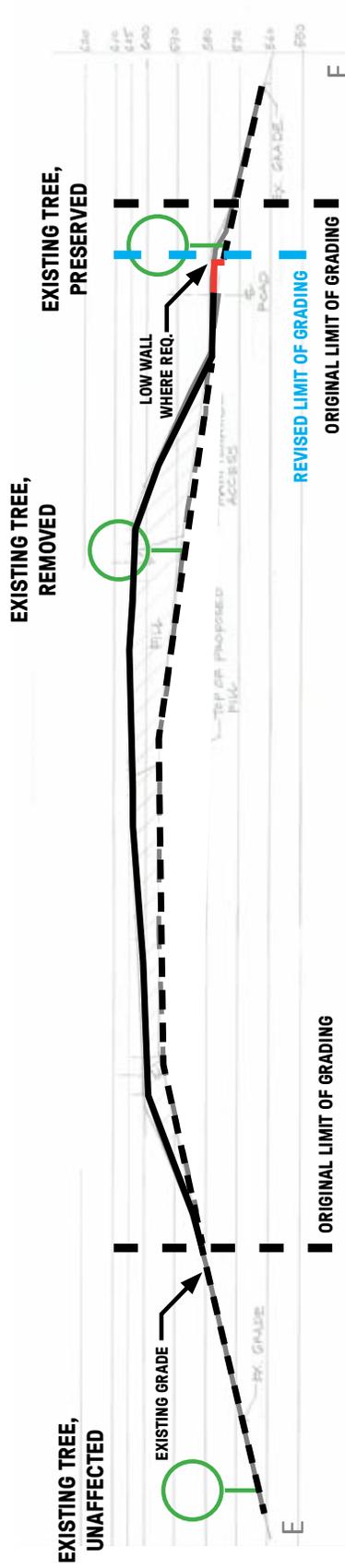


Figure 10-1
Revised Project - Proposed Tree Protection Measures



Tree Protection Achieved

The Revised Project's proposed tree protection measures would result in protection of an additional 20 mature oak trees, as listed in **Table 10-1** below.

Table 10-1: Revised Project, Additional Trees Proposed for Protection				
Tree #	Species	Size (dbh in inches)	Trunk	condition
Plot 82				
165	Coast Live Oak	15		good
179	Coast Live Oak	15	multi-stem	good
203	Coast Live Oak	19	multi-stem	good
204	Coast Live Oak	7	multi-stem	fair
206	Coast Live Oak	4		fair
Plot 98				
15	Coast Live Oak	16		good
21	Coast Live Oak	37	multi-stem	good
34	Coast Live Oak	51	multi-stem	good
38	Coast Live Oak	19	multi-stem	fair
92	Coast Live Oak	37	multi-stem	fair
Panhandle				
36	Coast Live Oak	38	multi-stem	good
48	Coast Live Oak	11		fair
51	Coast Live Oak	27		good
85	Coast Live Oak	36		good
86	Coast Live Oak	37	multi-stem	fair
87	Coast Live Oak	35	multi-stem	fair
Stark Knoll Hillside				
69	Coast Live Oak	19	multi-stem	good
74	Coast Live Oak	37	multi-stem	fair
379	Coast Live Oak	26	multi-stem	good
473	Coast Live Oak	11.5		fair

With protection of these additional 20 oak trees pursuant to the Revised Project, the total number of protected oaks to be removed has been brought down from a total of 112 coast live oaks pursuant to the Original Project (as updated – see Master Response A), to a total of 92 coast live oak trees removed pursuant to the Revised Project.

Ability to Achieve Draft EIR Recommendations

Standard Condition of Approval (SCA #27: Tree Permit) applies to all projects that involve a Tree Protection/Removal Permit for removal of protected trees. The SCA requires that the removal of any protected tree must first obtain a permit for such removal and abide by the conditions of that permit, must provide for protections of trees to remain, and must provide for replacement plantings. The Draft EIR included site-specific recommendations for implementation of this SCA to this Project. The Draft EIR recommended that, during preparation of final grading plans for the Project, the applicant's landscape architect and geotechnical engineer work collaboratively to seek, where possible, reasonable Project redesign strategies that can effectively result in the preservation and protection of additional trees.

The City believes that the applicant has complied with the intent of these recommendations through preparation of this Revised Project design. Specifically, as to each DEIR recommendation in comparison to the Revised Project, the Revised Project provides for the following:

1. DEIR Recommendation: *At the westerly portion of Plot 82 near the terminus of the retaining/crypt wall, attempt to reduce the extent of cut below the existing Plot 77 slope, such that additional tree preservation in this area can be achieved. Specific trees that could potentially be preserved in this area include oak trees #179, 184 and 185.*

At the terminus of the retaining/crypt wall in the westerly portion of Plot 82, the applicant has found it not feasible to reduce the extent of cut below the existing Plot 77 slope, as this cut is necessary for construction of the new road. Oak trees #184 and 185 are directly affected by this roadway alignment. However, up-slope from this new roadway alignment, the Revised Project does indicate that an additional existing oak tree - #179, can be retained and protected in addition to the cluster of other oak trees in this area (#s 180-183, 186) that have been identified as "At Risk" (not removed).

2. DEIR Recommendation: *At the most westerly portion of Plot 82 and immediately upslope of the existing road, attempt to reduce the extent of cut just above the existing road such that additional tree preservation in this area can be achieved. Specific trees that could potentially be preserved in this area include oak trees #197 through #206.*

At the area immediately adjacent to and upslope from the new roadway's intersection with the existing roadway below Plot 82, the Revised Project design specifically seeks to retain as many oak trees within the tree cluster as possible. In addition to those trees identified in the Draft EIR as being "At Risk" and in need of protection measures (trees # 195, 207-215, 217 and 218), the Revised Project now indicates that three additional trees in this area (trees # 203, 204 and 206) will also be retained with a slight realignment of the new road.

DEIR Recommendation: *At the most southerly portion of Plot 82, efforts shall be attempted to contour the proposed cut and fill just above the existing road, such that the prominent 91-inch dbh eucalyptus tree (#137) at this location can be achieved. Although this eucalyptus is not considered a protected tree, its size and spreading canopy serves to provide existing erosion control, visual screening and shade, and is a dominant tree in the existing landscape.*

The Revised Project does not seek to protect the large eucalyptus tree (tree #137) as part of its design. This eucalyptus is not a protected tree species and no tree removal permit is required for its removal. The Revised Project does include a relative extensive amount of new tree planting in this area after construction to provide for erosion control, visual screening and shade, including planting a new large, 60" box oak tree in the immediate vicinity.

DEIR Recommendation: *Along the unimproved portion of the ridge road immediately north of Plot 98, seek to reduce extra roadway grading and improvements beyond the edge of pavement, and/or design the proposed fill slope in this area such that additional tree preservation can be achieved. Specific trees that could potentially be preserved along the perimeter of the upper road alignment include oak trees #2-4, 11, [15], 16-17 and 21 in the westerly portion of Plot 98, #37 and 38 in the central portion, and #48 in the eastern portion of the Panhandle.*

The Revised Project includes additional tree protection measures to increase the number of trees along the upper ridge road. In addition to those trees #1 and 9-13 that were shown in the Draft EIR as being "At Risk" and in need of protection (but not removed), the Revised Project now indicates that four additional trees on the northerly side of this roadway (trees #14, 21, 38 and 48) will also be retained.

***DEIR Recommendation:** At the southerly edge of Plot 98 near the existing water tank, seek to design the proposed retaining wall in this area such that it is uphill and does not intrude into the root zone of oak trees #86, 87 and [321] near the water tank, #92 west of the water tank, and #85 east of the water tank.*

The Revised Project now incorporates a design strategy that shows the retaining walls below Plot 98 and a portion of the Panhandle as being uphill from, and protective of several trees along this lower edge of the site. In addition to those trees #80-82, 84, 88, 93-94, and 326-329 that were shown in the Draft EIR as being “At Risk” and in need of protection (but not removed), the Revised Project now indicates that four additional trees (#34, 85, 86, 87 and 92) can be preserved with minor modifications to the downhill edge of grading in this area.

Revised Landscaping Plan

After considering public comments and staff recommendations, the Project applicant is also now proposing a revised landscaping plan pursuant to the Revised Project. This revised landscaping plan now includes the following key elements:

- The Cemetery will replace all removed Coast live oaks with replacement Coast live oaks on a 1:1 basis. This will result in 93 new, 24” box Coast live oaks planted within the Project site.
- As a replacement for the 34 non-oak, but protected trees to be removed, the Cemetery will provide for replacement planting also at a 1:1 ratio, using new, 24” box trees from the City-approved list of allowable replacement tree species. These may include Coast live oak, Canyon live oak, Mesa oak, Island oak, and Coast redwoods, California buckeye, Oregon white oak, California black oak and/or Valley oak.

These new tree plantings will fully satisfy the City’s replacement tree requirements under the City Tree Protection Ordinance. In addition, the Cemetery also proposes to plant the following additional trees, over and above the tree replacement requirements:

- The Cemetery proposes to purchase and plant 10 new large, 60” box oak trees within the overall landscape plan, over and above the 1:1 oak replacement. This will increase the perceived mass of the new trees when planted.
- The Landscape Plan also now includes an additional 40 new, 24” box oak trees, which are in excess of the replacement tree requirements.
- Additionally, the Landscape Plan includes 35 other trees comprised of a mix of redwoods, bay laurel, and madrone. These tree species are common and native to the area, and the species diversity may improve the chances for successful maturity, as it is difficult to predict which tree species will grow well in the microclimates of the Project site.
- The Landscape Plan also includes 105 other individual canopy and accent trees that will be comprised of a mix of cedar, maple, cypress, plum and cherry trees.

Based on the Landscape Plan now proposed, the Revised Project will include tree plantings that total 317 new trees, of which at least 143 new trees will be oaks. The Cemetery has indicated that, unless use of local genetic stock would result in lowered ability to fight disease due to narrowed genetic diversity, it will purchase local genetic stock for replacement trees if they are available and practical.

The Revised Project’s Landscape Plan is shown on **Figure 10-2 and 10-3**.



Original Project Landscape Planting Plan



Revised Project Landscape Planting Plan

Figure 10-2
Revised Project Landscape Plan, Plot 82



Source: SWA Design



Original Project Landscape Planting Plan



Revised Project Landscape Planting Plan

Figure 10-3
Revised Project Landscape Plan, Plot 98
and Panhandle



Source: SWA Design

List of Commenters on the Draft EIR

Public Agencies Commenting in Writing

Letter A: East Bay Municipal Utility District; July 15, 2016

Organizations and Individuals Commenting in Writing

Letter B: California Native Plant Society; August 5, 2016

Letter C: Hillside Gardeners of Montclair; August 2, 2016

Letter D: Watershed Center; August 1, 2016

Letter E: Form letter submitted by the following persons:

Baker, Pamm; August 1, 2016
Benson, Julie; August 3, 2016
Bernstein, Elise; July 31, 2016
Bloom, Amanda; August 2, 2016
Brillo, Topo; August 1, 2016
Carey, Rebekah; August 1, 2016
Cecchettini, Nancy; August 2, 2016
Channell Dominique; August 1, 2016
Chin, Janet; August 2, 2016
Clarkson, Carissa; August 2, 2016
Cohen, Lisa; August 2, 2016
Cull, Patricia; August 3, 2016
deVillem, Rebecca; August 2, 2016
Dodson, Anaïs; August 2, 2016
Dunn, Amy; July 30, 2016
Ferraro, Loretta; August 1, 2016
Ferraro, Michael; August 1, 2016
Fisher, MarySue; August 2, 2016
Gilbert, Heidi; August 1, 2016
Gilbert, Larry; August 1, 2016
Gilbert, Ian; August 1, 2016
Gilbert, Shannon; August 1, 2016
Goldenberg, Barbara; August 05, 2016
Goldman, Daryl Anne; August 1, 2016
Goodell, Mary; August 2, 2016
Graham, Cristina; August 1, 2016
Graves, Katherine; August 2, 2016
Hansell, Elizabeth; August 2, 2016
Hayden, Sharon; August 1, 2016

La Barbera, Philip; August 2, 2016
La Rocca, Frank; August 2, 2016
Latimer, Michelle; August 2, 2016
Livingston, Ann; August 2, 2016
Locke, Dana; August 2, 2016
Locke, Dana; August 3, 2016
Loucus, Stephanie; August 1, 2016
Ma, Amanda; August 1, 2016
Markovich, Maya; August 2, 2016
Mason, Elizabeth; August 2, 2016
Mason, Marie; August 2, 2016
McGinty, Julia; August 2, 2016
McLean, Bill; August 4, 2016
McLean, Suzanne; August 4, 2016
Meadows, David; August 2, 2016
Meyer, Bonnie; August 2, 2016
Mulvey, Kevin; August 1, 2016
Page, Kelly; August 2, 2016
Parr, Aaron; August 1, 2016
Pedersen, Rolf; August 1, 2016
Pratt, L. Darlene; August 2, 2016
Schonebaum, Judith; August 1, 2016
Segal, Louis; August 2, 2016
Shadle, Paula; August 1, 2016
Silver, Pat; August 1, 2016
Smith, Martita; August 2, 2016
Sperry, Bryan; August 1, 2016
Stallings, Lisa; August 2, 2016
Strads, Baiba; August 2, 2016
Thomas, Josh; August 1, 2016
Thorson, Jamey; August 2, 2016
Villars, Niko; August 2, 2016
Wallace, Melanie; August 1, 2016
Welch, Rebecca; August 1, 2016
Williams, Phyllis; August 2, 2016
Withers, Josephine; August 2, 2016
Zendek, Rori; August 1, 2016

Letter F: Adams, John; Unknown Date

Letter G: Adams, John; August 2, 2016

Letter H: Alden, Andrew; August 1, 2016

Letter I: Asbelle, Karen; August 1, 2016

Letter J: Auker, Dan; July 12, 2016

Letter K: Bachand, Thomas; July 29, 2016

Letter L: Bachetti, Patricia; August 3, 2016

Letter M: Baldwin, Debby; August 2, 2016
Letter N: Banchik, Patricia; July 31, 2016
Letter O: Barale, Catherine; August 1, 2016
Letter P: Barron, Lin; August 2, 2016
Letter Q: Benninger, Katrine; August 1, 2016
Letter R: Blackwell, Marjorie; no date
Letter S: Bliss, Penelope; July 31, 2016
Letter T: Bressler, Sandra; August 2, 2016
Letter U: Bronstein, Debra; July 29, 2016
Letter V: Buckman, Brad; August 1, 2016
Letter W: Buettener, Georgia; August 3, 2016
Letter X: Carley, Lauren; July 29, 2016
Letter Y: Carlisle, Frankie; August 1, 2016
Letter Z: Caronna, Karen; August 2, 2016
Letter AA: Diehm, Erin; August 1, 2016
Letter AB: Doyle, Heather; August 1, 2016
Letter AC: Farrell, Norbert; August 3, 2016
Letter AD: Fetterly, Jeanine; August 2, 2016
Letter AE: Germak, Juliana; August 1, 2016
Letter AF: Gilbert, Aviva; August 1, 2016
Letter AG: Gilbert, Raphael; August 1, 2016
Letter AH: Goodell, Mary; August 2, 2016
Letter AI: Gregson, Wendy; August 2, 2016
Letter AJ: Grossman, Leanne; August 2, 2016
Letter AK: Hanna, Roxanne; August 1, 2016
Letter AL: Harper, Mary; July 31, 2016
Letter AM: Herr, Laurin; July 29, 2016
Letter AN: Johnson, Ken, July 28, 2016
Letter AO: Katz, Ken, August 1, 2016
Letter AP: Kelly, Jane and Tom; July 31, 2016
Letter AQ: Kolbert, Dick and Nancy; August 2, 2016
Letter AR: Lurie, Eve; August 2, 2016
Letter AS: Merrill, Judy; July 31, 2016

Letter AT: Mikkelsen, Peter; August 1, 2016
Letter AU: Miller, Jill; August 1, 2016
Letter AV: Miller, Linda; August 5, 2016
Letter AW: Miller, Patrick; August 1, 2016
Letter AX: Miller, Rod; July 31, 2016
Letter AY: Miller, Rod; August 1, 2016
Letter AZ: Miller, Rod; August 4, 2016
Letter BA: Mills, Marion; August 1, 2016
Letter BB: Navas, Mary Ellen; August 2, 2016
Letter BC: Nowell, Camille; August 2, 2016
Letter BD: Ogle, Tara; July 31, 2016
Letter BE: O'Neil, Liz and Tom; July 21, 2016
Letter BF: Oplinger, Barbara; August 2, 2016
Letter BG: Owens William; July 7, 2016
Letter BH: Parr, Aaron; August 1, 2016
Letter BI: Phillips, Lee-Anne; August 2, 2016
Letter BJ: Polt, Beverley; August 2, 2016
Letter BK: Promes, Candy and Bill; August 1, 2016
Letter BL: Ramnarayan, Vasantha; August 3, 2016
Letter BM: Rauzon, Mark; August 1, 2016
Letter BN: Renard, Andy; August 1, 2016
Letter BO: Rieger, Jenny; July 29, 2016
Letter BP: Rockwell, Abbie; August 1, 2016
Letter BQ: Rongstock, Sonja; August 1, 2016
Letter BR: Rose, Marcelle & Richard, August 4, 2016
Letter BS: Schiff, Naomi; August 2, 2016
Letter BT: Schneider, Glen; August 1, 2016
Letter BU: Schurman, Jessica; July 30, 2016
Letter BV: Schwartz, Judy; August 1, 2016
Letter BW: Segal, Susan; August 2, 2016
Letter BX: Shoptaugh, Philip; July 20, 2016
Letter BY: Skinner [no other name given]; July 31, 2016
Letter BZ: Slater, Nick; August 1, 2016

Letter CA: Swafford, Millie, August 2, 2016
Letter CB: Tierney, Sue; August 2, 2016
Letter CC: Tierney, Sue; August 2, 2016 (2)
Letter CD: Umeh, Laurie; August 1, 2016
Letter CE: Urry, Mary Anne; August 2, 2016
Letter CF: Urry, Mary Anne; August 2, 2016 (2)
Letter CG: White, Gretchen; August 1, 2016
Letter CH: Whiteside, Catherine; August 1, 2016
Letter CI: Whitestone, Karen; July 21, 2016
Letter CJ: Whitestone, Karen; July 22, 2016
Letter CK: Whitestone, Karen; August 5, 2016
Letter CL: Wilkinson, Margy; August 1, 2016
Letter CM: Williams, Diane; August 3, 2016
Letter CN: Wroth, Linda; August 5, 2016
Letter CO: Wurzburg, Beth; August 1, 2016
Letter CP: Zo [no other name given]; July 29, 2016

Commenters at the City of Oakland Landmarks Preservation Advisory Board

The following is a list of persons who provided verbal comments on the Draft EIR at the public hearing before the Landmarks Preservation Advisory Board on July 10, 2016. Speakers, including Board Members, are listed generally in order of presentation.

Speaker 1: Stafford Buckley, Board Member

Commenters at the City of Oakland Planning Commission

The following is a list of persons who provided verbal comments on the Draft EIR at the public hearing before the Planning Commission on July 20, 2016. Speakers, including Commissioners, are listed generally in order of presentation.

Speaker 1: Karen Whitestone, California Native Plant Society

Speaker 2: Judy Schwartz

Speaker 3: Jean Robertson

Speaker 4: Chris Patillo, Commissioner

Speaker 5: Adhi Nagraj, Vice Chair

Speaker 6: Clark Manus, Commissioner

Speaker 7: Jim More, Chair

Voicemail Messages from Persons

The following members of the public left a voicemail for City staff. All voicemail comments expressed opposition to the proposed removal of oak trees.

VM-1: Bigelow, Marilyn; July 31, 2016

VM-2: Bloom, Jodie; July 29, 2016

VM-3: Callahan, Jessie; August 1, 2016

VM-4: Farcks, Donald; August 1, 2016

VM-5: Mariscal, Francisco; August 1, 2016

VM-6: Miller, Andrew; July 31, 2016

VM-7: Sanguinetti, Janet, July 31, 2016

VM-8: Unknown Caller 1; August 1, 2016

VM-9: Unknown Caller 2; August 1, 2016

VM-10: Waynes, William; July 31, 2016

Master Responses to Recurring Comments

This section of the Response to Comments document contains master responses to comments on the following frequently raised issues: A) individual tree identification and tree removal, B) water use and conservation, C) public notice and public review, and D) impacts on historic resources.

Master Response A: Tree Removal

Tree Removal, Generally

Many commenters expressed concern about tree removal associated with Project development, particularly regarding the loss of coast live oaks.

Most of these comments pertain to the merits of the Project relative to proposed tree removal. The following responses provide an overview of the proposed tree removal in the overall context of the Cemetery. These responses provide more details (but generally consistent conclusions) about proposed tree removal at the Project site, and a comparison of trees proposed for removal under the originally proposed Project versus the Revised Project.

According to the Project applicant, Mountain View Cemetery contains approximately 5,000 trees (including protected tree species) that are spread throughout their property. Most of these trees are found in the lower areas of the previously developed Cemetery, planted after development of gravesites. The Cemetery indicates that it is reaching capacity in available gravesites, and in accordance with its dedication for such use, the Cemetery seeks to accommodate future needs for additional burial sites. The Project applicant selected the Project site in the upper hillside area as their preferred location for development of additional burial sites due to the panoramic views from this area, as well as the relative scarcity of trees on these higher areas in comparison to the more densely vegetated lower areas of the Cemetery. The creation of new gravesites in other areas of the Cemetery (see Draft EIR Alternatives chapter) would also require removal of native trees, and many of the alternative locations considered would result in removal of more oak trees than would occur at the locations selected for the Project.

As analyzed in the Draft EIR, the original Project was conservatively assumed to result in removal of a total of 191 existing trees comprised of protected coast live oaks, other protected species, trees in poor health or condition, and other non-protected tree species (e.g., eucalyptus). This summary was presented in Table 4.3-1 of the Draft EIR. Removal of protected trees from the Project site is subject to permit approval pursuant to the City's Tree Protection Ordinance. The Ordinance provides for consideration of the number, type, size, location and condition of trees to be removed, the number of protected trees to remain, and the number and type of new trees proposed to be planted.

Consistent with this Ordinance, the Project proposes to replace those protected trees to be removed by planting new trees. The Draft EIR concluded that the Project would comply with the City of Oakland's Tree Protection Ordinance by implementing tree protection measures during construction for those

trees to remain, and by replacing trees to be removed with new trees at an acceptable replacement ratio. The Project proposes planting more trees than is required under the City's ordinance.

Summary of Arborist's Surveys, and Identification of Tree Removal

Many commenters expressed their inability to directly compare tree information as presented in the Draft EIR (which was summarized for two separate arborist's reports), with the actual arborist reports as included in the Draft EIR Appendices.

As indicated in the Draft EIR (beginning at page 4.3-3) the inventory of existing trees at or in the immediate vicinity of the Project site was conducted by two separate arborists, at two separate times, and generally covering separate locations.

The first *Arborist Report* (HortScience, January 2015)¹ provided an inventory of 230 trees located within the Project's anticipated limits of grading, plus those trees located within an additional 30 feet beyond the Project's proposed grading limits. This inventory satisfied the requirements of the City's Tree Protection Ordinance. The HortScience 2015 tree inventory included all trees that qualified as a possible protected tree under the City's Tree Protection Ordinance, including oaks having a diameter at breast height (dbh) of 4 inches or greater, and all other defined protected tree species having a dbh of 9 inches or greater.

The second *Supplemental Arborist Report* (Valley Crest, June 2015)² was conducted to supplement the HortScience tree inventory by adding trees located beyond the boundaries of the survey area (i.e., more than 30 feet beyond the proposed limits of grading), but that were conservatively considered to have the potential to be affected by the Project. Specifically, the Valley Crest *Supplemental Arborist Report* surveyed trees that are located beyond 30 feet from grading, but that are at risk during construction, including:

- trees located within the construction-period haul road route between Plot 82 and Plot 98;
- trees in an area below Plot 98 and the Panhandle, known to be potentially susceptible to landslides, and
- a full inventory of trees along the banks of the Stark Knoll hillside, including those trees uphill, but beyond 30 linear feet from the limits of proposed grading.

Each arborist report assigned a unique number to each tree, and used different numbering systems to avoid overlap. Based on these two arborist's reports, the Draft EIR summarized and illustrated the results in Table 4.3-1 and in Figures 4.3-6 and 4.3-7.

Commenters on the Draft EIR have indicated difficulty interpreting the data and figures presented in the Draft EIR, as compared to information in the arborist's reports. The following more detailed tables and figures are provided to amplify and clarify information presented in the Draft EIR. **Tables 12-1** through **Table 12-7** correspond to different portions of the site, and identify each surveyed tree by number,

¹ HortScience is a professional horticultural, arboricultural and urban forestry consulting firm with extensive experience in preparing tree surveys, inventories and assessments in Oakland and the Bay Area.

² Valley Crest is a landscape architecture and construction firm with expertise in professional arboriculture and tree care, and professionally accredited to perform tree inventories pursuant to the City's Tree Protection Ordinance.

indicating the status for each tree as being as either “Proposed for Removal”, “At Risk and in need of Protection Measures”, or “Preserved.” Each status category is defined below:

- Each tree identified as “Proposed for Removal” is either located within the limits of proposed grading, or has a tree canopy or root structure that extends well across the limits of proposed grading. These trees include certain protected Coast live oaks and other protected trees pursuant to the City’s Tree Preservation Ordinance and other non-protected tree species.
- All of trees indicated in the “At Risk” category are not proposed for removal, but are potentially at risk of damage or removal because of their proximity to proposed grading activity (e.g., within 30 feet, consistent with the requirements of the City’s tree Preservation Ordinance). Other “At Risk” trees include certain trees beyond 30 feet from the limits of grading, but which have the potential to be affected by the Project’s construction activity. Trees identified as being at risk are intended to be preserved, but require special precautions to ensure they are not damaged during the construction process.
- Trees included in the “Preserved” category are those located more than 30 feet beyond the limits of proposed grading, and not in an area potentially susceptible to risk of damage from the Project’s construction activities.

Detailed and Updated Information

In the process of preparing this more detailed information, the EIR preparers have more closely considered each tree and its location in relationship to the originally proposed grading scheme, and a few corrections are indicated, as shown in **Table 12-8**. Whereas the Draft EIR had conservatively assumed the original Project would have resulted in removal of 158 protected trees, the detailed re-analysis indicates that the actual number of protected trees that would have been removed under the original Project would have been 154 (or removal of 4 fewer total protected trees). Some of the reasons for revisions to these numbers include:

- Several eucalyptus trees located in the northwest corner of Plot 82 were shown in the Draft EIR as being in the “At Risk – in Need of Protection” category. However, pursuant to the City’s Tree Protection Ordinance, eucalyptus trees are specifically exempt from the ordinance, no protection for these trees is provided, and these trees may be removed without a permit. These trees have been moved from the category of “Intended to be Preserved”, to the “Non-Protected Species, to be Removed” category.
- A number of Monterey pine trees (primarily on the Stark Knoll hillside) had previously been categorized as exempt from the City’s Tree Protection Ordinance and therefore not included in the “At Risk – to be Protected” category. However, pursuant to OMC Section 12.36.020, Monterey pines are considered protected trees “in development-related situations where more than five Monterey Pine trees per acre are to be removed.” These trees have been moved from the category of “Intended to be Preserved” non-protected trees, to the “At Risk – to be Protected” category.
- Several trees were previously indicated as being in the Stark Knoll hillside portion of the Project, but are now defined as being in the adjacent Panhandle portion. This distinction is based on their location respective to the two arborist’s surveys, but their removed/preserved status has not changed.
- A number of additional trees, previously assumed as having been double-counted (once in each arborist survey) have been found to actually be separate trees located in close groupings, thereby increasing the total tree count.

Table 2-2: Individual Tree Status, Plot 98 (Revised Project)

Plot 98			Tree Status Legend								
Tree #			Poor Condt.	Protected Oaks	Other Sp., Protected	Sp. Not Protected	Protected Trees	Sp. Not Protected	Away from Grading	Tree at Risk, to be Protected	Preserved
1	21	Coast live oak					1				
2	17	Coast live oak	1								
3	8	Coast live oak	1								
4	26	Coast live oak	1								
5	22*	California Bay		1							
6	23	Coast live oak	1								
7	41*	Coast live oak	1								
8	14	Coast live oak					1				
9	14	Coast live oak					1				
10	10	Coast live oak					1				
11	11	Coast live oak					1				
12	15	Coast live oak					1				
13	31*	Coast live oak					1				
14	14	Coast live oak					1				
15	16	Coast live oak	1								
16	10*	Coast live oak	1								
17	8*	Coast live oak	1								
18	25*	Coast live oak	1								
19	17*	Coast live oak	1								
20	36*	Coast live oak	1								
21	37*	Coast live oak					1				
22	55*	California Bay		1							
23	49*	Coast live oak	1								
24	8*	Coast live oak	1								
25	13*	Coast live oak	1								
26	5	Coast live oak	1								
27	5	Coast live oak	1								
28	5	Coast live oak	1								
29	8*	Coast live oak	1								
30	7	Coast live oak	1								
31	21*	Plum		1							
32	47*	Olive		1							
33	16	Coast live oak	1								
34	51*	Coast live oak					1				
35	19*	Olive		1							
37	33*	Coast live oak	1								

Plot 98			Tree Status Legend								
Tree #			Poor Condt.	Protected Oaks	Other Sp., Protected	Sp. Not Protected	Protected Trees	Sp. Not Protected	Away from Grading	Tree at Risk, to be Protected	Preserved
38	19*	Coast live oak					1				
92	37*	Coast live oak					1				
93	24*	Coast live oak					1				
94	19*	Coast live oak					1				
95	15*	Coast live oak		1							
321	60	Olive			1						
Totals			0	22	6	0	14	0	0	0	42

Notes:
 1. Tree number 1 through 222 from HortScience, tree number 300 to 513 from Valley Crest
 2. Trees indicated in **Yellow** shown as "Protected" under Revised Project, but were assumed "Removed" under Original Project

Table 2-3: Individual Tree Status, Panhandle (Revised Project)

Panhandle							Trees to be Removed		Tree at Risk, to be Protected		Preserved	
Tree #						Poor Cond.	Protected Oaks	Other Sp., Protected	Sp. Not Protected	Protected Trees	Sp. Not Protected	Away from Grading
36	38*	Coast live oak							1			
39	14*	Coast live oak		1								
40	35*	Olive			1							
41	10	Blackwood acacia			1							
42	32*	Blackwood acacia			1							
43	25*	Common elderberry			1							
44	33*	Common elderberry			1							
45	11*	Blackwood acacia			1							
46	10	Blackwood acacia			1							
47	15	Blackwood acacia			1							
48	11	Coast live oak							1			
49	30*	Big leaf maple			1							
50	38*	Big leaf maple			1							
51	27	Coast live oak							1			
52	15*	Coast live oak								1		
53	10	Coast live oak		1								
54	12	Coast live oak							1			
55	9	Coast live oak		1								
56	23*	Big leaf maple							1			
57	12	Coast live oak		1								
58	31*	Coast live oak		1								
59	22	Coast live oak		1								
60	10	Coast live oak	1									
61	61	Coast live oak		1								
62	15	Coast live oak		1								
63	15*	Coast live oak		1								
64	43*	Coast live oak		1								
65	11	Coast live oak		1								
66	28*	Big leaf maple			1							
67	14	Coast live oak		1								
68		Monterey pine			1							
69	19*	Coast live oak							1			
70	6	Coast live oak		1								
71	6	Coast live oak		1								
72	17	Coast live oak		1								
73	27*	Coast live oak		1								

Panhandle							Trees to be Removed		Tree at Risk, to be Protected		Preserved	
Tree #						Poor Cond.	Protected Oaks	Other Sp., Protected	Sp. Not Protected	Protected Trees	Sp. Not Protected	Away from Grading
74	37*	Coast live oak								1		
75	14*	Coast live oak			1							
76	11	Coast live oak			1							
77	22*	Coast live oak								1		
78	24*	Coast live oak								1		
79	12	Coast live oak								1		
80	28*	Coast live oak								1		
81	13*	Coast live oak								1		
82	20	Coast live oak								1		
83	37*	London plane				1						
84	39*	Coast live oak								1		
85	36	Coast live oak								1		
86	37*	Coast live oak								1		
87	35*	Coast live oak								1		
88	11*	Coast live oak								1		
89	18*	Common elderberry					1					
90	17*	Common elderberry					1					
91	26	Coast live oak								1		
326	16	Coast live oak								1		
327	39	Coast live oak								1		
328	2.5	Coast live oak									1	
329	12	Coast live oak								1		
353	18	Ash					1					
354	13	Ash					1					
355	22	Ash					1					
Totals						1	18	18	0	23	1	0

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- Notes:
1. Tree number 1 through 222 from HortScience, tree number 300 to 513 from Valley Crest
 2. Trees indicated in **Yellow** shown as "Protected" under Revised Project, but were assumed "Removed" under Original Project

Table 2-4: Individual Tree Status, Haul Road (Revised Project)

Piedmont Side		Poor Cond.	Protected Oaks	Other Sp.	Sp. Not Protected	Protected Trees	Sp. Not Protected	Tree at Risk, to be Protected	Preserved
Tree #									
484	23	Coast live oak						1	
485	9	Coast live oak						1	
486	10	Coast live oak						1	
487	18	Coast live oak						1	
488	86	Coast live oak						1	
489	21	Coast live oak						1	
490	40	Monterey Pine						1	
491	12	Coast live oak						1	
492	18	Coast live oak						1	
493	23	Coast live oak						1	
494	12	Coast live oak						1	
495	19	Coast live oak						1	
496	14	Coast live oak						1	
497	49	Coast live oak						1	
498	7	Coast live oak						1	
499	6	Coast live oak						1	
500	29	Coast live oak						1	
501	25	Coast live oak						1	
502	10	Blackwood acacia						1	
503	2	Blackwood acacia						1	
504	31	Blackwood acacia						1	
505	4	Blackwood acacia						1	
506	5	Blackwood acacia						1	
507	9	Blackwood acacia						1	
508	8	Blackwood acacia						1	
509	30	Hawthorn						1	
510	4	Blackwood acacia						1	
511	5	Blackwood acacia						1	
512	20	Coast live oak						1	
513	11	Coast live oak						1	
Totals			0	0	0	0	0	0	30

Table 2-5: Individual Tree Status, Slide Below Plot 98 (Revised Project)

Slide Below 98/Panhandle		Poor Cond.	Protected Oaks	Other Sp.	Sp. Not Protected	Protected Trees	Sp. Not Protected	Tree at Risk, to be Protected	Preserved
Tree #									
322	36	Coast live oak						1	
323	33	Coast live oak						1	
324	24	Coast live oak						1	
325	52	Coast live oak						1	
331	26	Coast live oak					1		
332	17	Coast live oak					1		
333	17	Coast live oak					1		
334	29	Coast live oak					1		
335	54	Coast live oak					1		
336	26	Coast live oak					1		
337	22	Coast live oak						1	
338	36	Coast live oak						1	
339	36	Coast live oak						1	
340	26	Coast live oak						1	
341	18	Coast live oak					1		
342	12	Coast live oak					1		
343	95	Coast live oak					1		
344	75	Coast live oak					1		
345	13	Coast live oak					1		
346	79	Coast live oak					1		
347	16	Coast live oak					1		
348	15	Coast live oak					1		
349	11	Coast live oak					1		
350	38	Coast live oak					1		
351	7	Coast live oak					1		
352	8	Coast live oak					1		
Totals			0	0	0	0	18	0	8

Table 2-6: Individual Tree Status, Piedmont Side (Revised Project)

Haul Route		Poor Cond.	Protected Oaks	Other Sp.	Sp. Not Protected	Protected Trees	Sp. Not Protected	Tree at Risk, to be Protected	Preserved
Tree #									
300	15	Coast live oak						1	
301	14	Coast live oak						1	
302	29	Coast live oak						1	
303	23	Coast live oak						1	
304	7	Coast live oak						1	
305	12	Coast live oak							1
306	10	Coast live oak							1
307	17	Coast live oak							1
308	22	Coast live oak							1
309	8	Coast live oak							1
310	47	Coast live oak							1
313	4	Coast live oak						1	
314	na								
315	22	Coast live oak						1	
316	13.5	Coast live oak						1	
317	24.5	Coast live oak						1	
318	5.5	Coast live oak						1	
319	17.5	Coast live oak						1	
320	2.5	Coast live oak						1	
313	4	Coast live oak						1	
Totals			0	0	0	0	13	0	6

- Notes:
 1. Tree number 1 through 222 from HortScience, tree number 300 to 513 from Valley Crest
 2. Trees indicated in **Yellow** shown as "Protected" under Revised Project, but were assumed "Removed" under Original Project

Table 2-7: Individual Tree Status, Stark Knoll Hillside (Revised Project)

Starke Knoll Hillside					
Tree #					
356	51	Big leaf maple			1
357	24	Big leaf maple			1
358	8	Big leaf maple			1
359	23	Big leaf maple			1
360	10	Coast live oak			1
361	14	Coast live oak			1
362	8	Coast live oak			1
363	21	Coast live oak			1
364	60	Coast live oak			1
365	6	Coast live oak			1
366	3	Coast live oak			1
367	12	Coast live oak			1
368	9	Coast live oak			1
369	6	Coast live oak			1
370	9	Coast live oak			1
371	8	Coast live oak		1	
372	27	Ash		1	
373	8	Coast live oak		1	
374	31	Ash		1	
375	8	Coast live oak		1	
376	6	Coast live oak		1	
377	7	Coast live oak		1	
378	10	Coast live oak		1	
379	26	Coast live oak		1	
380	6	Coast live oak		1	
381	5	Coast live oak		1	
382	5	Coast live oak		1	
383	17	Coast live oak		1	
384	20	Coast live oak		1	
385	4	Coast live oak		1	
386	7	Coast live oak		1	
387	16	Coast live oak		1	
388	8	Coast live oak		1	
389	41	Coast live oak			1
390	28	Coast live oak			1
391	2	Coast live oak			1
392	4	Coast live oak		1	

Starke Knoll Hillside					
Tree #					
393	11	Coast live oak		1	
394	4	Coast live oak		1	
395	3	Coast live oak		1	
396	10	Coast live oak		1	
397	22	Coast live oak		1	
398	4	Coast live oak		1	
399	3	Coast live oak		1	
400	6	Coast live oak		1	
401	10	Coast live oak	1		
402	7	Coast live oak	1		
403	6	Coast live oak		1	
404	4	Coast live oak		1	
405	13	Coast live oak		1	
406	7	Coast live oak	1		
407	5	Coast live oak		1	
408	7	Coast live oak		1	
409	3	Coast live oak		1	
410	5	Coast live oak		1	
411	5	Coast live oak		1	
412	6	Coast live oak		1	
413	2	Coast live oak		1	
414	10	Coast live oak			1
415	7	Coast live oak			1
416	7	Coast live oak		1	
417	7	Coast live oak		1	
418	20	Coast live oak		1	
419	3	Coast live oak		1	
420	21	Coast live oak		1	
421	6	Coast live oak			1
422	7	Coast live oak			1
423	8	Coast live oak		1	
424	7	Coast live oak		1	
425	3	Coast live oak		1	
426	13	Coast live oak		1	
427	11	Coast live oak		1	
428	9	Coast live oak		1	
429	7	Coast live oak			1
430	3	Coast live oak		1	
431	2	Coast live oak		1	
432	44	Monterey Pine			1
433	7	Coast live oak		1	
434	5	Coast live oak		1	
435	4	Coast live oak		1	
436	8	Coast live oak		1	

Starke Knoll Hillside					
Tree #					
437	7	Coast live oak		1	
438	7	Coast live oak		1	
439	4	Coast live oak		1	
440	17	Coast live oak	1		
441	2	Coast live oak		1	
442	15	Coast live oak		1	
443	4	Coast live oak		1	
444	10	Monterey Pine		1	
445	6	Monterey Pine		1	
446	8	Monterey Pine		1	
447	12	Coast live oak	1		
448	7	Coast live oak	1		
449	6	Coast live oak	1		
450	37	Coast live oak		1	
451	21	Monterey Pine		1	
452	7	Monterey Pine		1	
453	6	Coast live oak		1	
454	24	Monterey Pine		1	
455	4	Coast live oak		1	
456	2	Coast live oak		1	
457	4	Coast live oak		1	
458	8	Coast live oak		1	
459	8	Coast live oak		1	
460	25	Monterey Pine		1	
461	17	Monterey Pine		1	
462	10	Coast live oak		1	
463	6	Coast live oak		1	
464	12	Coast live oak		1	
465	6	Coast live oak		1	
466	6	Coast live oak		1	
467		Coast live oak	1		
468	12	Coast live oak	1		
469	17	Coast live oak		1	
470	10	Big leaf maple		1	
471	9	Coast live oak	1		
472	29	Coast live oak	1		
473	12	Coast live oak		1	
474	12	Coast live oak		1	
475	33	Coast live oak		1	
476	13	Coast live oak		1	
477	14	Coast live oak		1	
478	15	Coast live oak		1	
479	10	Coast live oak			1
480	9	Coast live oak			1
481	37	Coast live oak			1
482	37	Coast live oak			1
483	33	Monterey Pine			1

Notes:

1. Tree number 1 through 222 from HortScience, tree number 300 to 513 from Valley Crest
2. Trees indicated in **Yellow** shown as "Protected" under Revised Project, but were assumed "Removed" under Original Project

2 9 1 1 75 12 28 128

None of these changes in tree counts fundamentally or significantly change any of the Draft EIR's CEQA conclusions pertaining to tree removal and consistency with the City's Tree Protection Ordinance.

Table 12-8: Tree Removal and Protection (update) Based on Original Project

	Plot 82	Plot 98	Panhandle	Stark Knoll Hill	Haul Route	Slide Repair	Piedmont	Total
Tree Removal Proposed								
Protected Oaks	48	27	(24) 26	(14) 11	0	0	0	(113) 112
Protected oaks, poor cond.	3	(1) 0	1	(6) 2	0	0	0	(11) 6
Protected Other Species	11	6	(10) 18	(7) 1	0	0	0	(34) 36
subtotal	62	(34) 33	(35) 45	(27) 14				(158) 154
Non-Protected Species	(23) 31	0	(4) 0	(7) 1	0	0	0	(34) 32
Total	(85) 93	(34) 33	(39) 45	(34) 15	0	0	0	(192) 186
"At Risk" Trees, to be Protected								
Protected Oaks	(27) 28	(10) 9	(9) 15	(50) 75	(6) 13	(26) 18	0	(128) 158
Protected, Other Species	(11) 0	0	1	(11) 10	0	0	0	(22) 11
subtotal	(38) 28	(10) 9	(9) 16	(61) 85	(6) 13	(26) 18		(150) 169
Tree Beyond "Risk" Zone - Preserved								
All Trees	(8) 7	(1) 0	(6) 0	(25) 28	(8) 6	(9) 8	30	(78) 79
Total Trees Surveyed	(131) 128	(45) 42	(54) 61	(120) 128	(14) 19	26	30	(420) 434

(23): Indicates the number of trees as presented in the Draft EIR, now updated to reflect more detailed information

Revised Project Description

In response to numerous public comments and staff recommendations, the Project applicant has prepared a Revised Project design (see also Chapter 11 of this Response to Comments document) that seeks to further preserve and protect existing trees, particularly larger oak trees on the Project's development sites. The Revised Project's proposed grading plan includes targeted tree protection measures that would occur along the exterior edge of grading operations, capable of protecting certain individual trees (primarily larger oaks). These tree protection measures include tree wells and short retaining walls constructed at the outside edge of tree canopies, feathering or sculpturing the edges of grading operations such that the limits of grading are pulled back from below the canopy of certain trees to be retained, and lowering the height of fill against the Stark Knoll hillside. These targeted tree protection measures would result in protection of an additional 20 mature oak trees, as indicated in **Table 12-9**.

Table 12-9: Tree Removal and Protection Based on Revised Project

	Plot 82	Plot 98	Panhandle	Stark Knoll Hill	Haul Route	Slide Repair	Piedmont	Total
Tree Removal Proposed								
Protected Oaks	43	22	18	9	0	0	0	92
Protected oaks, poor cond.	3	0	1	2	0	0	0	6
Protected Other Species	11	6	18	1	0	0	0	36
subtotal	57	28	37	12	0	0	0	134
Non-Protected Species	31	0	0	1	0	0	0	32
Total	88	28	37	13	0	0	0	166
"At Risk" Trees, to be Protected								
Protected Oaks	33	14	23	77	13	18	0	178
Protected, Other Species	0	0	1	10	0	0	0	11
subtotal	33	14	24	87	13	18	0	189
Tree Beyond "Risk" Zone - Preserved								
All Trees	7	0	0	28	6	8	30	79
Total Trees Surveyed	128	42	61	128	19	26	30	434

Number of Protected Trees to be Removed

Certain comments on the Draft EIR that pertain more directly to the merits of the Project suggested the Project would remove "hundreds of oak trees," and would remove "Heritage Oaks," some of which are "thousands of years old."

Original Project

The City's Tree Protection Ordinance only includes two categories of trees; "protected" and "not protected". Protected trees include California or coast live oak measuring 4 inches dbh or larger, and any other trees measuring 9 inches dbh or larger. Not protected trees include eucalyptus, and Monterey Pine trees in development-related situations involving five or fewer trees per acre. The term "heritage oaks" is not identified in the Ordinance. According to the arborist at HortScience who conducted the

original tree inventory, the larger trees within the Project area proposed for removal are no more than 100-115 years old, although probably closer to 50 years old, and certainly not thousands of years old.³

As indicated in Table 12-8 (above) and based on the more detailed tree assessment conducted since publication of the Draft EIR, the Original Project would have removed a total of 112 coast live oak trees of dbh greater than 4 inches (considered to be protected under the ordinance). It also would have removed a total of 6 coast live oaks in poor health or poor condition (not protected under the ordinance), and a total of 36 trees of other species with a dbh of greater than 9 inches and not exempt under the City's Tree Protection Ordinance (including buckeyes, maples, olives, and elderberries).

Revised Project

As described in Chapter 11 of this Response to Comments document, the Project applicant has reconsidered the grading proposal for the Project in an effort to preserve a greater number of trees, in particular to preserve more protected, larger oak trees. This Revised Project grading plan would include incorporation of tree wells, short retaining walls, feathered grading practices, and a lowering of fill against the Stark Knoll hillside. These measures would result in protection of an additional 20 mature oak trees, bringing the total number of protected oaks to be removed down from 112 coast live oaks, to 92. The tree protection measures now included in the Revised Project would commensurately bring the total number of all protected trees to be removed down from 154 trees, to 134 trees.

The 20 individual oak trees now proposed for protection under the Revised Project are listed in Table 11-1 of this document. **Figures 12-1 through 12-10** demonstrate, at a larger scale than was presented in the Draft EIR, the relationship between each tree's location and its status pursuant to the original Project, and as compared to the Revised Project.

³ Personal email communication with John Leffingwell, Hort Science, June 12, 2017

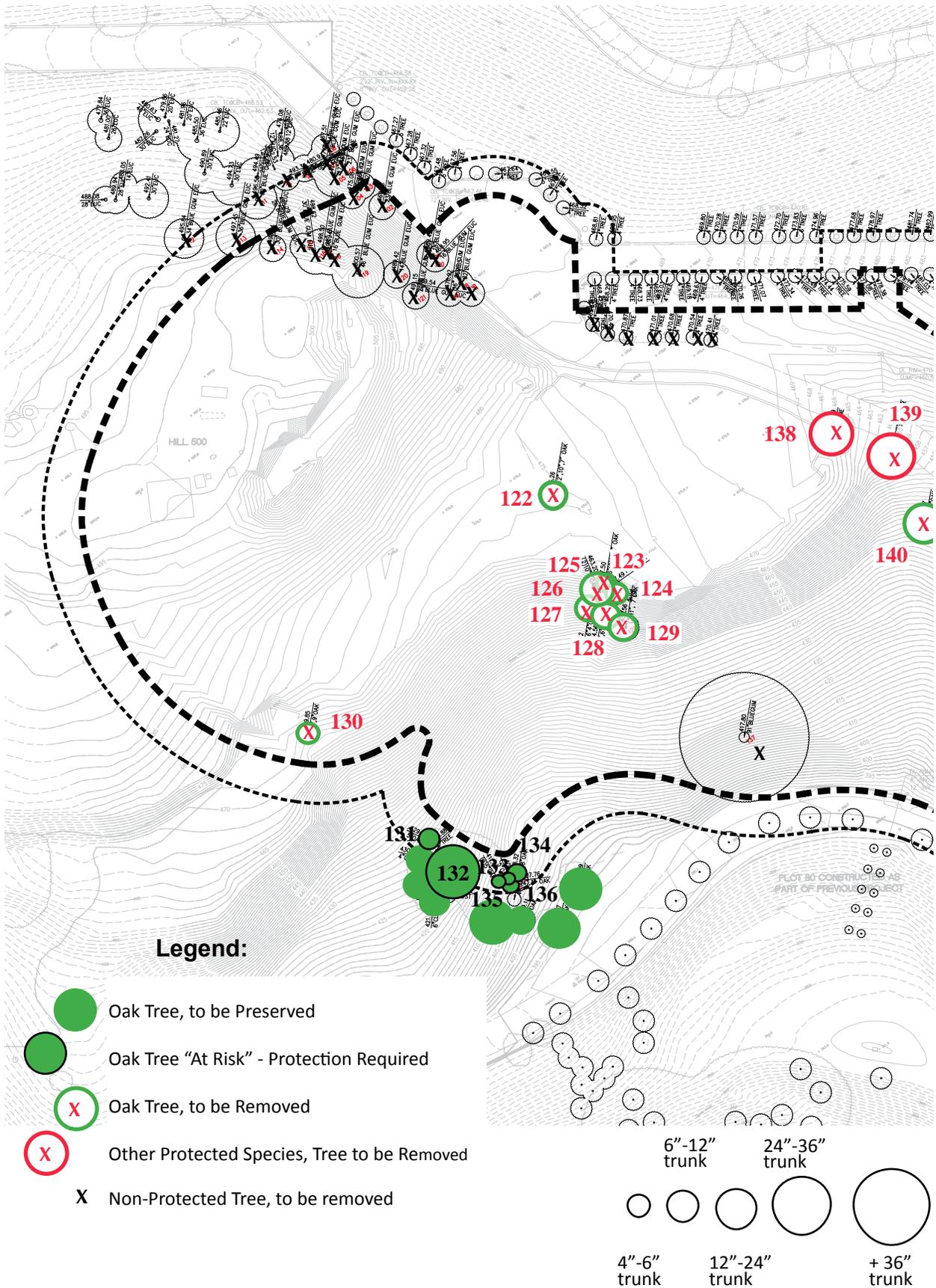


Figure 12-1
Original Project Tree Preservation and Removal
Plot 82

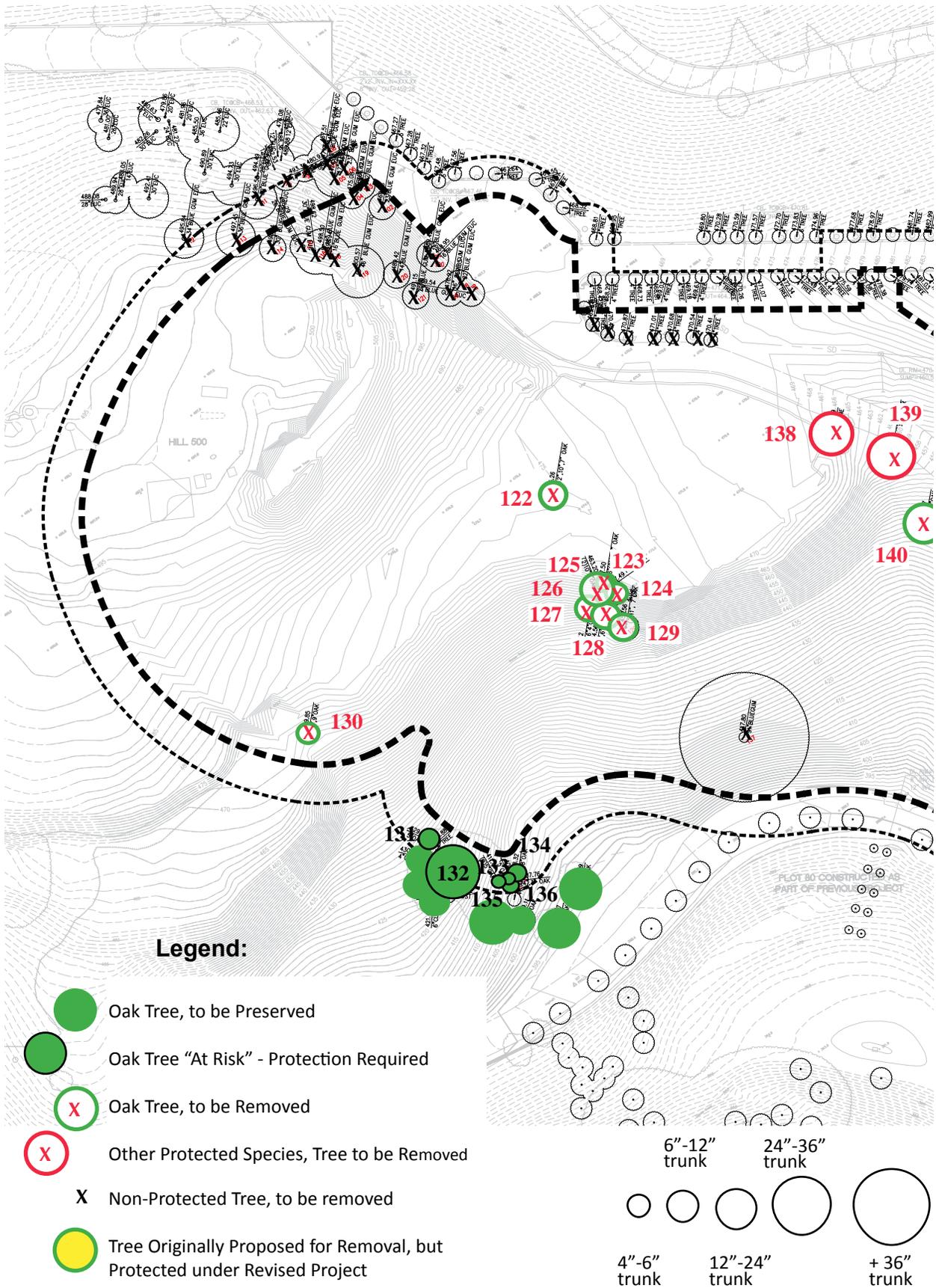
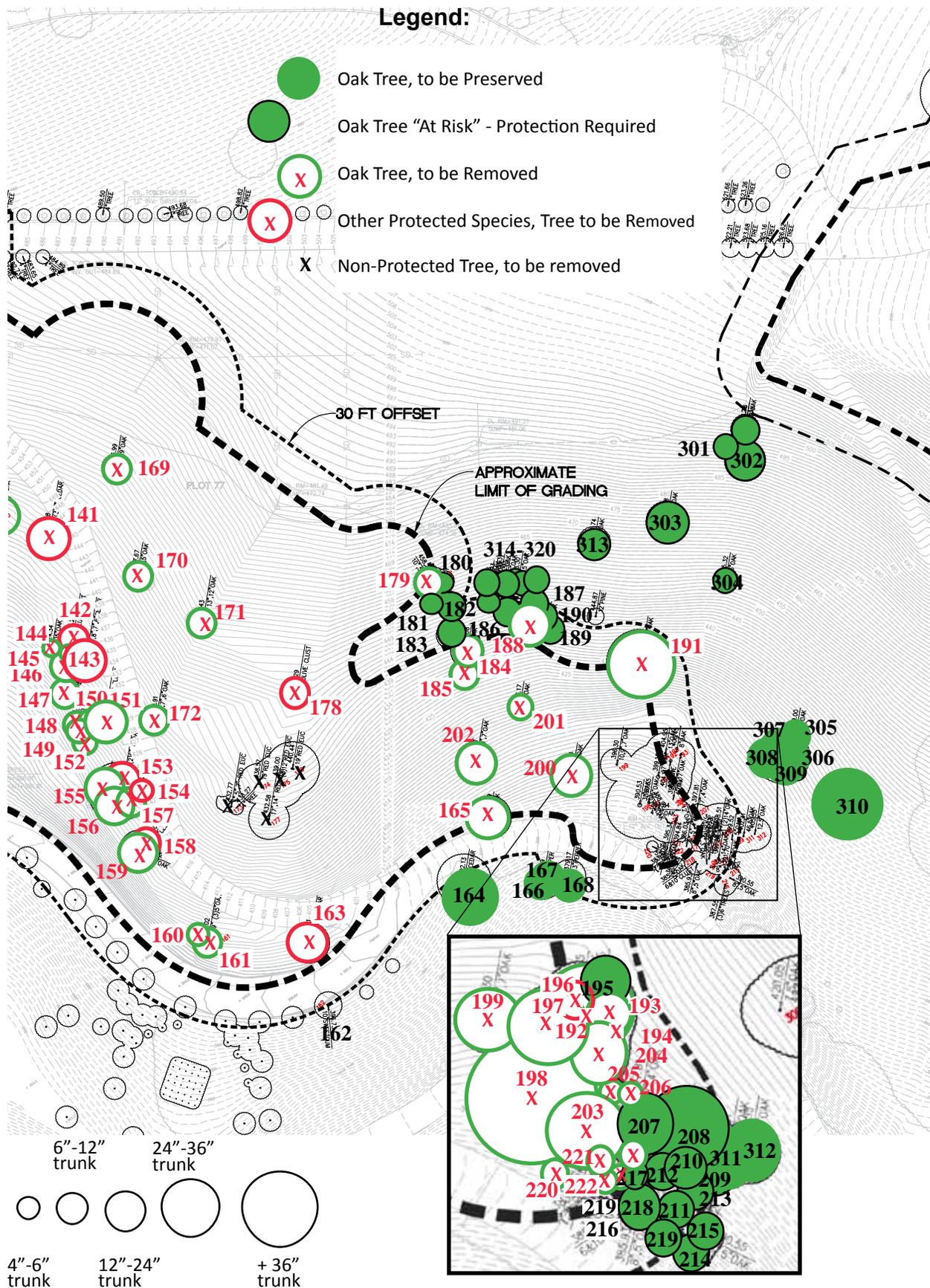


Figure 12-2
Revised Project - Additional Tree Protection
Plot 82





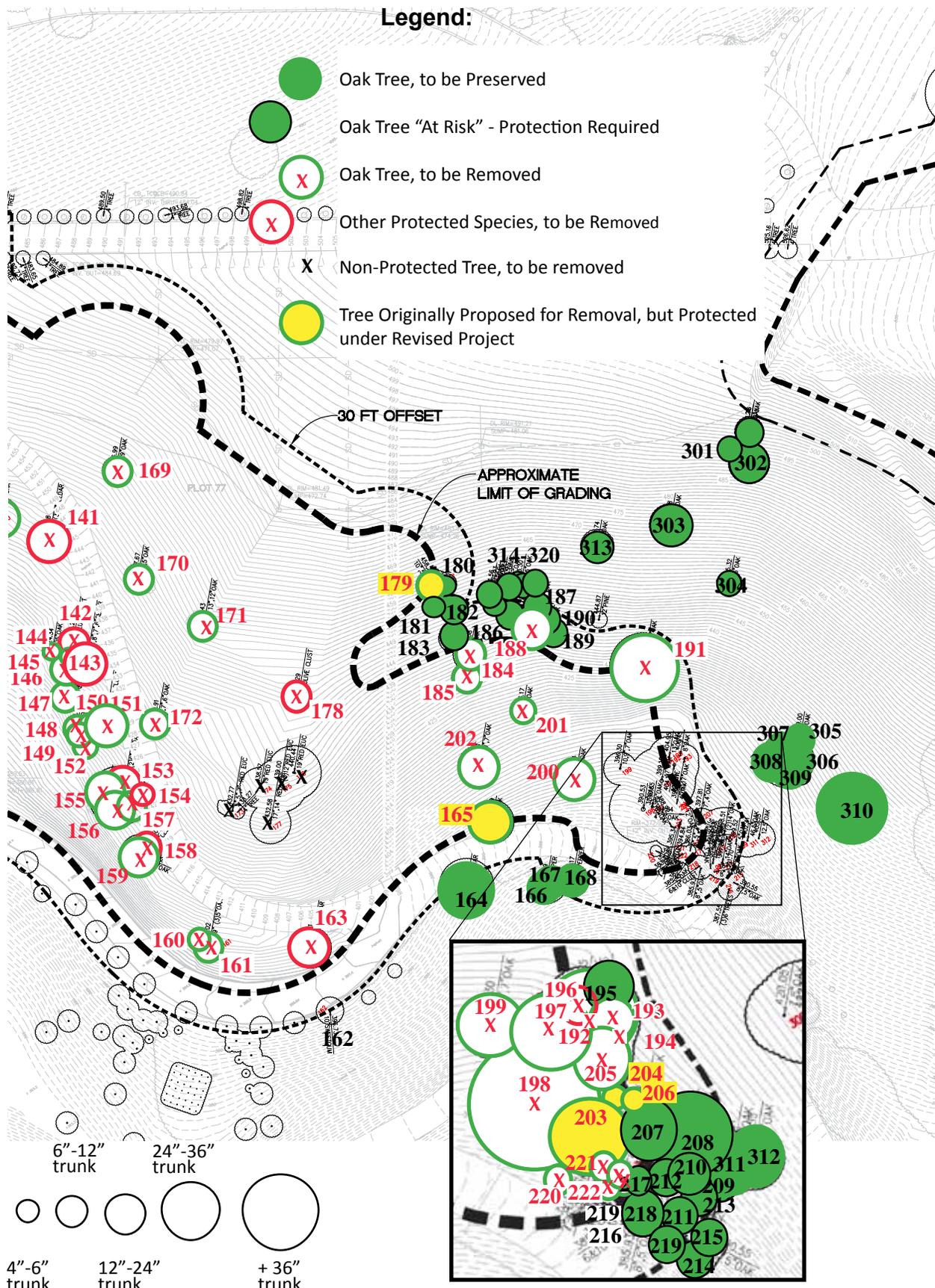


Figure 12-4
Revised Project - Additional Tree Protection
Plot 82

Legend:

-  Oak Tree, to be Preserved
-  Oak Tree "At Risk" - Protection Required
-  Oak Tree, to be Removed
-  Other Protected Species, Tree to be Removed
-  Non-Protected Tree, to be removed

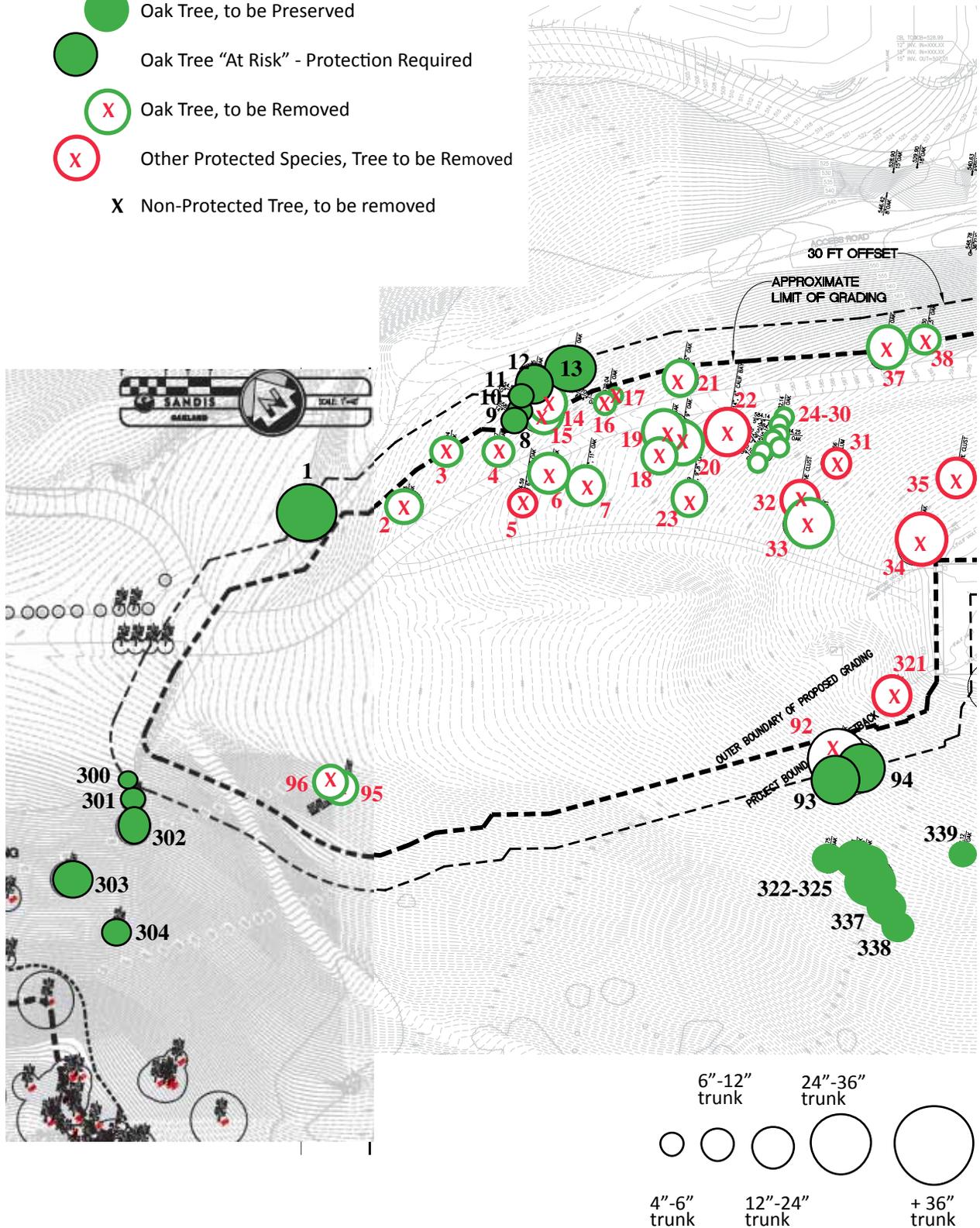


Figure 12-5
Original Project Tree Preservation and Removal
Plot 98

Legend:

-  Oak Tree, to be Preserved
-  Oak Tree "At Risk" - Protection Required
-  Oak Tree, to be Removed
-  Other Protected Species, Tree to be Removed
-  Non-Protected Tree, to be removed
-  Tree originally proposed for Removal, but Protected under Revised Project

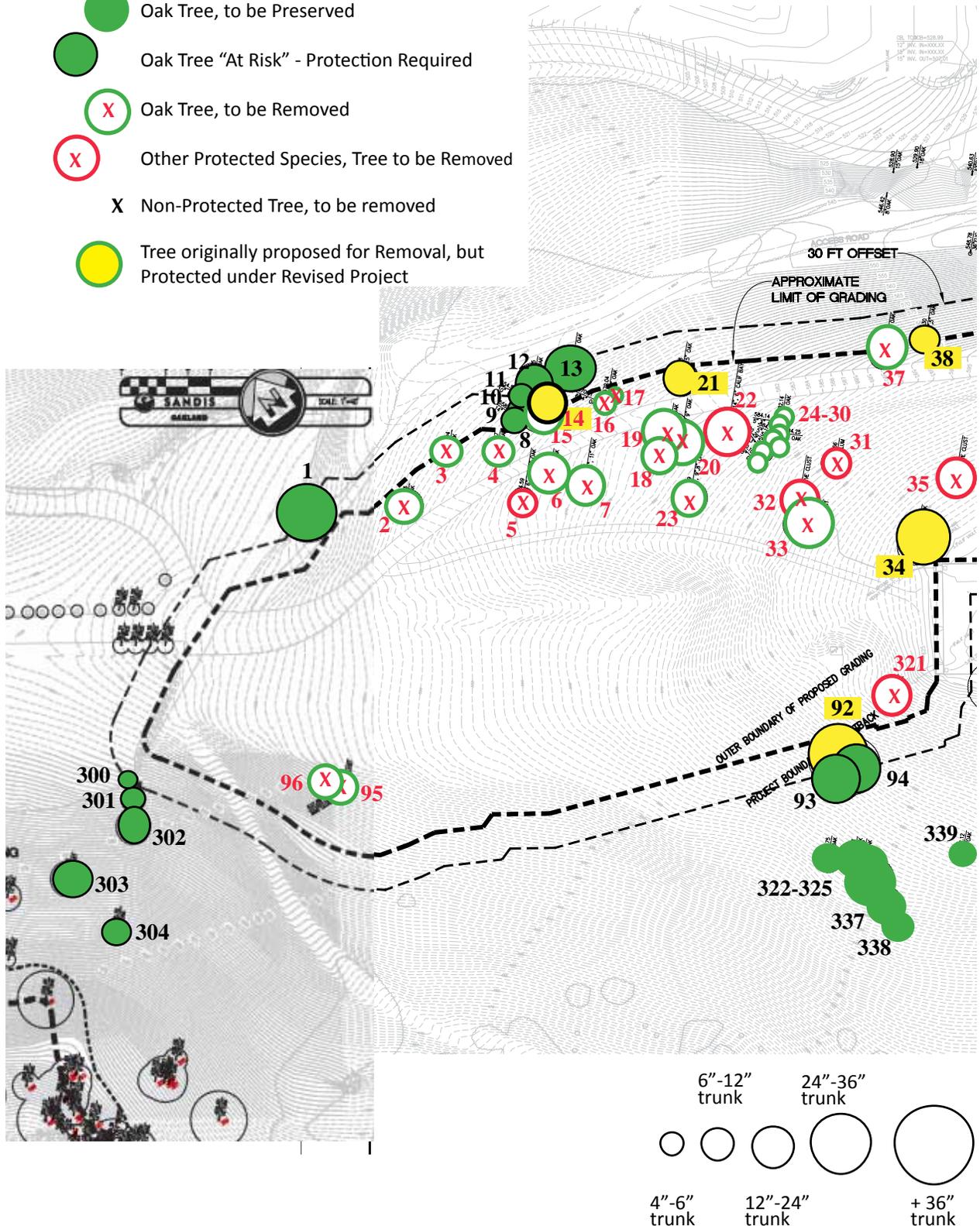
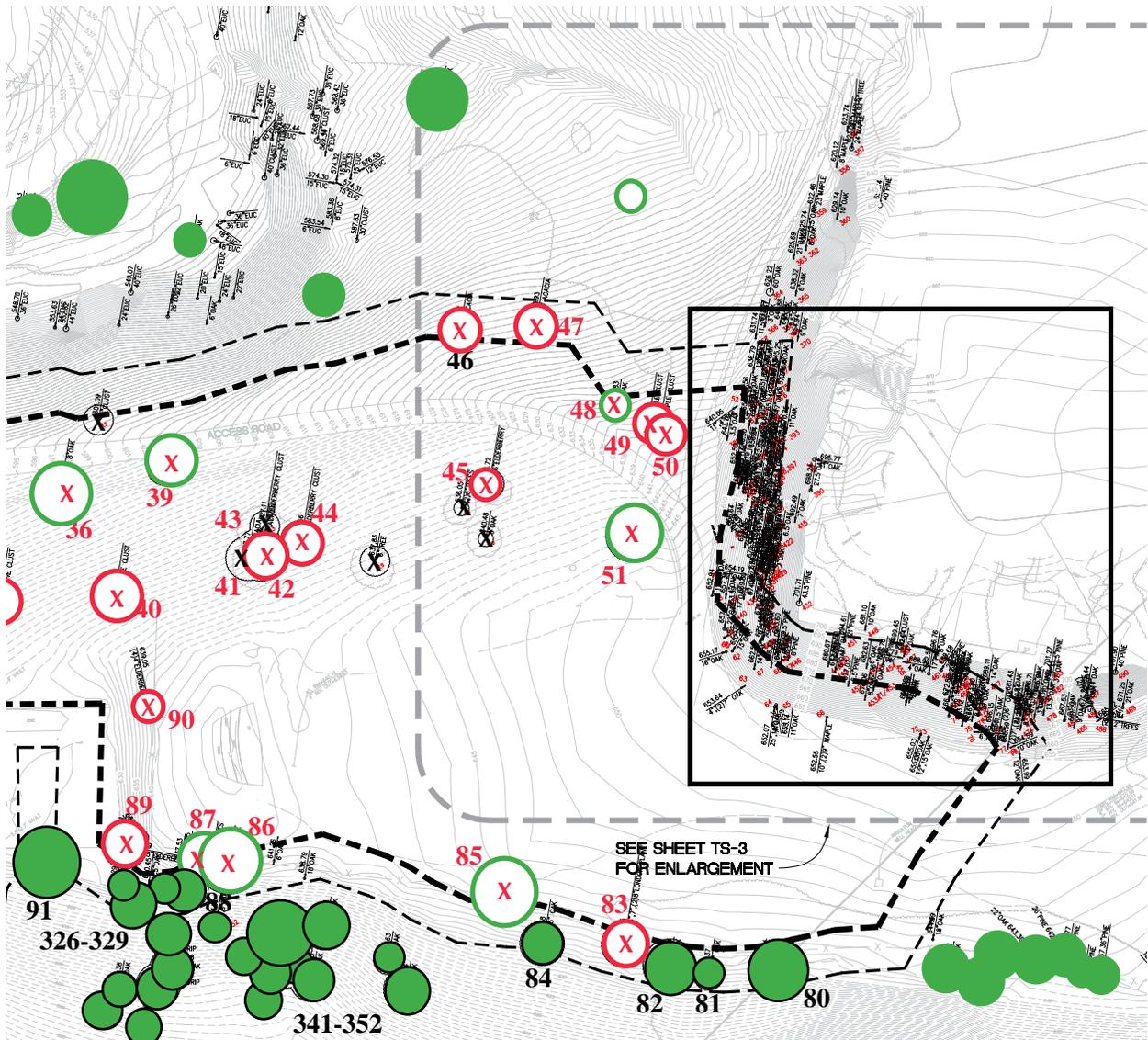


Figure 12-6
Revised Project - Additional Tree Protection
Plot 98





Legend:

-  Oak Tree, to be Preserved
-  Oak Tree "At Risk" - Protection Required
-  Oak Tree, to be Removed
-  Other Protected Species, Tree to be Removed
-  Non-Protected Tree, to be removed

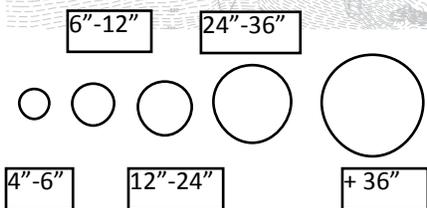


Figure 12-7
Original Project Tree Preservation and Removal
Panhandle



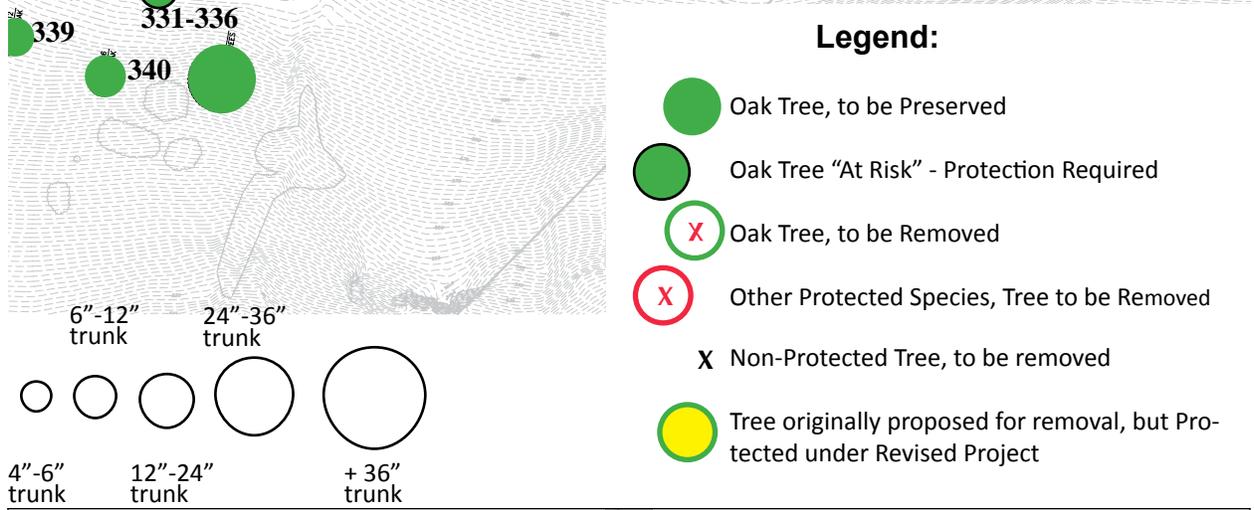
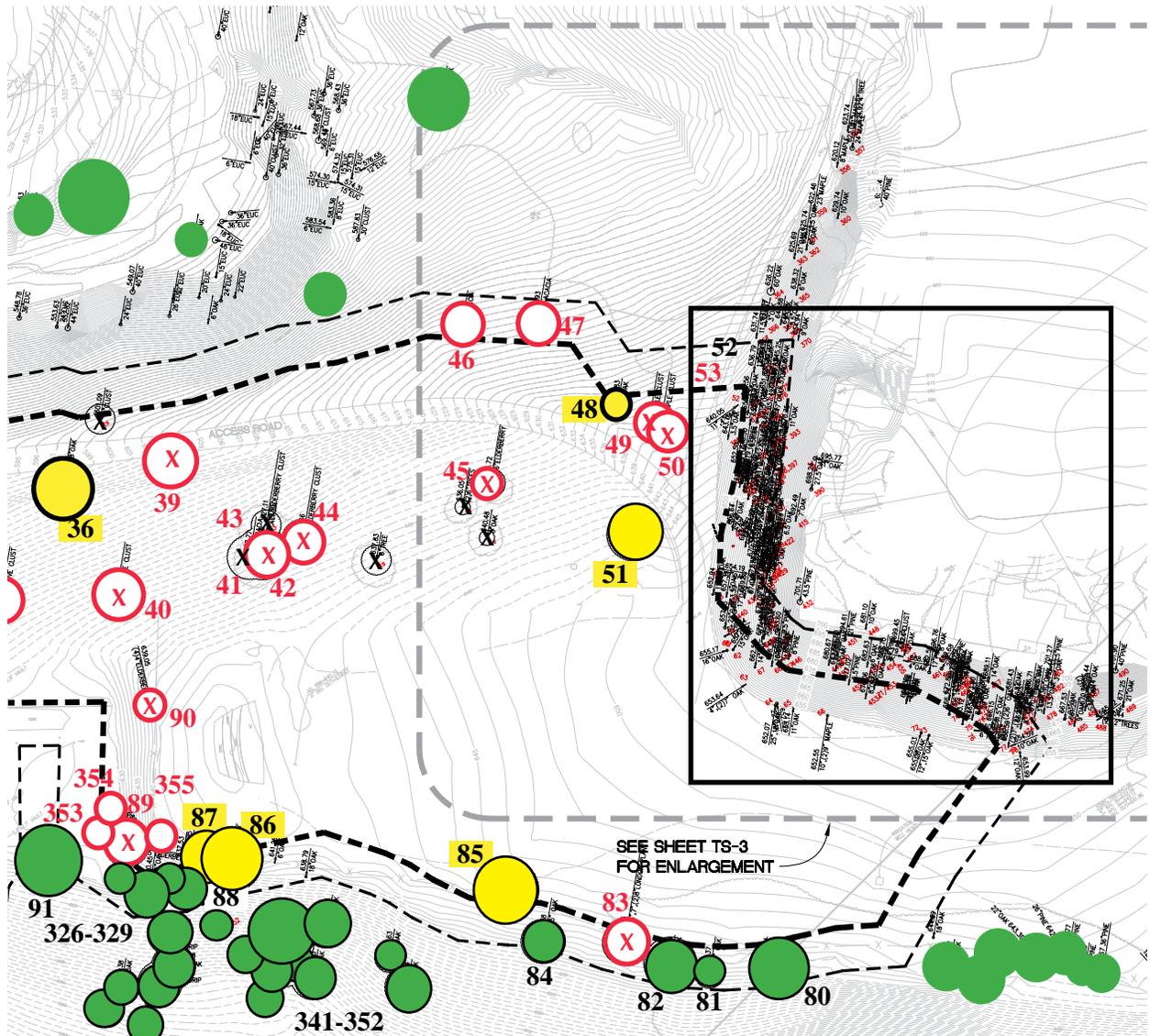


Figure 12-8
Revised Project - Additional Tree Protection
Panhandle

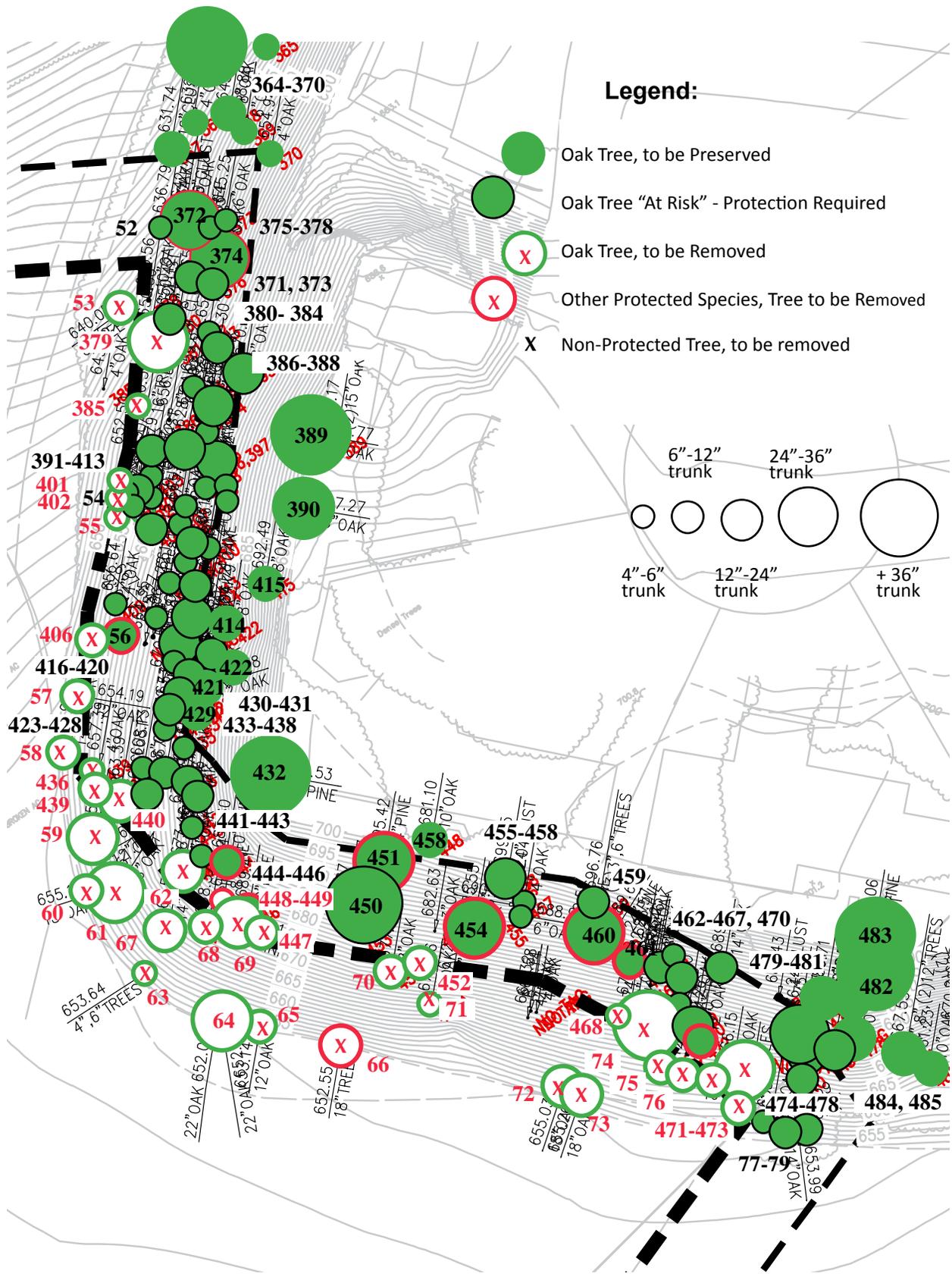


Figure 12-9
Original Project Tree Preservation and Removal
Stark Knoll



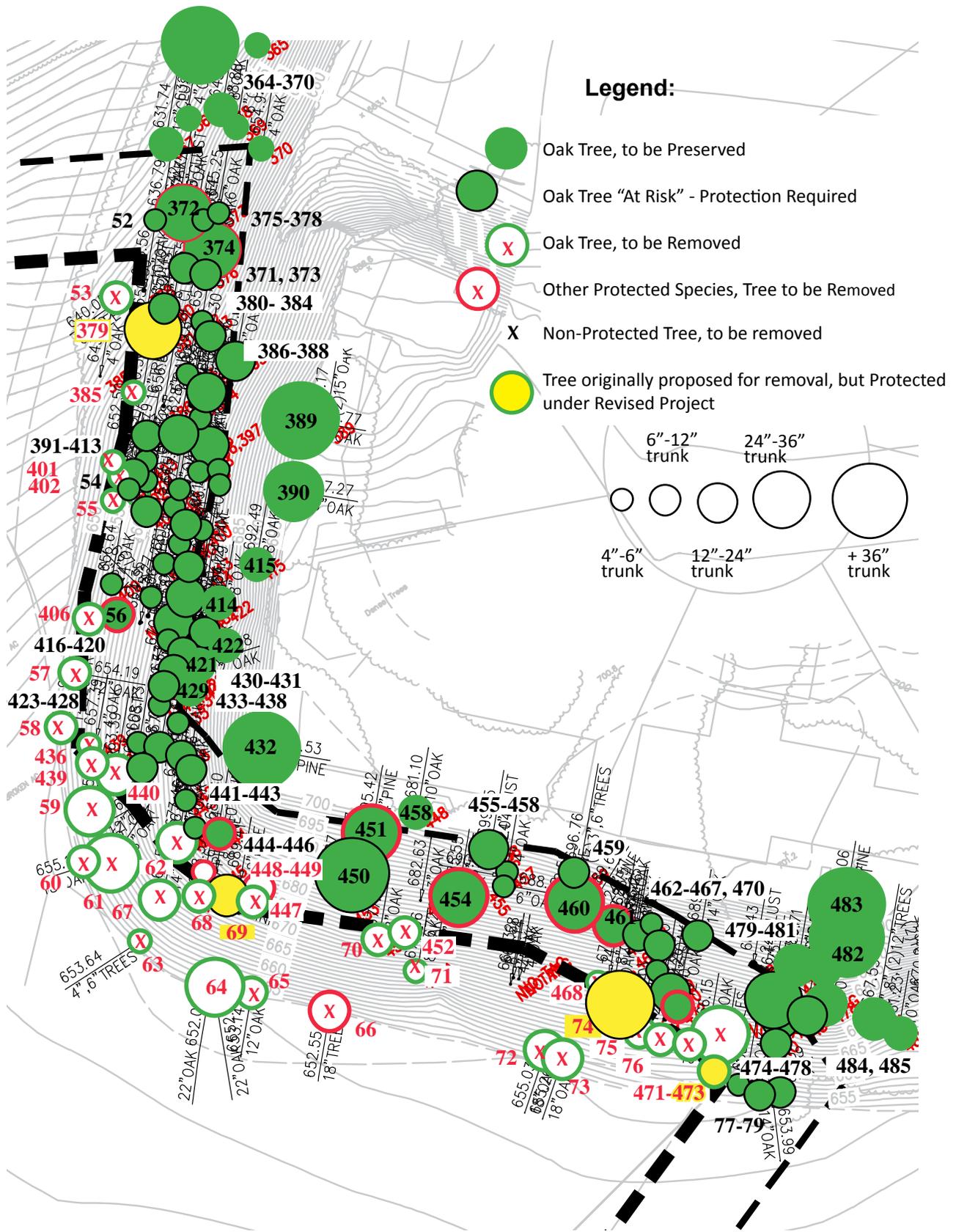


Figure 12-10
Revised Project, Additional Trees to be Preserved
Stark Knoll



Tree Protection Measures

Many commenters expressed confusion regarding what trees are certain to be removed and what trees may be removed.

The Draft EIR authors recognize that use of the term “At Risk” may have been interpreted by readers to indicate that these at-risk trees would, or may be removed by the Project. That was not the intent of this term as used in the Draft EIR. Rather, this term was intended to apply to “protected trees deemed to be potentially endangered by site work,” as defined in the City’s Tree Protection Ordinance Section 12.36.060.

As indicated in Table 12-9 above, there are 189 trees (178 of which are oaks), that fall within the “Protected” category pursuant to the Revised Project. There are also many smaller (less than 4” dbh) oak trees along the Stark Knoll hillside that are not required by ordinance to be protected, but which would also be accorded protection under the Revised Project.

As indicated in the Draft EIR (page 4.3-27), the Project will be required to develop a Tree Protection Plan to demonstrate that adequate protection measures will be provided during the construction period to ensure that these “at risk” trees, as well as all trees beyond the “at risk” zone will be protected and preserved. These protection measures shall include, but are not limited to:

- security fencing around the base of the tree (at a distance from the trunk to be determined by a consulting arborist);
- developing a construction operations plan that provides for the careful removal and disposal of brush, earth and other debris;
- avoiding any excavation, cutting, filing or compaction of the existing ground surface within the protected perimeter;
- retaining the existing ground level around the base of all protected trees; and
- using smaller equipment (potentially including hand tools) for any earthwork immediately uphill or downhill from a protected tree.

With implementation of these required measures pursuant to the City’s standard SCA #27, the at-risk trees and those trees identified as preserved, will not be removed.

Tree Replacement Planting

Comments on the Draft EIR suggested that replacement of removed oak trees with any species of tree other than coast live oak was not adequate mitigation. Comments suggested that tree replacements should provide for a minimum of 1:1 replacement of coast live oaks with coast live oaks, and that the Cemetery should guarantee survival of these trees for a longer period than required under City ordinance.

Original Project

As indicated in the Draft EIR (page 4.3-31), replacement tree plantings are required for removal of all “protected” native trees. The replacement tree plantings shall provide for erosion control, groundwater replenishment, visual screening, wildlife habitat and preventing excessive loss of shade. Replacement tree species are required to be comprised 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 Division. The Original

Project is now estimated to have resulted in removal of 109 protected coast live oaks. Consistent with the requirements of the Tree Preservation Ordinance and SCA #27, the Original Project proposed to replace these removed native trees with a mixture of new, 24-inch box trees selected from the City-approved list of allowable species, meeting or exceeding the City's required replacement ratio of 1:1 replacement of protected native trees.

Revised Project

As further described in Chapter 11 of this document, the Project applicant is now proposing a Revised Project grading plan that includes tree wells, short retaining walls, feathered grading practices and a lowering of fill against the Stark Knoll hillside. These measures now result in protection of an additional 20 mature oak trees, bringing the total number of protected oaks to be removed down from 112 coast live oaks, to removal of 92 protected oaks.

The Revised Project also now proposes to replace all removed coast live oaks with replacement coast live oaks on a 1:1 basis. The Revised Project also includes 10 new large, 60" box oak trees and another 40 new, 24" box oak trees within the overall landscape plan, over and above the 1:1 oak replacement. This will increase the perceived mass of the new oak trees when planted. Based on the Landscape Plan now proposed, the Revised Project will include tree plantings that total 317 new trees, of which at least 143 new trees will be oaks. The Cemetery has indicated that, unless use of local genetic stock would result in lowered ability to fight disease due to narrowed genetic diversity, it will purchase local genetic stock for replacement trees if it is available and practical.

The Cemetery cannot guarantee preservation of any tree in perpetuity and does not commit to a survival period for replacement trees longer than the minimum period required in the City's Tree Ordinance. However, the applicant has indicated that they consider the planting of replacement trees to be a long-term investment in the Cemetery grounds, consistent with the Cemetery's history of maintaining existing trees and planting new trees. The applicant indicates that, during the past five years the Cemetery has planted about 1,300 saplings (oak, maple, cedar, redwood), and 471, 15-gallon redwood trees to re-establish a former screen of trees on the northern boundary of the cemetery. Mountain View has also planted 14, 48-inch box deodar cedars and 66, 24-inch to 60-inch box trees of a mix of oak, sycamore, maple and other species elsewhere throughout the Cemetery.

Master Response B: Project Water Use and Conservation

Commenters expressed concern about the Project's water use and suggested opportunities for water conservation (e.g., through use of drought-tolerant landscaping or recycled water). Comments also questioned whether the Cemetery would comply with the State Model Water Efficient Landscape Ordinance (WELO) and the Bay Friendly Basic Landscape Checklist. Some commenters also expressed concern about the Project's potential reliance on groundwater pumping and East Bay Municipal Utility District (EBMUD) municipal water supplies.

SWA Group, a landscape architecture, planning, and urban design firm, calculated total water demands for the Project. Their calculations (included as Appendix 4.9 and presented in summary on Table 4.9-1 in the Draft EIR) estimate a total increase in water demand of approximately 8.65 million gallons per year for irrigation in Plot 82, Plot 98 and the Panhandle. Most of this increased water use (8.45 million gallons per year) would be attributed to the introduction of irrigation-dependent landscape (grass) into areas not currently irrigated. New grass areas at Plot 82, Plot 98 and the Panhandle amount to approximately 330,000 square feet (or approximately 7.5 acres), and represents an approximate 6% to 7% increase in irrigated land within the Cemetery.

Water Supplies

As discussed on page 4.7-20 of the Draft EIR, Mountain View Cemetery will continue its existing irrigation practices and irrigate the Project area to the extent possible with private water derived from on-site wells and collected stormwater runoff, and supplement with other irrigation water supply sources (i.e., purchase of water from EBMUD) when needed. An existing well near Plot 98 is anticipated to provide groundwater supplies needed to irrigate the Project (page 4.9-22 of the Draft EIR). A system of storm drains and drainage channels that outfall into a system of three lakes in the southerly portion of the Cemetery provides for on-site reuse of storm water runoff for irrigation purposes, stored in these lakes for use during dry summer months. The Cemetery first uses these on-site non-potable sources of water for irrigation purposes, to reduce the amount of water the Cemetery purchases from East Bay Municipal Utility District (EBMUD) for irrigation.

The Draft EIR analyzed the Project's effect on groundwater supplies and determined that the increased water demand relative to existing irrigation demand would not increase overall water demands to the extent that it would materially affect existing use of well water or deplete the groundwater supply. Once developed, most of the Project site will remain as pervious landscaped surfaces that will retain groundwater recharge capabilities.

The Draft EIR also included a conservative analysis to determine that the total increase in water demand attributed to the Project would not exceed water supplies available from existing EBMUD water entitlements and resources. The Project was not considered a water-demand project under CEQA, as noted in the Draft EIR (page 4.9-22). CEQA Guidelines section 15155 requires that the City prepare or have prepared a Water Supply Assessment for any "water-demand project," which is defined as any project that would demand an amount of water equivalent to or greater than the amount of water required by a residential project of 500 dwelling units. The Project (even under a conservative assumption that all water demands would be met through additional municipal EBMUD service) does not meet this definition of a water-demand project, and no Water Supply Assessment was prepared or required.

Water Conservation

The Cemetery reports that it has been implementing water-conserving actions to reduce its use of on-site and EBMUD water supplies. The Cemetery's reported water conservation efforts are as follows:

- Replacement of the Cemetery's manual irrigation time clock controllers with remote controlled time clocks, which are set by a central computer. Whereas prior to the change in technology it could take 48 hours to reset irrigation times, the Cemetery can now change those times within minutes to respond to changes in weather (e.g., reducing or avoiding irrigation in conjunction with rainfall).
- Careful monitoring of water application rates to ensure that the grounds are irrigated with only enough water to keep the grounds green, and not over-watered.
- Planting of hundreds of saplings as part of a long-term effort to reduce evapotranspiration via shading.
- Reductions in irrigation in some turf areas, allowing these to turn to various shades of brown, surviving in a mostly dormant state producing minimal growth and soil cover.

As shown in **Table 12-10 and 12-11**, after an initial rise in water use during the 2012 and 2013 years, the Cemetery's water conservation efforts have resulted in a substantial reduction in water use, from a high of 147 acre-feet in 2012, to a low of 49 acre-feet in 2015.

Year	EBMUD Units¹	Acre-feet of Water
2011	42,855	98.4
2012	63,878	146.6
2013	63,016	144.6
2014	29,071	66.7
2015	21,227	48.7
2016	22,028	50.5

¹ units of 100 cubic feet

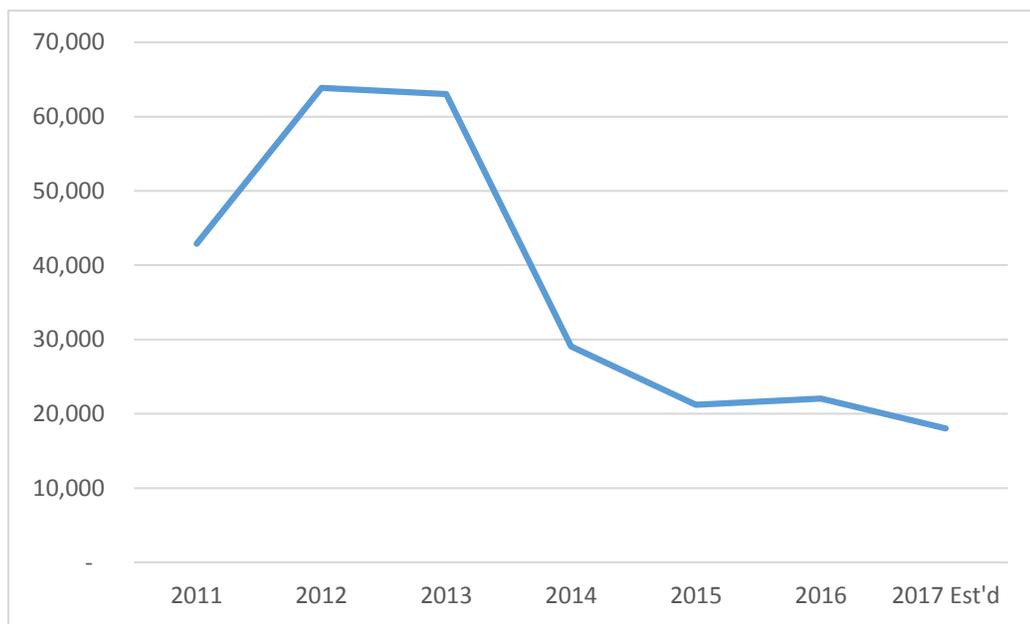


Table 12-11: Mountain View Cemetery Annual Water Purchase in EBMUD Units, 2011 – 2016.

Bay-Friendly Landscape and the State Model Water Efficient Landscape Ordinance

The City expects the Cemetery to practice water-wise irrigation practices and to adhere to modern methods of efficient irrigation of the Project, similar to its water conservation and efficient irrigation practices elsewhere within the Cemetery. As indicated in the Draft EIR (see pages 4.9-23 through 4.9-24), the Project will be required to adhere to the Bay-Friendly Basic Landscape Checklist. Moreover, although not specifically addressed in the Draft EIR, the City has elected to include compliance with the State Model Water Efficient Landscape Ordinance (MWELO) as a Project-specific condition of approval.

Turf Exception

As detailed in the Draft EIR, the Bay-Friendly Landscape Checklist represents nine required practices from the Bay-Friendly Landscape Scorecard that are considered a minimum set of practices to improve the environmental performance of the landscape. These practices include—as pertains to water use—that a minimum of 75% of the total number of plants in non-turf areas must be species that require no or little summer watering once established, and a maximum of 25% of total irrigated area is to be specified as turf (with sports or multiple use fields exempted).

The City does not believe it should prohibit the Cemetery from installing lawn or turf in the Project area, particularly as lawns help create the park-like setting that is part of the Cemetery’s character. The City interprets the “field” exception to the Bay-Friendly Landscape Checklist’s turf requirement to apply to the park-like, multi-use setting of the Cemetery, which is host to strollers, joggers, picnickers, and community events, as well as burials.

The Project will be required to meet MWELO section 492.11, which requires a landscape and irrigation maintenance schedule prior to issuance of a grading permit, and section 492.12, which requires a qualified third party to conduct an irrigation audit report after the landscape has been installed. Under State law, the Project is required to demonstrate compliance with MWELO, and the City believes the Cemetery can and will do so.

Water Supply

The sections of MWELO applicable to the Project are silent on the source of irrigation water, and the use of groundwater or municipal water supplies for cemeteries is not prohibited.

As with MWELO, EBMUD does not prohibit the use of groundwater or municipal water supplies for cemeteries. EBMUD’s water efficiency requirements (Section 31 of EBMUD’s Regulations Governing Water Service Customers) do not mention water source, but they do require the installation of all applicable water-efficiency measures before water service is provided as a new or expanded service. EBMUD Policy 9.05 requires EBMUD customers to “use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant life, fish and wildlife.” However, according to the EBMUD comment letter on the Notice of Preparation for the Project, there is no existing, feasible non-potable water source for irrigation beyond the sources already being used by the Cemetery. Accordingly, EBMUD does not require the Project to use only non-potable water for irrigation.

Although the Draft EIR does not consider the use of recycled water for irrigation, the City does not believe it would reasonable or feasible for the Cemetery to connect to offsite recycled water pipelines or develop an on-site water treatment facility as a water conservation measure. According to EBMUD, “The proposed project is located at least three miles away from any existing or future planned recycled water pipelines; therefore, EBMUD does not currently anticipate serving recycled water to this project.” The City recognizes that EBMUD is currently studying whether to expand its recycled water program, including, potentially, creating a remote satellite treatment facility on or near the Cemetery, and at some time in the future, recycled water may be available in the Project area. Since EBMUD is only in the study phase, and no concrete plans have been proposed or approved, it is not reasonably foreseeable that the expansion will occur, nor is it reasonable at this time to require the Cemetery to expand EBMUD’s recycled water system in the absence of an area-wide policy or fee program.

Regarding on-site recycling, use of potable water by the Cemetery (which could feasibly be recycled) is very limited, and daytime domestic water use by employees is limited. The Cemetery already captures

irrigation run-off and harvests rainwater in three reservoirs and on-site wells, and re-uses this water for irrigation.

The Draft EIR determined that with adherence to the Bay-Friendly Basic Landscape Checklist, the water demands of the Project will meet all applicable criteria for water conservation, and the Project's water demand impacts will be less than significant.

Master Response C: Impacts on Historic Resources

Commenters expressed concern about the effects of tree removal on the historic Frederick Law Olmsted landscape and Olmsted's vision and design for the Cemetery. Comments also questioned whether the Cemetery would adhere to Secretary of the Interior Standards for Rehabilitation. Some commenters also noted the eligibility of the Cemetery for listing with National Register of Historic Places or California Register of Historic Resources and suggested formal applications be filed.

Page & Turnbull, an architectural design, planning, and preservation firm, prepared a historic resource assessment for the Project (incorporated by reference and included in the Draft EIR as Appendix 4.4A). Their assessment provides the basis for the analysis of potential impacts on historic resources in Chapter 4.4 of the Draft EIR, including an analysis of potential effects on the Frederick Law Olmsted Master Plan Area and its associated landscape.

The Draft EIR determined that the Project does not involve any demolition or alteration of any existing historic buildings or other character-defining contributing features to the Mountain View Cemetery historic district. The Project is not within nor does it propose to alter the historic Frederick Law Olmsted landscape, and the Project as designed complies with all applicable Secretary of the Interior Rehabilitation Standards. Additionally, the topic of "heritage" trees was not discussed or analyzed in Chapter 4.4 of the Draft EIR, as Oakland does not have a definition of "heritage" trees or "heritage oak tree." The City does consider trees as eligible for protection under the City's Tree Protection Ordinance, and this topic is discussed and fully analyzed on pages 4.3-22 through 4.3-34 in Chapter 4.3 of the Draft EIR.

Frederick Law Olmsted Landscape

Commenters suggest that the Project is not consistent with Olmsted's historic design or vision for the Cemetery.

Frederick Law Olmsted was hired in October 1865 by the Mountain View Cemetery Association to plan the layout of the Cemetery property. Olmsted designed the Cemetery around a central avenue with a diamond-shaped pattern in the western lower elevations, and curving paths that followed the slopes in the eastern, then-upper portion of the property (see Figure 4.4-1 of the Draft EIR). Olmsted's design "wove together geometric design with the organic undulation of the landscape, combining formal and picturesque styles which called forth the defense of both natural and synthetic designs" (Sloane 1991). As noted in the Draft EIR (page 4.4-7), "His design did not attempt to reproduce the forest cemeteries of the East Coast, in part because of the different vegetation available in the West." As attributed to Olmsted, "scarcely anywhere in the world except in actual deserts, is the indigenous vegetation so limited in variety as in the country about San Francisco" (Olmsted 1865, as quoted in Barth 1988).

There is no historical indication that the landscape of the upper hillside (outside of the Olmsted Master Plan area) was integral to the Olmsted design. The Olmsted Master Plan did not include the upper portion of the current Cemetery where the Project site is located, nor was this area part of the Cemetery property at that time. The 1878 Alameda County Farm Map (see Appendix 4.4A) shows that the

boundaries of Mountain View Cemetery included only the approximate area of the Olmsted design, and that the properties to the east (where the Project site is located) were then private properties identified as “land of J.C. Hays.” More than 60 years later (as indicated in the 1959 Concord USGS 15’ Topographic Map), the Cemetery boundaries had been expanded to include the properties that are part of the current day Cemetery, including the Project site. Residential neighborhoods surrounded the Cemetery on all sides, including most of the present-day neighborhoods to the north and northeast of the Project site.

As indicated in the Draft EIR (page 4.4-13), a previous 2003 historic assessment of the Cemetery (Garavaglia Architecture 2003) concluded that the Cemetery was considered “a significant historic resource under National Register of Historic Places. Its historic significance is pursuant to Criterion A: Events, for its association with the evolving history of cemetery development and other physical development in Oakland; and Criterion C: Architecture, for its picturesque master plan by reputed landscape architect Frederick Law Olmsted, as well as its buildings, structures and objects of high artistic value.” Page and Turnbull (the historians responsible for analysis of the Project in the Draft EIR) agreed with this prior 2003 assessment. That previous 2003 assessment outlined several character-defining features articulated in forms completed by Oakland Cultural Heritage Survey (OCHS; 1988). The undeveloped hills at the east end, or upper portions of the Cemetery (where the Project is located) were not identified as character-defining features in either the 1988 OCHS forms, in the 2003 Garavaglia assessment, or in the analysis as presented in the Draft EIR. These hills do provide a scenic setting for the historic portions of the Cemetery below.

As concluded in the Draft EIR (page 4.4-35), the undeveloped hills at the east end and upper portions of the Cemetery where the Project is located are not identified as character-defining features of the Mountain View Cemetery-Chapel of the Chimes Historic District. The hills are not within the boundaries of the original Olmsted Master Plan. The hills do provide a scenic setting for, but are not a part of the historic portions of the Cemetery. The Draft EIR concludes on page 4.4-40 that “The Project would not alter the existing developed portions of the Cemetery, and that its location within the undeveloped eastern hillside portions of the property is far enough removed from existing historic buildings and other character-defining features of the historic district that it would not directly or indirectly affect any historic resources. Proposed tree removal and replacement would occur in the eastern and upper portions of the Cemetery, which is not within the historic landscape, and the Project would not alter any character-defining contributing features to the historic District or the historic Frederick Law Olmsted landscape.” The public comments on this issue provide no evidence to the contrary.

Secretary of the Interior Standards for Rehabilitation

The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Secretary’s Standards) provide guidance for working with historic properties. The Secretary’s Standards are a useful analytic tool for understanding and describing the potential impacts of substantial changes to historic resources. Compliance with the Secretary’s Standards does not determine whether a project would cause a substantial adverse change in the significance of an historic resource. Rather, projects that comply with the Secretary’s Standards benefit from a regulatory presumption under CEQA that they would have a less-than-significant adverse impact on an historic resource.

The Draft EIR fully analyzed the Project’s adherence to each of the 10 Secretary’s Standards for Rehabilitation. This set of Standards was used because the Project scope includes expansion of the Cemetery to meet its continued use. As detailed on pages 4.4-35 through 4.4-40 in Chapter 4.4 of the Draft EIR, the Project as designed would comply with these Standards. The Draft EIR determined that

because the Project as designed complies with the Secretary's Standards, it does not cause a significant adverse impact under CEQA.

Mountain View Cemetery – National and State Register Listing Eligibility

The 1998 OCHS defines the entire Cemetery property, along with the Administration Building, the Chapel Building, the Chapel of the Chimes, and the St. Mary's Office Building, as the Mountain View Cemetery-Chapel of the Chimes Historic District (District). The District is an Area of Primary Importance, eligible for listing on the National Register of Historic Places and the California Register of Historic Resources. Although the entire Cemetery property is eligible for listing with National Register of Historic Places or California Register of Historic Resources, applications for either listing are outside the scope of this Project; however, the Project sponsor is not precluded from pursuing such listing for the Cemetery in the future.

Master Response D: Public Notice and Public Review

Commenters expressed concern as to whether the City provided adequate public notice for the Mountain View Cemetery Expansion Project Draft EIR and some of these commenters also requested an extension of the public comment period.

The EIR has been subjected to a CEQA-required public review process. A Notice of Preparation to prepare the EIR for the Mountain View Cemetery Expansion Project was published on February 6, 2015, and the public comment period ended on March 11, 2015. At public scoping sessions before the Landmarks Preservation Advisory Board and City Planning Commission, City of Oakland staff received comments and direction on what types of information and analysis should be considered in the EIR.

The Notice of Availability for the Draft EIR was prepared and released on June 15, 2016. Also on June 15, 2016, the Notice of Availability for the Draft EIR was mailed to property owners within 300 feet of the Project area, distributed to state and local agencies, posted on the Project website, and mailed and emailed to interested parties. Copies of the Draft EIR were also distributed to City officials, including the Planning Commission, and made available at the office of the Bureau of Planning and the City's website.

The 45-day public comment period began on June 15, 2016 and ended on August 1, 2016. During the public review and comment period, the City of Oakland held a public hearing before the City of Oakland Landmarks Preservation Advisory Board on July 10, 2016 and a public hearing before the City of Oakland Planning Commission on July 20, 2016.

Through the public noticing, scoping, hearings, and review process detailed above, the City of Oakland has demonstrated commitment to a robust public and City review process pursuant to CEQA. Therefore, the City determined that an extension of the comment period was not warranted.

Master Response E: Comments on Merits of the Project

Numerous commenters expressed their views regarding the merits of the proposed Project, including opposing the approval of the Project, Project design, or provided informational comments that do not specifically address the adequacy of the EIR.

The City received numerous comments that pertain to the relative merits of the Project, but do not raise issues with the environmental analysis provided in the Draft EIR or are otherwise beyond the purview of

the EIR and/or CEQA. The merits of the Project and Project design components will be addressed as part of the City's review and approval process. Although not directly responded to in this document, each of the comments on the merits of the Project are noted and hereby made part of the public record. All comments, irrespective of the topic, will be provided to the City of Oakland Planning Commission for their review and consideration prior to making any decision to approve, modify, or reject the proposed Project.

Responses to Written Comments on the Draft EIR

This chapter includes copies of the written comments received by hand-delivered mail or electronic mail during the public review and comment period on the Draft EIR. Specific responses to the individual comments in each correspondence follow each letter.

Each correspondence is identified by an alphabetical designator (e.g., “A”). Specific comments within each correspondence are identified by a numeric designator that reflects the numeric sequence of the specific comment within the correspondence (e.g., “A-1” for the first comment in Comment Letter A).

Responses focus on comments that pertain to the adequacy of the analysis in the EIR or to other aspects pertinent to the potential effects of the Project on the environment, pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to the Draft EIR, these changes appear as part of the specific response and are consolidated in Chapter 7, Revisions to the Draft EIR, where they are listing in the order that the revision would appear in the Draft EIR document.

Master Responses to recurring comments may be found in Chapter 12 of this document.

Letter A



July 15, 2016

Catherine Payne, Planner IV
City of Oakland Department of Planning and Building
Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Re: Notice of Release and Availability of the Draft Environmental Impact Report on
the Mountain View Cemetery Expansion Project

Dear Ms. Payne:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report for the Mountain View Cemetery Expansion Project located in the City of Oakland. EBMUD has the following comments.

WATER SERVICE

EBMUD's Aqueduct Pressure Zone, Highland Regulator Pressure Zone, Piedmont Pressure Zone, and Dingee Pressure Zone with service elevations between 100 and 200 feet, 200 and 325 feet, 325 and 500 feet, and 500 and 675 feet, respectively, provide water service to the existing property. 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 proposed development. Engineering and installation of water services require substantial lead time, which should be provided for in the project sponsor's development schedule.

A-1

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "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.

A-2

WATER RECYCLING

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply.

The proposed project is located at least three miles away from any existing or future planned recycled water pipelines; therefore, EBMUD does not currently anticipate serving recycled water to this project. Based on the cemetery's non-potable water demand, it may be feasible to implement a remote satellite treatment facility that involves tapping into a nearby existing sewer line and treating the wastewater at a location on or near the site to produce recycled water for the project's use. EBMUD is also currently conducting a recycled water project expansion study. Therefore, EBMUD recommends that the City and the project sponsor maintain continued coordination and consultation with EBMUD regarding the feasibility of using recycled water either from a centralized facility or from an on-site recycled water treatment facility for appropriate non-potable uses.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:SHT:dks
sb16_124.docx

cc: Mountain View Cemetery Association
5000 Piedmont Avenue
Oakland, CA 94611

A-3

Letter A Response – East Bay Municipal Utility District

Response A-1: Comments related to the cost and installation of water service improvements are noted. If construction of the Project requires additional EBMUD water service improvements, the Project applicant will coordinate with the City of Oakland and EBMUD and adhere to EBMUD requirements.

Response A-2: Please see Master Response B regarding water conservation and regulatory compliance.

Response A-3: Please see Master Response B regarding Project water use and sources.

Letter B



CALIFORNIA NATIVE PLANT SOCIETY

East Bay Chapter, www.ebcnps.org
PO Box 5597, Elmwood Station, Berkeley, CA 94705

August 1, 2016 (August 5, 2016)

Catherine Payne, Planner IV
City of Oakland, Department of Planning and Building
Bureau of Planning
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA. 94612
510-238-6168

Submitted via email to: cpayne@oaknet.com

RE: Draft Environmental Impact Report for the Mountain View Cemetery Expansion Project

Dear Ms. Payne:

The California Native Plant Society's East Bay Chapter (EBCNPS) appreciates the opportunity to comment on the 2016 *Draft Environmental Impact Report (DEIR) for the Mountain View Cemetery Expansion Project*. The California Native Plant Society (CNPS) is a statewide non-profit organization that works to protect California's native plant heritage and preserve it for future generations. The Society's mission is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat. We promote native plant appreciation, research, education, and conservation through our 5 statewide programs and 34 regional chapters in California. The East Bay Chapter covers Alameda and Contra Costa Counties and represents some 1000 local members.

Pursuant to the mission of protecting California's native plant species and habitats, CNPS submits the following comments and recommendations for the DEIR:

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General Considerations:

Representatives of our organization have read the DEIR, and noted areas of inadequacy and confusing references that should be modified, before a Final EIR is considered for approval. These conflicting points present a muddled picture of total project impact, making an accurate public assessment of the project impossible and the DEIR inadequate in current form.

We request that the City Council, the Planning Commission and City staff direct the Cemetery Applicants to revise the proposed expansion project, specifically in order to avoid impacts to many more oaks. A total of 190 (possibly more) coast live oak trees (from 2 arborist reports) are being proposed for removal in the latest version of the cemetery’s plan. This number includes 113 trees with diameters at breast height (DBH) greater than 12 inches--some much larger. These trees provide rich habitat for many creatures, including over 40 species of migratory songs birds and other insect eating birds (see TABLE B, attached).

B-1

We request an alternative landscape plan that incorporates existing live oak trees into the proposed design, particularly retaining large swaths/groves of trees, and certain large individuals. We support permanent protections for these clusters, groves and individual trees. We request that this revised grading and landscape plan clearly show where existing oaks will be retained, along with new trees to be added. Further, we request that an independent biological monitor be present on site during grading, to insure the protection of the oaks, including generous margins of protection around root zones, and careful grading to insure ongoing lawn irrigation does not overwater established oak tree root zones.

B-2

B-3

A recent informal meeting (July, 2016) between some of our members and the cemetery’s CEO and his landscape architect (Joe Runco) reveal a reluctance on the part of the cemetery to guarantee preservation of any oak trees in the new areas, in their long term planning. Mr. Runco said that they were applying for permits to remove all 222 trees mentioned in the first arborist report (and he said that during the construction grading, perhaps a few trees may be saved here and there). However, no trees are specified to be saved at this point, before work has started. This viewpoint conflicts directly with a recent presentation given by City Planner Catherine Payne, at a Planning Commission meeting, where Ms. Payne characterized tree removal permits and plans showing the total number of oak trees removed from the cemetery expansion area, as a “worst case scenario.” Between these two professional opinions, there is quite a lot of latitude, with potential for unnecessary loss of too many of these important, beautiful trees. Additionally, if there is no long term plan to retain many of these oak trees permanently, then it will be all too easy to remove more over time, in a piecemeal fashion, without consideration of total impacts. In summary, exactly what actions would occur should this project be approved tomorrow, is unclear from the documents provided. Our organization recommends an improved communication between planners and the City of Oakland, specifically minimizing the gap of knowledge between what will occur and what is allowed to occur in proposed project actions related to tree removals. Clarifying this information more broadly to the public is also essential in order for actual impacts to be evaluated.

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Our native oak trees of Oakland add much to the experience of being in the cemetery. As declared in the DEIR documents, the cemetery is utilized extensively for strolling and enjoyment, as well as for remembrance and solitude. The public enjoys the park-like atmosphere which includes large, healthy oak trees. Their presence was specifically called out to be included in the design and vision of the cemetery by it's famous landscape architect, Frederick Law Olmsted. Olmsted understood the critical importance of our amazing graceful native oak trees, and the cemetery is a much richer place for them.

B-5

We strongly emphasize the ecological value of oak groves (as well as individual oak trees), as part of a remnant Oak Woodland local plant community, part of our native plant heritage of Oakland. It is not just a matter of a few trees in the way of new graves sites. What remains in the upper areas of the Mountain View Cemetery is a very important ecological web of life, special and significant to the Oakland area.

B-6

Other concerns:

CEQA, DEIR inadequacies, and arborist report inconsistencies

The DEIR in its current form inadequately discusses possible impacts on the physical environment; also, alternatives to the project are inadequately covered. This DEIR should not be approved as it does not meet its purpose, which is to provide useful and accurate information to the public on sum potential adverse effects of the proposed project.

B-7

We recommend that a revised landscape plan avoid impacts to several groves and stands of oaks. Changes of just a few meters of grading in some places could drastically reduce impacts to existing trees. The landscape plans and accompanying DEIR could be revised to allow for both building more graves sites as desired, **and** retaining swaths of native trees, (as well as large individual oak trees) that are on the periphery of proposed areas of development. As it is presented, the grading plan allows for removal of some very large healthy trees. We recommend avoidance, first and foremost. Before considering removal (and 'mitigation' via planting young trees or even transplanting existing trees), let us first strive to retain all the existing oaks that we can. On a related issue, we find mitigation plans taking the form of planting redwoods and other species in the place of large established oaks, to be unacceptable. The removal of huge trees approaching 100-200 years in age can hardly be considered to be fairly traded off (mitigated) by replacing them with young nursery trees, and of entirely different species, with unknown and questionable habitat values for the wildlife in the cemetery now.

B-8

B-9

In this time of climate change, more droughts are expected as the new norm. With water restrictions inevitable, and ever more loss of our native plant communities and heritage trees, and with more and more chunks and bits of Oakland's open spaces being developed, it just makes sense to conserve these established groves. With some alterations of plans, these trees can be retained. Conversely, removing 200 established oak trees, (more or less, depending upon which

B-10

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report and which interpretation), and planting young replacement trees now, (or in the next 5-15 years?) means this resource will not be fully replaced for generations. **Generations.**

How many migrating songbirds will we lose, because of casual destruction to another chunk of their overwintering grounds? How many more deer will be running through the surrounding neighborhoods, displaced by the destruction of their habitat?

We recommend avoidance of impacts to trees, instead of inadequate mitigation measures such as those covered in the staff reports, etc..

B-11

We request that revised drawings of the proposed plan include all nearby oaks that are intended to be retained. Incorporating trees that are intended for (at least) attempted preservation into drawings implies a good faith effort at saving these trees. By not including these trees in plans and drawings, the public may conclude that actually no trees are planned for preservation, or that the plans as presented were incomplete or intended to be vague and confounding. The architect indicated he would like to save several oaks on the western edge of the panhandle, however they did not show up on the simulated drawings, in the staff summary report from July 20th, 2016.

B-12

The DEIR has several references to the first arborist's report, however, fails to mention the second arborist's report and the status of the oak trees therein. It fails to mention which of the numbered trees in the second report are recommended for removal. Another confusion between the two arborist's reports is that a different numbering system was used for each report. On top of that, some individual trees have numbers on them from **both** of the arborist's reports, creating more confusion; the two reports contain different totals for numbers of trees inventoried, proposed for removal, and proposed for preservation; and, we observe that some trees on the property are not numbered at all, for example the approximately 41 oak trees untagged around a cluster of oak tree numbered 131 through 135, which seemingly randomly, have been tagged. We would like to see all the oaks in this grove/cluster preserved, including #'s 131-135.

B-13

Accuracy of the first arborist report summary (HortScience, 2015) on the oak diameters is questionable. The Draft EIR uses this questionable information in its justification and proposal to remove oaks on the project site. In some cases, this inconsistent and questionable information was copied directly from the one arborist report and used in staff reports and DEIR summaries. In table 3 of the first arborist's report, the trunk diameters are not added up, (as they are in the second arborist's report), so we do not see the total trunk diameters at breast height, only a collection of diameters of each individual trunk or branch at breast height. So we have a significant number of large, multi-trunked trees, of magnificent stature, that appear statistically as many small trees.

Since the first arborist report summary incorrectly fails to add up these branch and trunk diameters;, it mistakenly states that: 101 oak trees are less than 12 inches in diameter, 45 are between 12 and 24 inches in diameter, and only 7 are 25--36 inches in diameter. Actually, (when the multiple trunks in one tree at DBH are added together), only 48 of 153 trees are less than 12" in diameter, while impressively, 112 oak trees, the majority, are larger than 12", and up to 36" in diameter. Please see Table A, below.

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TABLE A. Number of trees at a given range of Diameter at Breast Height (in inches), when using the inaccurate info: compared with using a standardized approach added using the standard

Tree DBH range	summary of inconsistent and questionable methodology from arborist report and quoted widely in the DEIR	Actual number of trees at this DBH, if arborist report #1 were to use same method as arborist report #2:
<12" in diameter	101	48
12" to 24" in diameter	45	64
25" to 36" in diameter	7	41

B-13
cont'd

Another issue with the first arborist report is that it rates the condition of the oaks after 4 years of drought as mostly in fair and poor condition. In fair or poor condition were 95 oak trees, with only 58 in good condition, and none in excellent condition, according to the report. In contrast, our recent observations showed mostly healthy, vibrant oak trees. Perhaps this is due to increased rainfall this past winter, after a prolonged period of drought. We recommend an independent arborist reevaluate the current health and vitality of these oak trees, which incidentally, are cleverly and well able to adapt to repeated, periodic drought conditions.

B-14

Additionally, we note that the DEIR briefly mentions existence of young oak trees bountiful throughout the cemetery. However, we observe today that young oak trees (less than 4" DBH) are wholly absent. We recognize that removal of oaks less than 4" DBH has been legal and allowed, and that in fact, all of these trees **have already been removed**. Unfortunately, wholesale removal of these smaller trees implies that protection of oaks is not a priority. On the other hand, by referencing the continued existence of these small oaks (that no longer exist), and by referencing the inaccurate diameter of "protected" trees, the impact summary presents a skewed picture of this project. Comparing potential impacts to this faulty baseline is misleading; the state of health, the size, and the existence of currently living oaks needs to be explicitly considered in establishing an accurate baseline of comparison.

B-15

On a separate but related note, we request a long term plan for the cemetery that takes into account past actions unreported to the public (tree removals, wholesale clearing of native shrublands, maintenance practices, watering regimens, treatment of old grave sites, herbicide use, etc), anticipated future actions, and the specific goals the cemetery hopes to achieve. We hope the Mountain View Cemetery considers the value of such a plan, and that the City Planning Commission recognizes that the guidance provided by such a plan is essential for proposed project accountability to the public.

B-16

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Without such a plan, it is very possible that no oaks will be supported or survive past 10, 20, 30 years from now. This could become an Oak land cemetery without oaks, but containing young and various native and non-native trees, many with high-water demands.

B-16
cont'd

Importance of vegetation alliances, especially Oak Woodlands

All of these oaks in the project area coalesce into vegetation alliances, which need to be considered in the DEIR as mandated by CEQA, especially if potentially rare vegetation alliances exist. We encourage use of the field standard, MCV-II (Manual of California Vegetation, 2nd edition, 2015), which, when used appropriately, can accurately identify rare (as well as important, if not rare) natural communities as defined by CDFW (listed on the List of California Terrestrial Natural Communities, CDFG, 2010).

Quercus agrifolia alliances are not usually considered rare, but they are still valuable and deserving of recognition as increasingly locally rare in the City of Oakland. These alliances are precious in the hills of the cemetery and this is a significant acreage. Was the potential existence of rare *Umbellularia californica* alliances, such as California bay forest, considered during surveying? Consideration is not yielded in the DEIR. Stating that a general woodland exists, is not sufficient consideration of the value of this varied vegetation.

Under the category of "pure stands" of *Quercus agrifolia*, we have these combinations listed in MCVII (that also exist at Mountain View Cemetery in the to-be-developed areas):

- *Quercus agrifolia* with *Toxicodendron diversilobum* and "grass" (unspecified), (this makes up one specific and recognized local vegetation alliance)
- *Q. agrifolia* with *T. diversilobum* (another recognized vegetation alliance)
- *Q. agrifolia* and *Heteromeles arbutifolia*- *T. diversilobum* (also a recognized vegetation alliance that exists in the development plan areas)
- Small stand of actual "Oak Woodland" with big leaf maple and elderberry, exist now in the Stark Knoll area, below the adjacent private homes.

B-17

The DEIR does describe one area of the proposed development site as "oak woodland," but does not take opportunity to further characterize this vegetation alliance. In section 4.3, Biological Resources, page 4.3-2 under Vegetation and Wildlife Habitat, the DEIR states, "scattered native coast live oak (*Quercus agrifolia*) occur throughout the site and, together with the other native tree species, form a dense woodland cover on the former quarry slopes at the eastern edge of the Project site." The report also states, "only the stand of primary coast live oaks in the eastern portion of the Project site, on the former quarry slopes, forms a continuous tree cover that could be considered oak woodlands." A closer analysis of this Stark Knoll slope area reveals a rich community of native toyons, native blackberries, elderberries, big leaf maples, silver and bicolor lupines, poison oak and madias growing there. The DEIR appears to be stating an incomplete consideration of oak woodlands as defined by MCVII, which is not a valid consideration of potential vegetation alliances. This needs to be remedied in the Final EIR.

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Addressing long term plans for the cemetery

The Draft EIR proposes a tree replacement plan on page 4.3-31 that does not follow the tree list above under City of Oakland Ordinance 12.36. The proposed list seemingly created just for this project includes live oaks, buckeye, redwoods and also 6 other oak species: Canyon live oak, Mesa oak, Island oak, Oregon white oak, California black oak, Blue oak and Valley oak that are not indigenous to this particular area, whatever positive qualities these trees may possess. They may include some good choices for certain areas being re-landscaped; however, they ought to be **in addition to** the existing native oaks, not replacing them. We recommend that any trees planned for removal and replacement in the proposed project (which include coastal live oaks (*Quercus agrifolia*), elderberries (*Sambucus nigra*), and big leaf maples, be replaced using local genetic stock, if possible, and of these same species.

B-18

We do also request a consideration of commitment to care for the new replanted trees beyond one year, as is currently the minimum requirement under Ordinance 12.36. We recognize the law currently requires keeping these new trees alive for one year only, after which no obligation exists to replace any trees should their health deteriorate. We ask the cemetery to consider the viability of maintaining native-to-Oakland trees for current and future generations to enjoy. The current DEIR and publicly declared plans put forward by the cemetery still leave room for the possibility of 223 acres of Oakland open space sadly lacking local native oak trees, of large as well as smaller stature. The gigantic oaks at the bottom of the cemetery are dying, primarily from overwatering. These century (plus) oaks are unlikely to be replaced. And now this new plan calls for removal of many more mature (as well as younger) oaks, in the upper areas of the cemetery. Please consider the aesthetic and ecosystem importance of large, healthy oak trees to any environment, including at the Mountain View Cemetery.

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B-21

Finally, in the DEIR chapter on erosion, the cemetery requests modification of the Conditional Use Permit in order to "build out the project over 15 years to perpetuity." The meaning of this statement is unclear. By default, the Conditional Use Permit is usually approved for 2 years. Is the cemetery requesting special permission to extend their permit to a 15 year span only, at which time this proposed expansion project should be complete as anticipated and scheduled in the DEIR? Or, is the cemetery requesting an infinitely flexible permit, "to perpetuity," which may allow for enormous revisions to currently proposed plans without benefit of public notification or approval? Constructing area 98 and the panhandle may have revisions, according to the DEIR as currently written. Why is it necessary to extend the permit beyond the typical 2 years? Every 2 years, a regular update of plan revisions could be presented and available to the public. If reapplying for the permit every 2 years is not feasible, why does the permit need to extend to 15 years, or the ambiguous, "to perpetuity" time frame? Allowing a standard permit request period allows for public review and knowledge of a project, that may otherwise never be presented to the public for feedback (beyond this short draft environmental review period). Leaving options open for drastically changing the project from a final approved EIR, along with leaving options open for possible and likely further expansion not currently addressed in the

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DEIR, leaves the public with an unacceptable level of non-transparency. The DEIR must be revised to address every impact currently anticipated or planned for.

Planned use of herbicides

During the planned delayed phases of the project, (after large trees will have been removed, no new trees replaced, and hundreds of yards of soil deposited,) growth of invasive plants in area 98 and the panhandle is inevitable. What is the cemetery's plan to address potential weedy invasions, including those that grow through any 'hydroseeded' areas? Does the cemetery plan to use glyphosate (Roundup) to control weeds for the next 5 to 15 years as project phases wait to be completed? Glyphosate or any treatment protocol addressing easily anticipated effects such as invasive plant growth, is not mentioned in the DEIR. A long term plan for use of herbicides needs to be addressed in the Final EIR (and preferably in a revised Draft EIR). Ideally, this revision would describe a method for a public notification. As an organization, EBCNPS recognizes that selective herbicide use can be deemed necessary on a case-by-case basis. However, we also urge the cemetery to consider whether herbicide use is absolutely necessary in each case, and would support tightly targeted applications rather than broad applications (over many year). Additionally, we recommend that attention be given to protecting existing native plant populations from herbicide and pesticide damage.

B-23

What is the cemetery's current policy for dealing with invasive plants? The Appendix includes a letter, dated 2011, from concerned neighbor Thomas Bachand, where he addresses his concerns on the use of Roundup in the unmaintained graves opposite Saint Theresa School on Clarewood Road. We notice, as he did, that this location is close to an elementary school. Any anticipated future herbicide use should be part of long term planning for the cemetery, and needs to be communicated to the public. Disclosure and proper usage is mandatory. As related to the Mountain View Cemetery proposed expansion project, we strongly recommend following standard protocols for timing and dilutions as well as including public notice and signage.

B-24

Inappropriate water demands imposed by removals and new plantings, during a drought

We deduce from the cemetery expansion project proposal that irrigation water use will increase along with the size of the developed portions of the cemetery. The impact of increased water around the native trees, such as the oaks, is not accounted for in the DEIR. None of these already established trees are accustomed to receiving regular irrigation water, and exposing them to irrigation also increases vulnerability to poor health and disease. City Ordinance 12.36 contains clear guidance for careful tree treatment in regards to minimizing nearby watering, pruning, and construction impacts. We highly encourage that maximum numbers of existing oak trees be not only retained in the plans, but be carefully dealt with during construction operations, and carefully considered in working out grading details, so that existing groves are not then subject to summer inundation from watering of nearby new turf areas. Please evaluate, in the Final EIR, how changing nearby watering regimens may impact oaks that will be retained.

B-25

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It appears that water usage has been excessively high around many existing oaks in the older, lower elevation parts of the cemetery, endangering their health. We understand that cemetery staff has been reducing water usage in many places, and we commend their efforts. The plan of removing trees that do not have existing water demands beyond what nature provides, and replacing with young trees, is a steep commitment to yet higher water usage. All young landscape trees have high water demands during early establishment, and many of the trees not indigenous to south facing slopes of the Oakland Hills will continue to have high demands in perpetuity. The irony of the cemetery is that old established oaks lower down are slowly dying from overwatering, while healthy existing oaks higher up, that require no summer water in these so-far-undeveloped areas, are slated to be ripped out, rather than retained as self-contained, beautiful life forms, intelligently integrated into a forward thinking plan. We request a re-envisioning of this plan, in order to incorporate healthy existing native oak trees, and to keep them healthy.

B-26

High potential for erosion

We would like to bring attention to the that aspect of the project which would require cut and fill of 115,000 cubic yards of soil from area 82 and its transfer to area 98 and the panhandle, all to occur together, according to the DEIR. If this alternative is allowed, (or any alternative that includes hydroseeding), we request that planned hydroseeding utilize only or primarily local native grass and wildflower species seed mixes.

B-27

The proposed DEIR plan to remove or bury many trees on a steep hillside, in the Stark Knoll slope area, (below several homes above the cemetery), includes destroying trees whose removal would likely contribute to undermining the stability of the slope. The idea to then regrade and compact the ground will make it difficult for existing remaining trees to thrive, and for newly planted trees to thrive as well. This particular patch of oak woodland habitat has other native species on it as well, such as toyons, big leaf maples, and elderberries, in addition to the oaks. Parts of the slope are almost vertical, but visits by our volunteers yielded observations that the trees in this woodland area seem healthy, lush, and robust. Is the best solution really to remove these trees, at significant expense to the cemetery, and at great loss to that swath of the environment? We request these trees be preserved, not removed and/or buried under fill. Preserving this stand of mixed oak woodland will greatly benefit the native habitat values in this immediate vicinity, and is a way to reduce numbers of impacted oak trees and native vegetation, in the Final Cemetery Development Plans.

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Conclusions:

Specific points in the DEIR that we support

- **DEIR, pg. 2-7 table 2.1 re: plot 82:**

We support items a. and b. that call for adjustments to grading, so as to preserve 13 native oak trees. (#180, 184, 185; also #197--206). Additionally, regarding trees that are on the edge of an existing grove: all of the trees in this grove ought to be preserved as a unit, and the grading plans ought to be revised, so as to avoid summer irrigation run-off into this grove, where historically, summer watering has been minimal or non-existent.

B-29

- **DEIR, pg. 2-7, 2-8 table 2.1, plot 98 and panhandle:**

We support items d. and e. Further, we suggest adding item f.: that all trees in the green fence vicinity between areas 76, 77 and 98 be surveyed and evaluated. The grade in 1 of the areas drops abruptly to a much lower elevation than in area 76 and 77; therefore we recommend not adding any new fill to these areas, keeping the elevation low (as it is), so as to preserve oaks in the vicinity. Also add item g: the turnaround adjacent to the Stark Knoll area can be relocated away from the slope several feet, so as to retain a number of very large oak trees at the bottom of that slope. This idea was suggested by Joe Runco, and we agree with his suggestion, and request that these changes be included in amended engineering/design plans.

B-30

B-31

Permanent Protections Requested

We ask that secure preservation consideration be given to existing groves and certain individual oak trees in these ‘to-be-developed’ areas. As previously mentioned, the cemetery currently does not commit itself to permanent preservation of any of its oaks. In fact, current cultural practices, and new development plans as they stand almost guarantee a huge reduction in the oak population at Mountain View Cemetery. As for newly planted trees, they are only required to live one year. Of course we (and cemetery staff) would hope they will become established, and gradually replace lost trees. However, considering the cemetery’s requested flexibility for permit issuance (which would extend to significant project alterations, over an undefined “15 years to perpetuity” time period), even trees not currently planned for destruction may sooner or later be on the chopping block. Saving some oaks forever and not developing the area later, is not under consideration at all. We encourage the cemetery to take some initiative here and be forward thinking and conscientious to protect existing oaks, and also to guarantee newly-planted oaks, over a longer period of time than just one year. We hold as an ideal compromise the preservation, in perpetuity, of many more oaks on the property, in exchange for the cemetery being allowed to develop many more acres of lawn covered grave sites, an outdoor mausoleum, etc., (on tax free land, initially set aside by bonds issued by the City of Oakland, no less). We suggest that re-envisioning the plan in order to preserve more swaths, groves, and individual

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B-34

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native live oak trees falls well within capabilities of planners and feasibility for the project goals, throughout the proposed project site.

In summation, conflicts between source documents are confusing and make assessments of project impacts extremely difficult. Oaks proposed for preservation status as declared in the DEIR, are then not shown in drawing renderings. The location of these oaks are uncertain in the maps presented with numbered trees, given the two differing arborist reports and associated tables plus maps. These errors must be addressed in the Final EIR.

B-35

Furthermore, we see the need for on-site supervision for active construction of the proposed project. Specifically, on-site presence of an independent arborist and or biological monitor could greatly assist the landscape architect and geotechnical engineer when making decisions translating technical drawings to grading and construction. These representatives on-site can help make preservation decisions in favor of oaks. Please do not leave any potential decision for saving oak trees solely in the hands of contractors whose only obligation is to follow engineering drawing specifications. If the engineering company follows the grading plan exactly, (as it seems to be now), the largest oaks on the project site could easily be cut down. Drawings do not currently allow for saving many, or any, oaks, depending on interpretation. It is a dangerous assumption to leave any anticipated impacts such as these unexplored or very loosely spelled out.

B-36

Seemingly, no oak is respected for its inherent protected status as granted by the City of Oakland. EBCNPS encourages the cemetery and the City Planning Commission to reconsider permission for wholesale removal of so many large and mature and beautiful native trees, which support much biodiversity now, every winter, and all year long.

B-37

Tangent to our preservation requests, we wish to address the idea of transplanting and moving large mature oak trees, discussed by commissioners at the public meeting (July 20, 2016). CNPS does not support transplantation as an appropriate mitigation method, since most efforts at transplanting large oak trees fail. The success rate for 5 years out is very low, and doing this transplanting requires tremendous expense and exceptional expertise and the very best methods, plus the proper habitat in which to place transplanted trees. Even with all that, the failure rate for large native oaks is very high. They can't just be dug up and stuck somewhere.

B-38

In contrast, healthy well-established trees, planted by nature, grow where they do because that is the optimal place for them. Should the transplanting of large oak trees be seriously considered as a mitigation measure, we would appreciate the opportunity to provide literature citations and brief consultation on the success/failure of these methods.

Use of other tree species as mitigation for native oak tree removal

Planting young redwood trees as so-called mitigation for removing large, established oaks, is not real mitigation, therefore there are indeed unmitigated biological impacts. Preserving and retaining naturally occurring flora and fauna, planning for *reducing* future water demands, and

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maintaining Oak land heritage trees for future generations, are principles that should more powerfully guide the Mountain View Cemetery in making positive, preservation-minded changes in the Final EIR. We strongly promote avoidance of impact over mitigation of impacts. Our East Bay Chapter of the California Native Plant Society requests that more oaks be protected in the proposed cemetery expansion project. The inadequacies and inconsistencies of the staff report and DEIR documents, need to be remedied and an updated supplemental EIR (or revised DEIR) document needs to be released so that the impacts of this project can be properly understood and planned for.

B-40

Thank you for your consideration of the above comments. Please do not hesitate to contact East Bay California Native Plant Society by email conservation@ebcnps.org or phone 510-734-0335, with any questions or concerns.

Sincerely,

Karen Whitestone

Jean Robertson

Karen Whitestone
Conservation Analyst
California Native Plant Society
East Bay Chapter

Jean Robertson
Conservation Committee Chair
California Native Plant Society
East Bay Chapter

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ATTACHMENTS:

TABLE B. Bird counts logged at Mountain View Cemetery, various dates 2012-2015 (ebird.org) (note: more observational record details, such as age, sex, etc. can be found at ebird.org)

The below tables demonstrate consistent, heavy usage of cemetery by approximately 50 species of birds, with especially high bird counts in winter months. Mountain View Cemetery is a reputedly rich location for regular bird counts. Although wildlife is not our area of expertise, EBCNPS presents this information as it serves to illustrate further justification for requesting a higher value placed on local native trees, oak trees, and oak woodland alliances, due to their intrinsic value and for the exceptional wildlife habitat they supply. Additional years of data through current time (2016), demonstrating a long-term trend regarding the bird data, can be found available to the public at ebird.org.

(B-1): Date seen, identified, and logged on E-Bird program: January 29, 2012 (Winter)

Number of birds (115 individuals total)	Bird species (common name) (24 species total)
4	Mallard
1	Common Goldeneye
1	Pied-billed Grebe
1	Great Egret
1	Snowy Egret
5	American Coot
1	Anna's Hummingbird
1	Nuttall's Woodpecker
2	Black Phoebe
1	Steller's Jay
1	Western Scrub-Jay
42	American Crow
2	Chestnut-backed Chickadee
1	Brown Creeper
1	Ruby-crowned Kinglet
7	American Robin
21	European Starling
8	Cedar Waxwing
2	Yellow-rumped Warbler
1	Townsend's Warbler

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1	Dark-eyed Junco
2	White-crowned Sparrow
2	Song Sparrow
6	California Towhee

(B-2): Date seen, identified, and logged on E-Bird program: February 10, 2013 (Winter)

Number of birds (46 individuals total)	Bird species (common name) (19 species total)
4	Common Goldeneye
3	American Coot
1	Rock Pigeon (Feral Pigeon)
1	Anna's Hummingbird
1	Northern Flicker, red-shafted var.
1	Black Phoebe
1	Steller's Jay
1	Western Scrub-Jay
2	American Crow
1	Chestnut-backed Chickadee
1	Bushtit
1	Red-breasted Nuthatch
1	Western Bluebird
5	American Robin
13	European Starling
3	Yellow-rumped Warbler
2	California Towhee
2	House Finch
2	Lesser Goldfinch

(B-3): Date seen, identified, and logged on E-Bird program: February 17, 2014 (Winter)

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Number of birds (77 individuals total)	Bird species (common name) (26 species total)
2	Mallard
3	Common Goldeneye
1	Cooper's Hawk
1	Red-tailed Hawk
1	Anna's Hummingbird
1	Red-breasted Sapsucker
1	Nuttall's Woodpecker
1	Black Phoebe
2	Steller's Jay
1	Western Scrub-Jay
10	American Crow
6	Common Raven
2	Chestnut-backed Chickadee
1	Oak Titmouse
5	Bushtit
1	Red-breasted Nuthatch
1	Ruby-crowned Kinglet
2	Western Bluebird
2	American Robin
20	Cedar Waxwing
4	Yellow-rumped Warbler
1	Dark-eyed Junco
2	Song Sparrow
1	California Towhee
2	House Finch
3	Lesser Goldfinch

(B-4): Date seen, identified, and logged on E-Bird program: September 10, 2014 (Fall)

Number of birds (23 individuals total)	Bird species (common name) (9 species total)
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1	Anna's Hummingbird
1	Black Phoebe
2	Steller's Jay
1	Western Scrub-Jay
1	Oak Titmouse
4	Bushtit
2	Western Bluebird
3	California Towhee
8	House Finch

(B-5): Date seen, identified, and logged on E-Bird program: December 24, 2014 (Winter)

Number of birds (486 individuals total)	Bird species (common name) (47 species total)
2	Mallard
13	Wild Turkey
2	Double-crested Cormorant
1	Turkey Vulture
1	Northern Harrier
1	Sharp-shinned Hawk
1	Red-shouldered Hawk
2	Red-tailed Hawk
2	American Coot
4	Gull sp.
2	Rock Pigeon (Feral Pigeon)
1	Mourning Dove
18	Anna's Hummingbird
7	Acorn Woodpecker
1	Nuttall's Woodpecker
10	Northern Flicker, red-shafted var.
7	Black Phoebe
12	Western Scrub-Jay
2	Hutton's Vireo
10	Steller's Jay

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51	American Crow
3	Common Raven
2	Chestnut-backed Chickadee
3	Oak Titmouse
26	Bushtit
1	Brown Creeper
1	Marsh Wren
2	Bewick's Wren
17	Ruby-crowned Kinglet
11	Western Bluebird
4	Hermit Thrush
20	American Robin
1	Thrush sp.
27	European Starling
70	Yellow-rumped Warbler
19	Dark-eyed Junco
14	White-crowned Sparrow
44	Golden-crowned Sparrow
3	Song Sparrow
1	Lincoln's Sparrow
28	California Towhee
4	Spotted Towhee
19	House Finch
5	Lesser Goldfinch
1	House Sparrow

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Letter B Response – California Native Plant Society

Response B-1: In response to comments on the Draft EIR and staff recommendations, the Project applicant has revised the proposed Project in an effort to retain additional trees, while still accomplishing the basic Project objectives. Please see the Revised Project Description. Please also see Master Response A, which specifically identifies the number of trees proposed to be removed under the originally proposed Project as analyzed in the Draft EIR, versus the tree removal proposed under the Revised Project.

The Draft EIR (starting at page 4.3-2) recognizes that wildlife associated with the grasslands on the Project site is common to non-native grasslands and suburban habitat, consisting of numerous species of birds. Bird species observed or suspected to use the open grasslands, shrubs and sapling trees on the Project site for foraging include scrub jay, mourning dove, brown towhee, American gold finch, house finch, white-crowned sparrow, English sparrow, and European starling. Several raptors (birds of prey) may occasionally forage through the area, including American kestrel, red-tailed hawk, red-shouldered hawk, and turkey vulture. No evidence of any bird nesting was observed on the Project site. Additionally, the Draft EIR recognizes that Coast live oak occurs as scattered trees and saplings throughout the Project site, together with other native and non-native tree species. Only the stand of primarily coast live oaks in the eastern portion of the Project site, on the former quarry slopes, forms a continuous tree cover that could be considered oak woodlands. Tree cover in this area is dominated by coast live oak, but other tree species are present as well. The native oaks and other trees provide roosting, foraging and possible nesting substrate for numerous species of birds, some of which also forage in the nearby grasslands. Common bird species that utilize the woodland and scattered tree cover on the Project site and surrounding area include scrub jay, nuthatches, warblers and woodpeckers. The seasonal crop of oak acorns provides an important source of food for larger birds that occasionally forage in the area. Late winter flowers of blue gum provide a nectar source for Anna hummingbirds, and possible nesting substrate for raptors (birds of prey) and other bird species, although no evidence of any nests was observed during the field reconnaissance surveys.

Response B-2: In response to comments on the Draft EIR and staff recommendations, the Project applicant has revised the proposed Project in an effort to retain additional trees, while still accomplishing the basic Project objectives. Please see the Revised Project Description, which clearly articulates the planting plan for new oak trees and other trees as part of the Revised Project update, and Master Response A.

Response B-3: As indicated on page 4.3-27, pursuant to Standard Condition of Approval (SCA) #27 sub-part b, the Project will be required to develop a Tree Protection Plan to demonstrate that adequate protection measures will be provided during the construction period to ensure that all trees to be retained will be protected and preserved. These protection measures shall include, but are not limited to:

- security fencing around the base of the tree (at a distance from the trunk to be determined by a consulting arborist);
- developing a construction operations plan that provides for the careful removal and disposal of brush, earth and other debris;

- avoiding any excavation, cutting, filling or compaction of the existing ground surface within the protected perimeter;
- retaining the existing ground level around the base of all protected trees; and
- using smaller equipment (potentially including hand tools) for any earthwork immediately uphill or downhill from a protected tree.

These measures are to be monitored and implemented by the Project's consulting arborist.

Response B-4: Please see Master Response A, which specifically identifies the number of trees proposed to be removed under the originally proposed Project as analyzed in the Draft EIR, versus the tree removal proposed under the Revised Project. This information represents the total tree removal proposed to occur under the Revised Project. No other tree removal would occur pursuant to the Project, and no other additional tree removal would occur unrelated to the Project without prior review and approval of a separate City Tree Removal permit, as applicable.

Response B-5: As specifically indicated on page 4.4-35; "Located within the undeveloped eastern hillside portions of the property, the Project would not alter any existing historic buildings or other character-defining contributing features to the historic District or the historic Frederick Law Olmsted landscape. The proposed grading and landscape design for the Project would not directly or indirectly affect any contributing features to the historic district or individually significant buildings. Similar to other portions of Mountain View Cemetery where new burial areas have been added or redesigned over its 150-year existence, the Project is somewhat separated from the most historic westerly portions of the Cemetery. While the Project's design is intended to take cues from the historic naturalistic Olmsted design of curving roads and walkways, its modern design features would not create a false sense of history, nor would it add conjectural historical features to the cemetery plan or design. Based on these considerations as more fully assessed below, the Project would not have a significant adverse effect on the Mountain View Cemetery-Chapel of the Chimes Historic District or any of its contributing elements." See also Master Response D regarding impacts to historic resources, including the Frederick Law Olmsted landscape.

As also indicated in the Draft EIR beginning on page 4.9-8, cemetery use is generally quiet, scenic and passively used, and is not considered a type of use that conflicts with adjacent residential neighbors. It is also recognized that Mountain View Cemetery opens its developed properties to the general public during open hours. However, the entire Cemetery property is dedicated to cemetery purposes. The City of Oakland General Plan designates the Project site as Urban Parks and Open Space (which is intended to accommodate urban parks, school yards, cemeteries and other active outdoor space for outdoor recreation) and does not designate the Cemetery as Natural Conservation (under which future development would be extremely limited).

Response B-6: As indicated in the Draft EIR on page 4.3-10, no sensitive natural community types are present on the Project site. Sensitive natural communities are natural community types considered by the California Department of Fish and Wildlife to have a high inventory priority because of their rarity and vulnerability to disturbance

and loss. Suitable substrate and other habitat conditions for sensitive natural community types are absent on the Project site. The non-native grasslands lack a high enough density of native grass species and the association of oak woodland are not recognized as a sensitive natural community type by the California Natural Diversity Database because it is dominated by the common coast live oak.

Further, no special-status plant species were detected or are believed to be present on the Project site, based on the results of survey efforts conducted for this EIR.

- Response B-7: This comment suggests that the Draft EIR inadequately discusses possible impacts on the physical environment, that alternatives to the project are inadequately covered, and that the EIR should not be certified as it does not meet its purpose to provide useful and accurate information to the public. This individual comment does not provide any specific examples of the Draft EIR's perceived deficiencies. Please see responses to specific suggested inadequacies, below.
- Response B-8: Please see Response B-1, above.
- Response B-9: As indicated on page 4.3-13 of the Draft EIR, pursuant to Title 12, Chapter 12.36 of the City of Oakland Municipal Code, replacement tree plantings are typically required where native tree species are removed. Native protected trees proposed for removal must be replaced at a ratio of 1:1 if the replacement tree is a 24-inch box size, and 3:1 if the replacement trees are 15-gallon size trees. Please also see Revised Project Description, which clearly demonstrates that the Revised Project would meet and exceed these replacement planting ratios.
- Response B-10: Please see the Revised Project Description and Master Response A regarding the loss of mature trees on the site. Please also see Response B-9 above regarding the City's required tree replacement requirements.
- Response B-11: As indicated on page 4.3-18 of the Draft EIR, "There is a possibility that one or more species of birds protected under the federal MBTA could establish nests in trees and other vegetation that could be affected by construction activities. Destruction of a bird nest in active use or disturbance that could result in the abandonment of a nest with eggs or young would be a violation of the MBTA and State Fish and Game Code." The Project will be required to implement City's Standard Conditions of Approval SCA #26: Tree Removal during Breeding Season, to protect possible nesting habitat.
- As also indicated on page 4.3-18, the habitat suitability analysis conducted as part of this EIR determined that suitable habitat for special-status animal species is absent from the Project site. Deer are not considered special-status animals.
- Response B-12: Please see the Revised Project Description and Master Response A regarding tree removal.
- Response B-13: The Draft EIR summarized the results of the two arborist reports, which covered different populations of trees on different areas of the site. Each report used a differing block of integers to avoid overlap, and every tree is assigned a unique integer. See Master Response A regarding tree removal.
- Response B-14: Per the City of Oakland Tree Preservation Ordinance 12.36, the arborists report prepared by HortScience dated January 2015 included the following:

- Coast live oaks greater than or equal to 4" in diameter and within 30 feet of the project site.
- Trees of any other species greater than or equal to 9" in diameter and within 30 feet of the project site.
- All multi-stemmed trees where the diameter of all individual trunks when added together, equals or exceeds the minimum size stipulation (4" for coast live oaks and 9" for all other species).

HortScience has collected tree data for numerous projects in the City of Oakland, most of which have been reviewed by the City and/or peer-reviewed by independent consulting arborists hired by the City, and the issue of reporting multi-trunked trees has never been raised. Had the tree sizes been reported in the Arborist report as the sum of stem diameters rather than the diameter of each individual stem, it would not have changed the protected status of any tree in the Mountain View Cemetery tree assessment. The data presented by HortScience accurately represents what the trees look like in the field, the size of the individual stems, and their relative contribution to the overall canopy.

A technique described in the Guide for Plant Appraisal, 9th edition (International Society of Arboriculture) offers an alternative approach to measuring multi-trunk trees. In this approach, the cross sectional area of each stem is added together. The sum of the areas is then converted to diameter. This approach yields a more accurate single stem representation of a tree with multiple stems.

- For example, coast live oak #7 has stems of 18 inches, 12 inches and 11 inches. HortScience described the tree as having multiple stems that are intertwined. If these stem diameters were to be added together, it would yield a sum of 41 inches, suggesting a tree much larger in size than reality. The sum of the cross-sectional areas of this same tree is 462 sq. in., equivalent to a diameter of approximately 24½ inches. This, in HortScience's view, is a more reasonable single-stem representation of tree #7 than is 41 inches.
- As another example, coast live oak #23 has stems of 12 inches, 12 inches, 12 inches, 9 inches, and 8 inches. The sum of those diameters is 53 inches. The equivalent diameter calculated by summing the cross-sectional areas is 24 inches.

Irrespective of these different measuring methods, the analysis presented in the Draft EIR (and the updated analysis now presented in this document) considers all multi-stemmed trees as "protected" if the diameter of all individual trunks, when added together, equals or exceeds the minimum size stipulation (4" for coast live oaks and 9" for all other species).

Response B-15: HortScience has been in business for over 30 years, during which time they have assessed the health and structure of thousands of coast live oaks. There were many factors that affected the health and structure of trees at the Mountain View Cemetery, including close spacing, a history of fire and branch/stem failures, trunk wounds and drought related dieback. The claim that 58 trees were rated as being in good condition and none was in excellent is incorrect. The actual rating was that 58 trees were listed as being in either good or excellent condition.

The HortScience health ratings represent a snap-shot in time, based on what was observed in the field on January 15, 2015. Subsequent observations of the condition of the oaks made by the CNPS reflect their experience in assessing tree health and structure, as well as changes that may have occurred in the intervening time.

- Response B-16: The City has not required the Cemetery to submit a long term, cemetery-wide tree preservation plan as a response to an application to remove specific trees. City ordinance allows the removal of specific trees with mitigation. A permit to remove specific trees in a specific area of the Cemetery requires a replanting plan, not a site-wide tree preservation plan.
- Response B-17: The Draft EIR identifies the area along the Stark Knoll hillside as an oak woodland. As stated at pp. 4.3-10 and 4.3-19 of the Draft EIR, this wooded area of the site does not qualify as a sensitive natural community by the City or California Department of Fish and Wildlife because it is predominated by the common coast live oak. Coast live oak is not imperiled in this area of California and instead is the most widely distributed oak in California. It is ranked as apparently secure and not rare in California. No sensitive plant or animal species have been identified in this area of the site. This area is also immediately adjacent to existing residences.
- Response B-18: Please see the Revised Project Description, and specifically the revised Landscape Plan. The landscape plan now indicates that the new tree planting plan for the Project will include 317 new trees. Those trees include a mix of oaks, redwoods, bay laurel, madrone (from the City's approved replacement list) and others. In the revised Project, the Cemetery will replace lost coast live oaks with replacement coast live oaks on a 1:1 basis. In addition, the revised Landscape Plan changes the mix of new trees, thereby increasing the number of coast live oaks within the replacement mix. The health and vitality of the replacement plan will be enhanced by species diversity. Redwoods, bay laurel and madrone are common and native to the area.
- Response B-19: Pursuant to the City's SCA #27 (c)(6) as indicated on page 4.3-17, the Project applicant will be responsible for installing new plantings and maintaining the plantings until established (emphasis added). There is no reason to believe that the Cemetery will not follow all required SCAs, or that they desire or intend to let the new trees, which they have paid to plant and maintain, deteriorate.
- Response B-20: The Cemetery indicates it has consulted a number of arborists about the health of the oaks in the lower elevations of the site and has reduced irrigation in an attempt to improve their health. However, the Cemetery believes it is speculative to conclude definitively that the oaks are suffering from overwatering. Burials near these oaks have been occurring for over 100 years and the burial areas have been irrigated for many years. Some of these large oaks post-date this irrigation. In addition, the Cemetery has informed the City that reducing water application appears to have had little positive impact on the health of some of these trees.
- Response B-21: Both the aesthetic and biological resources effects of the Project have been fully addressed in the Draft EIR.
- Response B-22: The comments, questions and assertions regarding the Cemetery's request for modification of the Conditional Use Permit in order to "build out the project over 15 years to perpetuity" do not pertain to the adequacy of the Draft EIR – but rather are

comments about the merits of the Project. However, to clarify information presented in the Draft EIR, the following information regarding construction schedule, sales schedule, and permanent cemetery use is provided:

- The Draft EIR has assumed a project construction schedule of approximately 16 months, during which time Plot 82 will be graded, the new niche/wall will be constructed, the new road through Plot 82 will be constructed (including in-road utilities), finish grading will be complete, and landscaping (tree planting, grass, etc.) will be installed. During that same time interval, grading for Plot 98 and Panhandle (including keyways, soil benching, and retaining walls) will be complete, and these portions of the Project site will be revegetated for aesthetics and erosion control.
- It is the applicant's intention to phase additional improvements such as additional road paving, Plot numbering, installation of lawn and its supporting irrigation system, installation of crypts or niches, installation of pathways and other hardscape or architectural features as needed, with these final improvements phasing from Plot 98 to the Panhandle. The opening of the Panhandle site for burial use will be the final phase of site development.
- Based on Mountain View Cemetery Association's business plans, they anticipate sales of individual burial plots at a potential rate of approximately 400 plots per year. With a total design capacity of 6,300 individual plots, the Project would provide Mountain View Cemetery with approximately 15 years of operational (or sales) capacity.
- The Conditional Use Permit would enable expansion of cemetery use at each of the identified burial Plots, with cemetery use extending into perpetuity.

To the extent that changes to the Project may be proposed in the future (no such changes are currently anticipated or known), the City would need to reevaluate those changes in light of the analysis presented in this EIR to determine whether any new or subsequent environmental review would be required.

Response B-23: The growth of invasive plants in Plot 98 and the Panhandle post grading operations is a potential, but no greater potential than is present today. All soils used during the grading and regrading process will be soils from the Project site – no new soils are proposed to be imported. While there is no guarantee that growth of invasive plants can be prevented, the applicant does propose to hydroseed the graded areas with native grasses after grading, which will serve as erosion control as well as a deterrent to invasive plants. Tree replacement planting will also occur following rough grading and as the trees mature, leaf litter and canopy will start to inhibit growth of weeds and invasive plants.

The Cemetery uses a variety of weed control techniques, including use of glyphosate (commercially known as Roundup) in targeted applications such as on walkways, and anticipates continuing to use it selectively. The Cemetery may continue use of glyphosate and other commercially available herbicides, pesticides, and fertilizers in landscape maintenance, and the Project would increase areas where application of this herbicide may occur.

As indicated beginning on page 4.6-15 of the Draft EIR, many of these chemicals are specifically defined as hazardous chemicals under the criteria of the OSHA Hazard Communication Standard (29 CFR 1910.1200), and inappropriate use of these chemicals could result in a significant effect on the environment and potentially human health. The use, storage, and disposal of those hazardous chemicals typically used in landscape maintenance are regulated by the federal EPA under the authority of the Federal Insecticide, Fungicide and Rodenticide Act, primarily through product labeling. All necessary and appropriate precautionary use, storage, and disposal information is required to be set forth on that labeling. All maintenance personnel and any landscape contractors involved in landscape maintenance at the Cemetery are required to follow and comply with these labeling requirements, and it is a violation of federal law to use such products in any manner not proscribed on the EPA-approval label. Compliance with these rules and regulations ensures that impacts to human health and the environment will not occur.

Response B-24: The Cemetery's prior use of chemicals for invasive plant control is not relevant to the current Project or this EIR, and as such was not addressed in the Draft EIR. As indicated in Response B-23 above, any future use of hazardous chemicals at the Project site that are regulated by the federal EPA under the authority of the Federal Insecticide, Fungicide and Rodenticide Act must comply with the precautions for use, storage and disposal as set forth on the labeling of those chemical products, and use of such products in any manner not proscribed on the EPA-approval label would constitute a violation of federal law.

Response B-25: As indicated on page 4.9-22 of the Draft EIR, Table 4.9-1: Estimated Water Use for the Project, irrigation for Plot 82, Plot 98, and the Panhandle has been calculated based on the water demands associated with three separate watering zones; Grass (highest water demand); Shrubs (low water demand); and Trees (no irrigation once established). The Project will be required to comply with all applicable City ordinances, including the guidance for careful tree treatment in regards to minimizing nearby watering, pruning, and construction impacts as found in Ordinance 12.36.

Pursuant to those provisions of the Bay-Friendly Landscape Guidelines which the Project has either proposed to meet or is capable of meeting, the Project will include weather-based irrigation controllers, soil moisture based controllers or other self-adjusting irrigation controllers; and sprinkler and spray heads will not be used in areas less than or equal to 8 feet wide to prevent overspray and runoff. Acceptable alternatives will instead be used in these areas, including drip, subsurface drip, bubblers or no irrigation. Bubblers will not exceed 1.5 gallons per minute per bubbler. The Bay-Friendly Landscape Guideline which the Project cannot or has proposed to not meet is the 25% turf requirement, as cemetery use as proposed is dependent upon open lawn area.

Response B-26: Please see Response B-20 regarding the health of the oaks in the lower elevations of the site, and the reduced irrigation efforts conducted in attempt to improve their health. Please also see Response B-18 pertaining to the Revised Project's Landscape Plan and its proposed mix of oaks, redwoods, bay laurel, and madrone (all from the

City's approved tree replacement list). Oaks, redwoods, bay laurel, and madrone are common and native to the area.

- Response B-27: Comment noted. As was indicated on page 3-18 of the Draft EIR, the slopes and open areas surrounding the burial lawns will be re-seeded after grading with native grasses and wild flowers. This is also true for the Revised Project's proposed Landscape Plan.
- Response B-28: Please refer to Revised Project Description, in particular the cross-section of Typical tree Preservation Measures. As indicated in this cross-section, a localized change in proposed grading of the Stark Knoll hillside area is proposed. Under the original Project, fill was to be placed at a 2:1 slope to the point where this fill would meet existing grade on the hillside. Under the Revised Project, the peak of fill placement would top outboard of existing grade on the hillside, such that approximately 10 vertical feet or more of hillside would remain uncovered. This would enable a significant increase in retention of existing trees (both protected species and not protected species) along this hillside area.
- Response B-29: Please see the Revised Project Description and the revised Landscape Plan. Please also see Master Response A addressing tree removal.
- Response B-30: The Arborist Report prepared by HortScience in January 2015 provided an inventory of all trees within the Project's anticipated limits of grading, plus an additional 30 feet beyond the proposed grading limits – consistent with City requirements. A Supplemental Arborist Report was prepared by Valley Crest in June 2015 to identify additional trees that were not inventoried in the original HortScience report (i.e., were more than 30 feet beyond the limits of grading and outside of the required survey area), but which had the potential to be impacted by the Project. The supplemental arborists report specifically surveyed trees located in the area near the green fence (as suggested in this comment) between Plot 82 (and Plots 76/77) and Plot 98; below the existing water tank at Plot 98; and along the upper Stark Knoll hillside at the Panhandle site. Although the base of this hillside was included in the original tree survey, the supplemental arborists report inventoried all of the trees that are located along the upper elevations, the side slopes and the lower elevations of this hillside. All trees potentially affected by the Project have been surveyed.
- Other than fill as specifically described in the Project Description, no fill is proposed in the areas between Plot 82 and Plot 98.
- Response B-31: Please see the Revised Project Description and Master Response A addressing tree removal. The turnaround adjacent to the Stark Knoll area has been relocated in a manner that can retain one large oak tree in this area.
- Response B-32: The City has not required the Cemetery to submit a long-term, cemetery-wide tree preservation plan as a response to an application to remove specific trees. City ordinance allows the removal of specific trees with mitigation. A permit to remove specific trees in a specific area of the Cemetery requires a replanting plan, not a site-wide tree preservation plan. While it is not possible to save oak trees "forever," the DEIR analyzes a "no project" scenario in the alternatives analysis.

- Response B-33: Please see Response B-22 regarding construction schedule, sales schedule and permanent cemetery use. This comment speculates about future plans that are not currently before the City. If the Cemetery does seek to remove additional protected trees in the future (although no such additional tree removal is contemplated under this Project or known of by City), it will need to comply with the City's tree ordinance at that time.
- Response B-34: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response B-35: The Draft EIR does not present conflicting information about the Project, although it does reference two separate arborist reports that use different presentation techniques. Irrespective of the different presentation techniques of these arborist reports, the number of protected trees within the Project area would not increase and the EIR's conclusions about the significance of the Project's impacts would not change. The Draft EIR presents images on Figures 4.3-76 and 4.3-7 that are consistent with the text and tables of the Draft EIR, and further clarified in Master Response A of this document. The location of inventoried trees and their associated numbering is also consistent throughout the Draft EIR.
- Response B-36: The City of Oakland applies SCAs to projects uniformly throughout the City. SCA #27 as presented in the Draft EIR requires involvement of the project's consulting arborist. Requiring an independent arborist to monitor tree removal is not a standard City SCA and there is no reason to believe that the Cemetery will not follow all required mitigation measures and requirements.
- Response B-37: The commenter's opinion and encouragement is noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response B-38: The Cemetery consulted with a professional arborist, Brian Fenske of Professional Tree Care, to consider the potential for relocation and transplant of existing trees on site. Mr. Fenske concluded that much of the site is situated on slopes, and that oaks growing on slopes are not good candidates for transplant because of the difficulty in access and the construction of boxes to contain the root ball. Additionally, he found that many of the existing oaks are closely clustered together, making it difficult to move one tree without sacrificing the adjacent tree during the boxing process. Transplanting large oak trees (or any tree) requires a tree in relatively good condition and with good access for heavy equipment and trucking. Many of the oak trees are situated in locations with poor or no access for this type of equipment. In his opinion, a plan of save-in-place combined with purchase of some larger-sized box oak trees would address the size of canopy issue more effectively and with less risk, when compared to transplanting trees at this site. Mr. Fenske's conclusions are consistent with the recommendations of this comment. Please also see revised Project Description regarding preserved trees and larger box specimens.
- Response B-39: Please see the Revised Project Description regarding preservation of greater numbers of trees in place by adjusting project borders or by building protection, the proposed replacement of lost coast live oaks with replacement coast live oaks on a

1:1 basis, and the proposed additional 10 60-inch box oak trees added to the planting plan over and above the 1:1 oak replacement.

Response B-40: The City does not find that the Draft EIR was inadequate or inconsistent, that this response to Comment clarifies certain issues raised but does not identify any new or more significant impacts than identified in the Draft EIR, and that no updated, supplemental or recirculated Draft EIR need be prepared.

Letter C

From: hillsidegardeners@gmail.com [mailto:hillsidegardeners@gmail.com] **On Behalf Of** Hillside Gardeners
Sent: Tuesday, August 02, 2016 3:29 PM
To: Payne, Catherine
Subject: ER 15-001

Dear Ms. Payne, Oakland City Planner, the Oakland Planning Commissioners, and CNPS Conservation Analyst

I am writing to strongly urge you to require a revised plan from the owners of Mountain View Cemetery. I urge a plan that will not cut so many mature Oak trees and other valuable trees. As you know, the cemetery was designed by the famous Frederick Law Olmstead who worked with nature when planning his projects. Removing so many trees would be completely opposed to the vision of his original plan. I understand the owners wanting to make more plots for sale, but I'm sure there is a way to incorporate the goals of both conservationists and property owners.

I also urge more time for public input for such an important matter for the citizens of Oakland.

Sincerely yours,

Sue Davies
President of the Hillside Gardeners of Montclair
2014-2016

C-1

Letter C Response – Hillside Gardeners of Montclair

Response C-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, Master Response C regarding public review, and Master Response D regarding impacts on historic resources, including a discussion of the Olmsted landscape.

Letter D

From: robin freeman [mailto:robinf5713@aol.com]

Sent: Monday, August 01, 2016 10:38 AM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com

Subject: ER15-001

Dear Catherine Payne,

This is a wonderful opportunity for Mountain View Cemetery to honor the Legacy of Frederick Law Olmstead and our Oakland tree namesake to avoid cutting the historic native Coast Live Oaks and design their landscape to include and feature them.

D-1

There are fine landscape designers and maintenance firms in Oakland who have the interest and capacity to help with a more Bay Friendly and water conserving historic landscape design in keeping with the Best Management Practices promoted by almost every agency.

D-2

Thank you for your consideration,

Robin Freeman, Director
Watershed Center
Merritt College,
Oakland CA

Letter D Response – Robin Freeman

Response D-1: Please see Master Response D regarding impacts on historic resources, including a discussion of the Olmsted landscape.

Response D-2: Please see Master Response B regarding water conservation.

Letter E

From: Pamm Baker [mailto:bakern21@yahoo.com]

Sent: Monday, August 01, 2016 9:26 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: ER15-001

Dear Ms. Payne,

I am concerned by the Mountain View Cemetery's plan to develop an area of their property, the top hillside, where native live oak trees have lived for thousands of years. The plan would remove over 150 oak trees, including many huge, majestic trees that sustain birds and wildlife. These would be replaced by a large green lawn and other non-native plants.

E-1

Oakland residents and others in the Bay Area like me who love oak trees are concerned about escalating losses of oaks, a tree that is symbolic of this great city. We are counting on you to take actions that will limit the loss of these trees. I am also concerned about the lack of vision apparent in this plan, which relies on an old model of "what people want" when it comes to grave sites. Shouldn't the city insist that Mountain View Cemetery create a plan that will be more water-wise?

E-2

Those who visit the grave sites, those who purchase plots now and in the future, and all residents of Oakland and surrounding areas will be grateful to you if you can take a more forward-looking approach, and insist that the cemetery retain native flora, save habitat for the local wildlife and birds, and use drought tolerant plants like live oaks that require no supplemental water. The cemetery will broaden its appeal to current and future generations with a greener, more sustainable approach.

It is my understanding that there may not have been adequate notice given to neighbors about this important issue. Please consider an extension of the comment period, to allow all voices to be heard.

E-3

Thank you for considering my comments. Please keep me informed about your actions on this matter.

Pamela Baker
8457 Aster Ave
Oakland 94605

Letter E Response – Pamela Baker

- Response E-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response E-2: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding water conservation.
- Response E-3: Please see Master Response C regarding public notice and public review for the Draft EIR. The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this Project.

Letter F

Ms. Catherine Payne, Planner IV
Bureau of Planning
City of Oakland
VIA E-mail cpayne@oaklandnet.com

Re: Case File Number ER 15-001

Ms. Payne,

Please accept the following as my comments on the Draft EIR for the proposed Mountain View Cemetery Expansion Project:

The Draft EIR fails to consider multiple negative impacts the project would impose on the neighborhood above the panhandle, particularly for the residents on Stark Knoll and Hilltop Crescent (“the neighboring residents”). The character of this adjoining neighborhood is peaceful with very little through-traffic. Stark Knoll and Hilltop Crescent are cul-de-sacs. Almost all traffic enters and exits the neighborhood from Harbord. There are almost no sidewalks. People walk in the streets with children and dogs.

F-1

If the full project goes forward as drafted, unconsidered negative impacts imposed on the neighboring residents will be particularly severe because of the public road to be constructed to the vehicle terminus on the panhandle and the inclusion of a niche wall there. These impacts include a significant imposition of noise on a very quiet cul-de-sac and increases in the risks of crime and fire. The DEIR considers none of these impacts.

The project is specifically designed to make the vehicle terminus of the panhandle “a destination” as well as the primary access to 1500 burial sites and an overlook. Nowhere does the cemetery currently have a “destination” intended to attract visitors near homes. This “destination” will create a significant flow of traffic up to the base of Stark Knoll and back, imposing on the neighboring residents additional car noises of engines, braking, doors slamming, alarms, and perhaps honking. It is also very likely that people will congregate there and nearby as they do now at the top of the currently developed area (plots 76 and 77) with, among other things, blankets, food, alcohol and music. While plots 76 and 77 are not near homes, the planned terminus on the panhandle is very close.

F-2

The additional noise impacts will be exacerbated because there is no access to the proposed plots on the panhandle from the proposed public road except via

the terminus due to the steeply sloped planted embankment along the road. Thus, most access to the panhandle plots and overlook will be via this terminus. The DEIR has not considered this significant negative impact of ongoing noise on the neighboring residents or considered any possible means of mitigation.

F-2
Cont'd

At present, teens sometimes have parties and small fires on the panhandle and in near-by undeveloped areas of the cemetery. The planned public road (along with the proposed perimeter pathway) to the top of the panhandle will provide easier access for bringing in supplies (*e.g.*, firewood and coolers) for after dark parties. The DEIR has not considered the potential negative impact of the public road to the top of the panhandle increasing the risk of fires.

F-3

The DEIR also has not considered how the project may increase the risk of crime on the neighboring residents. At present, the risk of crimes against the neighboring residents from persons in the cemetery is remote. There is simply no practical means for someone on cemetery property to come into the adjoining neighborhood, commit a crime, then get away. If the panhandle is developed with the proposed road and terminus, cemetery guests will be able to scope out adjoining houses at their leisure along a path adjacent to a much elevated, and closer, base of Stark Knoll, even assisted by drones. Then, when the time is right, they can walk right up to a house, burglarize it, and escape by driving through the cemetery. The DEIR has failed to consider the serious negative impact of an increased risk of crime perpetrated against neighboring residents due to having a public road built to the top of the panhandle and attracting visitors there.

F-4

The plan to develop the panhandle will also create impacts not considered by the DEIR simply by its dividing the undeveloped portions of the cemetery. Currently the undeveloped land is one large fenced area accessible by security patrols and fire fighters from within the cemetery through a gate at the top of plots 76 and 77, as well as from gates along Clarewood and Maxwellton. The proposed project will sever the remaining undeveloped area with no disclosed plan for fencing or emergency road access to the undeveloped area southwest of the panhandle except a circuitous route to Maxwellton. When security is called about teen parties, fires or crime in the undeveloped areas, access will be more difficult, slower and subject to error as it may not know from which side of the cemetery to enter.

F-5

The DEIR also has not considered any way to try to mitigate these negative impacts on the neighboring residents. If any development of the panhandle is

F-6

approved as part of the project, the EIR should consider an alternative plan to exclude improvements to the upper road with terminus and exclude public use of the current road. The proposed road improvement could be replaced with a public road along the lowest elevation of the developed panhandle. This increased distance of the road and terminus from the Stark Knoll residences would mitigate the impacts discussed above and allow public access to the panhandle plots from the entire road, not just the terminus. Alternatively, the currently proposed public road could terminate well before Stark Knoll with a niche wall developed there.

F-6
Cont'd

The DEIR also should consider the mitigation measure of a requirement that the cemetery build and maintain a solid fence at least six feet high at the edge of the development where the cemetery meets private property plus fencing to restrict public access between the newly developed areas and the remaining undeveloped cemetery land.

F-7

The DEIR also should consider the mitigation measure of restricting the length of any niche wall located close to the top of the panhandle. The DEIR is inconsistent about the proposed length of the proposed niche wall. Figure 4.3-5, for example, shows that the length of the wall is about the width of the proposed road's turnaround. By contrast, figure 4.3-9 shows a wall at least twice as long. A wall shorter in length would generate fewer negative impacts on neighboring residents and should be viewed as mitigation for the increased impact on the neighboring residents caused by a longer wall—particularly if locating the wall near the base of Stark Knoll is considered.

F-8

Further, the negative impacts of any niche wall approved near Stark Knoll should also be mitigated by a requirement that the wall must have a top which does not permit persons to stand or sit on it.

The DEIR is also inconsistent about the height of the proposed panhandle plan and the feet of fill to be placed against Stark Knoll. For example, in the DEIR, figures 3-10 and 5-3 show the proposed added fill would raise the elevation to just above 665 feet. The DEIR also states at page 4.1-11 that the panhandle will have “up to 12 feet of new fill at the base of . . . Stark Knoll.” The DEIR states at page 3-15, however, that the finished grade will have “maximum fill depths of 15 to 20 feet higher than existing grade”. Further, in the Design Review Committee Staff Report attachment, the proponent’s drawing entitled “Typical Grading Sections, Panhandle” (SWA 57) (May 2016), the peak elevation after grading would be 676 feet with additional fill of over 20 feet. Suffice it to say that every

F-9

negative impact stated above will be more severe with higher fill as will other negative impacts, such as the destruction of so many native, protected trees. The final EIR should reflect a consistent limit of 12 feet of fill and an elevation at Stark Knoll of no higher than 665 feet.

F-9
Cont'd

The DEIR also fails to consider adequately the likelihood that dust generated by the construction of proposed project will include dust contaminated with chemicals from past spills and disposals of gasoline, oil or other toxics. The DEIR provides that each area of the proposed project: (1) had past uses; (2) contains earlier, often unknown, fill materials; and (3) will have material temporarily removed as part of the construction. Both the quarry and cemetery likely had multiple spills and discharges from their use of vehicles and heavy equipment, which have left chemicals in the soil. No one can know if anything more serious occurred, whether as a larger spill or as a nefarious dumping, particularly since the area was used commercially well before the inception of relevant environmental laws. The soil needs to be tested at all project sites to ensure that chemicals such as lead, arsenic, benzene, toluene, xylene, ethylbenzene and chlorinated phenols are not a part of the dust generated during construction and blown to nearby homes, schools and churches.

F-10

Finally, the DEIR states in its discussion of alternative 2 how much the development of area 82 would need to be reduced if the panhandle is not included in the project. In so doing, the DEIR fails to adequately consider other areas of the cemetery where fill could be placed. On page 5-5, the DEIR mentions two areas with ephemeral drainages which it found problematic and unworthy of further consideration. But the DEIR ignores all other possibilities. All possible sites, no matter how small, need to be considered as means to offset any loss of development in area 82 pursuant to alternative 2, notwithstanding whether any filled site could later be developed.

F-11

Thank you.

Jon Adams
5444 Hilltop Crescent
Oakland, CA 94618

Letter F Response – Jon Adams

Response F-1: The Draft EIR does address noise issues related to cemetery operations on page 4.8-24. It concludes that *“A cemetery is, by its very nature, generally a quiet place. After construction and other than occasional temporary noise associated with burials and burial ceremonies, noise levels within the Project site will remain low. No General Plan policies, ordinances or standards are expected to be exceeded during operation of the Project as an extension of the existing Cemetery. The Project will not result in a substantial increase in traffic or traffic-related noise.”* Ambient noise levels were not expected to increase my more than 3 dBA, and this impact is considered less than significant.

The risk of fire was also addressed in the Draft EIR beginning on page 4.6-16. It concluded that the Project will transform approximately 7.5 acres of the uppermost portions of the Cemetery in ways that will reduce the risk from wildland fire, reduce the likelihood of fuel buildup, enhance site access for Oakland Fire Department apparatus, and will improve access to water supplies. The Draft EIR did identify that certain burnt offering practices that occur at Mountain View Cemetery could occur nearer to potential wildland fire fuels, and recommended that the Project applicant provide a centralized facility to eliminate the spread of burning ashes.

The Draft EIR also addressed CEQA-related issues pertaining to police protection, concluding that there is no expectation that the Project would result in an increase in calls for police protection. The Project would expand an existing cemetery use and is not anticipated to result in any changes in crime patterns. The Project will not result in the need for any new physical facilities to maintain acceptable service ratios, response times, or other Oakland Police Department performance objectives which could result in direct physical environmental effects.

Response F-2: The turn-around in the road at the end of the Panhandle site does not include any amenity features that mark this as a specific destination. It does not include an amphitheater (as is included in Plot 82, further removed from residential areas), or seating areas, or any physical improvements other than access to new burial sites. Occasional passive use of the Cemetery for walking and perhaps picnicking is permitted, but has not generally been perceived as a significant problem.

Response F-3: Though not a CEQA matter, use of the Panhandle area or any area within the Cemetery for unauthorized parties constitutes trespass. With development of the Panhandle area as a formally developed portion of the Cemetery, unauthorized use of this area may decline, and would be more regularly patrolled by Cemetery security personnel. Please also see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Response F-4: The turn-around in the road at the end of the Panhandle site does not include any amenity features that mark this as a specific destination. It does not include an amphitheater (as is included in Plot 82, further removed from residential areas), or seating areas, or any physical improvements other than access to new burial sites. Occasional passive use of the Cemetery for walking and perhaps picnicking is permitted, but has not generally been perceived as a significant problem. Please also refer to Response F-3.

- Response F-5: As indicated in the Draft EIR (page 4.6-17), Project development will enhance site access for Oakland Fire Department apparatus [and also for Oakland Police Department access as well]. The Project does not propose to remove any existing fencing other than the internal fence near the Plot 98 site, and the Cemetery gate at the top of plots 76 and 77, and the gates along Clarewood and Maxwellton will be retained. Emergency access to the undeveloped area adjacent to the Panhandle and within the City of Piedmont will remain via the Maxwellton gate.
- Response F-6: The Draft EIR does include consideration of alternatives including the No Project Alternative, Alternative #2: Reduced Project – Plot 82 and Plot 98 Only, and Alternative #3: Larger Plot 82 Site, which would not include new cemetery development at the Panhandle site. The analysis of these alternatives concludes that they would lessen certain already less than significant impacts related to neighbors at Stark Knoll, but would have other significant impacts of their own.
- Response F-7: The commenter’s suggestion that the Cemetery build and maintain a solid fence at the edge of the development where the Cemetery meets private property, plus fencing to restrict public access between the newly developed areas and the remaining undeveloped Cemetery land is noted, but is not considered as mitigation for any identified CEQA impact.
- Response F-8: Please see the Revised Project Description as included in this document, which shows the proposed length of the niche wall. The commenter does not indicate what negative impacts this wall would have on neighboring residents or the environment.
- Response F-9: Please see the Revised Project Description as included in this document, which also includes a cross-section of the proposed fill at the base of Stark Knoll hillside. As indicated in that cross-section, the peak of fill placement is now proposed to top outboard of existing grade on the hillside, such that an additional approximately 10 vertical feet or more of hillside would remain uncovered. This would enable a significant increase in retention of existing trees along this hillside area.
- Response F-10: As indicated on page 4.6-2 of the Draft EIR, based on a review of public databases and other database searches for nearby properties, neither the Project site nor the entire 226-acre Mountain View Cemetery property is listed as a site with suspected or confirmed release of hazardous materials to the subsurface soil and/or groundwater, and the Project site has no known record of any activity associated with hazardous materials. However, as documented in the Draft EIR, the Cemetery’s upper hillside area was previously graded with fill material placed within the slope of the hill, and much of the upper hillside contains fill soils related to previous quarry activities.
- As indicated on page 4.5-11 of the Draft EIR, the Project will require a grading permit pursuant to OMC Section 15.04.660. Standard conditions of approval for all grading permits (SCA #34: Soils Report) requires the Project applicant to submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report

during project design and construction. Grading permit requirements also mandate that best management practices for dust suppression be used throughout all phases of construction. This includes any suspension of work, alleviation or prevention of any fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any City of Oakland or regional air pollution control rules, regulations, ordinances, or statutes. Water, dust palliatives or combinations of both shall be applied continuously and in sufficient quantity during the performance of work and at other times as required. Dust nuisance shall also be abated by cleaning, vacuuming and sweeping or other means as necessary. A Dust Control Plan may be required as a condition of permit issuance or at other times as deemed necessary to assure compliance with this section. Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies.

Response F-11: The Draft EIR does consider a reasonable range of alternatives to the Project including exploration of other on-site locations for use of the excess fill material from Plot 82, but found only a few limited locations within the Cemetery boundary where such fill could be placed. These few locations were found to contain environmental constraints (i.e., ephemeral drainages) that limit their use for acceptance of fill. The Draft EIR also explores other potential alternatives including the No Project Alternative, Alternative #2: Reduced Project – Plot 82 and Plot 98 Only, and Alternative #3: Larger Plot 82 Site, which would not include new cemetery development at the Panhandle site. The analysis of these alternatives concludes that they would lessen certain already less than significant impacts related to neighbors at Stark Knoll, but would have other significant impacts of their own.

Letter G

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

From: hilltopper510 [mailto:hilltopper510@comcast.net]

Sent: Tuesday, August 02, 2016 12:21 PM

To: Payne, Catherine

Subject: Mt. View Cemetery Expansion Project

Ms. Payne,

Could I please be added to the contact list for this project so that I receive notifications of hearings, availability of documents, etc.?

Thank you.

Jon Adams

G-1

Letter G Response – Jon Adams

Response G-1: The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter H

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

From: Andrew Alden [mailto:geology@andrew-alden.com]

Sent: Monday, August 01, 2016 2:46 PM

To: Payne, Catherine

Subject: Comment on case ER15-001, Mountain View Cemetery Draft EIR

Hello Catherine,

As the author of the long-running blog Oakland Geology (oaklandgeology.wordpress.com), I write to express my special concerns about the effects of the proposed project at Mountain View Cemetery (case ER15-001).

Mountain View Cemetery is one of very few places in American culture that is distinctive for its integration of landscape and spiritual function. The grounds are a de facto park. The hilltop containing Plot

98 and the Panhandle is one of Oakland's most visible natural areas.

More specific to my interests, the cemetery is a rare exposure of the distinctive geologic unit known as Franciscan melange and the landscape it supports. The outcroppings that dot the grounds are telltale features of this textbook body of rock, and the manicured boulders of the lower cemetery are of a piece with the wilder outcrops in the highest parts of the hill.

I urge that the city consider the preservation of this unique geoscape as it reviews the cemetery's plan. Specifically, the proposed body of fill for Plot 98 and the Panhandle will obliterate the natural appearance of the ridgetop to an extent never before envisioned, replacing a rugged slope with an artificial expanse of grass while reinforcing its western edge with a high, straight concrete wall. The permanent result will be as blatant as a billboard. It is commendable that the cemetery will excavate and reuse its own material in this area, but it is not enough simply to dump and grade that broken rock and soil as if it were flatland fill for a parking lot. I urge the cemetery to revise its plans in ways that augment, rather than obliterate, the charm and geologic value of its existing landscape.

H-1

I also urge the city to discourage the planting of redwood trees near the ridgetop. Redwoods require a very specific set of climatic and geologic requirements that are not met anywhere within several miles of the proposed site. They also grow extremely large, and will present an outsized effect on the landscape as they mature. Given the cemetery's expensive and damaging efforts to remove its thick stands of overgrown eucalyptus in recent years, it is beyond me why the plans would include a similar species in an even more visible location.

H-2

Thanks,

Andrew Alden, Oakland resident
1951 Telegraph Avenue Apt 306

Letter H Response – Andrew Alden

- Response H-1: As noted on page 4.9-14 of the Draft EIR, although the developed portions of the Cemetery are generally open to the public and are often used for recreational walking, the Cemetery is not a park or a recreational facility.
- Response H-2: The Draft EIR (page 4.5-2) indicates that published geologic maps describe the ridge top area and most of the Cemetery property as underlain by a sequence of sedimentary, meta-sedimentary, and meta-volcanic rocks collectively mapped as the Franciscan Complex (or Assemblage), of Late Jurassic to Cretaceous age. This assemblage is mapped along the California Coastal Range from the Oregon border to Santa Barbara. Intermixed within this assemblage are extensive blocks containing mixtures of a clay-matrix of diverse rock type (blocks of greenstone, blueschist, eclogite, chert or greywacke) referred to as a *mélange* (Wentworth, et.al., 1984). This Franciscan Complex and its blocks of *mélange* are geologically interesting but not rare or unique to the Cemetery.
- Response H-3: The upper portions of Mountain View Cemetery where the Project is proposed are highly visible from many vantage points. As indicated in photo-simulations presented in the Draft EIR and described on page 4.1-16 of the DEIR, the Project site would remain visible from mid- and long-range vantage points, the ridgelines would not be substantially altered, and views of the upper Oakland Hills would remain visible above the Project. Changes in landform and appearance of the hillside would be noticeable, but not in such a manner as to materially alter views. Many of the existing trees would be removed and replaced with new landscape, and these changes would also be noticeable but not adverse, particularly as these views would be increasingly screened over time as Project landscaping matures. The more prominent trees at Hill 500 and at the upper portions of the Panhandle would remain as prominent visual landmarks.
- Response H-4: Please see the Revised Project Description, and specifically the revised Landscape Plan. The landscape plan now indicates that the new tree planting plan for the Project will include 317 new trees. Those trees include a mix of oaks, redwoods, bay laurel, madrone (from the City's approved replacement list) and others. In the revised Project, the Cemetery will replace lost coast live oaks with replacement coast live oaks on a 1:1 basis. In addition, the revised Landscape Plan changes the mix of new trees, thereby increasing the number of coast live oaks within the replacement mix. The health and vitality of the replacement plan will be enhanced by species diversity.
- Redwoods, bay laurel and madrone are common and native to the area, whereas those blue gum eucalyptus and red iron bark trees previously removed by the Cemetery were planted and naturalized non-native tree species.

Letter I

From: Karen Asbelle [mailto:karen.asbelle@gmail.com]

Sent: Monday, August 01, 2016 12:57 AM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Karen Whitestone

Subject: ER15-001

Good morning, Ms. Payne,

I just heard about the plan by the Mountain View Cemetery to develop an area of their property, the top hillside, where native live oak trees have lived for thousands of years. The plan would remove over 150 oak trees, including many huge, majestic trees that sustain birds and wildlife. These would be replaced by a large green lawn and other non-native plants. I understand this is a private property, but oak trees of established size in Oakland are protected, and Oakland has a tree ordinance that limits removal.

I-1

As an Oakland resident who appreciates the value that oak trees provide to Oakland, I also know that, over the years, our City has sustained a significant loss of oak trees---ironically the symbol seen on our city emblem. Further, the development plan does not appear to feature long-term vision, by using an old-style design approach that calls for installing more lawn in place of the felled oaks. More lawn? Really? Does that mean the cemetery management could be allowed to cut down long-established heritage oaks that have adapted to ongoing drought conditions, and permanently increase the cemetery's water consumption? This doesn't sound like a well-thought out plan. Are you going to allow this plan to proceed unquestioned?

Please be a City HERO and take the appropriate actions to prevent the loss of these trees. Insist that the cemetery management rethink their outdated plan responsibly, and come back with a sustainable approach that sidesteps the need for unnecessary destruction of protected oaks for profit. If they are inclined, they might ask the progressive landscape artist community for new ideas they could find worthy of consideration? Maybe there are forward-thinking landscape planners who would champion the redesign as a notable project for such a City landmark?

I-2

If this current plan does proceed into the approval phase, I can anticipate many residents of this City would reconsider any plans to choose Mountain View Cemetery as their final resting place, no matter if there were an increased number of available plots. We would also have a real problem with the judgement and foresight of the members of the City Planning Commission.

I understand there may not have been adequate notice given to neighbors about this important issue. Please consider an extension of the comment period, to allow all voices to be heard.

I-3

Thank you for considering my comments. I request that you keep me informed about your actions on this matter.

Karen Asbelle

Oakland resident since 1955

karen.asbelle@gmail.com

Letter I Response – Karen Asbelle

- Response I-1: According to Cemetery arborist, Brian Fenske, the larger trees on the Cemetery are likely in the range of about 70 to 90 years of age. City Tree Preservation Ordinance allows the removal of specific trees after obtaining a permit, and permit requirements for remove covered trees requires a replanting plan.
- Response I-2: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding water conservation.
- Response I-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response I-4: Please see Master Response C regarding public notice and public review for the Draft EIR. The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter J

From: Dan Auker [mailto:dan.auker@gmail.com]

Sent: Tuesday, July 12, 2016 5:06 PM

To: Payne, Catherine; Kalb, Dan

Subject: Draft EIR for MVC project

Hi Catherine -

I got a notice that we are in the public comment period for the draft environmental impact report for the Mountain View Cemetery expansion (Case File ER15001)

This project is just a couple hundred yards from my house and in direct line of sight from my windows. I made a statement at the public planning meeting on the EIR last year about concerns that I have about the project and I want to see if these comments have been incorporated into the EIR.

Can you please:

- Tell me where I can get a copy of the the EIR (online would be best, if possible)
- Let me know where I can provide further public comments on the project and when the deadline is to submit them.

J-1

I have two primary concerns about the project:

1. Having lived in this neighborhood my entire life and having lost my childhood home in the 1991 Oakland fire storm, I am very concerned about the current practice of uncontrolled burning of funeral/memorial offerings at the cemetery. I dont believe that this is a safe practice now and I am very concerned about moving this even closer to my residence - especially when this is a known extreme hazard. Local residents are not allowed to have open fires on their personal property, have extreme controls on wood burning fire places and many other fire-related restrictions. Why is MVC exempt from such restrictions?
2. In the last few years, MVC has planted redwood trees at 6 foot intervals all along the eastern perimeter of the cemetery. This is not a big problem now, but in a few short years, this is going to create a wall of green that blocks bay and downtown Oakland views for residents throughout the upper Rockridge neighborhood. As with the first point, I believe that this is an existing problem that needs to be addressed, but even more important, I want to make sure that this practice does not continue into the newly developed portions of the cemetery which most directly impact my own views and sight lines.

J-2

J-3

Here is my contact information:

Dan Auker
5277 Harbord Drive
Oakland CA 94618
m 415 606-9567

Thank you for your help,

Dan Auker

Letter J Response – Dan Auker

Response J-1: Please see Master Response C regarding public notice and public review for the Draft EIR.

Response J-2: This issue is addressed on page 4.6-16 of the Draft EIR, which indicates that the burning of Joss paper and other burnt offerings is customary in some religious practices, including the veneration of the deceased on holidays and special occasions. At Mountain View Cemetery, Joss paper and other paper-craft are also burned during some funerals. Mountain View Cemetery provides metal canisters throughout the property for disposal of embers and ashes related to these practices. Although this practice currently occurs at the Cemetery on regular occasions, the Project may increase the number of such occurrences, and in areas nearer to potential wildland fire fuels. Although not considered a significant hazards-related impact under CEQA, the following recommendation is suggested for the Project:

Recommendation Haz-3: The Project applicant should consider providing a centralized Joss paper burner, specifically fitted with a cover which can eliminate the spread of burning ashes while allowing enough oxygen in to ensure that all of the offering is completely burned.

Response J-3: Unrelated to the Project, the Cemetery planted 471 15-gallon redwood trees, 14 48-inch box deodar cedars and 66 24-inch to 60-inch box trees that are a mix of oak, sycamore, maple, and other species. The purpose of this was to re-establish a former screen of trees on the northern boundary of the Cemetery.

Please see the Revised Project Description, and specifically the revised Landscape Plan. The landscape plan now indicates that the new tree planting plan for the Project will include 317 new trees. Those trees include a mix of oaks, redwoods, bay laurel, madrone (from the City's approved replacement list) and others. In the revised Project, the Cemetery will replace lost coast live oaks with replacement coast live oaks on a 1:1 basis. In addition, the revised Landscape Plan changes the mix of new trees, thereby increasing the number of coast live oaks within the replacement mix. The health and vitality of the replacement plan will be enhanced by species diversity. Redwoods, bay laurel and madrone are common and native to the area.

Letter K

Thomas Bachand
P.O. Box 20796
Oakland, CA 94620
510.547.8622

July 29, 2016

Catherine Payne
Planner IV
City of Oakland Planning & Building Dept
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612
510.238.6168
cpayne@oaklandnet.com

RE: Mountain View Cemetery Burial Site Expansion. Draft EIR,
City Case # PCN15048 – ER01 (ER15-001)

Dear Ms. Payne,

I am writing to express my concerns about the proposed burial site expansion at Mountain View Cemetery (MVC), City Case # PCN15048 – ER01. This project is troubling in its scope of environmental impacts, disregard for historical resources, and lack of community benefit. Previously, in a letter dated March 11, 2015 (Draft Environmental Impact Report, Appendix 1B), I expressed community concerns about this expansion. Unfortunately, few of my concerns were addressed by the Draft Environmental Impact Report (DEIR). Below, I will revisit my concerns with specific attention to the DEIR. My concerns include:

- Insufficient guidelines for historic preservation and lack of City oversight
- Preservation of the cemetery's open space and biological resources
- Inadequacy of DEIR in scope and veracity
- Project exclusivity and lack of community benefit

INSUFFICIENT GUIDELINES FOR HISTORIC PRESERVATION

In the DEIR, project proponents would like us to believe that since the new development is physically separate from existing plots and structures, and "will not create a false sense of history", it is in compliance with *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (*Secretary's Standards*) Rehabilitation Standard 9 & 10 and is not subject to further historic review.

In fact, beyond this DEIR and the original Olmsted Plan, for nearly 150 years there has been no development plan, preservation plan, or municipal oversight for MVC. Development has been haphazard and unconditional. To give several recent examples:

- In 2010, MVC extensively regraded Plot 82 without permits. Contained in my DEIR comment letter of March 11, 2015 is an extensive email exchange with Tim Low, Permit Counter Supervisor at the City of Oakland, who refused to require permitting for this massive grading project.

K-1

- While conducting eucalyptus abatement in 2011, MVC was found to be causing widespread destruction to headstones in the unendowed sections. In their letter of December 14, 2011 to Jeff Lindeman, MVC General Manager, the Oakland Heritage Alliance (OHA) suggested that MVC follow the National Center for Preservation Technology and Training’s guidelines on *Addressing Landscape Maintenance in Historic Cemeteries*.
- As stated in my letter of March 2015, MVC applies the herbicide glyphosate in violation of manufacturer application instruction. Glyphosate is applied with a hose over the unendowed sections circling the perimeter of the cemetery, including areas covered in trees. The herbicide should only be applied in small doses directly to the plants being controlled.
- In 2011, prior to this DEIR, MVC has removed trees and applied fill to Plot 98 (Attachment A).

MVC has always assumed it can expand unabated and the City of Oakland has heretofore gone along.

OPEN SPACE INTEGRAL TO OLMSTEAD PLAN

This lax view of cemetery expansion overlooks the fact that the cemetery grounds are one of largest open space areas within North Oakland and that the surrounding views and open ridge-lines are of significant, historical importance to the cemetery grounds and the City of Oakland. The ridge-lines, while surrounded by urban development, are visible from miles around. Their undisturbed nature is integral to a person's experience throughout the cemetery. According to Oakland Wiki, “America’s leading landscape architect, Frederick Law Olmsted, designer of New York’s Central Park, was commissioned to design the cemetery grounds, to 'express a harmony between man and the natural setting.’” As the cemetery is now surrounded by urban neighborhoods, development inside the cemetery property is bound to impact its historic and natural setting. By developing the highest most visible ground, it is evident that MVC has no intent to preserve the cemetery's natural character.

K-2

DEIR CONCERNS

While the environmental review process is welcomed by the community, the document's lack of veracity raises concerns that monitoring and enforcement will be insufficient. My DEIR concerns include:

- The report provides no historic data by which to gauge water quality, water consumption, biological resources, and tree populations. “None needed” is used so often under Mitigation Measures as to appear dismissive of legitimate issues. As historical monitoring of the property has not been conducted and there are limited data on past conditions, the current conditions have become the baseline. Clearly, the creators of this report have not done their due diligence.
- *Aesthetics*: The report dismisses the viewscape issues as insignificant and overlooks altogether traffic and parking (with associated reflections from the cars) on the ridge-lines in full view of much of North Oakland. Further, the report erroneously equates manicured lawns, subject to mowing, herbicides, and monument structures, with natural open space.
- *Air Quality*: While the DEIR contains a great deal of regulatory language, it appears that no air quality data was collected on site. Nor does the report accurately characterize the construction phase, ignoring the large amount of blasting that will be necessary. The report also ignores the pollutants released by MVC continual mowing, a low-concentration but continual source of emissions and noise. MVC's insistence on green manicured lawns requires a cascade of

K-3

K-4

K-5

associated land use practices that are detrimental to the landscape, namely the reliance on irrigation, herbicides, pest-control, fossil fuels, and maintenance in-perpetuity. MVC has dismissed the growing trend for natural burials (which substantially reduce or eliminate these land use practices), for the more lucrative high-end burial plots that attract wealthy clientele. This business decision, while good for profits, effectively shifts the social costs of the cemetery to the cities of Oakland and Piedmont. As MVC is a tax exempt organization, the City, in fact, sponsors these detrimental land use practices. Does MVC have any plans to institute green maintenance practices? This matter further raises the question as to whether the City of Oakland is taking any measures to reduce mower and blower use city-wide. Los Angeles, by example, has banned blower use.

- *Biological Resources:* The MVC's treatment of the property has led to a decline in biological diversity. Due to the denuding of hillsides, poisoning of rodents, annual draining of ponds due to heavy irrigation use of pond water, and inadequate enforcement of dog leash controls, many of the animals that once lived in the cemetery have disappeared. In the past, I personally have seen foxes, coyotes, deer, bobcats, turkeys, herons, egrets, ducks, owls, hawks, geese, raccoons, gophers, mice, squirrels, and snakes in the cemetery.

The large number of trees slated for removal, particularly oaks (150 to over 300 – depending on which of the two arborist reports one references), should immediately disqualify this development. This tree cutting is in direct conflict with the City's tree preservation measures. Also, the accuracy of the tree numbers are questionable, as they vary by section and are in conflict with the arborists' reports in the appendices. Absent from the DEIR is a record of past permitted tree removals. The reader has no way to determine the rate at which trees, particularly oaks, are being lost and to put the proposed removal in perspective.

K-6

Finally, there is no mention of measures to be taken to preserve and maintain the current tree population. MVC's irrigation and landscaping practices have promoted rot and fungus, leading to the continued loss of large stately oak trees. MVC is fully aware of the problem but has failed to act in a concerted manner to prevent further tree loss. It is conceivable that in the not to distant future, MVC will have no oak trees left at all. While MVC touts the large number of redwoods they have planted, many are part of half-mile long tightly-planted row on the boundary with St. Mary's Cemetery that will grow into a solid, unsightly, and unsustainable wall of wood.

K-7

- *Geology and Soil:* The DEIR contains no record of soils testing. We know from the DEIR that the Project Area has been previously graded and the earlier fills contain debris and garbage. It is also known that the soils in this area contain naturally occurring arsenic and other harmful substances, that historic cemeteries have additional toxic substances in the soils introduced by outdated embalming, body preparation, and burial practices, and that MVC has a long history of applying herbicides and other poisons to the soil. As cemetery activities have been unmonitored for so long, it is impossible to know without testing whether Project Area soils are safe to disturb and use as fill.

K-8

- *Historic Restoration:* As detailed in my letter of March 11, 2015, MVC has a poor record of following historical preservation practices. A recent egregious example is the previously mentioned widespread destruction of headstones and habitat in the unendowed sections of the cemetery during a eucalyptus abatement project. It also should be noted that many of the older

K-9

crypts have fallen into disrepair. As such, MVC has been in violation of, and the City of Oakland has failed to enforce, *Secretary's Standards* Rehabilitation Standard 6, 7, & 8. Can MVC really be relied upon to properly assess the historic nature of new development and maintain it in-perpetuity?

K-9
Cont'd

- *Hydrology and Water Quality*: At a time when MVC should be cutting back on water use and instituting conservation measures, the proposed expansion will increase water consumption by between 8.7 million and 12.6 million gallons of water per year – equivalent to 125-182 dwelling units using an average of 190 gallons per day. As the historic water recycling system has been allowed to fall into disrepair, persistent drought conditions have left some ponds perennially dry, and groundwater pumping is now used to fill the underground water reservoir situated between Plot 98 and the Panhandle. Furthermore, climate change and persistent drought conditions have required the annual draining of the cemetery's ponds for irrigation needs to the detriment of wildlife. By relying on groundwater pumping and EBMUD municipal water supplies for remaining irrigation needs, the project fails to comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance" and EBMUD non-potable water standards (DEIR Appendix 1B: Letter dated March 2, 2015 by David Rehnstrom, EBMUD Manager of Water Distribution Planning). Further, the EIR does not discuss MVC's current use of herbicides, namely glyphosate, while promoting a project that will lead to additional herbicide use, and hence groundwater and stream contamination. It should be noted that the City of Oakland prohibits the use of glyphosate on City property.

K-10

- *Transportation*: The Project Area sits atop prominent hilltops but the DEIR does not discuss the traffic and parking that will be visible for miles around on this once undisturbed landscape.

K-11

COSTS AND EXCLUSIVITY

Even though the cemetery was established by bonds issued by the City of Oakland, the DEIR does not assess the state of the endowment, nor MVC's ability to maintain the property. We do know that the project increases the irrigated land area in the cemetery by 7%, while the burial capacity is only increased by less than 4%. The Project Area will contain 6300 high-cost burial plots targeted to wealthy clientele willing to spend lavishly on funerals and burials.

K-12

Most glaring, the DEIR fails to articulate the project's benefit to the community. The cost in construction, maintenance, water consumption, and the loss of flora, fauna, habitat, open space, viewscape, and historical context – all for 6300 exclusive burial plots – makes this project untenable. The project is both a waste of the precious, historic open space, as well as a disservice to the community at large, who will not only be unable to utilize the plots but very well may inherit their upkeep in-perpetuity. For the majority of Oakland residents, keeping the land open for use by all would be preferable to locking it up in exclusive plots.

K-13

SOLUTIONS

The Project Area represents the last remaining, most visible, and prominent open space in the historic Mountain View Cemetery. One only has to visit the great urban parks of New York, Boston, Chicago, and Montreal, to fully appreciate Frederick Law Olmsted's vision of a community open space. As Olmsted's first independent commission, MVC requires steadfast stewardship.

Unfortunately, none of the DEIR's stated alternatives qualifies as an alternative. One is left with the choice of either a) exclusive burial plots or b) leave the property in it's current state of disrepair.

K-14

Absent from the DEIR is a discussion of the current trends in burials. Today, cremation rates in California are approximately 60% and growing.

Unexplored is the alternative of returning the site to a natural state, as either open space or for natural burials, which are increasingly in demand. I proposed this alternative in my letter of March 11, 2015 but it was ignored. According to Wikipedia, "Natural burial is the interment of the body of a dead person in the soil in a manner that does not inhibit decomposition but allows the body to recycle naturally. It is an alternative to other contemporary Western burial methods." Natural burial sites often take the appearance of undisturbed natural landscapes.

As natural burial sites are difficult to find in the Bay Area, this would be a valuable service to the community. It is also more in keeping with society's growing environmental awareness and holistic view of the landscape. Development, maintenance, and resource consumption would be greatly reduced, while biodiversity would be encourage. Imagine a "wild" area of unmarked natural grave sites where one can wander, sit, and contemplate while enjoying the beauty of the Bay Area. In keeping with our native ancestors and our ancient past, these natural burials would truly reconnect us to the landscape. What better way to salute the legacy of Olmsted, while acknowledging the sustainability necessary for our future?

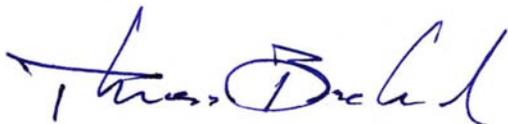
CONCLUSION

Missing from this report is MVC's broader plans to deal with the property's practical limitations in a manner conducive to the greater public interest, including measures to preserve biodiversity, reduce pressure on finite community resources, and maintain natural and open space.

At over 600 pages, this DEIR is largely filled with regulatory citations rationalizing "none needed" mitigation measures so as to continue piecemeal development while denying practical limitations. We see a property management resistant to change and, absent oversight, engaging in land use practices not in keeping with the public interest. The mission of this cemetery is not to host exclusive burials in a sanitized landscape.

Given the expense, in both hard costs and resources consumed, this plan is certainly not in the public interest nor in keeping with the historical nature of this property. I expect that Frederick Law Olmsted would advocate for innovative solutions promoting restorative open space, honoring not only those who have passed, but also recognizing the living landscape that existed before and will continue to do so for generations to come.

Sincerely,



Thomas Bachand

CC: Libby Schaaf, Mayor, City of Oakland
Dan Kalb, Councilman, City of Oakland
Jim Moore, Chair, Oakland City Planning Commission
Adhi Nagraj, Vice Chair, Oakland City Planning Commission
Clark Manus, Oakland City Planning Commission
Amanda Monchamp, Oakland City Planning Commission

Jahmese Myres, Oakland City Planning Commission
Chris Pattillo, Oakland City Planning Commission
Emily Weinstein, Oakland City Planning Commission
Alison Finlay, President, Oakland Heritage Alliance
Naomi Schiff, Oakland Heritage Alliance

Appendix A

Plot 98 Tree Removal, Fill, and Grading. 2011, 2014, & 2016



Plot 98. August 18, 2011. Note cluster of oaks and depression in center.



Plot 98. August 18, 2011. Close up of tree cluster and depression.



Plot 98. June 4, 2014. Trees removed and depression begun to be filled.



Plot 98. July 22, 2016. Area filled and reshaped.

Letter K Response – Thomas Bachand

- Response K-1: Please see Master Response D regarding the Project’s impacts on historic resources.
- Response K-2: The entire Mountain View Cemetery site is zoned by the City of Oakland as RD-1: Residential Low Density. According to the City Planning Code section 17.10.240, cemetery use is considered an “extensive impact use,” and the City’s RD-1 zone requires approval of a Conditional Use Permit (CUP) for new or expanded cemetery use. The purpose of the CUP provisions is to provide a procedure to consider accommodation of uses (e.g., cemeteries) with special site or design requirements, operating characteristics or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval. These procedures apply to all proposals for which a CUP is required. The City has not required the Cemetery to submit a long term, cemetery-wide master plan.
- Response K-3: The commenter lists a number of grievances with past Cemetery practices, which are unrelated to the Project or this EIR. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response K-4: The visibility of the Project site is well documented in the Draft EIR, which includes visual simulations of both pre- and post-Project conditions. Please see Master Response D regarding the Project’s impacts on historic resources.
- Response K-5: Pursuant to CEQA Guidelines, Section 15125(a); “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” The Draft EIR properly relied on existing (or current) conditions as the baseline for issues related to water quality, water consumption, biological resources, and tree populations.
- Response K-6: The Draft EIR does not dismiss the Project’s impact on views. Rather, beginning on page 4.2-10, the EIR indicates that the “Project will transform portions of the upper Cemetery that are within the Project site from restored open grasslands and woodlands to a more manicured yet still open and pastoral cemetery use. The Project’s few new structures (the retaining wall/crypt wall at Plot 82 and the associated amphitheater, as well as the other retaining walls at Plot 98 and the Panhandle) represent the main new visual elements introduced at the site. However, these walls will not extend or protrude into the ridgeline horizon, and instead will be incorporated into the hillside with existing grade above.” The ridgeline road at the top of the Cemetery property currently exists and is used by cars today.
- Response K-7: Existing air quality conditions in the Project area were characterized based on monitoring data collected in the region from CARB and BAAQMD pollutant-monitoring stations, and data from those locations for the years 2011 through 2014 is presented in Table 4.2-1 of the Draft EIR. Construction-period emissions associated with the Project, including fugitive dust, criteria air pollutants and potential toxic air contaminants are fully analyzed in the EIR beginning at page 4.2-

19. The environmental implications associated with blasting as an alternative method for removing rock mass is analyzed in the Alternatives chapter of the Draft EIR beginning on page 5-43. Applicable regulations addressing blasting are indicated as including California Occupational Safety and Health regulations (CAL/OSHA) Subchapter 2, Article 7; California Fire Code Chapter 56; and the California Code of Regulations Title 19, Subchapter 4. If blasting is to be carried out, the applicant would be required to implement additional mitigation measures prior to, during and post the blast event as described in Mitigation Measure Hazards-1A: Blasting Plan (see page 5-44 of the Draft EIR).

- Response K-8: Project impacts related to irrigation, herbicides, pest-control and fossil fuel consumption are addressed in the Draft EIR. The remainder of this comment pertains to the merit of the Project and its design. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response K-9: This comment expresses an opinion about the Cemetery's treatment of their property and its past effects on biological diversity – it does not address issues specific to the Project or the EIR. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response K-10: The City's Tree Preservation Ordinance allows for the removal of specific trees only after obtaining a permit, and permit requirements for the removal of trees covered under the ordinance requires a replanting plan. The Draft EIR accurately summarizes the results of the two arborist reports. The two reports cover different populations of trees on different areas of the site. Each report uses a differing block of integers to avoid overlap, and every tree is assigned a unique integer. See Master Response A regarding tree removal. See also Response K-5 regarding use of the current baseline condition.
- Response K-11: The Draft EIR, starting at page 4.3-27 describes the City of Oakland's SCAs that will apply to the Project, which include requirements to provide adequate protection of trees to be preserved during construction. Pursuant to SCA #27 sub-part b, the Project will be required to develop a Tree Protection Plan to demonstrate that adequate protection measures will be provided during the construction period to ensure that all of the 168 "at risk" trees, as well as the 80 trees beyond the "at risk" zone will be protected and preserved. A detailed list of protection measures is included. The City's permit for proposed tree removal requires a replanting plan, not a site-wide tree preservation plan.
- Unrelated to the Project, over the past several years the Cemetery has planted 471 15-gallon redwood trees, 14 48-inch box deodar cedars and 66 24-inch to 60-inch box trees that are a mix of oak, sycamore, maple, and other species. The purpose of this was to re-establish a former screen of trees on the northern boundary of the Cemetery.
- Response K-12: The analysis and discussion in the Geology chapter of the Draft EIR is based primarily on the report and assessments of Hultgren-Tillis Engineers, Draft Geotechnical Evaluation of Plot 82, Plot 98 and Panhandle at Mountain View Cemetery,

December 23, 2014, which are incorporated by reference and included as Appendix 4.5 to this EIR. As part of this and prior work at the Cemetery, Hultgren-Tillis Engineers drilled borings and excavated test pits, and data from those pits and borings is discussed in their report. The scope included developing conclusions and recommendations regarding geotechnical aspects of the Project.

As indicated on page 4.5-11 of the Draft EIR, the Project will require a grading permit pursuant to OMC Section 15.04.660. Standard conditions of approval for all grading permits (SCA #34: Soils Report) requires the Project applicant to submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction. Grading permit requirements also mandate that best management practices for dust suppression be used throughout all phases of construction. This includes any suspension of work, alleviation or prevention of any fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any City of Oakland or regional air pollution control rules, regulations, ordinances, or statutes.

Response K-13: The commenter lists a number of grievances with past Cemetery practices related to historic resources, unrelated to the Project or this EIR. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Response K-14: Please see Master Response B regarding water use and water conservation.

Response K-15: With the exception of the 25% turf requirement, the Project has either proposed to meet the requirements of Bay-Friendly Landscape Guidelines, or is capable of meeting these requirements as designed. The cemetery use as proposed is dependent upon open lawn area. Please also see Master Response B regarding water use and water conservation.

Response K-16: The Draft EIR does indicate (see page 4.6-14) that the Cemetery uses a variety of weed control techniques, including use of glyphosate (commercially known as Roundup) in targeted applications such as on walkways, and anticipates continuing to use it selectively. The Cemetery may continue use of glyphosate and other commercially available herbicides, pesticides, and fertilizers in landscape maintenance, and the Project would increase areas where application of this herbicide may occur.

As indicated beginning on page 4.6-15 of the Draft EIR, many of these chemicals are specifically defined as hazardous chemicals under the criteria of the OSHA Hazard Communication Standard (29 CFR 1910.1200), and inappropriate use of these chemicals could result in a significant effect on the environment and potentially human health. The use, storage and disposal of hazardous chemicals typically used in landscape maintenance is regulated by the EPA under the authority of the Federal Insecticide, Fungicide and Rodenticide Act, primarily through product labeling. All necessary and appropriate precautionary use, storage and disposal information is

required to be set forth on that labeling. All maintenance personnel and any landscape contractors involved in landscape maintenance at the Cemetery are required to follow and comply with these labeling requirements, and it is a violation of federal law to use such products in any manner not proscribed on the EPA-approval label. Compliance with these rules and regulations ensures that impacts to human health and the environment will not occur.

- Response K-17: As indicated in numerous places in the Draft EIR, the Project area is not a previously undisturbed area, but has been subject to quarrying, grading and fill activities in the past. The ridgeline road at the top of the Cemetery property currently exists and is used by cars today.
- Response K-18: CEQA Guidelines Section 15384 provides that CEQA is not about analysis of economic impacts, and social or economic impacts that do not contribute to, or are not caused by physical impacts on the environment are beyond the scope of CEQA.
- Response K-19: The Draft EIR is specifically intended to serve as an informational document describing the potential environmental consequences of the proposed Project, for use by public agency decision makers and the public in their consideration of the proposed Project. Other economic and social factors (potentially including community benefits) may also be weighed by the City decision-makers in their consideration of the Project, but are not within the purview of CEQA. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response K-20: Although the developed portions of the Cemetery are generally open to the public and are often used for recreational walking, the Cemetery is not a park. Per California Health & Safety Code Sections 8550-8561, the entire Cemetery is dedicated for the interment of human remains. The Project does not include any alterations within the existing developed portions of the Cemetery or the historic Frederick Law Olmsted landscape. Located within the undeveloped eastern hillside portions of the property, the Project would not alter any existing historic buildings or other character-defining contributing features to the Mountain View Cemetery historic district.
- Response K-21: Section 15126.6 of the CEQA Guidelines states that “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 comparative merits of the alternatives”. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.
- The Draft EIR does evaluate a reasonable range of alternatives to the Project, even if not an alternative similar to the “natural burials” as suggested in this comment.
- Response K-22: The Draft EIR evaluates the environmental consequences of the Project as proposed, similar in type and character as the rest of the Mountain View Cemetery. It does not provide an evaluation of an alternative type of cemetery that the Project applicant would decline to develop.

Response K-23: The Draft EIR includes relevant regulatory setting information consistent with CEQA Guidelines, as well as an identification of those regulations that, when implemented, would serve to reduce or avoid adverse environmental impacts. The Draft EIR discusses the proposed Project as a whole (including construction and on-going operations), and not in piecemeal fashion. The remainder of this comment pertains to the merit of the Project and its design. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Letter L

From: bacpab@comcast.net [mailto:bacpab@comcast.net]
Sent: Wednesday, August 03, 2016 11:13 AM
To: Payne, Catherine
Subject: Mountain View Cemetery development plan

Dear Ms. Payne,

My property is adjacent to the Mountain View Cemetery on the Clarewood side, though my address is on Harbord Court. The cemetery property serves as a desirable part of the open space of the neighborhood, as well as a reservoir for the wild birds that visit my yard. The cemetery is also used in the Oakland Christmas Bird Count that occurs every December, when volunteers take a national day count of birds around the county. The cemetery Board is proposing ways to expand burials that involves removing old trees and re-working the landscape. And though I understand that it is their property to manage at a profit, the cemetery occupies a space in the City that involves a large public component.

I am concerned by the Mountain View Cemetery's plan to develop an area of their property, the top hillside, where native live oak trees have lived for thousands of years. The plan would remove over 150 oak trees, including many huge, majestic trees that sustain birds and wildlife. From my reading of their proposed development plan, these would be replaced by a large green lawn and other non-native plants that would require large amounts of water, pesticide, and fertilizer.

L-1

Oakland residents and others in the Bay Area like me who love oak trees are concerned about escalating losses of oaks, a tree that is symbolic of this great city. We are counting on you to take actions that will limit the loss of these trees. I am also concerned about the lack of vision apparent in this plan, which relies on an old model of "what people want" when it comes to grave sites. Shouldn't the city insist that Mountain View Cemetery create a plan that will be more water-wise?

L-2

Those who visit the grave sites, those who purchase plots now and in the future, and all residents of Oakland and surrounding areas will be grateful to you if you can take a more forward-looking approach, and insist that the cemetery retain native flora, save habitat for the local wildlife and birds, and use drought tolerant plants like live oaks that require no supplemental water? The cemetery will broaden its appeal to current and future generations with a greener, more sustainable approach.

L-3

It is my understanding that there may not have been adequate notice given to neighbors about this important issue. Please consider an extension of the comment period, to allow all voices to be heard.

L-4

Thank you for considering my comments. Please keep me informed about your actions on this matter.

Regards,

Patricia Bacchetti, DVM
50 Harbord Court
Oakland, CA 94618

Letter L Response – Patricia Bachetti

- Response L-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.
- According to Cemetery arborist, Brian Fenske, the larger trees on the Cemetery are likely in the range of about 70 to 90 years of age.
- Response L-2: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding water conservation.
- Response L-3: Please see Master Response C regarding public notice and public review for the Draft EIR. The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter M

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

From: Debby Baldwin [mailto:dbaldwin94618@comcast.net]

Sent: Tuesday, August 02, 2016 4:37 PM

To: Payne, Catherine

Subject: ER15-001

I am dismayed to learn of the Mountain View Cemetery plan to eliminate many heritage oak trees in their quest to open up new areas for burial plots/ enhance views etc. These oaks offer habitat for wildlife and are an integral part of the overall design created by Frederick Law Olmsted many years ago. Please require that the cemetery consider ways to preserve these trees and protect the landscape that characterizes our beautiful city!

Sincerely,
Debby Baldwin
Rockridge resident
Oakland

M-1

Letter M Response – Debby Baldwin

Response M-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources, including a discussion of the Olmsted landscape.

Letter N

From: pbr426@aol.com [mailto:pbr426@aol.com]
Sent: Sunday, July 31, 2016 9:00 PM
To: Payne, Catherine
Subject: Save Live Oak trees at Mountain View Cemetery, #ER-15001

To whom it may concern,

My name is Patricia Banchik and I am an Oakland resident who loves to take walk in the beautiful Mountain View Cemetery.

I love live oak trees!

So many large oaks have died in the bottom of the cemetery, so please save the oaks on the top hillside. If you remove over 150 live oak trees from the top of the cemetery, there will be no live oaks to replace the large ones on the bottom of the cemetery as they continue to die of old age or fungal infections. I have tried hard to save water last year and with the drought continuing, you want Mountain View Cemetery to become a cemetery of the 21st century with environmental stewardship of the land-- no more green lawns requiring irrigation, save habitat for the local wildlife and birds, use drought tolerant plants like live oaks that require no supplemental water, add green burials, and low use of Roundup and fertilizers.

Thank you for your attention to this matter,

Patricia Banchik

N-1

Letter N Response – Patricia Banchik

Response N-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.

Letter O

From: Eric and Cathy [mailto:quistale@comcast.net]

Sent: Monday, August 01, 2016 4:26 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: ER15-001

Dear Ms. Payne,

I am concerned by the Mountain View Cemetery's plan to develop an area of their property, the top hillside, where native live oak trees have lived for thousands of years. The plan would remove over 150 oak trees, including many huge, majestic trees that sustain birds and wildlife. These would be replaced by a large green lawn and other non-native plants.

O-1

Oakland residents and others in the Bay Area like me who love oak trees are concerned about escalating losses of oaks, a tree that is symbolic of this great city. We are counting on you to take actions that will limit the loss of these trees.

With the terrible loss of Oak trees throughout California due to the Oak fungus, it becomes imperative to protect those healthy trees that remain. Additionally, with the current and likely future issues associated with drought and climate, it makes sense to require landscaping that uses drought tolerant plants like live oaks that require no supplemental water. Even issues related to the green canopy of the city and loss of trees that help to reduce CO2 in our environment show that protection of trees in our city is an important consideration. As a city in the state that has taken a leadership position in combating climate change, we hope that you ask the cemetery to develop plans with a greener, more sustainable approach.

O-2

It is my understanding that there may not have been adequate notice given to neighbors about this important issue. Please consider an extension of the comment period, to allow all voices to be heard.

O-3

Thank you for considering my comments. Please keep me informed about your actions on this matter.

Catherine Barale
quistale@comcast.net

Letter O Response – Catherine Barale

Response O-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use and conservation.

According to Cemetery arborist, Brian Fenske, the larger trees on the Cemetery are likely in the range of about 70 to 90 years of age.

Response O-2: Please see the Revised Project Description, and specifically the revised Landscape Plan. The landscape plan now indicates that the new tree planting plan for the Project will include 317 new trees. Those trees include a mix of oaks, redwoods, bay laurel, madrone (from the City’s approved replacement list) and others. In the revised Project, the Cemetery will replace lost coast live oaks with replacement coast live oaks on a 1:1 basis. In addition, the revised Landscape Plan changes the mix of new trees, thereby increasing the number of coast live oaks within the replacement mix. The health and vitality of the replacement plan will be enhanced by species diversity. Redwoods, bay laurel, and madrone are common and native to the area.

Response O-3: Please see Master Response C regarding public notice and public review for the Draft EIR. The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter P

From: Lin Barron [mailto:lbarron_510@att.net]

Sent: Tuesday, August 02, 2016 11:13 AM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com;

Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com;

conservation@ebcnps.org; info@californiawildlifefoundation.org;

jcobb@californiawildlifefoundation.org

Subject: ER15-001: Mountain View Cemetery oak-land

Dear Ms. Payne,

I am very concerned about the Mountain View Cemetery's plan to develop an area of their property where there are a large number of native live oak trees, many hundreds of years old. Through the cemetery's long history it has become a unique urban wildlife corridor and preserved essential habitat for birds and other wildlife. We are counting on the Oakland Planning Department to take actions that will limit the loss of these trees.

P-1

State-wide there is an alarming loss of oaks that is changing our eco-system irreparably. It would be ironic for Oakland, named after its iconic oaks, to allow large scale removal of these trees in favor of heavily-watered grassy lawns. Preserving this established oak woodlands is water-wise and a sound environmental decision.

Also of great concern is the lack of vision in this plan. The cemetery property has become a heritage site of local history and a unique feature of Oakland. The mature oaks are just as integral to its character as are its historic monuments and landscape architecture. Replacing up to 300 oaks with manicured grass and non-native plants diminishes the entire property and its history, requires extra water use, and destroys established wildlife habitat.

P-2

Please insist that the cemetery retain its native oaks and use native flora – drought tolerant plants, adapted to California's climate – that require no supplemental water and preserve habitat. The cemetery will broaden its appeal to current and future generations with a greener, more sustainable approach. And it will maintain its unique beauty in the heart of Oakland.

P-3

It is my understanding that there may not have been adequate notice given to neighbors about this important issue. Please consider an extension of the comment period, to allow all voices to be heard.

P-4

Thank you for your consideration,

Lin Barron

5837 Snake Rd, Oakland

510-339-1476

Letter P Response – Lin Barron

- Response P-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.
- According to Cemetery arborist, Brian Fenske, the larger trees on the Cemetery are likely in the range of about 70 to 90 years of age.
- Response P-2: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, Master Response B regarding water conservation, and Master Response D regarding impacts on historic resources.
- Response P-3: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding water conservation.
- Response P-4: Please see Master Response C regarding public notice and public review for the Draft EIR.

Letter Q

From: Katrine Benninger [mailto:katrinebenninger@gmail.com]

Sent: Monday, August 01, 2016 3:32 PM

To: Payne, Catherine; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Pattillo, Chris; amandamonchamp@gmail.com

Subject: Mtn View cemetery oaks ER15-001

Dear Catherine Payne,

I am concerned by the Mountain View Cemetery's plan to develop an area of their property, the top hillside. The plan would remove over 150 oak trees, including many huge, majestic trees, the icon tree of our City, ancient and mature trees that sustain birds and wildlife.

To be replaced by a large green lawn and other non-native plants. Really? After a 4 year historic drought this seems ill conceived at best and an insult to all Bay Area residents who have let their gardens and landscapes languish to conserve water and be good earth citizens.

Shouldn't the City insist that Mountain View Cemetery create a plan that will be more sustainable and water-wise? This is the time for the City of Oakland to set new standards along with our regional and Statewide partners such as EBMUD, Bayfriendly/ReScape California and other agencies, especially for large scale and public projects.

These majestic Live Oak trees are established and adapted to our climate, as you well know since they are protected in Oakland.

Therefore, a plan that would justify the removal of as many specimens seems inappropriate

As an Oakland resident, along with many others in the Bay Area, I am concerned about the escalating losses of oaks and native species.

We are counting on you to take actions that request a more sustainable plan that will limit the loss of these trees and take a more forward-looking approach by requesting that the cemetery retain native flora, save habitat for the local wildlife and birds, and use drought tolerant plants.

Mountain View Cemetery is a gem in our city, I am sure it will broaden its appeal to current and future generations with a greener, more sustainable approach.

Thank you for your consideration.

Sincerely,

Katrine Benninger
Landscape Design

Q-1

Q-2

Q-3

Letter Q Response – Katrine Benninger

- Response Q-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response Q-2: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see Master Response B regarding the Project’s water use, conservation, and regulatory compliance.
- Response Q-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.

Letter R

451 Pala Ave.
Piedmont, CA 94611

Catherine Payne
Planner IV
City of Oakland Planning & Building Dept
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

RE: Mountain View Cemetery Burial Site Expansion. Draft EIR, City Case #
PCN15048 – ER01

Dear Ms. Payne,

I am writing to express my concerns regarding inadequacies in the Draft EIR (DEIR) for the proposed expansion of Mountain View Cemetery (MVC).

I. The DEIR fails to consider Green Burial as a Project Alternative.

Green Burial cemeteries, such as Fernwood Cemetery in Marin County, integrate land stewardship and restoration with cemetery and burial ritual. Green, or natural, burial means no embalming or chemicals, no grave-liners or vaults and only biodegradable burial containers such as a plain pine box. Fernwood Cemetery does not allow traditional headstones or bronze markers; instead a small natural boulder can be engraved and used as a marker. At Fernwood, unmarked grave sites blend into the hillside allowing trees, flowers, songbirds and butterflies to become memorials. Fernwood connects the living and the dead through cycles of nature, memory and conservation. Each grave is mapped using Global Positioning Systems (GPS), and every burial site is marked with an identification device to ensure loved ones can find their location. Fernwood is committed to preserving natural resources and native plants and animals and is a National Wildlife Federation Certified Habitat.

R-1

II. The DEIR estimates the proposed MVC expansion project will use 9 million gallons of water per year — enough to serve 125 households per year — to irrigate expansive lawn areas, 242 new trees and shrubs, and to provide a “water feature.” It is astonishing that at a time of climate change and ongoing, potentially severe drought, the DEIR does not consider this a significant impact.

R-2

MVC proposes to fulfill its projected water needs from the same sources it currently uses: groundwater from two wells; three lakes which are fed by rainwater runoff and flow from Glen Echo Creek; and water purchased from EBMUD. The lakes are habitat for songbirds, ducks, herons, egrets, hawks, turtles, deer, foxes, raccoons, skunks and other animals. Every summer, MVC totally drains one or more of these lakes (see attached photo #1) to continue watering its gravesite lawn areas, some of which are kept continually green and lush (photo #2). When the lakes are

R-3

drained overnight, essential habitat is lost to wildlife who depend on it in dry summer and fall months. Further, the loss of fresh water from Glen Echo Creek flowing into Lake Merritt likely impairs the health of both Lake Merritt and San Francisco Bay.

R-4

While the lakes in MVC are not within the project boundary, they will be impacted by the project. If the MVC project leaves more of them completely dry, why is that not a significant impact?

III. The DEIR does not discuss water conservation measures referred to in a letter from EBMUD, dated 3/2/2015, to Lynn Warner, City of Oakland, Planning and Building Dept. The same information is included in a second letter from EBMUD, dated 7/15/2016.

R-5

Both letters request that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance." They state that EBMUD 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." The letters further state EBMUD's policy "requires that customers use non-potable water, including recycled water for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply." The letters recommend MVC consult with EBMUD on the feasibility of using recycled water "either from a centralized facility or from an on-site recycled water treatment facility..."

The DEIR makes no reference to development of an on-site recycled water-treatment facility as a water-conservation measure.

IV. The DEIR does not discuss the environmental impacts of excessive use of groundwater.

R-6

A recent *Open Forum* article in the San Francisco Chronicle by Peter Gleick, co-founder and president emeritus of the Pacific Institute, states: "The unsustainable use of groundwater and the excessive diversion of water from our rivers is stealing from our children and grandchildren in order to satisfy today's wasteful demands.... we live in a region where our economy, our communities and future generations depend on smart water management, not wishful thinking." <http://www.sfchronicle.com/opinion/openforum/article/California-s-delusional-thinking-on-water-8406076.php>

V. Despite the fact that more and more Americans, including 60 percent of Californians, prefer cremation over in-ground burial, the DEIR does not consider a smaller, less intrusive expansion project for cremations as a Project Alternative.

R-7

With this Project Alternative, MVC would not need to destroy nearly 300

mature trees and blast a rocky hillside (photo #3) in order to create green, landscaped lawns for 6,300 in-ground burial sites.

R-7 Cont'd

I urge you to disapprove this Draft EIR and require that it be recirculated.

Thank you for your consideration.

Marjorie Blackwell







Letter R Response – Marjorie Blackwell

- Response R-1: The Draft EIR does evaluate a reasonable range of alternatives to the Project, even if not an alternative similar to the “green burials” as suggested in this comment. The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response R-2: As indicated on page 4.9-22 of the Draft EIR, Table 4.9-1: Estimated Water Use for the Project, irrigation for Plot 82, Plot 98, and the Panhandle has been calculated based on the water demands associated with three separate watering zones; Grass (highest water demand); Shrubs (low water demand); and Trees (no irrigation once established). The Project will be required to comply with all applicable City ordinances, including the guidance for careful tree treatment in regards to minimizing nearby watering, pruning, and construction impacts as found in Ordinance 12.36. Please also see Master Response B regarding the Project’s water use.
- Response R-3: This comment expresses an opinion about the Cemetery’s treatment of their property and its past effects on biological diversity – it does not address issues specific to the Project or the EIR. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response R-4: Please see Master Response B regarding the Project’s water use and sources.
- Response R-5: Please see Master Response B regarding the Project’s water use, sources, and conservation efforts.
- Response R-6: Please see Master Response B regarding the Project’s water use and sources.
- Response R-7: Please see Response R-1. The City does not find that the Draft EIR was inadequate or inconsistent, that this comment does not identify any new or more significant impacts than identified in the Draft EIR, and that no updated, supplemental or recirculated Draft EIR need be prepared.

Letter S

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

From: penelope bliss [mailto:penelope8bliss@gmail.com]

Sent: Sunday, July 31, 2016 9:32 PM

To: Payne, Catherine

Subject: You won't, right?

Cut down OAKs? Surely there's an alternative.
pbd

| S-1

Letter S Response – Penelope Bliss

Response S-1: The Draft EIR does include consideration of alternatives including the No Project Alternative, Alternative #2: Reduced Project – Plot 82 and Plot 98 Only, and Alternative #3: Larger Plot 82 Site, which would not include new cemetery development at the Panhandle site. The analysis of these alternatives concludes that they would lessen certain already less than significant impacts related to neighbors at Stark Knoll, but would have other significant impacts of their own.

Letter T

From: Sandra Bressler [mailto:1sbressler1@gmail.com]

Sent: Tuesday, August 02, 2016 3:04 PM

To: Payne, Catherine

Cc: cmanusopc@gmail.com; Moore, Jim; Pattillo, Chris; amandamonchamp@gmail.com; nagrajplanning@gmail.com; jmyres.oaklandplanningcommission@gmail.com; EW.oakland@gmail.com; conservation@ebcnps.org

Subject: ER15-001

Subject ER15-001

Dear Ms. Payne,

I am writing with concern about the Mountain View Cemetery's (MVC) plan to develop their property by removing a large number of trees, many of them protected live oaks—I understand as many as 150 such trees. Oakland has a policy of protecting trees that do not need to be removed, even on private property. These trees sustain birds and wildlife, whereas MVC's planned expansive lawns require irrigation and water waste.

T-1

Many in Oakland visit the cemetery either because a loved one is buried there, to purchase a plot or just to roam the beautiful property. MVC is generous to encourage all visitors, but decimation of the land will spoil so much for so many people and wildlife.

I hope Oakland the Planning Commission will require MVC to retain native flora, save habitat for the local wildlife and birds, and be drought conscious in any changes they contemplate.

T-2

It is my understanding that there may not have been adequate notice given to neighbors about this issue. I hope the Commission will consider an extension of the comment period, to allow all voices to be heard.

T-3

Thank you for your careful consideration of this matter. Please keep me informed about the planning commission's proposals and actions on this subject.

Sandra E. Bressler

3837 Woodruff Avenue

Oakland CA 94602

1sbressler1@gmail.com

Letter T Response – Sandra Berssle

- Response T-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.
- Response T-2: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding water conservation.
- Response T-3: Please see Master Response C regarding public notice and public review for the Draft EIR. The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter U

From: Debra Bronstein [mailto:debrabronstein@gmail.com]

Sent: Friday, July 29, 2016 1:53 PM

To: Payne, Catherine

Cc: amandamonchamp@gmail.com; Pattillo, Chris; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Office of the Mayor; Kalb, Dan; conservation@ebcnps.org

Subject: Reference # ER15-001

Dear Ms. Payne,

It is my understanding that Mountain View Cemetery is proposing to cut down numerous old growth trees to expand their burial sites. I would like to ask that this not be allowed since the beauty of these trees and the wildlife habitats they provide are irreplaceable.

Thank you for your consideration.

Sincerely,

Debra Bronstein

--

Debra Bronstein, MA, MFT

Phone: [510-423-3544](tel:510-423-3544)

Fax: [510-653-4238](tel:510-653-4238)

www.debrabronstein.com

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U-1

Letter U Response – Debra Bronstein

Response U-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter V

From: Brad B [mailto:buckmanb@yahoo.com]

Sent: Monday, August 01, 2016 5:50 PM

To: Payne, Catherine; Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Office of the Mayor; "conservation@ebcnps.org"; Brad Buckman

Subject: ER15-001 (Mountain View Cemetery plan to cut down 150+ trees)

Dear Ms. Payne,

I was very disappointed to hear about the plan by Mountain View Cemetery to cut down hundreds of oaks and other trees and to grade the land in order to vastly increase the number of plots available. I understand that at least 150 mature trees (including many heritage oaks) and many mature shrubs would be removed. In addition, another 100-150 more trees may be removed as well. Oakland is already losing many of its mature oaks to disease, drought, and development. A thoughtlessly planned expansion is not an unavoidable loss of our namesake trees. The Mountain View Cemetery managers can do a lot better than this plan.

V-1

The Mountain View Cemetery was designed by Frederick Law Olmsted, a renowned architect who was known for incorporating nature into his designs. The current cemetery has rolling hills with scattered mature trees and shrubs. Birds use these native trees and shrubs, especially during their winter migrations. The hillside location provides distant views while the trees and shrubs provide a sense of privacy and allow visitors to feel that they're in nature, which is quite healing.

V-2

I can't imagine wiping out so many trees and shrubs and replacing them with densely-packed, grass-covered graves. A bare hillside bereft of trees, shrubs, and the sounds of birds is a cold, exposed, uncomfortable place. It is not what Frederick Law Olmsted had in mind when he designed the cemetery, and it will not be the same place if this plan is approved. Please think of the living people who will visit the cemetery and seek solace in the nature provided there. Please think about how such a drastic change will alter this historic cemetery.

While I understand the desire of the cemetery's manager to increase the number of plots, obliterating whole sections (tree removal, shrub removal, grading) of native plantings is not a plan, it's outright destruction. Yes, there may be some trees that would have to be removed in order to expand, but not on this scale - it is environmentally destructive. In addition, to replace drought-tolerant, native plants with non-native, water-loving plants and grass is both wasteful and absurd.

V-3

I understand that one of the arguments for vastly increasing the number of plots is to raise more money for the cemetery's endowment. Poor financial management on the part of the cemetery's managers should not be an excuse for destroying so many trees.

I urge you as the leader of the planning commission to reject the draft EIR and send this destructive plan back to the cemetery's managers for a complete overhaul. The mature oak trees and the look and feel of the Mountain View Cemetery are part of our Oakland heritage. Please protect it. Please consider the both the loss of native plants and habitat, and current and future visitors when deciding on changes to this historic cemetery.

V-4

Thank you for your work on this issue. I would appreciate being kept informed of the committee's decisions in this matter.

Sincerely,

Brad Buckman

Oakland, CA 94602

Letter V Response – Brad Buckman

Response V-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Response V-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources, including a discussion of the Olmsted landscape.

Additionally, as indicated on page 4.3-18 of the Draft EIR, “There is a possibility that one or more species of birds protected under the federal MBTA could establish nests in trees and other vegetation that could be affected by construction activities. Destruction of a bird nest in active use or disturbance that could result in the abandonment of a nest with eggs or young would be a violation of the MBTA and State Fish and Game Code.” The Project will be required to implement City’s Standard Conditions of Approval SCA #26: Tree Removal during Breeding Season, to protect possible nesting habitat.

Response V-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.

Response V-4: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources.

The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter W

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

From: Georgia Buettner [mailto:georgeka4@gmail.com]

Sent: Wednesday, August 03, 2016 5:54 AM

To: Payne, Catherine

Subject: ER15-001

I just read that there is a plan to destroy beautiful mature oak trees.

Please do not do this

Georgia Buettner

Sent from my iPad

W-1

Letter W Response – Georgia Buettener

Response W-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter X

From: Lauren Carley [mailto:lacarley@gmail.com]

Sent: Friday, July 29, 2016 3:41 PM

To: amandamonchamp@gmail.com; Pattillo, Chris; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Payne, Catherine

Cc: Office of the Mayor; Kalb, Dan; conservation@ebcnps.org

Subject: Reference #, ER15-001

I am writing because I would like to preserve the native coast live oak trees in the Mountain View Cemetery. I care about our native trees, our native plant communities. Thank you and sincerely,
Lauren Carley
Oakland resident

X-1

Letter X Response – Lauren Carley

Response X-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter Y

From: Frankie L Carlisle [mailto:fcarlisleoak@aol.com]
Sent: Monday, August 01, 2016 6:39 PM
To: Payne, Catherine
Subject: City of Oakland - Trees

Hello Ms Payne,

Oakland is the only City I know that always wanted to destroy one of the most beautiful thing on earth
TREES.

Y-1

My letter is short because it's should be a crime that we keep letting people do thinks that makes a City
so beautiful.

Please don't let this happened
Thank you



Frankie Carlisle

Phone#: (510) 301-4136

Email: fcarlisleoak@aol.com

Letter Y Response – Frankie Carlisle

Response Y-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter Z

From: Karen Caronna [mailto:kamaca9@gmail.com]
Sent: Tuesday, August 02, 2016 1:52 PM
To: Payne, Catherine
Cc: cmanusopc@gmail.com; Pattillo, Chris; Amanda Monchamp; Adhi Nagraj; Moore, Jim; Jahmese Myres; Emily Weinstein; conservation@ebcnps.org
Subject: ER15-001

Dear Ms. Payne,

I am concerned by the Mountain View Cemetery's plan to develop an area of their property, the top hillside, and demolish mature native live oak trees.

As a long time Oakland resident, I have had the sad occasion to attend a number of graveside services in Mountain View Cemetery. During times of grief and loss, to be able to contemplate the natural world, appreciate the quiet, eternal beauty of the trees and the wildlife they support is a great comfort. The cemetery is being short sighted by planning to remove the very environment that promotes tranquility, for a barren hillside with no defining characteristics. These trees should outlast us, and be a symbol of care and concern that is passed down to the next generation. This beautiful park-like setting, as designed and intended, enhances our city both environmentally and aesthetically and is of important local historical value. Does Oakland need to become another Colma?

Z-1

It is my understanding that there may not have been adequate notice given to neighbors about this important issue. Please consider an extension of the comment period, to allow all voices to be heard.

Z-2

Thank you for considering my comments. Please keep me informed about your actions on this matter.

Best,
Karen Caronna

Letter Z Response – Karen Caronna

- Response Z-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources.
- Response Z-2: Please see Master Response C regarding public notice and public review for the Draft EIR. The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter AA

From: Erin Diehm [mailto:erindiehm@hotmail.com]
Sent: Monday, August 01, 2016 12:14 AM
To: Payne, Catherine; amandamonchamp@gmail.com; Pattillo, Chris; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com
Cc: Office of the Mayor
Subject: #ER-15001 -- save the MVC live oaks

Dear Catherine Payne, Oakland City Planner,

I am writing to share my deep concern about the plans for the Mountain View Cemetery. I am concerned proper notification was not given to neighbors. I am concerned about potential water needs of the future developed cemetery. I am concerned about the developer's plans to alter the natural contours of the hillsides. And, most importantly, I am very, very, concerned about the removal of 150+ native oak trees from the upper hillside — trees that have stood majestically for thousands of years and provide crucial habitat & food for wildlife. I urge you to extend the comment period, to allow for a thorough and accurate assessment of the long-term detriments of this project, to explore alternative plans, and to give the public more time to let their voices be heard.

AA-1
AA-2
AA-3
AA-4
AA-5

Drought

California is entering into a new "normal", with less snowpack and more drought. Bay Area residents are taking extra steps to be responsible citizens and reduce our water usage. Thanks to programs like those promoted by EBMUD, we are replacing lawns with drought-tolerant plants. From what I see, the developer is doing just the opposite. In the face of our serious long-term water shortages, the developer proposes to remove more than 150 established trees that require no irrigation. The Staff Report states the developer will plant equivalent replacement trees. But, please tell me this, where is the extra water going to come from? Why is the developer exempt from regional concerns about water usage? How many years will it be til the replacement trees reach similar maturity and drought-tolerance? 10 years? 20 years? Will the replacement trees be native live oaks? I urge the Commission to require the developer to take a more water-wise approach to any expansions in the cemetery.

AA-6

QUESTION: How much additional water will the cemetery require each year to maintain all new plantings?

A Cemetery for the 21st Century

The Bay area is famous for leading the country in environmental protection and sustainability. I humbly request that the city of Oakland require the developer to adopt a more forward-looking, visionary approach. The cemetery could expand its burial sites with a more sustainable plan, geared towards the 21st century and beyond. It could adopt a design that retains the native flora, saves habitat for local wildlife and birds, and maintains the existing drought-tolerant trees. Given the growing appreciation of sustainability, adopting a strong naturalistic approach can be a strong selling and marketing tool for the cemetery.

AA-7

QUESTION: Why wasn't a more naturalistic approach included among Alternatives #1-5?

AA-8

Please do everything you can to maintain the “oak” in Oakland. Please consider extending the comment period and encouraging the developer to to adopt a water-wise, conservation-minded approach. The trees, birds, and all the other creatures deserve our careful consideration. | AA-9
| AA-10

Thank you for considering my comments. Please keep me informed about future actions on this matter.

Sincerely,
Erin Diehm
erindiehm@hotmail.com

Letter AA Response – Erin Diehm

- Response AA-1: Please see Master Response C regarding public notice and public review for the Draft EIR.
- Response AA-2: Please see Master Response B regarding the Project’s water use.
- Response AA-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response AA-4: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response AA-5: Please see Master Response C regarding public notice and public review for the Draft EIR.
- Response AA-6: As indicated on page 4.9-22 of the Draft EIR, Table 4.9-1: Estimated Water Use for the Project, irrigation for Plot 82, Plot 98, and the Panhandle has been calculated based on the water demands associated with three separate watering zones; Grass (highest water demand); Shrubs (low water demand); and Trees (no irrigation once established). Please also see Master Response B regarding the Project’s water use and sources.
- Response AA-7: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding water conservation.
- Response AA-8: The Draft EIR evaluates a reasonable range of alternatives to the Project, even if not an alternative similar to the naturalistic approach suggested in this comment.
- Response AA-9: Please see Master Response C regarding public notice and public review for the Draft EIR.
- Response AA-10: Please see Master Response B regarding the Project’s water use.
The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter AB

From: Doyle, Heather (123 Mission SF) [mailto:Heather.Doyle@mckesson.com]

Sent: Monday, August 01, 2016 4:45 PM

To: Payne, Catherine; Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Office of the Mayor; conservation@ebcnps.org

Subject: ER15-001 (Mountain View Cemetery plan to cut down 150+ trees)

Dear Ms. Payne,

I was very disappointed to hear about the plan by Mountain View Cemetery to cut down hundreds of oaks and other trees and to grade the land in order to vastly increase the number of plots available. I understand that at least 150 mature trees (including many heritage oaks) and many mature shrubs would be removed. In addition, another 100-150 more trees may be removed as well. Oakland is already losing many of its mature oaks to disease, drought, and development. The Mountain View Cemetery managers can do a lot better than this plan.

I can't imagine wiping out so many trees and shrubs and replacing them with densely-packed, grass-covered graves. A bare hillside bereft of trees, shrubs, and the sounds of birds is a cold, exposed, uncomfortable place. It is not what Frederick Law Olmsted had in mind when he designed the cemetery, and it will not be the same place if this plan is approved. Please think of the living people who will visit the cemetery and seek solace in the nature provided there. Please think about how such a drastic change will alter this historic cemetery.

While I understand the desire of the cemetery's manager to increase the number of plots, obliterating whole sections (tree removal, shrub removal, grading) of native plantings is not a plan, it's outright destruction. Yes, there may be some trees that would have to be removed in order to expand, but not on this scale - it is environmentally destructive. In addition, to replace drought-tolerant, native plants with non-native, water-loving plants and grass is both wasteful and absurd.

I understand that one of the arguments for vastly increasing the number of plots is to raise more money for the cemetery's endowment. Poor financial management on the part of the cemetery's managers should not be an excuse for destroying so many trees.

I urge you as the leader of the planning commission to reject the draft EIR and send this destructive plan back to the cemetery's managers for a complete overhaul. The mature oak trees and the look and feel of the Mountain View Cemetery are part of our Oakland heritage. Please protect it. Please consider the both the loss of native plants and habitat, and current and future visitors when deciding on changes to this historic cemetery.

Thank you for your work on this issue. I would appreciate being kept informed of the committee's decisions in this matter.

2020 Leimert, Oakland CA 94602

Heather Doyle

Regional IT Director, West

Oncology & Multispecialty Customer Products

heather.doyle@mckesson.com

Phone: 415-692-9241 | Cell: 415-426-0705

McKesson Specialty Health

AB-1

AB-2

AB-3

AB-4

Letter AB Response – Heather Doyle

Response AB-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Response AB-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources, including a discussion of the Olmsted landscape.

Response AB-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project's water use.

Response AB-4: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources.

The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter AC

From: sandra morey [mailto:sandi.morey@gmail.com]

Sent: Wednesday, August 03, 2016 9:47 AM

To: Payne, Catherine

Cc: Pattillo, Chris; amadamonchamp@gmail.com; cmanusopc@gmail.com; nagrjplanning@gmail.com; Moore, Jim; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: ER15-001

It has just come to our attention that there is an unfortunate plan in the works by Mountain View Cemetery to develop the top hillside of their property. This a beautiful area that includes many native live oak trees, many of which have lived there for thousands of years, providing habitat to birds, insects and wildlife of all kinds. These would be replaced by a large green water guzzling lawn and non native plants.

AC-1

Many here in Oakland and in the Bay Area in general, who have learned of this plan which has not been put forward to our community much, so many of us don't know about it at all, are very concerned, as the health of our Oak trees has been so severely affected by Sudden Oak Death and the Oak has been the symbol for Oakland for a very long time. The trees at Mountain View Cemetery continue to be healthy and thriving and provide a beautiful place for humans to relax and meditate as well as shelter & food for wildlife. I feel it is senseless to replace living thriving native trees with lawns & non natives.

AC-2

Those who visit gravesites and those who purchase plots now and in the future, as well as all residents of Oakland and the surrounding areas will be grateful to you if you can ensure that the cemetery retain it's current character, retain native flora, save habitat for local wildlife and migrating song birds, and use drought tolerant native plants like these live oaks that require no supplemental water. The oaks will provide healthy acorns and seedlings so we may be able to save the species, which is in extreme danger from Sudden Oak Death in other parts of our city.

AC-3

Since we only heard of this this morning, it seems that neighbors may not have been given adequate notice about this important issue. Please consider extending the comment period so that others may comment.

AC-4

Thank you for considering our comments. Please keep us informed about your actions on this matter.

Sincerely,

Mr. and Mrs. Norbert Farrell
3461 Laguna Ave
Oakland CA 94602

Letter AC Response – Norbert Farrell

- Response AC-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see Master Response B regarding the Project’s water use.
- Response AC-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response AC-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Additionally, as indicated on page 4.3-18 of the Draft EIR, “There is a possibility that one or more species of birds protected under the federal MBTA could establish nests in trees and other vegetation that could be affected by construction activities. Destruction of a bird nest in active use or disturbance that could result in the abandonment of a nest with eggs or young would be a violation of the MBTA and State Fish and Game Code.” The Project will be required to implement City’s Standard Conditions of Approval SCA #26: Tree Removal during Breeding Season, to protect possible nesting habitat.
- Response AC-4: Please see Master Response C regarding public notice and public review for the Draft EIR. The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter AD

From: JEANINE FETTERLY [mailto:jfetterly@sbcglobal.net]

Sent: Tuesday, August 02, 2016 3:20 PM

To: Payne, Catherine

Cc: amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: ER-001

I just received an email from someone in my garden club - Hillside Gardeners of Montclair and Piedmont - regarding a meeting tonight or tomorrow to decide the fate of the oaks and other planting at Mountain View Cemetery. I don't believe there has been much publicity about this meeting and the irreversible impact it will have on the cemetery, one of Oakland's most valuable historic treasures. I urge you to put off any decision until more people have the opportunity to weigh in on this issue. I am vehemently opposed to the destruction of the existing landscaping. Please consider the public's opinion on this matter. Thank you.

| AD-1

| AD-2

Jeanine Fetterly, Oakland

Letter AD Response – Jeanine Fetterly

Response AD-1: Please see Master Response C regarding public notice and public review for the Draft EIR. Please also see Master Response D regarding impacts on historic resources.

Response AD-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Letter AE

From: Juliana Germak [mailto:juliana.germak@gmail.com]

Sent: Monday, August 01, 2016 2:55 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; officeofthemajor@oaklandnet.com; conservation@ebcnps.org

Subject: Mountain View Cemetery, #ER-15001

Dear Ms. Payne,

I am writing in relation to Mountain View Cemetery's plan to expand to build more grave sites by cutting down native plant life, including 150 oak trees. As a neighbor of Mountain View Cemetery (I live on the 4500 block of Howe Street and look directly into the cemetery from my house), this issue is a personal one for me. I regularly visit the cemetery to walk, run, and enjoy the natural beauty so close to my urban neighborhood. We often see deer, wild turkeys, possums, and other wildlife come down our street or through our back lots on their way to and from the sanctuary of the natural land within the cemetery grounds. With so much development already taking place in our neighborhood, it is crucial that the cemetery remain a safe haven for these animals.

AE-1

Not only do the trees provide natural habitat for animals, but removing the trees to plant green lawns will only contribute further toward the water crisis that we currently find ourselves in. Oakland residents, including myself, have worked hard in the last few years to save precious water resources. It is my hope that Mountain View Cemetery can become a leader in 21st century environmental stewardship that works directly with their commercial interests by maintaining native plants that require no additional water and avoiding green lawns that require irrigation.

AE-2

One of the things I love best about Oakland is the existence of natural habitats so close to the urban center. Our plants, animals, and citizen deserve to continue living and enjoying these natural green spaces. I urge you and the rest of the planning commission to keep these issues in mind as you make your decision about the plans for Mountain View Cemetery and the fate of these majestic, beautiful, and long-lived oak trees.

Thanks you for your consideration,

Juliana Germak

4501 Howe Street #4

Oakland, CA 94611

Letter AE Response – Juliana Germak

Response AE-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Response AE-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.

Letter AF

From: Aviva Gilbert [mailto:aviva.gilbert@gmail.com]

Sent: Monday, August 01, 2016 9:26 AM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Office of the Mayor; conservation@ebcnps.org

Subject: Reference #, ER15-001 Mountain view cemetery

To whom it may concern:

I am writing to share my thoughts about the plans for the Mountain View Cemetery. I used to admire the grand hilltop oak trees as a child (I grew up on Florence) and now as an adult I walk among them and admire them even more. This is Oak-land after all. I support graves being allowed between and among the trees (that actually sounds like the perfect final resting place), but am quite against cutting these beauties down.

I am also concerned proper notification was not given to neighbors. I am concerned about potential water needs of the future developed cemetery. I am concerned about the developer's plans to alter the natural contours of the hillsides. But most importantly, I am concerned about the removal of the native oak trees from the upper hillside — trees that have stood majestically for thousands of years and provide crucial habitat & food for wildlife. I urge you to extend the comment period, to allow for a thorough and accurate assessment of the long-term detriments of this project, to explore alternative plans, and to give the public more time to let their voices be heard.

Thank you,

Aviva

A-F1

AF-2

AF-3

AF-4

AF-5

AF-6

Letter AF Response – Aviva Gilbert

- Response AF-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response AF-2: Please see Master Response C regarding public notice and public review for the Draft EIR.
- Response AF-3: Please see Master Response B regarding the Project’s water use.
- Response AF-4: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response AF-5: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response AF-6: Please see Master Response C regarding public notice and public review for the Draft EIR.

Letter AG

From: Raphael Gilbert [mailto:rafigilbert@gmail.com]

Sent: Monday, August 01, 2016 2:18 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Office of the Mayor; conservation@ebcnps.org

Subject: Ref #ER15-001

The prospects of losing many native oaks as a result of the expansion of the Mountain View cemetery saddens me. These magnificent trees are our birthright and should be passed on to future residents of OAKland.

The cemetery has shown a disregard for the surrounding community for several years.

I moved to my home on Florence Ave in 1985. The cemetery planted eucalyptus trees on a prominent knoll around the same time. These non native trees are a fire hazard. Furthermore, these eucalyptus trees have created a rising curtain blocking the view of San Francisco and the Golden Gate Bridge. The evidence is apparent when seeing the city from the Proctor steps. The economic impact on home owners who once had an unimpeded view cannot be measured. Preferably, the cemetery would pay for the tree removal, but I am willing to pay a nominal amount to a fund to pay for the removal of these non native trees. At the very least, these eucalyptus trees should be topped and pruned.

AG-1

AG-2

Thank you,

Raphael Gilbert

Letter AG Response – Raphael Gilbert

- Response AG-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response AG-2: The commenter lists grievances with past Cemetery practices, which are unrelated to the Project or this EIR. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Letter AH

From: Mary Goodell [mailto:mgoodell5@gmail.com]

Sent: Tuesday, August 02, 2016 9:07 AM

To: Payne, Catherine

Cc: attillo@pgadesign.com; amandamonchamp@gmail.com; cmanusopc@gmail.com; Adhi Nagraj; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; CONSERVATION@ebcnps.org

Subject: ER 15-001

Dear Ms. Payne,

I am dismayed to learn about the Mountain View Cemetery's plan to develop an area of their property, the top hillside, where native live oak trees have lived for thousands of years. The plan would remove over 150 oak trees, including many huge, majestic trees that sustain birds and wildlife. These would be replaced by a large green lawn and other non-native plants. This makes no sense when Oakland has been experiencing severe droughts, and there is every evidence that our way of life must change to support water-conservation efforts.

Oakland residents and others in the Bay Area like me who love oak trees are concerned about escalating losses of oaks, a tree that is symbolic of this great city. We are counting on you to take actions that will limit the loss of these trees.

Those who visit the grave sites, those who purchase plots now and in the future, and all residents of Oakland and surrounding areas will be grateful to you if you can take a more forward-looking approach, and insist that the cemetery retain native flora, save habitat for the local wildlife and birds, and use drought-tolerant plants like live oaks that require no supplemental water. The cemetery will broaden its appeal to current and future generations with a greener, more sustainable approach.

It is my understanding that neighbors might not have received adequate notice about this important issue that affects them. I am asking that you extend the comment period so all voices can be heard.

Thank you for your consideration, and please keep me informed.

Sincerely,

Mary Goodell

AH-1

AH-2

AH-3

AH-4

Letter AH Response – Mary Goodell

- Response AH-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response AH-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.
- Response AH-3: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.
- Response AH-4: Please see Master Response C regarding public notice and public review for the Draft EIR. The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter AI

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

From: Wendy Gregson [mailto:gregsonw@gmail.com]

Sent: Tuesday, August 02, 2016 3:16 PM

To: Payne, Catherine

Subject: Trees

Please do not destroy our heritage and cut down more trees. They belong to all generations and should be here for the next to wonder and marvel at the age of old trees.

Please save these.

Thank you.

Wendy

Sent from my iPhone

AI-1

Letter AI Response – Wendy Gregson

Response AI-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter AJ

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

From: Leanne [mailto:leanne@portfolio-of-passions.com]

Sent: Tuesday, August 02, 2016 3:28 PM

To: Payne, Catherine

Subject: Please don't let cemetery cut oaks

Dear Ms. Payne:

I'm writing out of concern that the Mountain View Cemetery is poised to cut a few hundred trees, some of them very old. These trees are habitat for all kinds of birdlife and other wild fauna. With the huge impact of development on animal habitats in CALifornia, we can not keep removing trees that are an inconvenience. Although it's private property, making more money should not trump the beauty and value of these trees.

I hope you can do whatever possible to prevent such destruction.

Respectfully,

Leanne Grossman

Naturalist

415.225.9800

AJ-1

Letter AJ Response – Leanne Grossman

Response AJ-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter AK

From: Roxanne Hanna [mailto:rox6@att.net]
Sent: Monday, August 01, 2016 10:28 AM
To: Payne, Catherine
Subject: oak grove at the Piedmont cemetary

Please reconsider taking out the old growth oak trees 150 of them I beleive so the cemetaryt can make more grave plots. These trees are irreplaceable and cu\ould definitely be worked around.. thank you I am roxanne hanna rox6@att.net Thank you for your attention

AK-1

Letter AK Response – Roxanne Hanna

Response AK-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter AL

From: mary harper [mailto:marywharper@comcast.net]

Sent: Sunday, July 31, 2016 5:26 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; officeofthemajor@oaklandnet.com; conservation@ebcnps.org

Subject: Mountain View Cemetery, #ER-15001

Dear Ms. Payne:

I enjoy walks in Mountain View Cemetery, especially the shade and beauty provided by the majestic live oak trees, some of which are centuries old. I understand there are expansion plans which include developing the top hillside and removing over 150 live oak trees. I also understand that the proposed landscape plan would have a large green lawn with many non-native trees and shrubs.

By using drought tolerant plants such as live oaks, which don't require supplemental water, rather than green lawns requiring irrigation, Mountain View Cemetery would be keeping with environmentally sound 21st century principles.

Regards,

Mary Harper

AL-1

Letter AL Response – Mary Harper

Response AL-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.

Letter AM

From: Laurin Herr [mailto:laurin@pacific-interface.com]
Sent: Friday, July 29, 2016 6:19 PM
To: Payne, Catherine
Cc: svsunbow@gmail.com; Trisha Gorman
Subject: Mountain View Cemetery Draft EIR Comments

Re Case Number ER15-001

Dear Ms. Payne,

Together with my wife, Patricia Gorman Herr, I have lived at 5351 Hilltop Crescent since 1993.

I am writing today to endorse and support Ken Johnson's comments regarding the Mountain View Cemetery Draft EIR, which he sent to you earlier today by separate email. We are neighbors and have reviewed the EIR documents together. Ken has done a better job than I could in laying out the details. So my wife and I just want to "second" his opinion. **We object to any plans to add more than 12 feet of fill at the base of Stark Knoll in the so-called "panhandle" area for all the reasons he gave regarding potential loss of privacy, security and property value to our nearby home.**

AM-1

We also feel that the cemetery's plan for the panhandle proposes the destruction of too many oak trees that not only act to inhibit erosion but are also pillars of the ecosystem for abundant bird life, wild turkeys, deer and fox that we've seen many times in and around the panhandle, the base of Stark Knoll and the wooded slopes that decent from the panhandle to Coach's Field in Piedmont. Many of these oaks are undoubtedly visible from homes in Piedmont on the opposite side of Moraga Canyon. In particular, the larger oaks have taken a very long time to grow to their current size and it would be much preferable if the cemetery's ambitious plans for terra-forming on the panhandle could be modified to preserve more of these great trees.

AM-2

Sincerely,

Laurin Herr and Patricia Gorman Herr
5351 Hilltop Crescent
Oakland, CA 94618

Letter AM Response – Laurin Herr

Response AM-1: Please refer to Revised Project Description, in particular the cross-section of Typical tree Preservation Measures. As indicated in this cross-section, a localized change in proposed grading of the Stark Knoll hillside area is proposed. Under the original Project, fill was to be placed at a 2:1 slope to the point where this fill would meet existing grade on the hillside. Under the Revised Project, the peak of fill placement would top outboard of existing grade on the hillside, such that approximately 10 vertical feet or more of hillside would remain uncovered.

Response AM-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter AN

From: Ken Johnson [mailto:svsunbow@gmail.com]
Sent: Thursday, July 28, 2016 9:41 PM
To: Payne, Catherine
Subject: Mountain View Cemetery EIR

Ms. Catherine Payne, Planner IV
Bureau of Planning
City of Oakland
VIA E-mail cpayne@oaklandnet.com

Re Case Number ER15-001

Ms. Payne,

I am a retired architect living on Stark Knoll Place adjoining the cemetery property line. I am pleased with the proposed design for the first two phases which are set back deep inside the cemetery. However the Panhandle portion of the project will have a negative impact on me and my neighbors who live on our quiet Stark Knoll cul-de-sac and adjacent Hilltop Crescent and Maxwellton Rd. The current proposed Panhandle design will result in loss of **privacy**, home and personal **security** and **property values**. It will increase **noise** levels and **crime** fears. I foresee hearing car noises, door slams, sightseers, dog walkers, joggers, boomboxes, sun bathers, drone flyers and picnickers just below us. And there surely will be the strangers scrambling up the shortened hillside now being proposed to separate our open living rooms and patios from the new open space just below our property lines. Specifically, we are very concerned with the proposed height of the fill at the base of Stark Knoll hillside. Currently we and our neighbors enjoy the relative security of a high, steep hillside and rock face cliff which provides a physical barrier plus the privacy provided by cemetery gates and fences keeping the general public out of the panhandle and thus off our hillside just below our houses. We are also concerned about the gravel pathway and access roadway at the base of the hillside.

We strongly object to adding more than 12 feet of fill at the base of Stark Knoll hillside. Are there no alternative grading plans that would be lower height at the Stark Knoll face and still balance the cut and fill?

Following quotes are from the May, 2016, Draft EIR: they show may heights proposed, from "up to 12 feet" to over 20 feet...

From the Report: on page 4.1-11: "At... the Panhandle, the landform transformation **will include adding up to 12 feet of new fill** at the base of the steeply pitched Stark Knoll hillside..." However Figure 3-9, Plot 98 / Panhandle Site Plan shows five contour lines [which is equal to 20+ feet] from the Piedmont line to the ridge of the new fill at the base of the Stark Knoll hillside. The service road is not shown on the grading plan but it is shown in Section drawing in Figure 4.5-6.

Also stated on page 3-15: "Finished grades: max 15 to 20 feet higher than existing grades... 'feathering' to existing grades within Piedmont boundaries."

In Chapter 4.3 Biological Resources: Page 4.3-26: Supplemental Arborist Report: "Stark Knoll Hill: For the purposes of this analysis, it is conservatively assumed that any tree whose trunk is located more than 12 feet above of this hill will not be covered by proposed new fill, and thus can be preserved. There

AN-1

AN-2

AN-3

are a total of 61 trees that are located above the assumed fill area at the base of the Stark Knoll hillside (50 protected oaks and other trees... and 11 smaller oaks...defined as not "protected.")"

Sincerely,

Ken Johnson
54 Stark Knoll Pl
Oakland, CA 94618

Letter AN Response – Ken Johnson

- Response AN-1: The commenter’s opinion and encouragement is noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response AN-2: The turn-around in the road at the end of the Panhandle site does not include any amenity features that mark this as a specific destination. It does not include an amphitheater (as is included in Plot 82, further removed from residential areas), or seating areas, or any physical improvements other than access to new burial sites. Occasional passive use of the Cemetery for walking and perhaps picnicking is permitted, but has not generally been perceived as a significant problem.
- Though not a CEQA matter, use of the Panhandle area or any area within the Cemetery for unauthorized parties constitutes trespass. With development of the Panhandle area as a formally developed portion of the Cemetery, unauthorized use of this area may decline, and would be more regularly patrolled by Cemetery security personnel. Please also see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response AN-3: The commenter’s objection is noted. Please refer to the Revised Project Description, which also includes a cross-section of the proposed fill at the base of Stark Knoll hillside. As indicated in this cross-section, a localized change in proposed grading of the Stark Knoll hillside area is proposed. Under the original Project, fill was to be placed at a 2:1 slope to the point where this fill would meet existing grade on the hillside. Under the Revised Project, the peak of fill placement would top outboard of existing grade on the hillside, such that approximately 10 vertical feet or more of hillside would remain uncovered. Please also see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Letter AO

From: katzpjs@gmail.com [mailto:katzpjs@gmail.com] On Behalf Of Ken Katz
Sent: Monday, August 01, 2016 11:34 PM
To: Payne, Catherine
Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com;
Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com;
conservation@ebcnps.org
Subject: ER15-001

August 1, 2016

Dear Ms. Payne,

I'm alarmed to be hearing, for the first time, about Mt. View Cemetery's plans to remove large quantities of trees and other shrubbery that offer a thriving wildlife habitat. The proposed removal of approximately 150 healthy Oak trees is particularly distressing given that our fair city is named after the Oaks that once filled vast acreage. It also would seem extremely imprudent when the species is already being threatened by the specter of Sudden Oak Death. The other factor that needs to be considered is the reality that climate is changing and existing, drought-tolerant landscaping will require far less irrigation.

At Splash Pad Park in 2003, volunteers installed a California Native Garden that has since expanded into two adjacent beds where the Dogwoods had perished. Seeing first hand how our garden has thrived with minimal water, it seems the height of folly to be removing native Oaks and other vegetation perfectly adapted to our climate and perfectly suited to serve the needs of native wildlife.

Sincerely,

Ken Katz

Oakland, CA

AO-1

Letter AO Response – Ken Katz

Response AO-1: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding water conservation.

Letter AP

From: Tom and Jane Kelly [mailto:jandtkelly@igc.org]

Sent: Sunday, July 31, 2016 10:34 AM

To: Payne, Catherine

Cc: amandamonchamp@gmail.com; Pattillo, Chris; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Office of the Mayor; Kalb, Dan; conservation@ebcnps.org

Subject: ER15-001: Mountain View Cemetery

Dear Ms.Payne,

We are writing to express our deep concern about the current plan to regrade and develop the upper part of the Mountain View Cemetery. We request that the Planning Commission reject the current EIR and that the Commission stipulate that the development plan be revised to maintain (in the best possible manner) the contours of the site and at all costs to avoid the removal of approximately 150 heritage coast live oak trees.

AP-1

Our coast live oaks, in addition to giving us the name of Oakland, are incredibly precious habitat for countless birds, butterflies, and insects. There is no other tree in California that provides such rich habitat and it takes many years for these oaks to mature and to provide food and shelter for the creatures with whom we share this planet. These trees also provide oxygen for all of us and help to filter the air. For example, it has been clearly established that people who live in tree-rich neighborhoods have far less respiratory problems than those who live in tree deserts. These mature oak trees at the Mountain View Cemetery play an important part in the sequestration of climate altering greenhouse gases.

AP-2

We work on climate change issues including provision of pro-bono assistance to public school districts to install solar and on the development of Community Choice Energy for the counties of Alameda, Contra Costa, and Mendocino. This work is focused on the avoidance of fossil fuels. We also co-direct a volunteer restoration project along the Bay Trail in Richmond and Jane is a docent at the Botanic Garden in Tilden. This restoration work is devoted to improving the habitat for all creatures (including we humans) as well as improved carbon sequestration.

Finally, it should be the work of all of us to preserve this planet for the living and for future generations. Those who have gone before us have experienced a much healthier planet that they would certainly want to bestow upon their children.

AP-3

Sincerely,

Jane and Tom Kelly
1809 San Ramon Avenue
Berkeley, CA 94707

jandtkelly@igc.org

Letter AP Response – Jane and Tom Kelly

- Response AP-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response AP-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response AP-3: The commenter’s opinion is noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Letter AQ

From: Dick and Nancy [mailto:handsk@aol.com]

Sent: Tuesday, August 02, 2016 10:48 AM

To: Payne, Catherine

Subject: Mountain View Cemetery trees

Dear Ms. Payne.

300 trees chopped down and eliminated. An arboreal massacre. Please do what you can to save them.

Not just their beauty but what they contribute to the air and atmosphere makes them indispensable. Breathing out O₂ and sucking up carbon dioxide, they slow down the advance of global warming.

California has lost its black bears, symbols of the state. Let's not emulate this irony by eliminating the trees that gave Oakland its name.

Sincerely,

Dick Kolbert and Nancy Erb

AQ-1

Letter AQ Response – Dick and Nancy Colbert

Response AQ-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter AR

From: Eve Lurie [mailto:elurie@gmail.com]
Sent: Tuesday, August 02, 2016 9:39 AM
To: Payne, Catherine
Subject: Mountain View Cemetery Tree removal plan

Dear Ms. Payne,

I have walked in the Mountain View Cemetary for many years. No matter where in Oakland, that I live, the cemetary provides many year of peace and contemplation in an increasingly busy city. This cemetary, while privately owned, is a destination for so many of us with busy lives. It provides respite in a time where time is precious.

I recently heard of the plan to develop the top hillside where native live oaks have lived for thousands of years. The removal of so many of these trees is of real concern to me and so many of us who depend on this beautiful property to be so much more to the City of Oakland, than a resting place for our residents.

AR-1

The current plan calls for removal of at least 222 trees, and possibly over 300 trees - mostly oaks, but a couple dozen of other species. Of those trees we know about for sure, many dozens of oaks are very large grandfather/grandmother trees. The birds (and other wildlife) use them extensively, especially winter migrants (over 35 species seen regularly during the Christmas bird counts), plus the dozen or so species that are seen this time of year.

The Mountain View Cemetery was designed by Frederick Law Olmsted, a renowned architect known for incorporating nature into his work. From the wiki article on him: "He was an early and important activist in the [conservation movement](#), including work at Niagara Falls, the Adirondack region of upstate New York, and the National Park system." I'm sure he'd want the caretakers of this cemetery to respect nature as much as possible when adding new plots.

AR-2

Oakland residents and others in the Bay Area like me who love oak trees are concerned about escalating losses of oaks, a tree that is symbolic of this great city. We are counting on you to take actions that will limit the loss of these trees. I am also concerned about the lack of vision apparent in this plan, which relies on an old model of "what people want" when it comes to grave sites. Shouldn't the city insist that Mountain View Cemetery create a plan that will be more water-wise?

AR-3

AR-4

Those who visit the grave sites, those who purchase plots now and in the future, and all residents of Oakland and surrounding areas will be grateful to you if you can take a more forward-looking approach, and insist that the cemetery retain native flora, save habitat for the local wildlife and birds, and use drought tolerant plants like live oaks that require no supplemental water. The cemetery will broaden its appeal to current and future generations with a greener, more sustainable approach.

It is my understanding that there may not have been adequate notice given to neighbors about this important issue. Please consider an extension of the comment period, to allow all voices to be heard.

AR-5

Thank you for considering my comments. Please keep me informed about your actions on this matter.
all the best,
eve lurie

Web Design—WordPress Websites—Training
<http://evelurie.com>

Letter AR Response – Eve Lurie

Response AR-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Additionally, as indicated on page 4.3-18 of the Draft EIR, “There is a possibility that one or more species of birds protected under the federal MBTA could establish nests in trees and other vegetation that could be affected by construction activities. Destruction of a bird nest in active use or disturbance that could result in the abandonment of a nest with eggs or young would be a violation of the MBTA and State Fish and Game Code.” The Project will be required to implement City’s Standard Conditions of Approval SCA #26: Tree Removal during Breeding Season, to protect possible nesting habitat.

Response AR-2: Please see Master Response D regarding impacts on historic resources, including a discussion of the Olmsted landscape.

Response AR-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Response AR-4: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding water conservation.

Response AR-5: Please see Master Response C regarding public notice and public review for the Draft EIR.

The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter AS

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

From: judy Merrill [mailto:judy@apstate.us]

Sent: Sunday, July 31, 2016 8:24 PM

To: Payne, Catherine

Subject: ER15-001

Dear Catherine Payne:

As I live in OAKland, I am writing to ask that you reject Mt. View Cemetery's plan to remove (read: cut down, kill) over 150 Oak trees. I appreciate that the cemetery must need more space for graves, but there must be another solution to their problem. OAKland already is amazingly deficient in Oak trees, and Mt. View Cemetery should be encouraged to maintain those already there.

I realize that Oak trees cannot survive in watered areas, and so I encourage Mt. View Cemetery to emphasize a "natural area" within its environs; I feel certain that many families would actually prefer their loved ones be buried in a more natural environment.

Thank you for encouraging this alternative to the destruction of Oak trees.

Sincerely,

Judy Merrill

Oakland resident for 40 years.

AS-1

Letter AS Response – Judy Merrill

Response AS-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter AT

From: peter mikkelsen [mailto:petergmikk@yahoo.com]

Sent: Monday, August 01, 2016 3:31 PM

To: Payne, Catherine; amandamonchamp@gmail.com; Pattillo, Chris; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com

Cc: Office of the Mayor; Kalb, Dan; conservation@ebcnps.org

Subject: Reference #, ER15-001

There is a plan to develop some of the upper areas of the beautiful Mountain View Cemetery, (in Oakland, off of Piedmont Ave), to make room for more grave sites. Unfortunately, in order to do this, the plan as it now exists would remove over 150 native coast live oak trees, some of which are huge, majestic trees, and all of them providing exceptional habitat for the wildlife up there in the foothills. Some of the trees are in groves and swaths, some stand alone. There is much bare open space between areas with trees.

I believe that the cemetery can re-imagine and rework their plans to create the new grave sites, and at the same time, protect and preserve many more of these oaks that live on the edges of or adjacent to the proposed plot areas. The native oaks, part of our heritage as Oaklanders, reside on land that is not taxed, require no irrigation, provide excellent habitat for a large assortment of wildlife, including migrating songbird populations and they act as absorbents of carbon dioxide while giving back oxygen for us to breathe.

Christmas bird counts done in Mountain View Cemetery reveal over 40 species of birds. The trees are a living trust, provided for free, to the Cemetery's spiritual and physical landscape. We need to steward our native species, including in the new upper areas of the cemetery, yet to be developed. Tiny replacement baby trees from a nursery cannot mitigate for the loss of these wonderful mature native oaks with 20--60 foot canopies. I encourage the cemetery developers and the Oakland Planning Commission to retain these fine oaks that are already there.

Sincerely,
Peter G. Mikkelsen
life long resident of Bay Area
658 66th St
Oakland, CA

AT-1

AT-2

Letter AT Response – Peter Mikkelsen

- Response AT-1: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding water conservation.
- Response AT-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter AU

From: Jill Miller [mailto:jillflaningam@gmail.com]

Sent: Monday, August 01, 2016 9:45 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: ER15-001

Dear Ms. Payne,

I am writing to express my shock and disappointment over Mountain View Cemetery's intention to remove 150 oak trees for the purpose of developing new burial plots. The oaks of Mountain View are essential to the spirit of this exquisite Oakland community treasure that is also the site of my mother's grave. My father, who owns two adjoining Mountain View plots, was never informed of the cemetery's plan which I believe will impose irreversible damage on this landscape that is important for historical, cultural, ecological and – for me – personal reasons. I beg you to extend the public comment period for this project so that families like mine have an opportunity to learn more about this development. Every time I visit Mountain View Cemetery – which is frequent, as I am an Oakland resident – my appreciation for the natural beauty and “aliveness” of this special place deepens. The majestic oak trees and lively birdsong I enjoy when visiting my mother's grave have brought me peace where there was once anger and pain. The natural, wild landscape of Mountain View Cemetery is a refuge for families like mine as well as those who come to simply enjoy the park-like environment. It is also a refuge for wildlife who depend on oak woodlands for their survival in an increasingly dense urban environment. Removing any of the oaks that are the embodiment of our beautiful city and home to scores of wildlife species is a loss that I believe must be avoided at all costs. The price for denuding the cemetery's lands cannot be measured on a spreadsheet; please consider the non-monetary costs seriously (even beyond CEQA requirements that may allow for “mitigation” to offset the removal of trees) for this plan. I agree that burial plots must be developed (as ours was shortly before my Dad bought it) and do not object to new projects - the cemetery needs to ensure that revenue is generated so that it doesn't fall into disrepair. Furthermore, Mountain View provides a necessary service to Oaklanders who want to honor their loved ones with a final resting place located in a beautiful, historic and peaceful site. I want others to have the opportunity to be buried or bury their loved ones at Mountain View, but believe that it can be done without removing scores of trees.

Thank you for your consideration of my concerns as well as your efforts to keep Oakland the best city in the world.

Sincerely,

Jill Flaningam Miller

AU-1

AU-2

AU-3

Letter AU Response – Jill Miller

- Response AU-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response AU-2: Please see Master Response C regarding public notice and public review for the Draft EIR.
- Response AU-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources.

Letter AV

From: lmiller.oakland@comcast.net [mailto:lmiller.oakland@comcast.net]

Sent: Friday, August 05, 2016 7:18 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamontchamp@gmail.com; cmanusopc@gmail.com;

nagrajplanning@gmail.com; Moore, Jim; jmyres oaklandplanningcommission; EW Oakland; Office of the Mayor; conservation@ebcnps.org

Subject: Reference #, ER15-001 Comment regarding development at Mountain View Cemetery

Ladies and Gentlemen,

I am writing to request that the Planning Commission select Alternative 1 - No Project/No Development Alternative with respect to the proposed development of Mountain View Cemetery.

AV-1

It is inconceivable to me that 150 drought tolerant live oak trees would be replaced with grass in order to create more grave sites. Global warming is here and California is in a drought. The addition of grass will increase water usage and may also negatively impact the existing wildlife and birds.

AV-2

Those of us who live in Oakland have worked hard the past few years to reduce our use of water. I myself, removed the flowers in my front and back gardens, and I'm currently in the process of replacing them with drought-resistant plants. I think the owners of the cemetery should be held to the same standards.

I don't think many of us have given much thought to adapting our burial plans to consider the environment, but perhaps we should start having those conversations. We live in a community that reveres innovation, so I'm sure there will be better burial alternatives than grass in the future.

The fact that Mountain View Cemetery was designed by Frederick Law Olmstead makes this proposal even more ludicrous. He wrote that he wanted his designs to "remain true to the character of their natural surroundings, and not to clash with them." The removal of the live oak trees will desecrate his legacy. I can't imagine the outcry if similar changes were proposed for Central Park, Prospect Park, the US Capitol, the White House.

AV-3

Thank you for your consideration.

Linda Miller

Letter AV Response – Linda Miller

Response AV-1: The comment expressing a preference for the No Project Alternative is noted. Please also see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Response AV-2: The biological resources effects of the Project have been fully addressed in the Draft EIR. Please also see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, and Master Response A regarding tree preservation and removal, and Master Response B regarding the Project's water use.

Response AV-3: Please see Master Response D regarding impacts on historic resources, including a discussion of the Olmsted landscape.

Letter AW

From: Patrick Miller [mailto:pattheflip@gmail.com]

Sent: Monday, August 01, 2016 10:44 AM

To: Payne, Catherine

Subject: Reference #, ER15-001

Please keep the live oaks in Mountain View Cemetary, seems pretty fucked up to get rid of oak trees in a city named oakland.

-patrick miller

AW-1

Letter AW Response – Patrick Miller

Response AW-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter AX

From: rod miller [mailto:j3rp21@gmail.com]

Sent: Sunday, July 31, 2016 9:25 PM

To: Payne, Catherine

Cc: Office of the Mayor; Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: EIR 15001 Mountain View Cemetery

Dear Catherine Payne:

Mountain View Cemetery's proposed landscape plan for Areas 88, 92 and the Panhandle is based on a 20th century cemetery model where grave sites are put in large emerald green lawns. Grass requires the extensive use of irrigation, fertilizer and pesticides which divert water from the competing needs of the environment, agriculture and communities in this time of global warming and long term drought in California. The pesticides and fertilizer cause damage to the environment and wildlife. The cemetery uses Roundup to control weeds and last year the state of California proposed to list Roundup on the Prop 65 list of chemicals known to cause cancer.

Oakland needs a model for the 21st century. The Davis Cemetery District, another historic cemetery founded in 1855, could be that model. In their environmental stewardship of the cemetery they strive to constantly improve the habitat with judicious use of water, organic on-site composting, and a limited use of organic fertilizer. They have over 50 varieties of birds, abundant animals and beneficial insect life. They have perennial gardens and majestic trees throughout the cemetery and a specially restored area of native grasses and sedges. They are the first public cemetery in California to offer a green burial.

The Vision of the Davis Cemetery District is:

"To strengthen the cemetery as an inviting space for remembrance, contemplation, and healing.

To enhance the cemetery's ability to memorialize the history of Davis and its people.

To maintain the Davis Cemetery District as a center of local history, celebrating the diverse cultural heritage of the people of Davis.

To create an attractive environment that will encourage people to come and enjoy art, architecture, and nature.

To enhance the existing ecological function of the cemetery as an open green space and a sanctuary for native plant and animal life.

To reduce the use of pesticides, herbicides and fungicides while maintaining a healthy living landscape."

They are a public agency whose board of directors serve 4 year terms. All the meetings are open to the public and they are developing a master plan with input from the residents of Davis.

I think the citizens of Oakland would enjoy working with the Mountain View Cemetery Board of Directors to help develop a master plan for the future of the cemetery. Through a public records

AX-1

request the 2015 Endowment Care Fund was obtained from the state of California Cemetery and Funeral Bureau.

The report lists future contribution to the Endowment Care Fund and states they will sell 77,000 units at a rate of 680 per year over 113 years.

	Future units	Rate Today	Present Value	New Rate	Present Value/ Future
Contributions					
Graves	22,000	672	14,784,000	800	17,600,000
Crypts	5,000	380	1,900,000	700	3,500,000
Niches	25,000	330	<u>8,250,000</u>	400	10,000,000
Additional Rights	<u>25,000</u>	—		100	<u>2,500,000</u>
Total units	77,000		24,934,000		33,600,000

Suggestions for the EIR to expand the analysis of the Alternative One Proposal:

The total number of cemetery units in Mountain View Cemetery over the next 113 years is 77,000, and the new proposed plots would only add 6,300. It would be a better plan for the Mountain View Board of Directors to look at the cost benefit ratio of developing the future grave sites. What is the cost to develop each unit on the bottom of the cemetery and the cost to develop each unit in the proposed areas 82, 98 and the Panhandle?

AX-2

If you walk in the historic and newer areas of the cemetery, there are hundreds of empty cemetery plots. If more grave sites can be added to the bottom level with the endowment collection rate listed in the table above, the cemetery could begin restoring the crypts and grave sites which are in disrepair. Once Mountain View Cemetery has exhausted the lower grave sites and restored the historic areas, they can apply to be listed on the California Registry of Historic Places. This was suggested at the Planning Commissioners meeting on July 20, 2016.

AX-3

Then in the future, with community input and surveys to assess customer preference in grave site choices, the cemetery can evolve towards being a more environmentally responsible member of our community. It can consider a plan for the undeveloped hillside with low water use, native plants and green burials in a park-like setting. We want Mountain View Cemetery to be a model cemetery for the area and to continue to attract families from the entire Bay Area who would choose Mountain View Cemetery as a resting place for their loved ones.

Change to Alternative One- The EIR should include an analyses to survey the available cemetery sites in the current developed areas and come up with a long range plan to sell up to 70,000 units while rehabilitating and restoring the historic grave sites dating back to the late 1860's. (Approximately 70,000 units in the lower area and 7,000 units in the undeveloped area.)

AX-4

At a time in the future if the top hillside is developed, there may be a demand for green burials in Oakland and if the drought continues, the cemetery will need more areas with plants that do not require irrigation like the live oaks that grow throughout the undeveloped area.

Thank you,

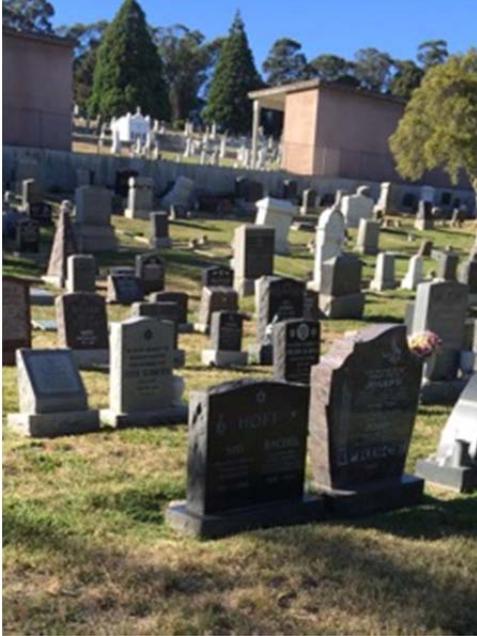
Rod Miller
Oakland, Ca 94618

These photos show there are many empty areas that do not have grave sites.



Mount Sinai Cemetery has many grave sites close together.

Example of grave site that needs repair.



Letter AX Response – Rod Miller

Response AX-1: The Cemetery uses a variety of weed control techniques, including use of glyphosate (commercially known as Roundup) in targeted applications such as on walkways, and anticipates continuing to use it selectively. The Cemetery may continue use of glyphosate and other commercially available herbicides, pesticides, and fertilizers in landscape maintenance, and the Project would increase areas where application of this herbicide may occur.

As indicated beginning on page 4.6-15 of the Draft EIR, many of these chemicals are specifically defined as hazardous chemicals under the criteria of the OSHA Hazard Communication Standard (29 CFR 1910.1200), and inappropriate use of these chemicals could result in a significant effect on the environment and potentially human health. The use, storage, and disposal of those hazardous chemicals typically used for landscape maintenance is regulated by the federal EPA under the authority of the Federal Insecticide, Fungicide and Rodenticide Act, primarily through product labeling. All necessary and appropriate precautionary use, storage, and disposal information is required to be set forth on that labeling. All maintenance personnel and any landscape contractors involved in landscape maintenance at the Cemetery are required to follow and comply with these labeling requirements, and it is a violation of federal law to use such products in any manner not proscribed on the EPA-approval label. Compliance with these rules and regulations ensures that impacts to human health and the environment will not occur.

The commenter's suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Response AX-2: The commenter's suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Response AX-3: Please see Master Response D regarding impacts on historic resources.

Response AX-4: The commenter's suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter AY

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

From: rod miller [mailto:j3rp21@gmail.com]

Sent: Monday, August 01, 2016 8:35 AM

To: Payne, Catherine

Cc: Office of the Mayor; amandamonchamp@gmail.com; Pattillo, Chris; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com;

EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: Mountain View Cemetery, ER-15001, 2015 Mountain View Cemetery Endowment Care Fund

Dear Catherine Payne:

Please attach this email to the previous comment email sent by Rod Miller.

Below is page 23 from the 2015 Endowment Care Fund and Special Care Fund Report.

The whole document is attached below as a PDF file.

Thank you,

Rod Miller

AY-1

ENDOWMENT CARE FUNDING ANALYSIS - 2016
Attachment C

Introduction:

The purpose of this worksheet is to study the adequacy of endowment care fees in the context of cemetery care at 100% depletion of burial inventory.

Statistics - Actual

Endowment Care Fund, Market Value at 4/30/2016	\$ 42,800,000
7 Year Rate of Return (see Osborne report)	7.5%
Operating Costs Year 2015 (excluding sales costs)	\$ 4,000,000

Statistics - Future Value

Actual Costs (from above)	\$ 4,000,000
Maintenance Cost Expansion	113.5%
Present Value of Future Annual Maintenance Cost	\$ 4,540,541
Assumed Portfolio Rate of Return	6.0%
Present Value of Future Endowment Care Required	\$ 75,675,676

Future Contributions to the Endowment Care Fund:

Type	Future Units	Rate Today	Present Value	New Rate	Present Value
Graves	22,000	\$ 672	\$ 14,784,000	\$ 800	17,600,000
Crypts	5,000	\$ 380	\$ 1,900,000	\$ 700	3,500,000
Niches	25,000	\$ 330	\$ 8,250,000	\$ 400	10,000,000
Additional Rights	25,000	\$ -	\$ -	\$ 100	\$ 2,500,000
Present Value of Future Contributions	77,000		\$ 24,934,000		\$ 33,600,000

ANALYSIS

Present Value of Future Contributions	\$ 33,600,000
Endowment Care Fund, Today	\$ 42,800,000
Total FCF Today + Future Contributions	\$ 76,400,000
Endowment Care Required (see above)	\$ 75,675,676
Over (Under) Funding	\$ 724,324

YEARS TO FUNDING MODEL

Total Future Units to Sell (see above)	77,000
Sales Per Year (Units)	580
Years to Depletion (years to over or under funding figure based on future units above)	133



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2016 JUN -1 PM 12:14

(Read the instructions beginning on page 16 before completing this report.)

2015 ENDOWMENT CARE FUND AND SPECIAL CARE FUND REPORT

CERTIFICATE OF AUTHORITY (LICENSE) NUMBER:	4	Bureau Use Only
CORPORATION NAME:	Mountain View Cemetery Association	
CEMETERY NAME:	Mountain View Comotory Association	
CEMETERY ADDRESS:	5000 Piedmont Ave, Oakland, CA 94611	
CEMETERY PRESIDENT OR VICE PRESIDENT	Jeff Lindeman	
MAILING ADDRESS: [for written correspondence]	5000 Piedmont Ave, Oakland, CA 94611	
CEMETERY'S TELEPHONE NUMBER:	(510) 658-2588	
AUTHORIZED CONTACT PERSON:	Jeff Lindeman	
CONTACT PERSON TELEPHONE NUMBER:	(510) 658-2588	

Reporting Period: (check one)

- Calendar Year – Beginning January 1, 2015 and ending December 31, 2015**
- Fiscal Year – Beginning _____ and ending _____**

IMPORTANT REPORTING INFORMATION

1. **FILING DATE** – This report is due on or before June 1, or within five months after close of the cemetery authority's fiscal year (BPC Sections 7612.6 and 7612.7).
2. **AUDIT REPORT** – This report is to be accompanied by an annual audit report of the endowment care fund and special care fund, signed by a certified public accountant (CPA) or public accountant licensed in the State. The scope of the annual audit is to include the inspection, review, and audit of general purpose financial statements of the endowment care fund and special care fund, including the balance sheet, the statement of revenues, expenditures, and changes in fund balance (BPC Section 7612.6(b)).
3. **VERIFICATION** – The president or vice president and at least one other officer of the cemetery corporation must verify this report (BPC Section 7612.6(b)).

*California Code of Regulations – CCR Business and Professions Code – BPC Health and Safety Code – HSC
 Endowment Care Fund – ECF Special Care Fund – SCF*

Letter AY Response – Rod Miller

Response AY-1: The additional information provided by the commenter is noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Letter AZ

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

From: j3rp21@gmail.com [mailto:j3rp21@gmail.com]

Sent: Thursday, August 04, 2016 6:31 PM

To: Payne, Catherine

Cc: Rod Miller

Subject: Time frame

Dear Ms. Payne:

Please let me know the approximate time frame for the development of the Final EIR/ Response to Comments Document. I am not familiar with how the Planning Commission approves development projects.

AZ-1

Thank you,

Rod Miller

Letter AZ Response – Rod Miller

Response AZ-1: The request for information regarding the CEQA process and timeline has been noted. The commenter has been added to the list to receive future notifications regarding this project.

Letter BA

From: Marion Mills [mailto:marionadelemills@gmail.com]

Sent: Monday, August 01, 2016 3:13 PM

To: Payne, Catherine

Subject: oak trees in Mt view cemetary

Please do not remove these healthy beautiful trees; the cemetary and wildlife and humans need the trees;

BA-1

Letter BA Response – Marion Mills

Response BA-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter BB

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

From: Mary Ellen Navas [mailto:maryellen.navas@gmail.com]

Sent: Tuesday, August 02, 2016 3:07 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: ER15-001

To: Catherine Payne

Oakland City Planner

Dear Ms Payne,

I write out of a concern for the outcome of a decision you have ahead, regarding the land at The Mountain View Cemetery. It is my understanding that the management of the cemetery plans to remove nearly 150 mature trees, many of them very old oaks, sweeping the hillside of it's native flora, the habitat for a wide diversity of fauna. In my opinion this is an overly simplistic plan that disregards the nature of the area in favor of maximizing the spaces and revenues for the cemetery.

In Oakland, a city known to be both progressive and environmentally wise, it seems we can do better than mowing down ancient oaks, our city's namesake, to have them replaced with lawn! It's totally uninspired.

I am hoping you will insist on a better plan, one that will minimize the loss of trees and will still satisfy the business need for The Mountain View Cemetery. Perhaps you can actually urge them to develop a more sustainable cemetery.

Will you add me to your list of "concerned citizens" so that I may follow the outcome of this decision? I am one of the many people who walks the cemetery early in the morning, where I enjoy the nature of the place. We have so few green spaces where wild life can live peaceably, and this is one, please preserve it as well as you can.

Thank you for hearing my concerns.

Cordially,

Mary Ellen Navas

177 19th St #10E

Oakland, CA 94612

BB-1

Letter BB Response – Mary Ellen Navas

Response BB-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter BC

From: Camille [mailto:camille_fawne@hotmail.com]

Sent: Tuesday, August 02, 2016 1:27 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: ER15-001 Save Mountain Veiw Cemetery's Oaks and existing trees

Dear Ms. Payne,

I am concerned by the **Mountain View Cemetery's** plan to develop an area of their property, the top hillside, where native live oak trees have lived for thousands of years. The plan would remove over 150 oak trees, including many **huge, majestic trees** that sustain birds and wildlife. These would be replaced by a large green lawn and other non-native plants.

Oakland residents and others in the Bay Area like me who love oak trees are concerned about escalating losses of oaks, a **tree that is symbolic of this great city**. We are counting on you to take actions that will limit the loss of these trees.

Thank you for considering my comments. Please keep me informed about your actions on this matter.

Camille Nowell

BC-1

Letter BC Response – Camille Nowell

Response BC-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter BD

From: Tara [mailto:tshalimar@gmail.com]

Sent: Sunday, July 31, 2016 7:48 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com

Subject: ER15-1

Dear Catherine Payne,

I am concerned by the Mountain View Cemetery's plan to develop an area of their property, the top hillside, where native live oak trees have lived for thousands of years. This plan would remove over 150 native oak trees, including many huge trees that serve a critical role in the local ecology. Replacing these trees with nonnative plants and lawn is inappropriate and irresponsible given our evolving understanding of our environment and the ongoing drought.

Oakland residents and others in the Bay Area like myself who love oak trees are concerned about the loss of our heritage trees and are counting on you to take actions that will limit the loss of these trees. Please stand up for the city and its residents by encouraging the Mountain View Cemetery to create a plan that will retain native flora, save habitat for local wildlife and birds and use drought tolerant plants like the native live oaks that require no supplemental water. The cemetery can serve as an example of responsible development that will appeal to current and future generations.

Thank you,

Tara Ogle
Golden Gate District resident

BD-1

Letter BD Response – Tara Ogle

Response BD-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use and conservation.

Letter BE

From: Tom O'Neil [mailto:tom.p.oneil@gmail.com]
Sent: Thursday, July 21, 2016 4:18 PM
To: Payne, Catherine; O'Neil Liz
Subject: Re: Mountain View Cemetery Environmental Impact Report (EIR)

Dear Ms. Payne,

We live in the area potentially impacted by the Mountain View Cemetery proposed expansion. Our home borders the cemetery property. We were not able to attend the Oakland City Planning Commission meeting yesterday, but would very much like to be involved in the process. Could you please let us know the best way for us to do this?

BE-1

Thank you very much for your consideration.

Best Regards,

Liz and Tom O'Neil

--

Tom O'Neil
e-mail: tom.p.oneil@gmail.com
cell: 415-637-1250

Letter BE Response – Liz and Tom O’Neil

Response BE-1: Please see Master Response C regarding public notice and public review for the Draft EIR. The commenter has been added to the list to receive future notifications regarding this project.

Letter BF

From: Barbara Oplinger [mailto:barb@boplinger.com]

Sent: Tuesday, August 02, 2016 10:50 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org; info@mountainviewcemetery.org

Subject: Mountain View Cemetery's plan to develop the top hillside of their property

Catherine Payne,
Oakland City Planner

Dear Catherine,

I apologize for the late comment but have only just learned of Mountain View Cemetery's plan to develop the top hillside of their property.

The plan would remove over 150 live oak trees which have been there for thousands of years, along with other species — totaling a possible 300 trees cut down.

BF-1

The managers of the cemetery want to dramatically increase the number of plots for sale and remove all the trees and plants that would interfere with the view and regrade the land. But their vision is self-serving and lacks environmental, economical and practical sustainability.

My points of argument:

- In Oakland (named after the Oak) we need more trees - not less. Trees absorb carbon dioxide, clean the air of pollution and cool the air by providing shade and oxygen.

BF-2

- Cutting down trees increases pollution. When trees are cut, as they die they release the carbon dioxide back into the air.

- These trees are perfectly healthy and they are key to the ecosystem and wildlife that have been depending on them for thousands of years.

BF-3

- Mountain View is a living museum, designed by Frederick Law Olmstead, who is known throughout the world, for his exceptionally well planned and beautiful green spaces.

BF-4

- The integrity of his original design would be ruined if the cemetery managers cut down the essential components of Olmstead's plan.* It was his reputation that drew the most important historical figures to their final resting place.

I hope that you will extend the comment period and give adequate notice to neighbors and other concerned citizens. Please keep me informed about your actions on this matter

BF-5

Thank you sincerely,

Barbara Oplinger
5171 Fairfax Ave 94601

*from the Piedmont Funeral Services website:

The hills of Oakland and Piedmont cradle one of the finest examples of a garden cemetery found on the West Coast.

Olmsted's intent was to create a space that would express a harmony between humankind and the natural setting. In the view of 19th century English and American romantics, park-like cemeteries, such as Mountain View, represented the peace of nature, to which humanity's soul returns. Olmsted, drawing upon the concepts of American Transcendentalism, integrated Parisian grand monuments and broad avenues.

As open spaces disappeared in the larger cities, the new garden-style burial ground became perceived as one replacement for the forests and fields that had been devoured by urbanization and industrialization. In America the park cemetery embodied the "wilder," more natural elements of a view common to early 19th Century philosophy and culture: "God made the country, and man made the town."

American Transcendentalism embodied Asian philosophy, which believed that all of nature flows from the same wellspring, that is, trees and flowers, water and air — and man — are part of nature. From this philosophy, Olmsted believed that the straight line of man's industry and the curved shape of nature's oak branch could once again peacefully co-exist.

- from *Barbara Oplinger*

.....

Visual Design for Web and Print

<http://alivewithoutamanual.com/>

<https://www.linkedin.com/in/barbaraoplinger>

Letter BF Response – Barbara Oplinger

- Response BF-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response BF-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response BF-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response BF-4: Please see Master Response D regarding impacts on historic resources, including a discussion of the Olmsted landscape.
- Response BF-5: Please see Master Response C regarding public notice and public review for the Draft EIR.

The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter BG

July 7, 2016

Catherine Payne, Planner IV
City of Oakland, Planning and Building Department
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Re: Mountain View Cemetery
File Number ER 15-001

Dear Ms. Payne:

I live at 5335 Hilltop Crescent, Oakland, and I share a property line with Mountain View Cemetery. I have spoken with Jeff Lindeman and have attended a number of meetings regarding changes at the cemetery. At one of the recent planning meetings I expressed my concern that the proposed replanting of trees will substantially block my views. I recently reviewed the draft Environmental Impact Report that details the planned changes and the impact on the environment and the community. This report only addresses the public impacts and does not address my personal desire to maintain my view plane.

I want to express my concerns about the planting of trees and the height of the soil to be located on the Panhandle area of the cemetery, especially on the promontory point. Presently from my home I have views of the Golden Gate and Bay Bridges as well as San Francisco. I do not want to lose the views that I currently have.

As you know Chapter 15.52 of the Oakland Code of Ordinances is very specific on the protection of views and the planting of vegetation which will obstruct the view plane. In figure 3-9 for Plot 98/Panhandle Site Plan, area 18 calls for a planted slope. Area 18 is in the direct view plane of my home. Trees planted in this area of any substantial height will block my views. In Figure 4.1-15 the proposed planting in this same area 18 call for an Evergreen Canopy. In some of the plans submitted to the planning commission this Canopy was proposed to be Coastal Redwood trees. These trees, which grow to over 100 feet tall, will completely obscure my view of the Golden Gate Bridge, the Bay Bridge, San Francisco, and much of what I can see in that direction.

My request is that the trees and vegetation to be planted in Area 18 on Figure 3-9 for Plot 98/Panhandle be restricted in height so they do not block my present view of the highlights of the San Francisco Bay area. I also request that the soil to be deposited on the Panhandle is contoured to limit the obstruction of my view plane.

Yours truly,



William C. Owens
5335 Hilltop Crescent
Oakland, CA 94595

bowens@owensfinancial.com
925-899-1570

BG-1

Letter BG Response – William Owens

Response BG-1: Please see the Revised Project Description and the revised Landscape Plan. In the revised Project, the Cemetery will replace lost coast live oaks with replacement coast live oaks on a 1:1 basis. In addition, the revised Landscape Plan changes the mix of new trees, thereby increasing the number of coast live oaks within the replacement mix. The health and vitality of the replacement plan will be enhanced by species diversity. Redwoods may be included in the replacement mix, but would not be planted in groves. Additionally, any redwoods planted would be 24-inch box trees. Please also see Master Response A regarding tree preservation and removal.

Letter BH

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

From: aaron parr [mailto:aaronmfparr@gmail.com]

Sent: Monday, August 01, 2016 4:04 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: ER15-001

Ms. Payne,

I am concerned by the Mountain View Cemetery's plan to develop an area of their property, the top hillside. The plan appears to require the removal of over 200 trees, including at least 150 oak trees. Many of these trees are large and old enough to be of significant value to the broader community, and environment. As many of you likely know there may be historical value here as well which needs to be looked at and considered.

BH-1

Given the stress on our municipal water sources due to the prolonged drought and the likelihood that such droughts are the new normal, other aspects of the Cemetery's plan will also require a close look and consideration. The trees on site now have deep roots and do not require much if any irrigation. New landscaping of any type at this scale will increase the water demands of this property for the next 5 years in which the plants are being established. While this is acceptable, there are better ways to do this. Clearing and regrading the land is not the best approach. Wiser solutions would preserve most if not all of the site's existing trees, and adapt the layout of the plots to fit the grades on the site.

BH-2

Both the trees and our water supply are significant resources of the wider community. Impacts at the scale suggested by the Cemetery's plan for expansion should trigger more than just a cursory review, and a lengthier process.

Thank you for considering my comments. Please keep me informed about your actions on this matter.
-aaron parr

Letter BH Response – Aaron Parr

Response BH-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources.

Response BH-2: This comment suggests that the Draft EIR inadequately discusses possible impacts on the physical environment and that the EIR should not be approved as it does not meet its purpose to provide useful and accurate information to the public. This individual comment does not provide any specific examples of the Draft EIR's perceived deficiencies. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, Master Response B regarding the Project's water use.

The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter BI

From: Lee-Anne Phillips [mailto:leeannephillips@gmail.com]

Sent: Tuesday, August 02, 2016 6:42 PM

To: Payne, Catherine

Subject: Mountain View Cemetery plans to destroy many historic trees.

My grandparents are both buried there, and I strenuously object to this plan. I'm aware that the public comment period has expired, but in fact neither the Cemetery or the City made a reasonable effort to notify those members of the public who might be affected, despite the cemetery having easy access to their lists of persons interred there and reasonable family contacts.

BI-1

This is an outrage. My grandparents were evidently sold a "bill of goods," and not in a good way, because the overall appearance of the grounds were part of the package they purchased. This is a classic "bait-and-switch" con. The City should not be acting to facilitate their game by recklessly endorsing their sweeping plan to essentially "scalp" the grounds, eliminating needed habitat for many forms of wildlife and degrading the value of the goods already purchased and sold to their many "residents."

BI-2

Thank you for your kind attention,

Lee-Anne Phillips
4200 Park Blvd #250
Oakland, CA 94602

Letter BI Response – Lee-Anne Phillips

Response BI-1: Please see Master Response C regarding public notice and public review for the Draft EIR.

Response BI-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter BJ

From: Beverley Polt [mailto:b-p@consultant.com]

Sent: Tuesday, August 02, 2016 5:33 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: Mountain View

Hello,

I just received notice of the shocking devastation of trees and plants that Mountain View cemetery has in mind. It's hard to believe that this would be carried forth, considering contemporary views about the conservation of nature. | BJ-1

I urge anyone with influence to do whatever possible to block this environmentally unfriendly plan. | BJ-2

I have missed the deadline for writing by half an hour, but hope there may be more time given for comments. | BJ-3

Was this devastation publicized in any way? I missed that, if it was.

Beverley Polt
formerly at 33 Bowling Dr., 94618

Now at 100 Bay Pl., Apt. 501, 94610

Letter BJ Response – Beverley Polt

- Response BJ-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response BJ-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response BJ-3: Please see Master Response C regarding public notice and public review for the Draft EIR.

Letter BK

From: Candice C. Promes [mailto:cpromes@pacbell.net]

Sent: Monday, August 01, 2016 11:04 AM

To: Payne, Catherine

Subject: ER15001 -- Mountain View Cemetery

Dear Ms. Payne,

After looking at the EIR and the proposed plans as they relate to grading and trees, it appears that many of the impacted trees are located on steep slopes which would make them difficult to relocate and more susceptible to failure upon replanting.

It appears that most of the large diameter trees, however, are located in the zone just outside the grading operation. They are not slated for removal, but “at risk” because of their proximity to construction. Therefore, we suggest as a condition for approval that you **require regular monitoring of these “at risk” trees during construction by a certified arborist** (retained by the city but paid for by Mountain View) to ensure adequate protection is provided, and steps are taken to preserve the trees’ health.

Regards,

Candy and Bill Promes
4915 Harbord Drive
Oakland

BK-1

Letter BK Response – Candy and Bill Promes

Response BK-1: As indicated on page 4.3-27, pursuant to SCA #27 sub-part b, the Project will be required to develop a Tree Protection Plan to demonstrate that adequate protection measures will be provided during the construction period to ensure that all trees to be retained will be protected and preserved. These protection measures shall include, but are not limited to:

- security fencing around the base of the tree (at a distance from the trunk to be determined by a consulting arborist);
- developing a construction operations plan that provides for the careful removal and disposal of brush, earth and other debris;
- avoiding any excavation, cutting, filing or compaction of the existing ground surface within the protected perimeter;
- retaining the existing ground level around the base of all protected trees; and
- using smaller equipment (potentially including hand tools) for any earthwork immediately uphill or downhill from a protected tree.

These measures are to be monitored and implemented by the Project's consulting arborist.

Letter BL

From: Vasantha Ramnarayan [mailto:vasantha.ramnarayan@gmail.com]

Sent: Wednesday, August 03, 2016 3:33 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: Mountain View Cemetery

Dear Ms. Payne,

A vast expanse dotted by trees and winding pathways give Mountain view cemetery a sense of eternity. Without it's ancient trees it will be more a business and less a final resting place for soul.

BL-1

Please don't cut down any more trees!

Vasantha Ramnarayan
1623 Piedmont
CA 94611

Letter BL Response – Vasantha Ramnarayan

Response BL-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter BM

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

From: Mark Rauzon [mailto:mjrauz@aol.com]

Sent: Monday, August 01, 2016 5:25 PM

To: Payne, Catherine

Subject: Oak removal

I am writing to ask you to reconsider the removal of live oaks from your land. Please consider ways to work with the existing canopy to increase plots while maintaining live oaks. Thank you.

Mark Rauzon

Laney college

Geography dept.

BM-1

Letter BM Response – Mark Rauzon

Response BM-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter BN

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

From: Andrew Renard [mailto:fromage3752@sbcglobal.net]

Sent: Monday, August 01, 2016 9:50 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: Trees please!

To all pertinent individuals,

Please reconsider the approval of the plan to remove so many wonderful oaks and other trees in the cemetery above Piedmont. It is such a treasure...

BN-1

Andy Renard
Oakland Resident
Dimond Neighborhood
530-412-0308

Sent from my iPhone

Letter BN Response – Andy Renard

Response BN-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter BO

From: jennyrieger1 [mailto:jennyrieger1@gmail.com]

Sent: Friday, July 29, 2016 10:32 AM

To: Payne, Catherine

Cc: amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrayplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.oakland@gmail.com; Office of the Mayor; patillo@pgadesign.com; conservation@ebcnps.org

Subject: ER-15001 Don't do it!

Dear Ms. Payne, et al,

I am writing in protest of the current development plans for the Mountain View Cemetary.

While I understand the desire for expansion of burial sites, I am very disturbed by the current plans to eliminate the existing native Live Oak trees.

BO-1

In light of our unending drought here in California, it is an abomination to eliminate drought tolerant, beautiful, established trees and replace with water sucking lawns and water loving Redwoods.

BO-2

Why is there not a plan to preserve some of the larger trees and use drought tolerant groundcovers instead of lawns?

Surely the folks at SWA can come up with a plan that is sensitive to the drought and will preserve the beautiful Oaks that are so representative of our city.

I urge you to reject the current plans. We citizens of Oakland have worked hard to conserve water. Why should Mountain View Cemetary be allowed to use water in excess?

Regards,

Jenny Rieger

Sent from my Verizon, Samsung Galaxy smartphone

Letter BO Response – Jenny Rieger

Response BO-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Response BO-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see Master Response B regarding the Project's water use.

Letter BP

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

From: Abbie Rockwell [mailto:a.rockwell@comcast.net]

Sent: Monday, August 01, 2016 10:19 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; conservation@ebcnps.org

Subject: ER15-001

Dear Ms. Payne,

I am writing because of my concern for the majestic oaks that make Frederick Law Olmstead's Mountainview Cemetery a place of serenity and grandeur. With few parks nearby, Mountainview Cemetery, thanks to the generosity of the owners in letting the public enjoy its splendors, is a neighborhood gathering spot, park, place to run, to cycle, to stroll and read the many old graves, to notice and appreciate the history of Oakland as represented by its most distinguished inhabitants and all the others who rest there.

Olmstead had a clear vision of the park and, as one ascends, every prospect improves on the one before, framed by oaks and rolling hills, paths and meadows. Each of the oaks is a treasure that must be preserved, a representative of Oakland's rich history, along with the luminaries that lie beneath them. Their role in Oakland's history is to be treasured and protected.

Please do not allow the owners of Mountainview Cemetery to rush into plans for removing hundreds of irreplaceable trees. The public needs time to comment and perhaps to reach a compromise about this important city resource. The oaks are a most important symbol of Oakland and a source of beauty and inspiration. They are natives and need little care, except respect, once established.

Thank you for considering this viewpoint along with that of the owners of Mountainview Cemetery.

Abbie Rockwell
4365 Howe Street
Oakland, CA 94611

BP-1

BP-2

Letter BP Response – Abbie Rockwell

- Response BP-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources, including a discussion of the Olmsted landscape.
- Response BP-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter BQ

From: Sonja [mailto:vonsoro@yahoo.com]

Sent: Monday, August 01, 2016 12:14 PM

To: Payne, Catherine; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; officeofthemajor@oaklandnet.com; conservation@ebcnps.org

Subject: Mountain View Cemetery, #ER-15001

Dear Planning Committee,

I just learned about the plan to cut down 150 trees at the Mountain View Cemetery. I live in Oakland and walk almost every weekend in the Mountain View Cemetery. We all love the big oak trees there. It is such a pleasure to walk and watch the old trees and the wild life, especially the birds. We don't have many such old trees left in Oakland, and I strongly oppose having them cut down. As we are still in a drought I don't think planting large grass areas is that water efficient at the moment either.

BQ-1

Thank you for saving the trees!!!

Sonja Rongstock

PS. Plus, I think I'd prefer to be buried under a tree than under a grassy lawn, it'll be shadier.

Letter BQ Response – Sonja Rongstock

Response BQ-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.

Letter BR

From: zygomate@att.net [mailto:zygomate@att.net]

Sent: Thursday, August 04, 2016 12:56 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amadamonchamp@gmail.com; cmanusopc@gmal.com; nagrajplanning@gmail.com;

Moore, Jim; jmyres.oakplanningcommission@gmail.com

Subject: Mt. View Cemetery

Dear Ms. Payne

We have just learned of a proposal by the managers of Mt. View Cemetery to expand areas available for burial, to be accomplished by the wholesale removal of hundreds of venerable oaks and other species. The managers seems to be giving more consideration to the dead rather than the living, although it is we who make continual use of the cemetery. Mt. View Cemetery is an important cultural and community treasure, attracting visitors from near and far, who derive inspiration from the memorials, the views, the tree and plants the wildlife and especially the birds for whom the cemetery is a critical habitat. Two generations of our family rest at Mt. View Cemetery, and their memory is best honored by preserving the varied natural setting which Mt. View has nurtured for generations, rather than by denuding the hills and removing habitation for endangered species. I urge the Planning Commission to require the cemetery managers to devise expansion plans which are consistent with the least degree of alteration to the existing vegetation and land contours.

BR-1

Marcelle & Richard Rose

511 Dwight Place, Oakland, CA 94704 USA

Letter BR Response – Marcelle and Richard Rose

Response BR-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter BS

From: Naomi Schiff [mailto:Naomi@17th.com]
Sent: Tuesday, August 02, 2016 3:49 PM
To: Payne, Catherine
Subject: Mountain View Cemetery

Dear Ms. Payne,

I am writing as an individual, here. It seems a shame that such a large number of trees—and particularly oaks—are proposed to be cut to facilitate the grading planned at Mountain View Cemetery. I am quite aware of the function of the cemetery as a habitat for living creatures as well as for the departed. While it was not planned for the purpose, it is now an important large contiguous planted space and is home to a lot of birds and other creatures.

BS-1

I have a question: Is a one-for-one native oak replacement proposed? I saw that trees were to be planted, but shouldn't there be an attempt to reforest with native trees? I would certainly support an ecologically up-to-date plan, and would hope for drought tolerant plantings, as well as the use of native species.

BS-2

Thank you,

Naomi

Naomi Schiff
238 Oakland Avenue
Oakland, CA 94611

Telephone: 510-835-1819
Email naomi@17th.com

cell: 510-910-3764

Letter BS Response – Naomi Schiff

- Response BS-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response BS-2: As indicated on page 4.3-13 of the Draft EIR, pursuant to Title 12, Chapter 12.36 of the City of Oakland Municipal Code, replacement tree plantings are typically required where native tree species are removed. Native protected trees proposed for removal must be replaced at a ratio of 1:1 if the replacement tree is a 24-inch box size, and 3:1 if the replacement trees are 15-gallon size trees. Please also see Revised Project Description, which clearly demonstrates that the Revised Project would meet and exceed these replacement planting ratios, and Master Response A regarding tree preservation and removal.

Letter BT

From: Glen Schneider [mailto:glennyfrank@gmail.com]

Sent: Monday, August 01, 2016 8:55 AM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; officeofthemajor@oaklandnet.com

Subject: Saving Live Oaks at Mountain View Cemetery Reference # ER15-001

Dear Ms. Payne,

I am writing to urge that the City of Oakland intervene to protect some 150 native Live Oaks at Mountain View Cemetery. Live Oaks are the symbol of Oakland. They are protected trees in the City, I believe. It would be outrageous to remove them. How could this possibly be under consideration?

BT-1

Oak woodland habitat supports the greatest biodiversity of any plant community in California. Nothing else can replace that if these trees are removed.

Further, Oak woodland is the natural low-water, low maintenance landscape. They should be retained in a forward looking landscape that shows all Californians how to combine natural beauty with care for the environment. Mountain View Cemetery could be a leader here.

BT-2

Myself, I am a member of the California Native Plant Society, an East Bay native, and have a no summer water garden of local native plants. My garden is featured on the Bringing Back the Natives garden tour each year, and draws several hundred visitors each first Sunday in May.

People are hungry for leadership, and Oakland could help point the way.

Sincerely,

Glen Schneider

Letter BT Response – Glen Schneider

Response BT-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Response BT-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project's water use.

Letter BU

From: Jessica Schurman [mailto:jschurman99@gmail.com]
Sent: Saturday, July 30, 2016 11:12 AM
To: Payne, Catherine; officeofthemajor@oaklandnet.com
Subject: Re: Reference #, ER15-001

Please see the attached photos.

On Friday, July 29, 2016, Jessica Schurman <jschurman99@gmail.com> wrote:
To Catherine Payne:

I grew up one block from the MVC and I love hiking and the outdoors. Please save some of the habitat for the wildlife in the undeveloped portion of the cemetery.

Look at the photos and videos of swallow nests on the nursery wall across the street from MVC on Clarewood Drive. There are usually three or four nests each year.

Every year the swallow parents return to these nests to raise their babies on the bugs they catch on the hill top of MVC.

These photos and videos show the baby swallows in their nest, then they fly a few feet from the nest to the perch above the window where their parents fortify them with bugs before they fly to the top of the nursery. Then they join their parents and fly to their home on the hill above the cemetery.

Please save the oak trees and shrubs on the cemetery hill top, so the bugs have a place to grow and provide food for the baby birds. The swallows swooping above the gravesites helps create a special environment for the cemetery family members who visit the graves of their loved ones.

Thank you,

Jessica Schurman,

BU-1



Letter BU Response – Jessica Shurman

Response BU-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter BV

From: Judy Schwartz [mailto:lupine15@gmail.com]

Sent: Monday, August 01, 2016 10:41 AM

To: Payne, Catherine

Cc: Office of the Mayor; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Pattillo, Chris; amandamonchamp@gmail.com; Karen Whitestone

Subject: Mountain View Cemetery, #ER-15001

Dear Catherine Payne:

I am concerned about the removal of so many live oak trees and the impact this would have on the Oakland community. People have looked at the view of the oaks on the ridge top for generations, and Oakland residents see oaks as part of their cultural heritage. People enjoy walking in the undeveloped area and seeing the wildlife and birds that make the cemetery their home. For people like me who live close to the cemetery, we enjoy the cemetery birds visiting our yards throughout the year, but particularly in the winter, when over 40 species of birds are counted when local birders do their annual winter bird counts at MVC.

BV-1

I am concerned that many Oakland residents are not aware that the proposed development by the Mountain View Cemetery is taking place. I was driving up Clarewood Drive the day a posting was attached to the MVC fence or I would not be aware of the issue. I could not find any postings along Moraga Avenue, Ramona Street, and Pleasant Valley Court which the cemetery shares a boundary with. The only other notice I could find about the development is at the cemetery entrance where there are several signs. A 300' boundary drawn around a Google Earth photo of the cemetery shows that few homeowners were contacted about the DEIR. The 300' boundary from the cemetery fence crosses Moraga Avenue and Clarewood Drive but only extends to a few homes. At the intersection of Harbord Street and Clarewood Drive about two homes fell in the 300' boundary.

BV-2

I requested an extension of the comment period at the Planning Commissioner meeting on July 20th, 2016 and also sent an email to Catherine Payne requesting an extension because the arborist reports are so confusing and there is no way of knowing how many oak trees would be removed if the proposed development is approved. Also, there is no way of knowing if any of the oaks on the two arborist reports will be saved during the development. The extension I requested was not granted.

BV-3

My comments are on the chapters: 4.1 Aesthetics, 4.4 Cultural Resources, 4.6 Hazards, 4.9 Other, Water Use and Global Climate Change.

4.1 Aesthetics

I think the proposed new cemetery development should be modified to include the live oak trees into the skyline of the grave sites in areas 82, 98 and the Panhandle. A perfect feng shui view of the SF Bay devoid of live oak trees, does not need to be created for every single one of the 6,300 proposed new grave sites. Oak trees have been growing on the top of this ridge for thousands of years.

BV-4

Please look at Figures 4.1-10 and 4.1-11 and see that the native live oaks have been removed from the skyline in the proposed landscape plan for Plot 98 and the Panhandle, but that two large non-native trees have been preserved. The same is true for figures 4.1-12 and 4.1-13. There are no native live oaks left in Plot 82, Plot 98 / Panhandle in the simulated drawings.

Also, please be aware that the three redwood groves that will be planted in Plot 82 and Plot 98 are not included in the simulated views on Figures 4.1-11 and 4.1-13. These figures should be corrected to include the redwood trees. Simulated photos of the new landscaping from the Upper Rockridge neighborhood should be included to see if homeowners will have their views of the SF Bay blocked by the redwood trees as they grow to be hundreds of feet high.

BV-4
Cont'd

"Redwood is a rapidly growing tree, and some individual trees have been measured at more than **360 feet** in height, making it the tallest measured tree species on the earth. In favorable situations, trees 20 years old may average 50 feet in height and 8 inches in diameter." From the bigsurcalifornia.org website.

Page 4.1-6 Chapter 12.36: Protected trees. "It is in the interest of the City of Oakland and the community to protect and preserve trees by regulating their removal; to prevent unnecessary tree loss..... To effectively enforce tree preservation regulations; and to promote the appreciation and understanding of trees."

We need to save the protected live oaks and preserve the historic view at the top of the cemetery. Removing the oaks and replacing them with redwoods would drastically alter the skyline that people have appreciated for hundreds of years.

BV-5

Please look at the photos of area 82, 98 and the Panhandle taken from the St. Mary's Cemetery.

Aesthetics, 4.1

Views of Area 82, 98 and the Panhandle from St. Mary's Cemetery



Area 82

Area 98 and the Panhandle



4.4 Cultural Resources

The importance of the identity of oaks as part of the culture of Oakland needs to be included in the EIR.

The native coast live oaks are part of the cultural heritage of the people whose ancestors were indigenous to this land. These Ohlone descendants still live in Oakland.

Oak Land is a city of Oaks, and these trees are part of our identity. I grew up in Oakland and in the 1960's I remember taking the bus to Mosswood Park to take art classes. The park that still has the huge oak trees and you can see them as you pass the corner of Broadway and MacArthur streets.

These days you see the oak tree symbol and the word, "Oaklandish" on people's clothing as you walk around the city. Mountain View Cemetery is in an urban setting and you do not need to drive to get there. A friend told me that her children used to walk from their preschool to the cemetery and eat lunch near the fountains. In the live oak trees you can see birds and squirrels, native Oakland wildlife, that make their home in the cemetery.

Olmsted's Design

Site Specific History of the Project Area (4.4-6):

The inclusion of the native live oak trees was central in Olmsted's design and philosophy of the cemetery. The DEIR omitted the importance of oaks on page 4-4.6 and this needs to be added to the EIR.

See below from the MVC website:

"The hills of Oakland and Piedmont cradle one of the finest examples of a garden cemetery found on the West Coast. With its stately avenues and winding roadways, its native live oaks and imported Italian stone pines, its simple columbarium and elaborate mausoleums, Mountain View Cemetery is a wonderful example of early American culture and the lively spirit of early California. Mountain View Cemetery is unique."

This cemetery was designed to be a "CHURCHYARD, GRAVEYARD, PARK & GARDEN", according to the MVC description. The philosophy of Transcendentalism influenced Olmsted's design. The following is from the MVC website.

"TRANSCENDING THE DIVISION BETWEEN MAN & NATURE



Olmsted took a unique approach to Mountain View Cemetery. His park cemetery integrated the Parisian grand monuments and broad avenues. Olmsted also drew on a popular philosophy of the times, American Transcendentalism, to help shape his vision of the cemetery. American Transcendentalism embodied Asian philosophy, which believed that all of nature flows from the same wellspring, that is, trees and flowers, water and air — and man — are part of nature. From this philosophy, Olmsted believed that the straight line of man's industry and the curved shape of nature's oak branch could once again peacefully co-exist...

To native California live oaks he added transplanted Italian cypress, Lebanese cedar, and Italian stone pine. Simple in form and color, distinctive in shape and compatibility, the trees helped create a setting of

beauty and grace, complementing the walkways, roads and chapels which help create a peace of mind and thoughtfulness."

Live oaks were one of the four trees Olmsted included in his plan and should be incorporated in the proposed areas 82, 98, and the Panhandle.

Decline of Live Oak Health in the Historic Bottom of the Cemetery:

Please be aware that a large number of the stately oaks growing on the bottom of the cemetery have died from fungal rot due to over watering the roots of the tree. If you drive into the cemetery and look on the left side, only a few oaks remain and they are in poor health with thin canopies. The large oaks on the right side of the cemetery close to Moraga Ave just had 48 redwoods planted among them and are at risk of dying from overwatering. The cemetery has planted many new trees on the bottom of the cemetery and no live oaks have been planted.

Also, be aware that the oak saplings that are described in the DEIR in the undeveloped areas, including area 82, 98 and the Panhandle, have been removed from the top of the cemetery. These trees were not protected because they were less than 4" in diameter at chest height. The DEIR is inaccurate and should be corrected because there are no more oak saplings left in the upper part of the cemetery.

In another 20 years there may be no live oak trees left in the Mountain View Cemetery, and they may want to change their website and omit any reference to oak trees. This would be a shame and a loss to the City of Oakland.

Photo below shows the oak is being watered under its canopy. See how much moss is growing at the base of the tree? This tree will develop a fungal root infection and die.

BV-8

Additional photos are sent in a separate email.

4.6 Hazards

The ponds at the base of the proposed new areas are contaminated with concentrated salts and RoundUp which are harmful to the birds and the aquatic life. The hazards of the probable carcinogen, RoundUp, should also be added to the Occupational Safety chapter.

4.9 GHG Emissions (4.9-4 to 6)

The cemetery landscape plan needs to follow California state law AB32, the Global Warming Act that proposes to reduce GHG emissions by 40% between 1990 and 2030. The EIR needs to be corrected to reflect AB32, especially because only area 82 will be developed now and areas 98 and the Panhandle will be developed when the need arises over the next 5 to 15 years. We cannot predict climate conditions and the impact of Global Warming that far in advance. The landscape plan should have low water lawn substitutes and drought tolerant native plants that require no summer water on the sunny slopes of the upper hillside.

BV-9

BV-10

If the live oaks are removed we will lose the carbon sequestration capability of the existing oaks, and their oxygen generating abilities. To replace these mature trees with green lawns will greatly increase green house gas emissions. Lawns on a sunny slope require: almost daily water, energy to pump the water, fossil fuels to mow the grass, fertilizers to keep the grass green (and also requiring energy for their production), and herbicides to keep the grass free of weeds. The increase of GHG emissions by removing mature healthy oak trees and replacing them with needy lawns is not consistent with following AB 32.

4.9 Global Climate Change (4.9-6)

The Global Climate Change section was omitted from 4.9-6. This area should developed in the EIR, especially because of AB32 and a possibility of long term drought in this century.

BV-11

4.9 Recreation (4.9-14)

Please refer to page 4.9-14 of the DEIR which states the cemetery is not a recreational area. Page 4.9-14 states, "The project does not provide new public recreation areas or parks..... Although the developed portions of the cemetery are generally open to the public and are often used for recreational walking, the cemetery is not a park or recreational facility."

BV-12

See the Water Use section below where they erroneously take the sport field credit for the cemetery lawn when the cemetery is NOT a recreational area.

4.9 Water Use under Utilities (4.9-20-24):

The DEIR is out of compliance with the state of California regulation, California Water Efficiency Landscape Ordinance, revised in 2016. New cemetery development with landscapes greater than 2,500 square feet need to comply with sections 492.4, 492.11 and 492.14. This law was enacted to promote the use of drought tolerant plants in residential and commercial landscapes because the state of California is planning for the impact of climate change and drought in the 21st century on water use practices.

BV-13

The DEIR should change pages 4.9-20 to 4.9-24 to be in compliance with this law. Page 4.9-24 of the DEIR incorrectly interprets the state law and says the cemetery can claim credit under the sports or multiple use field exemption. A bullet point states "A maximum of 25% of total irrigated areas is to be specified as turf, with sports or multiple use fields exempted". In the bottom paragraph on page 4.9-24, it says, "the purpose of the lawn area, signed by the landscape architect, indicating that installed turf meets the intent of the sports and multi-purpose play field credit toward this requirement. With implementation of these practices, the water demands of the Project will meet all applicable criteria for water conservation, and the Project's water demand impacts will be less than significant."

The cemetery does not provide recreational turf for sports or multiple use fields and cannot claim the turf exemption. A new landscaping plan, in compliance with the California Water Efficiency Landscape Ordinance, should be developed before any native plants are removed from the site. If we have a severe drought again in several years, we want all residential and commercial customers in Oakland to conserve water including Mountain View Cemetery.

In addition, Table 4.9-1: Estimated Water Use for the Project needs to be corrected because redwood trees planted on sunny slopes cannot have the water tapered off after several years or they will die. (See page 4.9-22)

BV-14

The landscaping plan must adhere to tree replacement under the Oakland tree ordinance 12.36 and not accept the landscapers' proposed plan to plant trees that are not indigenous to the Oakland hills. The five replacement tree species are on page 4.1-8 and include coast live oaks and redwoods.

BV-15

Redwoods are the only mitigation replacement tree the landscaper is choosing from the City of Oakland tree list, 12.36. However, redwoods are not appropriate trees for these upper sunny south western slopes of proposed areas 82, 98/ Panhandle. The soil needs to be kept moist under redwood trees for the life of the trees and cannot be stopped after several years. Live oaks growing in sunny areas can survive under drought conditions and redwood trees will die without year round supplemental water.

BV-16

The landscape plan should be reviewed by an independent arborist who is knowledgeable about what trees are appropriate for the proposed new areas that will live more than one year. Also, replacement landscape trees should be heavily weighted towards native coast live oaks, preferably from local genetic stock, where they can be located in areas that are away from continuously irrigated new lawns, yet also will have enough supplemental water in their early years, that they can become established.

BV-17

In summary, we should follow the recommendation of Oakland's 12.36 Protected tree ordinance, "It is in the interest of the City of Oakland and the community to protect and preserve trees by regulating their removal; to prevent unnecessary tree loss..... To effectively enforce tree preservation regulations; and to promote the appreciation and understanding of trees."

BV-18

We need to save the protected live oaks and preserve the historic view of the top of the cemetery. Removing the oaks and replacing them with redwoods would drastically alter the skyline that people have appreciated for hundreds of years. Any live oaks that are removed should be replaced with live oaks because they are perfectly adapted to this sunny slope and can survive without any supplemental water, fertilizer or pesticides. The impact looking at live oaks, of watching the birds and the squirrels in the oak trees is immeasurable in terms of its calming, meditative and spiritual effect on one's soul.

Thank you,

Judy Schwartz
511 Florence Avenue
Oakland, CA 94618



Oak on left side of cemetery with thin canopy.



Wet grass under oak canopy in photo below



July 31, 2016 this oak was watered under its canopy and the surrounding grass was dry



Oak with ivy probably sprayed with RoindUp. There are many other oaks with ivy growing around the trunk.

Letter BV Response – Judy Schwartz

- Response BV-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response BV-2: Please see Master Response C regarding public notice and public review for the Draft EIR.
- Response BV-3: The Draft EIR accurately summarizes the results of the two arborist reports. The two reports cover different populations of trees on different areas of the site. Each report uses a differing block of integers to avoid overlap, and every tree is assigned a unique integer. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and P Master Response C regarding public notice and public review for the Draft EIR.
- Response BV-4: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Please also see the Revised Project Description and the revised Landscape Plan. In the revised Project, the Cemetery will replace lost coast live oaks with replacement coast live oaks on a 1:1 basis. In addition, the revised Landscape Plan changes the mix of new trees, thereby increasing the number of coast live oaks within the replacement mix. The health and vitality of the replacement plan will be enhanced by species diversity. Redwoods may be included in the replacement mix, but would not be planted in groves. Additionally, any redwoods planted would be 24-inch box trees. Please also see Master Response A regarding tree preservation and removal.
- Response BV-5: The upper portions of Mountain View Cemetery where the Project is proposed are highly visible from many vantage points. As indicated in photo-simulations presented in the Draft EIR and described on page 4.1-16 of the Draft EIR, the Project site would remain visible from mid- and long-range vantage points, the ridgelines would not be substantially altered, and views of the upper Oakland Hills would remain visible above the Project. Changes in landform and appearance of the hillside would be noticeable, but not in such a manner as to materially alter views. Many of the existing trees would be removed and replaced with new landscape, and these changes would also be noticeable but not adverse, particularly as these views would be increasingly screened over time as Project landscaping matures. The more prominent trees at Hill 500 and at the upper portions of the Panhandle would remain as prominent visual landmarks. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.
- Response BV-6: Please see Master Response D regarding impacts on historic resources.
- Response BV-7: Please see Master Response D regarding impacts on historic resources, including a discussion of the historic Olmsted landscape.
- Response BV-8: The Draft EIR recognizes that Coast live oak occurs as scattered trees and saplings throughout the Project site, together with other native and non-native tree species.

Per the City of Oakland Tree Preservation Ordinance 12.36, the arborists report prepared by HortScience dated January 2015 included the following:

- Coast live oaks greater than or equal to 4” in diameter and within 30 feet of the project site.
- Trees of any other species greater than or equal to 9” in diameter and within 30 feet of the project site.
- All multi-stemmed trees where the diameter of all individual trunks when added together, equals or exceeds the minimum size stipulation (4” for coast live oaks and 9” for all other species).

HortScience has collected tree data for numerous projects in the City of Oakland, most of which have been reviewed by the City and/or peer-reviewed by independent Consulting Arborists hired by the City. The data presented by HortScience accurately represents what the trees look like in the field, the size of the individual stems at 54 inches dbh, and their relative contribution to the overall canopy.

Response BV-9: The Cemetery uses a variety of weed control techniques, including use of glyphosate (commercially known as Roundup) in targeted applications such as on walkways, and anticipates continuing to use it selectively. The Cemetery may continue use of glyphosate and other commercially available herbicides, pesticides, and fertilizers in landscape maintenance, and the Project would increase areas where application of this herbicide may occur.

As indicated beginning on page 4.6-15 of the Draft EIR, many of these chemicals are specifically defined as hazardous chemicals under the criteria of the OSHA Hazard Communication Standard (29 CFR 1910.1200), and inappropriate use of these chemicals could result in a significant effect on the environment and potentially human health. The use, storage, and disposal of hazardous chemicals typically used in landscape maintenance is regulated by the federal EPA under the authority of the Federal Insecticide, Fungicide and Rodenticide Act, primarily through product labeling. All necessary and appropriate precautionary use, storage, and disposal information is required to be set forth on that labeling. All maintenance personnel and any landscape contractors involved in landscape maintenance at the Cemetery are required to follow and comply with these labeling requirements, and it is a violation of federal law to use such products in any manner not proscribed on the EPA-approval label. Compliance with these rules and regulations ensures that impacts to human health and the environment will not occur.

Response BV-10: The Draft EIR fully addressed the effects of the Project related to GHG emissions. As indicated on page 4.9-5 of the Draft EIR, the “development and implementation of the Project would comply with applicable plans, policies and regulations adopted for the purpose of reducing GHG emissions,” which includes the consideration of the California Global Warming Solutions Act. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.

Response BV-11: Please refer to Response BV-10.

Response BV-12: The City of Oakland General Plan designates the Project site as Urban Parks and Open Space (which is intended to accommodate urban parks, school yards, cemeteries and other active outdoor space for outdoor recreation). As noted on page 4.9-14 of the Draft EIR, although the developed portions of the Cemetery are generally open to the public and are often used for recreational walking, the Cemetery is not a park or a recreational facility.

The City interprets the “field” exception to the Turf Requirement of the Bay-Friendly Scorecard to apply to the park-like, multi-use setting of the Cemetery, which is host to strollers, joggers, picnickers, and community events, as well as burials. Please also see Master Response B regarding the Project’s water use and regulatory compliance.

Response BV-13: Please see Master Response B regarding the Project’s water use and regulatory compliance. Please also see Response BV-12.

Response BV-14: The Draft EIR fully addressed the water use of the Project. As indicated on page 4.9-22 of the Draft EIR, Table 4.9-1: Estimated Water Use for the Project, irrigation for Plot 82, Plot 98, and the Panhandle has been calculated based on the water demands associated with three separate watering zones; Grass (highest water demand); Shrubs (low water demand); and Trees (no irrigation once established). Please also see Master Response B regarding the Project’s water use and conservation.

Response BV-15: As indicated on page 4.3-13 of the Draft EIR, pursuant to Title 12, Chapter 12.36 of the City of Oakland Municipal Code, replacement tree plantings are typically required where native tree species are removed. Native protected trees proposed for removal must be replaced at a ratio of 1:1 if the replacement tree is a 24-inch box size, and 3:1 if the replacement trees are 15-gallon size trees.

Please see the Revised Project Description, and specifically the revised Landscape Plan. The new tree planting plan for the Project will include a mix of oaks, redwoods, bay laurel, madrone (from the City’s approved replacement list) and others. In the revised Project, the Cemetery will replace lost coast live oaks with replacement coast live oaks on a 1:1 basis. In addition, the revised Landscape Plan changes the mix of new trees, thereby increasing the number of coast live oaks within the replacement mix. The health and vitality of the replacement plan will be enhanced by species diversity. Redwoods, bay laurel and madrone are common and native to the area. Please also see Master Response A regarding tree preservation and removal.

Response BV-16: Please see Response BV-15.

Response BV-17: Please see Response BV-15.

Response BV-18: Please see Response BV-5 and Response BV-15. Please also see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Letter BW

From: susan segal [mailto:susanannsegal@gmail.com]

Sent: Tuesday, August 02, 2016 2:53 PM

To: Payne, Catherine; Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplaningcommission@gmail.com; EW.Oakland@gmail.com; CONSERVATION@ebcnps.org

Subject: ER15-001

Dear Ms Payne

I have just learned from a friend of the plan to cut down large numbers of trees, including old and beautiful oaks, in Mountain View Cemetery. I live on Howe a few blocks from the cemetery and have for the last thirty-seven years enjoyed walking in the cemetery, bringing my kids to feed the ducks and geese, and enjoying the beautiful views. The oak trees have been part of what makes this space so special.

| BW-1

My father is buried at Mountain View, and my mother will be buried beside him when she dies. One of the reasons we chose Mountain View was because of its beauty. That beauty is greatly enhanced by the varied architecture, the hills and the flatlands, and the magnificent trees. I beg you not to destroy this local treasure by removing the trees.

Thank you

Susan Segal
4247 Howe Street
Oakland, CA 94611

Letter BW Response – Susan Segal

Response BW-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter BX

Ms. Catherine Payne, Planner IV
Bureau of Planning
City of Oakland
VIA E-mail cpayne@oaklandnet.com

July 20, 2016

RE Case File Number ER 15-001

Ms. Payne,

The proposed Cemetery plan Draft EIR is not acceptable to us for the following reasons:

Our home located at 55 Stark Knoll Place above Plot 98 will be severely impacted in three ways by this plan as indicated below.

The filled ground next to our home with a pathway on top of it will be at the 676' height elevation, according to the Draft Environmental Impact Report dated May, 2016 which will be 26' higher than the 650' elevation of the current plot 98 area. See page 3-15 of this report. We were told one year ago that the filled ground would be no higher than 15'. This is contradictory to the current plan which states that the "Panhandle" site ranges in elevation from 640 to 675 feet. $675 - 650 = 25$ feet (NOT 15'). According to the drawings, the filled ground next to our home with a pathway on top of it will be at the 676' elevation, which is 26' (not 15') higher than the current 650' elevation of the Plot 98 level area below our property. A 6' tall person walking along this path will add another 6' in height so the head of this person, walking along this path will be at 682' elevation, only 18' below our patio which is at 700' elevation.

BX-1

This current plan severely and negatively impacts our property in the following 3 ways:

1. PRIVACY – since the path walkway will be very close to our back yard, which overlooks the cemetery, people will be walking, talking and gawking at us from just below our patio area.

BX-2

2. SECURITY – Burglars with intentions to rob our house will have easy access to our property from the walkway just below our patio. Also, our own lives could be in jeopardy as a result of this "easy access" to our home from the cemetery. Anyone bent on hurting us in any way can park their car just below our home, walk up the path, climb onto our patio, and do their dirty work; then return to their car below and drive away.

BX-3

3. VALUE OF OUR PROPERTY – The proposed plan will definitely hurt the value of our property for the two reasons stated above. No potential buyer is going to pay a premium for a home that has both a PRIVACY and a SECURITY issue.

BX-4

The solution to these three major problems is: 1) to make the filled ground no higher than 15' next to our home as promised last year, and 2) remove the pathway entirely and reposition it to another location further away from our home. If the cemetery is not willing to make these changes, then we will have no choice but to install a high barbed wire fence along the contiguous property line with the cemetery property in order to protect ourselves. Hopefully this will not be necessary.

BX-5

Sincerely yours,
Philip Shoptaugh, 55 Stark Knoll Place property owner

Letter BX Response – Philip Shoptaugh

- Response BX-1: Please see the Revised Project Description as included in this document, which also includes a cross-section of the proposed fill at the base of Stark Knoll hillside. As indicated in that cross-section, the peak of fill placement is now proposed to top outboard of existing grade on the hillside, such that an additional approximately 10 vertical feet or more of hillside would remain uncovered. This would enable a significant increase in retention of existing trees along this hillside area.
- Response BX-2: The turn-around in the road at the end of the Panhandle site does not include any amenity features that mark this as a specific destination. It does not include an amphitheater (as is included in Plot 82, further removed from residential areas), or seating areas, or any physical improvements other than access to new burial sites. Occasional passive use of the Cemetery for walking and perhaps picnicking is permitted, but has not generally been perceived as a significant problem.
- Though not a CEQA matter, use of the Panhandle area or any area within the Cemetery for unauthorized parties constitutes trespass. With development of the Panhandle area as a formally developed portion of the Cemetery, unauthorized use of this area may decline, and would be more regularly patrolled by Cemetery security personnel. Please also see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response BX-3: Please refer to Response BX-2.
- Response BX-4: Please refer to Response BX-2.
- Response BX-5: Please refer to Response BX-1. The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please also see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Letter BY

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

From: Skinner [mailto:theartofskinner@gmail.com]

Sent: Sunday, July 31, 2016 12:32 PM

To: Payne, Catherine

Subject: #ER-15001

To destroy so many incredible living testaments to nature and it's will to thrive on this planet, to make room to bury dead bodies is some sort of strange tragic comment on where we are as an egocentric member of our planet. We don't have to make these kinds of ridiculous decisions just to match the idiocy of the planet at large. Please think about challenging the IDIOCRACY of our current state of affairs and fight for logical thinking and preservation of natures monolithic beauty. Thank you.

BY-1

Skinner

www.theartofskinner.com

www.shopcriticalhit.com

Letter BY Response – Skinner

Response BY-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter BZ

From: Nick SLATER [mailto:nslater@berkeley.edu]

Sent: Monday, August 01, 2016 10:37 AM

To: Payne, Catherine

Subject: Oak trees in Piedmont Cemetery

Catherine Payne,

Please do NOT cut down these old trees! They're more important than development!!!!

Thanks,

Nick Slater

| BZ-1

Letter BZ Response – Nick Slater

Response BZ-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter CA

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

From: Millie Swafford [mailto:millieswafford@att.net]

Sent: Tuesday, August 02, 2016 5:47 PM

To: Payne, Catherine

Subject: Trees at Mountain View Cenetry

Hello,

My mother, and just recently my husband (May 2016), were buried at Mountain View Cemetery as will I when the time comes. Please do whatever you can to maintain the trees and shrubs that make it such a serene environment. That is a main reason why we chose this cemetery for our final resting places.

Thank you,

Millie Swafford

Sent from my iPhone

CA-1

Letter CA Response – Mille Swafford

Response CA-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter CB

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

From: Sue Tierney [mailto:suetierney007@gmail.com]

Sent: Tuesday, August 02, 2016 7:43 PM

To: Payne, Catherine

Subject: Oak Trees at Cemetery

Dear Ms. Payne,

My garden club alerted me to the fact that the Mountain View Cemetery is ready to cut down some of the oak trees on their property. I love to walk in the cemetery and it is such a special place since it was designed by Frederick Law Olmstead.

The fact that they want to do this to old and beautiful oak trees in the city of Oakland is very upsetting to me. If there is anything that you or the city council can do to stop this massive cutting it would be most appreciated.

Thank you,

Sue

CB-1

Letter CB Response – Sue Tierney

Response CB-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter CC

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

From: Sue Tierney [mailto:suetierney007@gmail.com]

Sent: Tuesday, August 02, 2016 7:52 PM

To: Payne, Catherine

Subject: Cemetery trees

It sounds like a huge project at Mountain View. I think I am opposed to it and the cutting of old oaks. I just want you to know my views.

CC-1

Thank you,
Sue Tierney

Letter CC Response – Sue Tierney

Response CC-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter CD

From: Laurie Umeh [mailto:lumeh2@yahoo.com]
Sent: Monday, August 01, 2016 11:57 AM
To: Payne, Catherine
Subject: Tree removal at Mountain View Cemetery

I received an email about the removal of at least 222 trees from the Mountain View Cemetery, many of them mature oaks.

Removing mature trees would completely change the character of this cemetery.

This is a beloved & historic Oakland landmark.

Please do not approve this tree removal.

thank you!

Oakland resident
zip 94601

CD-1

Letter CD Response – Laurie Umeh

Response CD-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources.

Letter CE

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

From: maryanneurry@gmail.com [mailto:maryanneurry@gmail.com]

Sent: Tuesday, August 02, 2016 7:57 PM

To: Payne, Catherine

Subject: Oaks

Please don't remove 200 to 300 Oak trees from Mountain view Cemetery. This is OAKLAND. Oak trees are sacred here-- if you cut them down to make more plots available--you are sacrificing them for MONEY. Bad priorities! Sincerely yours. Mary Anne Urry. Address. 6292 Clive Ave. Oakland.

CE-1

Sent from my iPad

Letter CE Response – Mary Anne Urry

Response CE-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter CF

From: maryanneurry@gmail.com [mailto:maryanneurry@gmail.com]

Sent: Tuesday, August 02, 2016 10:03 PM

To: Payne, Catherine

Subject: Re: Automatic reply: Oaks

I was told by my garden club that the deadline had been extended. Surely, you don't want the impression that this decision has been rushed forward and in the "dead of night". So to speak! Sincerely
Mary Anne Urry

CF-1

Sent from my iPad

On Aug 2, 2016, at 7:57 PM, Payne, Catherine <CPayne@oaklandnet.com> wrote:

Regarding the *Mountain View Cemetery Expansion Project Draft Environmental Impact Report*, please note that the public comment period ended on August 1, 2016 (per the Notice of Availability and related staff reports, which can be seen at <http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK058861>). Thank you.

Letter CF Response – Mary Anne Urry

Response CF-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Master Response C regarding public notice and public review for the Draft EIR.

Letter CG

From: GRETCHEN WHITE [mailto:gretchen.white@sbcglobal.net]
Sent: Monday, August 01, 2016 9:07 PM
To: Payne, Catherine
Subject: Cutting the oaks n Mountain View Cemetary

Please don't do this!

Please give people more time and notice!

We need more trees, not fewer, what about climate change, wildlife, what those trees mean to us who visit loved ones there?

| CG-1
| CG-2

PLEASE!!

Gretchen White
Golden Gate Ave
Oakland

Letter CG Response – Gretchen White

Response CG-1: Please see Master Response C regarding public notice and public review for the Draft EIR.

Response CG-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter CH

From: Kitty Whiteside [mailto:whitesidekitty@gmail.com]

Sent: Monday, August 01, 2016 3:26 PM

To: Payne, Catherine; amandamonchamp@gmail.com; Pattillo, Chris; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com

Cc: Office of the Mayor; Kalb, Dan; conservation@ebcnps.org

Subject: Reference #, ER15-001

There is a plan to develop some of the upper areas of the beautiful Mountain View Cemetery, (in Oakland, off of Piedmont Ave), to make room for more grave sites. Unfortunately, in order to do this, the plan as it now exists would remove over 150 native coast live oak trees, some of which are huge, majestic trees, and all of them providing exceptional habitat for the wildlife up there in the foothills. Some of the trees are in groves and swaths, some stand alone. There is much bare open space between areas with trees.

I believe that the cemetery can re-imagine and rework their plans to create the new grave sites, and at the same time, protect and preserve many more of these oaks that live on the edges of or adjacent to the proposed plot areas. The native oaks, part of our heritage as Oaklanders, reside on land that is not taxed, require no irrigation, provide excellent habitat for a large assortment of wildlife, including migrating songbird populations and they act as absorbents of carbon dioxide while giving back oxygen for us to breathe.

Christmas bird counts done in Mountain View Cemetery reveal over 40 species of birds. The trees are a living trust, provided for free, to the Cemetery's spiritual and physical landscape. We need to steward our native species, including in the new upper areas of the cemetery, yet to be developed. Tiny replacement baby trees from a nursery cannot mitigate for the loss of these wonderful mature native oaks with 20--60 foot canopies. I encourage the cemetery developers and the Oakland Planning Commission to retain these fine oaks that are already there.

Sincerely,
Catherine L. Whiteside
resident and homeowner of Oakland since 1985
658 66th St
Oakland, CA

CH-1

CH-2

Letter CH Response – Catherine Whiteside

- Response CH-1: The commenter’s suggestions regarding an alternative approach to design of the Project are noted. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding water conservation.
- Response CH-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter CI

From: Karen Whitestone [mailto:conservation@ebcnps.org]

Sent: Thursday, July 21, 2016 4:03 PM

To: Payne, Catherine

Cc: conservation-chair@ebcnps.org

Subject: Meetings for Mountain View Cemetery

Hello Ms. Payne,

It was a pleasure to meet you and hear your DEIR Mountain View Cemetery presentation at the Planning Commission meeting last night. Thank you for hearing my comments and clarifying some important points.

When is the next planned public hearing regarding the Mountain View Cemetery? Will it occur before the August 1 comments deadline? If meeting is planned for after the deadline, will the comments from the next public meeting be incorporated into DEIR analysis and review?

CI-1

I heard from a few members of the public, that they had been referred to this meeting by cemetery staff for a full presentation review of the project. Perhaps that type of presentation can be clarified in a new public notice, and presented at the next public hearing, as you said last night that you had such a presentation already prepared. Additionally, I realize the staff report requested a restriction of comments at the hearing last night to "adequacy of information, issues and analysis contained in the Draft EIR." I believe there is room and demand for public to make comments on the merits of the project. The comments from such a future meeting need also to be available to the planning commission for consideration.

CI-2

I believe it was Mr. Moore who commented on his experience with the history of reliably responsible projects the cemetery has presented. Perhaps that history of projects at the cemetery, comparing the breadth of project impacts over the years as compared to this proposed project, could be expanded upon in a public presentation in order to better understand that context and viewpoint.

CI-3

I look forward to interacting with you in future, and submitting comments on behalf of California Native Plant Society, East Bay Chapter, before the August 1, 2016 deadline. Thank you.

Sincerely,

Karen Whitestone

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Karen Whitestone

Conservation Analyst

California Native Plant Society, East Bay Chapter

PO Box 5597 Elmwood Station

Berkeley CA 94705

510-734-0335

www.ebcnps.org

<http://ebcnps.wordpress.com>

“dedicated to the conservation of native flora”

Letter CI Response – Karen Whitestone

- Response CI-1: Please see Master Response C regarding public notice and public review for the Draft EIR.
- Response CI-2: Please see Master Response C regarding public notice and public review for the Draft EIR.
- Response CI-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Letter CJ

From: Karen Whitestone [mailto:conservation@ebcnps.org]
Sent: Friday, July 22, 2016 2:52 PM
To: Payne, Catherine
Cc: conservation-chair@ebcnps.org
Subject: Re: Meetings for Mountain View Cemetery

Thank you, Ms. Payne,

I have follow up questions and additional comments.

How many tree removal permits have been requested by the Cemetery for this proposed projects, and how many trees do these permits encompass (even considering your statement, that the requests are a larger number/ "worst case scenario")?

CJ-1

Regarding the comment I made previously on the history of projects at the cemetery. The head of the Planning Commission made an interesting comment that Mountain View Cemetery comes every year or two with plans, and that they are pleasant to deal with and have responsible projects. Do you know how we can retrieve records for the past cemetery developments and tree removals? This statement from the Commissioner is confusing to me, as I believe this is the first EIR process pursued by Mountain View Cemetery. We hope to clarify it with access or assistance in finding records of these interactions the Commissioner referenced.

CJ-2

Also amongst public records, can we find out how many trees the cemetery has cut down in the last 5 to 10 years? We notice they have planted hundreds of redwoods in recent years, and we are concerned this is tied to an undisclosed pattern of oak tree removal. I appreciate your assistance in pointing me in the right direction for all Mountain View Cemetery related material.

CJ-3

Thank you,
Karen Whitestone

On 7/22/2016 8:30 AM, Payne, Catherine wrote:

Good morning, Ms. Whitestone. In response to your email communication below:

- Future public hearings: Future public hearings regarding this project would occur after the close of the public comment period for the Draft EIR. As explained at the hearing you attended this week, the City will prepare a Final EIR that will respond to all comments received (including yours below), which will be considered by the Planning Commission in their analysis of the proposed project (and deliberations regarding approving or denying the proposed project).
- Consideration of the merits of the project: The proposed project has already been reviewed by the Design Review Committee of the Planning Commission (DRC), at which time a public hearing was held regarding the merits of the project. Of course, because the ultimate objective is to have the Planning Commission make a decision regarding the proposed project, they will consider the merits of the project during their future deliberations (based, in part, on the analysis contained in the EIR). If you would like to see the DRC staff report, please visit: <http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK05886>
1
- Interest in information regarding past projects at the cemetery: Comment noted and will be addressed in the Final EIR.

Thank you,

Letter CJ Response – Karen Whitestone

- Response CJ-1: Please see Master Response A, which specifically identifies the number of trees proposed to be removed under the originally proposed Project as analyzed in the Draft EIR, versus the tree removal proposed under the Revised Project. This information represents the total tree removal proposed to occur under the Revised Project. No other tree removal would occur pursuant to the Project, and no other additional tree removal would occur unrelated to the Project without prior review and approval of a separate City Tree Removal permit, as applicable. Please also see the Revised Project Description.
- Response CJ-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response CJ-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA.

Letter CK

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

From: Karen Whitestone [mailto:conservation@ebcnps.org]

Sent: Friday, August 05, 2016 12:05 PM

To: Payne, Catherine; conservation-chair@ebcnps.org

Subject: Thank you for extending comments deadline - Mountain View Cemetery DEIR

Hello Catherine,

Thank you for your phone call this morning. I appreciate your clarification that, even though the deadline officially passed (8/1), comments are actually still accepted through midnight tonight (8/5).

Thank you for continuing to accept comments from the public on the Mountain View Cemetery DEIR. East Bay California Native Plant Society

(EBCNPS) will re-submit our comments this afternoon to ensure receipt.

We did experience technical difficulties with submission and appreciate this extra consideration for our comments.

CK-1

Given the opportunity for an even greater time allowance and officially-announced comment period extension for the DEIR, I am sure many more people who care about the cemetery would have time to contemplate and comment on the project. Please let us know if the City of Oakland plans to take this route of extending the comment period even further.

CK-2

Sincerely,

Karen

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Karen Whitestone

Conservation Analyst

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“dedicated to the conservation of native flora”

Letter CK Response – Karen Whitestone

Response CK-1: Please see Master Response C regarding public notice and public review for the Draft EIR.

Response CK-2: Please see Master Response C regarding public notice and public review for the Draft EIR.

Letter CL

From: Margy Wlikinson [mailto:margylw@earthlink.net]

Sent: Monday, August 01, 2016 3:04 PM

To: Payne, Catherine

Subject: Please save the Oak Trees

Please do not allow the Oak trees at Mountain View cemetery to be cut down. We need all the trees we can get in our urban environment – more not fewer.

Thank you.

Margy Wilkinson

CL-1

Letter CL Response – Margy Wilkinson

Response CL-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter CM

From: Diane Williams [mailto:yukonriverwoman@att.net]

Sent: Wednesday, August 03, 2016 9:08 PM

To: Payne, Catherine

Subject: 1850

Dear Ms. Payne, It would surely be a pain if these beautiful trees were removed for essentially profit. There were literally hundreds of Oaks in Oakland when the US took over in 1850 - the city has found every conceivable reason to grant anyone and everyone permission to kill all of the old Oaks since the US takeover - I can't imagine why you would choose to do anything different - there is no accountability to the environment in our consciousness as there is in my Indian culture. I believe the white man came here to manifest his destiny and have dominion over the Earth. Have you heard of climate change? Consider being part of the solution instead of part of the problem.

Sincerely,

Diane Williams, MPH

CM-1

Letter CM Response – Diane Williams

Response CM-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Letter CN

From: Linda Wroth [mailto:lmwroth@me.com]

Sent: Friday, August 05, 2016 9:13 PM

To: Payne, Catherine; Office of the Mayor; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Pattillo, Chris; amandamonchamp@gmail.com

Subject: Reference #, ER15-001

Re: Cutting live oak trees at Mountain View Cemetery

Although I don't live in Oakland, I've walked in the cemetery with friends from Oakland. It would be very sad to cut down the trees and change the design of Frederick Law Olmstead, who believed in keeping the existing surroundings as much as possible. The cemetery is an asset to Oakland and more environmentally correct than a large green lawn.

Linda M Wroth

lmwroth@me.com

Richmond, California

CN-1

Letter CN Response – Linda Wroth

Response CN-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources, including a discussion of the Olmsted landscape.

Letter CO

From: Beth Wurzburg [mailto:wurzburg.beth@gmail.com]

Sent: Monday, August 01, 2016 4:25 PM

To: Payne, Catherine

Cc: Pattillo, Chris; amandamonchamp@gmail.com; cmanusopc@gmail.com; nagrajplanning@gmail.com; Moore, Jim; jmyres.oakplanningcommission@gmail.com; EW.Oakland@gmail.com; Office of the Mayor; conservation@ebcnps.org

Subject: ER15-001 (Mountain View Cemetery plan to cut down 150+ trees)

Dear Ms. Payne,

I was very disappointed to hear about the plan by Mountain View Cemetery to cut down hundreds of oaks and other trees and to grade the land in order to vastly increase the number of plots available. I understand that at least 150 mature trees (including many heritage oaks) and many mature shrubs would be removed. In addition, another 100-150 more trees may be removed as well. Oakland is already losing many of its mature oaks to disease, drought, and development. A thoughtlessly planned expansion is not an unavoidable loss of our namesake trees. The Mountain View Cemetery managers can do a lot better than this plan.

CO-1

The Mountain View Cemetery was designed by Frederick Law Olmsted, a renowned architect who was known for incorporating nature into his designs. The current cemetery has rolling hills with scattered mature trees and shrubs. Birds use these native trees and shrubs, especially during their winter migrations. The hillside location provides distant views while the trees and shrubs provide a sense of privacy and allow visitors to feel that they're in nature, which is quite healing.

CO-2

I can't imagine wiping out so many trees and shrubs and replacing them with densely-packed, grass-covered graves. A bare hillside bereft of trees, shrubs, and the sounds of birds is a cold, exposed, uncomfortable place. It is not what Frederick Law Olmsted had in mind when he designed the cemetery, and it will not be the same place if this plan is approved. Please think of the living people who will visit the cemetery and seek solace in the nature provided there. Please think about how such a drastic change will alter this historic cemetery.

While I understand the desire of the cemetery's manager to increase the number of plots, obliterating whole sections (tree removal, shrub removal, grading) of native plantings is not a plan, it's outright destruction. Yes, there may be some trees that would have to be removed in order to expand, but not on this scale - it is environmentally destructive. In addition, to replace drought-tolerant, native plants with non-native, water-loving plants and grass is both wasteful and absurd.

CO-3

I understand that one of the arguments for vastly increasing the number of plots is to raise more money for the cemetery's endowment. Poor financial management on the part of the cemetery's managers should not be an excuse for destroying so many trees.

I urge you as the leader of the planning commission to reject the draft EIR and send this destructive plan back to the cemetery's managers for a complete overhaul. The mature oak trees and the look and feel of the Mountain View Cemetery are part of our Oakland heritage. Please protect it. Please consider the both the loss of native plants and habitat, and current and future visitors when deciding on changes to this historic cemetery.

CO-4

Thank you for your work on this issue. I would appreciate being kept informed of the committee's decisions in this matter.

Sincerely,
Beth Wurzburg
Oakland, CA 94602

Letter CO Response – Beth Wurzburg

Response CO-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Response CO-2: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response D regarding impacts on historic resources, including discussion of the historic Olmsted landscape.

Additionally, as indicated on page 4.3-18 of the Draft EIR, “There is a possibility that one or more species of birds protected under the federal MBTA could establish nests in trees and other vegetation that could be affected by construction activities. Destruction of a bird nest in active use or disturbance that could result in the abandonment of a nest with eggs or young would be a violation of the MBTA and State Fish and Game Code.” The Project will be required to implement City’s Standard Conditions of Approval SCA #26: Tree Removal during Breeding Season, to protect possible nesting habitat.

Response CO-3: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description, Master Response A regarding tree preservation and removal, and Master Response B regarding the Project’s water use.

Response CO-4: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

The request to be added to the project contact list is noted and the commenter has been added to the list to receive future notifications regarding this project.

Letter CP

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

From: zo [mailto:zobloom@yahoo.com]

Sent: Friday, July 29, 2016 8:25 PM

To: Payne, Catherine

Cc: Office of the Mayor; Kalb, Dan; conservation@ebcnps.org

Subject: ER15-001-Oak trees at Mountain View Cemetary

This is an email in support of preserving many more of the oak trees at the beautiful Mountain View Cemetery. and asking for the Cemetery development plans to be reworked in order to do that. The Draft Environment Impact Report states that the removal of these trees will make "no significant biological" or "cultural impact"... That is simply not true. The Draft EIR is inadequate and inaccurate. The California Native Plant Society will make scientific comments based on the draft EIR. Your comments can be more to the heart of things: that we care about our native trees, our native plant communities (in this case, what is left of these oak woodlands, in the hills in the upper areas of the cemetery).

CP-1

Letter CP Response – Zo

Response CP-1: Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the Draft EIR, or are otherwise beyond the purview of the EIR and/or CEQA. Please also see the Revised Project Description and Master Response A regarding tree preservation and removal.

Commenters at the City of Oakland Landmarks Preservation Advisory Board

The following is a summary of verbal comments on the Draft EIR provided at the public hearing before the Landmarks Preservation Advisory Board on July 10, 2016, followed by individual responses.

Speaker 1: Stafford Buckley, Board Member

1A: The commenter indicated that the Project site does seem to “touch” the Mountain View Cemetery – Chapel of the Chimes Historic District, an A1+ Area of primary Importance.

Response 1A: As indicated in the Draft EIR (Figure 4.4-2) The Project site is fully included within the Mountain View Cemetery – Chapel of the Chimes Historic District, which includes the entire Cemetery property. However, the Project site is not included within the boundaries of the original Olmsted Master Plan Area, and would not adversely affect any of the character-defining features of the Historic District.

1B: The commenter questioned whether any of the ‘at-risk’ trees may actually be lost or removed during construction.

Response 1B: Trees indicated in the “at-risk” category are not proposed for removal, but are potentially at risk of damage or removal because of their proximity to proposed grading activity. Trees identified as being at risk are intended to be preserved and protected, requiring special precautions to ensure they are not damaged during the construction process. Trees included in the “Preserved” category are those located more than 30 feet beyond the limits of proposed grading, and not in an area potentially susceptible to risk of damage from the Project’s construction activities. If the Project’s construction activities may subsequently indicate that removal of an at-risk tree is necessary and that no protection measures are feasible, a separate tree removal permit (with tree replacement planting as may be required) for any such tree would be required.

1C: The commenter noted that loss of existing brush habitat may result in loss of bluebirds.

Response 1C: The western bluebird (*Sialia mexicana*) has no official special status species designation, but has been listed on the National Audubon Society's “Blue List” in 1972 and from 1978 to 1981. The species may be in decline in parts of its range (including in California) where available habitat – primarily oak woodland - is destroyed, and where the species must compete with European starlings and house sparrows (Ehrlich et al. 1988, Roberson 1993). The Draft EIR (page 4.3-21) requires implementation of SCA #26: Tree Removal during Breeding Season, to ensure that any nesting birds (potentially including bluebirds) are adequately protected during construction.

Public Hearing Comments

Mountain View Cemetery DEIR

Public Hearing Comments (recorded by Catherine Payne, staff planner)

LPAB (7/10/16)

- Stafford Buckley (Board member):
 - Would “at-risk” trees likely be lost? | 1
 - Need sufficient undergrowth for habitat. EIR should provide analysis of habitat in terms of undergrowth. |

PC (7/20/16)

- Karen Whitestone (CNPS):
 - DEIR is insufficient with regards to Arborist Report: report is confusing regarding which trees are affected (and conflicting numbers)—unable to evaluate efficacy of mitigation measures without clear report. | 2
 - Emphasize reliance on OMC 12.36, encouraging use of native species for any tree replacement. | 3
- Judy Schwartz:
 - Could oaks tagged 131-136 be saved? | 4
 - EIR should address benefit of saving trees. |
 - Loss of oaks is contrary to Olmsted’s vision of an oak woodland cemetery—is this a potential cultural resource impact? | 5
 - Project description: is this the extent of the MVC Master Plan for the foreseeable future? | 6
- Jean Robertson:
 - Redesign project to save trees at edge of and adjacent to project area (in order to preserve habitat). | 7
 - Destroying mature oak trees is a biological and cultural resource impact. | 8
- Chris Patillo (Commissioner):
 - Fix typos on p. 4.2-18. |
 - Is there really an oak tree on-site with a >7’ DBH? | 9
 - Trees that are candidates for protection should be shown on Figure 4.3-1. |
 - EIR should study potential impact of deer being driven out of cemetery into surrounding residential neighborhood. | 10
 - EIR should require Independent Arborist on team to determine necessity for tree removal and options. | 11
 - Tree Report should include pruning recommendations for trees that remain below Stark Knoll to ensure health and protection of views. |
 - The planting design at the base of Stark Knoll should not result in an abrupt line of trees on the steeply sloped area, but rather trees should fan out into the flatter area to appear softer and more naturalistic in arrangement. | 12
 - P 4.4-3: Typo Weir is Waer | 13
 - MVC should submit a NRHP application to NPS. | 14
 - If trees are to be saved, they should only be moved once to a permanent location outside of project area. Moving trees twice could be detrimental to their health. | 15
- Nagraj (Commissioner):

- Can trees be moved? *{response: smaller, younger trees can be moved more successfully than larger, older trees}* | 16
 - Is blasting part of the project or an alternative?
- Manus (Commissioner):
 - Need an oblique aerial view to show effect of grading and vegetation loss/new plantings to understand effects for neighbors. | 17
- Moore (Chair):
 - Might be economical to move trees since equipment will be on-site for grading work. | 18

Commenters at the City of Oakland Planning Commission

The following is a summary of verbal comments on the Draft EIR provided at the public hearing before the City of Oakland Planning Commission on July 20, 2016, followed by individual responses.

Speaker A: Karen Whitestone, California Native Plant Society

A-1: The commenter indicated that the arborists' reports prepared for the Draft EIR are difficult to interpret and are inconsistent with each other.

Response A-1: Please see Master Response A in Chapter 12 of this Response to Comments document, which provides a summary of the arborists' surveys and methodologies. As indicated in that master Response, each arborist report assigned a unique number to each tree, and used different numbering systems to avoid overlap and inconsistencies.

A-2: The commenter suggested that the health ratings for certain trees were understated, and potentially biased.

Response A-2: Please see Response to comment B-15 (responding to similar comment from California Native Plant Society). The arborist reports were prepared by professional arborists who have been in business for over 30 years, during which time they have assessed the health and structure of thousands of coast live oaks. There are many factors that affect the health and structure of trees at the Mountain View Cemetery, including close spacing, a history of fire and branch/stem failures, trunk wounds and drought related dieback. The health ratings represent a snapshot in time, based on what was observed in the field during the surveys.

A-3: The commenter request that replacement trees be provided from among species types that are native to the area.

Response A-3: Please see Response B-18, which describes the Revised Project's Landscape Plan. The landscape plan now indicates that new tree planting for the Project will include a mix of oaks, redwoods, bay laurel, madrone (all from the City's approved replacement list) as well as other ornamentals. The Project will replace lost coast live oaks with replacement coast live oaks on a 1:1 basis. In addition, the revised Landscape Plan changes the mix of new trees, thereby increasing the number of coast live oaks within the replacement mix. The health and vitality of the replacement plan will be enhanced by species diversity. Redwoods, bay laurel and madrone are common and native to the area.

A-4: The commenter suggests that the Draft EIR does not address other potential future development that may occur within the Cemetery, and that no cumulative impacts are identified.

Response A-4: Other than on-going projects located in the lower portion of the developed Cemetery property, City staff is not aware of any other potential future development that may occur, or that is proposed to occur within the Cemetery. Each analytical chapter of the EIR concludes with a discussion of potential cumulative effects.

Speaker B: Judy Schwartz

B-1: The commenter requests further consideration of whether certain oak trees can be preserved.

Response B-1: Please see Master Response A in Chapter 12 of this Response to Comments document, which fully describes the Revised Project's proposed preservation and protection of an additional 20 Coast live oak trees, as compared to the Original Project.

B-2: The commenter requested an extension of time for further comments on the Draft EIR.

Response B-2: On June 16, 2016, the City of Oakland released a Draft EIR for the Project. The state-required 45-day public review and comment period on that Draft EIR ended on August 1, 2016. During the public review and comment period, the City of Oakland held public hearings before the City of Oakland Landmarks Preservation Advisory Board (July 10, 2016) and before the City of Oakland Planning Commission (July 20, 2016). No extension of time for further comment was warranted.

Speaker C: Jean Robertson

C-1: The commenter indicated that the Project would result in destruction of numerous oak trees, and that the Draft EIR's conclusion that this impact would be less than significant was inadequate.

Response C-1: The Draft EIR specifically defines the removal of existing trees on the Project site as a potentially significant impact if the Project's tree removal would fundamentally conflict with the City of Oakland's Tree Protection Ordinance. Factors considered in determining significance include the number, type, size, location and condition of the protected trees to be removed and/or impacted by construction, the number of protected trees to remain, and the proposed replacement with appropriate new tree species. Title 12, Chapter 12.36 of the City of Oakland Municipal Code contains the rules and regulations pertaining to the protection and removal of trees within the City, and Section 12.36.050 of that ordinance provides the criteria for tree removal permit review. In order to grant a tree removal permit, the City must determine that removal is necessary in order to accomplish any one of the following objectives:

- To insure the public health and safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers;
- To avoid an unconstitutional regulatory taking of property;
- To take reasonable advantage of views, including such measures as are mandated by the resolution of a view claim in accordance with the view preservation ordinance (Chapter 15.52 of this code);
- To pursue accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Parks and Recreation shall constitute compliance with this criterion; and/or
- To implement the vegetation management prescriptions in the S-11 site development review zone.

A finding of any one of the following situations is grounds for denial of a tree removal permit:

- Removal of a healthy tree of a protected species could be avoided by reasonable re-design of the site plan prior to construction, or trimming, thinning, tree surgery or other reasonable treatment.
- Adequate provisions for drainage, erosion control, land stability or windscreen have not been made in situations where such problems are anticipated as a result of the removal.
- The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival.
- The value of the tree is greater than the cost of its preservation to the property owner. The value of the tree shall be measured by the Tree Reviewer using the criteria established by the International Society of Arboriculture, and the cost of preservation shall include any additional design and construction expenses required thereby. This criterion shall apply only to development-related permit applications.

The Project does propose removal of certain trees to enable construction of the Project, but removal of these trees is not considered a significant CEQA impact, unless their removal were to be inconsistent with the requirements of the Ordinance. With implementation of The City of Oakland's Standard Conditions of Approval applicable to the Project and its effects on tree resources (including requirements to secure a Tree Removal permit, to provide adequate protection of trees to be preserved during construction, and to provide replacement tree plantings to compensate for the protected trees to be removed), the Project will comply with the City's Tree Protection Ordinance, and impacts will be less than significant.

C-2: The commenter indicates that the Draft EIR did not address the cultural value of oak woodlands.

Response C-2: The Project is not within nor does it propose to alter the historic Frederick Law Olmsted landscape, and the Project as designed complies with all applicable Secretary of the Interior Rehabilitation Standards. The City of Oakland has not designated or defined oak woodlands or individual oak trees as historic or cultural resources. The City does consider trees as eligible for protection under the City's Tree Protection Ordinance, and this topic is discussed and fully analyzed on pages 4.3-22 through 4.3-34 in Chapter 4.3 of the Draft EIR.

C-3: The commenter suggests that avoidance of impacts related to tree removal is the best mitigation, and endorses avoidance of tree removal at the Project site.

Response C-3: Please see Master Response A regarding the Revised Project and its ability to provide for additional tree protection and avoidance of removal of 20 additional oak trees from the Project.

Speaker D: Planning Commissioner Patillo

D-1: The Commissioner suggested that the minimum planting area for tree replacement planting as provided for under the City's Standard Condition of Approval #27 (i.e., 700 square feet per tree) is not correct, and that staff should reconsider and potentially revise this standard condition.

Response D-1: This comment addresses a City of Oakland Standard Condition of Approval, and is not a comment on the adequacy or accuracy of the Draft EIR. Although no specific response is necessary for this EIR, City staff does periodically review and revise its SCA's, and will consider this comment as part of their regular review.

D-2: The Commissioner noted inappropriately referenced text on page 4.2-18 of the Draft EIR, incorrectly identifying the Project as the Coliseum City Specific Plan.

Response D-2: Comment noted. Please see Chapter 14 – Revisions to the Draft EIR for correction. This correction does not materially affect the substance or conclusions of the Draft EIR.

D-3: The Commissioner questioned the accuracy of the Draft EIR's indication of an existing tree indicating as having a diameter at breast height of 7 feet – 11 inches (or 95 inches).

Response D-3: The EIR preparers are not able to identify the individual tree referenced in this comment, but note that the methodology used by Valley Crest is determining the size of individual trees was to add the diameter of multi-stemmed trees together, resulting in several very large-sized individual trees (see trees # 344, 346, and 488)

D-4: The Commissioner recommended additional tree pruning be conducted for certain trees on the Stark Knoll hillside to help repair exposed trees in this area.

Response D-4: Comment noted. This comment is consistent with HortScience recommendations at, "Trees to be preserved may require pruning to provide construction clearance. All pruning shall be completed by a Certified Arborist or Tree Worker. Pruning shall adhere to the latest edition of the ANSI Z133 and A300 standards as well as the Best Management Practices -- Tree Pruning published by the International Society of Arboriculture.

D-5: The Commissioner suggested that the replacement planting and landscaping plan include more trees along the edge of developed cemetery plots.

Response D-5: Please refer to the Revised Project's landscape plan, which includes substantially more new trees, as well as more preserved existing trees, along each of the proposed cemetery development areas.

D-5: The Commissioner suggested the applicant consider nomination of the Olmstead Master Plan portion of the Cemetery for listing on the National Register of Historic Places.

Response D-5: Comment noted. Nomination of the Olmsted Master Plan portion of the Cemetery is not required to mitigate any adverse effects of the Project, nor does it relate to the Project as proposed. The City does have a process for consideration and nomination of National Register properties should the City or Mountain View Cemetery elect to pursue this process as a separate action, apart from the Project.

Speaker E: Planning Commissioner Nagraj, Vice Chair

E-1: The Commissioner questioned whether moving certain existing oak trees may be possible, and whether the applicant had considered this possibility.

Response E-1: Please see Response to Comment B-38. The Cemetery did consult with a professional arborist to consider the potential for relocation and transplant of existing trees on site. That arborist concluded that a plan of save-in-place combined with purchase of some larger-sized box oak trees would address the size of canopy

issue more effectively and with less risk, when compared to transplanting trees at this site. The Revised Project Description proposes replacement of lost coast live oaks with replacement coast live oaks on a 1:1 basis, and the proposed additional 10 new, very large 60-inch box oak trees added to the planting plan over and above the 1:1 oak replacement.

E-2: The Commissioner questioned whether blasting was still being considered as a potential for the Project.

Response E-2: The Project applicant has requested the City consider the potential for blasting, rather than removal of hard rock mass via drilling, as an option. The environmental implications associated with blasting as an alternative method for removing rock mass is analyzed in the Alternatives chapter of the Draft EIR beginning on page 5-43. Applicable regulations addressing blasting are indicated as including California Occupational Safety and Health regulations (CAL/OSHA) Subchapter 2, Article 7; California Fire Code Chapter 56; and the California Code of Regulations Title 19, Subchapter 4. If blasting is to be carried out, the applicant would be required to implement additional mitigation measures prior to, during and post the blast event as described in Mitigation Measure Hazards-1A: Blasting Plan (see page 5-44 of the Draft EIR).

Speaker F: Planning Commissioner Manus

F-1: The Commissioner requested that the Project applicant prepared oblique diagrams of the Project, to better understand the spatial relationships of the project to its surroundings.

Response F-1: Rather than oblique diagrams, the Project applicant has prepared a number of artist's renderings of the Project, which do provide a greater sense of topography and setting than do the 2-dimensional plan drawings.

F-2: The Commissioner requested that a number of potential candidate trees recommended for preservation pursuant to further implementation of SCA #27 (as listed on page 2-7 of the Draft EIR) be further identified and described.

Response F-2: Please see Chapter 10: Revised Project Description, in particular page 10-6 regarding the revised Project's ability to achieve Draft EIR recommendations. Detailed diagrams showing each individual tree and their corresponding arborists' numbers are provided in Master Response A regarding Tree Protection.

Speaker G: Planning Commissioner Monchamp

G-1: The Commissioner requested visual simulation of the Project be provided, showing before and after images of the Project from public vantage points, as well as before and after replacement planting and landscaping had matured.

Response G-1: The Draft EIR (Chapter 4.1: Aesthetics) does include several photographs and photo-simulations of the Project site before and after construction of the Project. These photo locations (as shown on Figure 4.1-1 of the Draft EIR) were taken from various public vantage point where the Project site is visible. These simulations indicate changes in long-range, mid-range and near-range scenic vistas that would occur as a result of the Project. The photo-simulations were prepared showing a matured landscape plan for each Plot. Prior to maturity of the vegetation, these views would

show less mature vegetation. To partially address the issue of tree canopy at implementation, the Revised Project Description proposes the addition of 10 new, very large 60-inch box oak trees to be added to the planting plan, over and above the 1:1 oak replacement requirement.

G-2: The Commissioner requested the applicant consider further tree preservation as part of the Project design.

Response G-2: Please see Master Response A regarding the Revised Project and its ability to provide for additional tree protection and avoidance of removal of 20 additional oak trees at the Project site.

Speaker H: Commissioner Moore, Chair

H-1: The Chair also questioned whether moving certain existing oak trees may be possible, whether the applicant had considered this possibility, and whether tree relocation may be more economical at this site due to its proposed phasing and scale. .

Response H-1: Please see Response to Comment B-38. The Cemetery did consult with a professional arborist to consider the potential for relocation and transplant of existing trees on site. That arborist concluded that a plan of saving trees in-place combined with purchase of some larger-sized box oak trees would address the size of canopy issue more effectively and with less risk, when compared to transplanting trees at this site. The Revised Project Description proposes replacement of lost coast live oaks with replacement coast live oaks on a 1:1 basis, and the proposed additional 10 new, very large 60-inch box oak trees added to the planting plan over and above the 1:1 oak replacement.

Revisions to Draft EIR

This chapter presents all supplemental information, corrections, modifications and clarifications to the text and exhibits in the Draft EIR. Any of these changes or corrections may be initiated by City of Oakland (Lead Agency) staff or the Project sponsor, and/or may be made in response to public comments received on the Draft EIR. Changes include revisions warranted or required to ensure accuracy and clarity of the proposed Project and the environmental analysis of its potential environmental effects. To the extent that modifications to the Project presented in Chapter 10 (Revisions to the Project) of this Final EIR add or affect specific Draft EIR text and/or exhibits, those changes are referenced below.

The changes made to the Draft EIR in response to comments constitute information that clarifies or amplifies, or makes insignificant modifications to the adequate Draft EIR (see CEQA Guidelines § 15088.5b). As such, the changes summarized in this Chapter and in Chapter 10 (Revisions to the Project) do not require recirculation of the Draft EIR.

Throughout this chapter, newly added text is shown in double underline format, and deleted text is shown in strikethrough format. Changes are listed generally in the order in which they would appear in the Draft EIR. Certain changes supplement the overall discussion of a topic or Project characteristic and do not directly alter Draft EIR text. These types of changes are identified as Other Supplemental Information and listed under the relevant Draft EIR chapter or section.

As indicated in Chapter 9 (Introduction), the entirety of the Mountain View Cemetery Expansion Project Final EIR consists of the Draft EIR and its Appendices, and this Response to Comments document. Thus, the Draft EIR changes presented in this chapter are incorporated in and supersede corresponding original text in the Draft EIR, as specified.

Chapter 4.2: Air Quality

Page 4.2-

Thresholds of Significance

The City of Oakland CEQA Thresholds of Significance Guidelines was used to assess the impact of the Mountain View Cemetery Expansion Project ~~Coliseum City Specific Plan~~ on air quality. The approval and development of the Mountain View Cemetery Expansion Project ~~Coliseum City Specific Plan~~ would have a significant air quality impact if it were to:

Chapter 4.3: Biological Resources

Beginning at page 4.3-22:

Conflicts with City of Oakland Tree Protection Ordinance

Direct Effects of the Revised Project on Trees

- **Plot 82.** Within the Revised Project's identified limits of grading for Plot 82, there are a total of ~~88~~ 85 trees that are conservatively assumed to be removed by the Project. Of this total, ~~43~~ 48 trees are protected Coast Live Oak, 11 are protected trees of other species (including pines, cedars and plums), and 3 are native oaks which the arborist has indicated as being in "poor" condition (in poor health or with significant structural defects that cannot be abated with treatment, and that are expected to decline regardless of management). Additionally, ~~33~~ 23 non-protected trees (either blue gum or red iron bark eucalyptus) are also proposed for removal.
- **Plot 98.** Within the Revised Project's identified limits of grading for Plot 98, there are a total of ~~28~~ 34 trees that are conservatively assumed to be removed by the Project. Of this total, ~~22~~ 27 trees are protected Coast Live Oak, 6 are protected trees of other species (including pines, cedars and plums); ~~and 1 is an oak indicated as being in "poor" condition and recommended for removal.~~
- **Panhandle.** Within the Revised Project's identified limits of grading for the Panhandle, there are a total of ~~37~~ 39 trees conservatively assumed to be removed by the Project. Of these, ~~18~~ 24 trees are protected Coast Live Oak, ~~18~~ 19 are protected trees of other species (including pines, elderberries and maples), and 1 is an oak in "poor" condition. The additional trees to be removed include 4 non-protected blackwood acacia trees.
- **Stark Knoll Hill.** The Revised Project's grading concept for the Panhandle provides for the placement of approximately 12 feet of new fill against the base of the Stark Knoll hillside. This hillside is densely vegetated with trees and shrubs. Although each tree along this hillside has been surveyed and tagged as part of the Project's tree survey efforts, it is difficult to accurately estimate the status of each and every tree on the hillside. For purposes of analysis, it is conservatively assumed that any tree whose trunk is located at or below 12 feet from the base of the hillside will be covered by the proposed new fill, and removed. Based on the grading plan, there are a total of ~~13~~ 34 trees that are located within the assumed fill area at the base of the Stark Knoll hillside and conservatively assumed to be removed by the Project. Of this total, ~~9~~ 14 trees are protected Coast Live Oak, and ~~1~~ 7 ~~is a~~ are protected trees of other species (mostly Monterrey pines, and ~~2~~ 6 are native oaks which the arborist has indicated as being in "poor" condition. Of the additional trees to be removed, these trees are considered non-protected trees (mostly smaller oaks of less than 4 inches dbh).

Figures 4.3-6 and 4.3-7 Figures 12-1 through 12-10 show the location of each of the trees that are identified for removal as a result on the Project, and their location in relation to the anticipated limits of grading.

Additional "At Risk" Trees

The ~~Supplemental Arborist Report~~¹ identified ~~There are 169~~ 150 trees within the vicinity of the Project site that are outside of the Revised Project's proposed limits of grading and thus intended to be ~~protected~~ preserved, but that are in close enough proximity to the Revised Project's grading operations and slope remediation efforts (i.e., within 30 feet) that they could be lost as an indirect result of

¹ HortScience 2015, *Draft Arborist Report, Mountain View Cemetery, Oakland, CA*, prepared for Mountain View Cemetery, February

disturbance. These potentially “at risk” trees include the following, as shown on Figures 12-1 through 12-10 ~~4.3-6 and 4.3-7~~ and also summarized in Table ~~12-8~~ 4.3-1.

- Plot 82: Within 30 feet of the limits of grading of Plot 82, there are ~~33~~ 27 Coast live oak trees and ~~11 eucalyptus trees~~ that are potentially at risk due to their proximity to grading operations. Generally, these trees are located ~~on the adjoining slope of Hill 500, are located~~ along the existing roadway separating Plot 82 from the lower Plot 77, and at the easterly edge of Plot 82 just below existing Plot 77.
- Plot 98: Within 30 feet of the limits of grading of Plot 98, there are ~~14~~ 10 Coast live oak trees that are potentially at risk due to their proximity to grading operations.
- Panhandle: Within 30 feet of the limits of grading of the Panhandle, there are ~~23~~ 9 Coast live oak trees that are potentially at risk due to their proximity to grading operations.
- Stark Knoll Hill: For purposes of this analysis, it is conservatively assumed that any tree whose trunk is located more than 12 feet above the base of this hillside will not be covered by proposed new fill, and thus can be preserved. There are a total of ~~87~~ 61 trees that are located above the assumed fill area at the base of the Stark Knoll hillside (~~77~~ 50 protected oaks and ~~10 other protected~~ other trees, and ~~11 smaller oaks with a dbh of less than 4 inches, and thus not defined as “protected”~~). These trees are in close enough proximity to proposed grading operations that they may be “at risk” due to root zone damage, inadvertent direct impacts from heavy equipment, and soil sloughing during grading operations.
- Haul Route between Plot 82 and Plot 98. Within the general area identified as the likely haul route for grading operations between Plot 82 and Plot 98, there are ~~13~~ 6 protected Coast live oaks located in close enough proximity to potential haul route alignments that they could be lost as a result of grading disturbance.
- Below the water tank at Plot 98. Within the general area below the water tank at Plot 98, there are a total of ~~18~~ 26 protected oak trees. Although none of these ~~18~~ 26 trees are identified for removal, all of them are immediately downhill from areas identified in the geologist’s report as being subject to landslides or unstable soils and could be lost as a result of slope remediation efforts.

Additional Trees not “At Risk”

The tree surveys that were conducted for the Project identified all trees within 30 feet of proposed construction activity (as required by the City’s Tree Permit forms). A number of additional trees are located outside of the required 30-foot distance but in relative proximity to grading activity, or are trees generally associated with those trees within the required survey limits. These trees were also surveyed. In total, there are ~~79~~ 78 trees that were included in the tree survey, but that are distant enough from the Project that they are not considered to be at risk from Project construction and grading. This includes all of the 30 trees included within the tree survey efforts that are located within the City of Piedmont’s jurisdiction.

Standard Conditions of Approval

The City of Oakland’s Standard Conditions of Approval will apply to the Project and its effects on tree resources. These SCAs (primarily SCA #27: Tree Permit) include requirements to secure a Tree Removal permit, to provide adequate protection of trees to be preserved during construction, and to provide replacement tree plantings to compensate for the protected trees to be removed, and ensure that the Project will comply with the City’s Tree Protection Ordinance.

Tree Protection Measures

Of the ~~434~~ 420 total inventoried trees, the Project is conservatively estimated to place as many as ~~189~~ 150 trees “at risk” due to their location in proximity (i.e., within 30 feet) of grading and construction activities of the Project. An additional ~~79~~ 78 of the surveyed trees are located far enough away from grading operations such that they are beyond the “at risk” zone. Approximately ~~87~~ 61 of the “at risk” trees are located on the Stark Knoll hillside above the proposed fill height, ~~70~~ 56 of these trees are located near the edge of proposed grading but not within the grading limits, ~~18~~ 26 trees are located down-slope of identified landslide-prone areas, and ~~13~~ 6 trees are located in the area of the likely haul route for grading operations between Plot 82 and Plot 98.

Pursuant to SCA #27 sub-part b, the Project will be required to develop a Tree Protection Plan to demonstrate that adequate protection measures will be provided during the construction period to ensure that all of the ~~189~~ 150 “at risk” trees, as well as the ~~79~~ 78 trees beyond the “at risk” zone will be protected and preserved. These protection measures shall include, but are not limited to:

- security fencing around the base of the tree (at a distance from the trunk to be determined by a consulting arborist);
- developing a construction operations plan that provides for the careful removal and disposal of brush, earth and other debris;
- avoiding any excavation, cutting, filing or compaction of the existing ground surface within the protected perimeter;
- retaining the existing ground level around the base of all protected trees; and
- using smaller equipment (potentially including hand tools) for any earthwork immediately uphill or downhill from a protected tree.

With implementation of these required measures pursuant to SCA #27 wherever feasible, all of the 150 “at risk” trees will be able to be preserved.

The City’s Tree Protection Ordinance includes criteria for “findings” necessary prior to issuance of a tree removal permit. These findings must indicate, among other factors, that a tree removal permit will not be issued if: (a) removal of a healthy tree of a protected species can be avoided by reasonable redesign of the site plan prior to construction; and (b) if the value of the tree (or trees) to be removed exceeds the cost of tree preservation, using criteria established by the International Society of Arboriculture. These criteria apply to development-related permit applications, such as the Project.

~~While not required to reduce a significant CEQA impact, the following measures are recommended in furtherance of SCA #27 to seek additional tree protection and preservation efforts when preparing final grading plans for the Project. These recommendations are Project-specific details of how SCA #27 will be implemented to further comply with the Tree Ordinance’s findings pertaining to reasonable re-design efforts as a means of further protecting healthy trees:~~

Recommendations for Implementation of SCA #27: Additional Tree Preservation Efforts. During preparation of final grading plans for the proposed Project, the applicant's landscape architect and geotechnical engineer shall work collaboratively to seek, where possible, reasonable Project redesign strategies that can effectively result in the preservation and protection of additional trees, specifically including the following:

Plot 82:

- a. At the westerly portion of Plot 82 near the terminus of the retaining/crypt wall, attempt to reduce the extent of cut below the existing Plot 77 slope, such that additional tree preservation in this area can be achieved. Specific trees that could potentially be preserved in this area include oak trees #180, 184 and 185.
- b. At the most westerly portion of Plot 82 and immediately upslope of the existing road, attempt to reduce the extent of cut just above the existing road such that additional tree preservation in this area can be achieved. Specific trees that could potentially be preserved in this area include oak trees #197 through #206.
- c. At the most southerly portion of Plot 82, efforts shall be attempted to contour the proposed cut and fill just above the existing road, such that the prominent 91-inch-dbh eucalyptus tree (#137) at this location can be achieved. Although this eucalyptus is not considered a protected tree, its size and spreading canopy serves to provide existing erosion control, visual screening and shade, and is a dominant tree in the existing landscape.

Plot 98 and Panhandle:

- d. Along the unimproved portion of the ridge road immediately north of Plot 98, seek to reduce extra roadway grading and improvements beyond the edge of pavement, and/or design the proposed fill slope in this area such that additional tree preservation can be achieved. Specific trees that could potentially be preserved along the perimeter of the upper road alignment include oak trees #2-4, 11, 14, 16-17 and 21 in the westerly portion of Plot 98, #37 and 38 in the central portion, and #48 in the eastern portion of the Panhandle.
- e. At the southerly edge of Plot 98 near the existing water tank, seek to design the proposed retaining wall in this area such that it is uphill and does not intrude into the root zone of oak trees #86, 87 and 327 near the water tank, #92 west of the water tank, and #85 east of the water tank.

These specific recommendations for additional tree preservation and protection that could potentially be achieved through minor redesign measures incorporated into the Project's final grading plans, and are consistent with the City's Tree Protection Ordinance criteria which require consideration of reasonable redesign of projects prior to issuance of a tree removal permit, and SCA #27 sub-part b requiring adequate protection during the construction period for all trees that are assumed to be preserved.

Tree Replacement Planting

Pursuant to SCA #27, sub-part c, replacement tree plantings are required for all removal of all "protected" native trees. The replacement tree plantings shall provide for erosion control, groundwater replenishment, visual screening, wildlife habitat and preventing excessive loss of shade. Of the 434 420

total inventoried trees, the Project is conservatively estimated to result in removal of ~~92~~ 113 protected native trees (mostly all Coast live oaks. Consistent with the requirements of the Tree Preservation Ordinance and SCA #27 subpart c, the Project proposes to replace these removed native Coast live oak trees with replacement Coast live oaks on a 1:1 basis. This will result in 92 new, 24" box Coast live oaks planted within the Project site, as many as 143 new, 24-inch box trees selected from the City-approved list of allowable species, thus meeting or exceeding the City's required replacement ratio of 1:1 replacement of protected native trees. As a replacement for the 36 ~~34~~ non-oak, but protected trees to be removed, the Cemetery will provide for replacement planting also at a 1:1 ratio, using new, 24" box trees from the City-approved list of allowable replacement tree species. These may include Coast live oak, Canyon live oak, Mesa oak, Island oak, and Coast redwoods, California buckeye, Oregon white oak, California black oak and/or Valley oak. These new tree plantings will fully satisfy the City's replacement tree requirements under the City Tree Protection Ordinance.

Additionally, the Project will result in removal of ~~32~~ 34 mature trees of other non-native and non-protected species comprised of primarily of eucalyptus ~~and acacia~~. Many of the eucalyptus trees proposed for removal are relatively large trees that are part of a grove associated with adjacent Hill 500, immediately west of the Project site. These species are not recognized as protected trees in the City's Tree Preservation Ordinance because of their high fire fuel loads, and compensatory mitigation is not required. The Blackwood acacia trees proposed for removal are highly invasive species with a moderate ranking from the California Invasive Plant Council (given their threat to natural habitat) and are not recommended for preservation.

~~SCA #27 requires replacement tree species to be comprised 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 Division. The Project's proposed Landscaping Plan (Figures 4.3-8 and 4.3-9) proposes to plant new trees that may include the following evergreen canopy species: Coast live oak, Canyon live oak, Mesa oak, Island oak, and Coast redwoods; as well as the following types of deciduous canopy species: California buckeye, Oregon white oak, California black oak and Valley oak.~~

~~SCA #27 also requires that replacement trees shall be at least 24 inch box size (unless a smaller size is recommended by the arborist), or that three 15-gallon size trees may be substituted for each 24 inch box size tree where appropriate. The Project's proposed Landscaping Plan also proposes to plant the following additional trees, over and above the tree replacement requirements:~~

- The Cemetery proposes to purchase and plant 10 new large, 60" box oak trees within the overall landscape plan, over and above the 1:1 oak replacement. This will increase the perceived mass of the new trees when planted.
- The Landscape Plan also now includes an additional 40 new, 24" box oak trees, which are in excess of the replacement tree requirements.
- Additionally, the Landscape Plan includes 35 other trees comprised of a mix of redwoods, bay laurel, and madrone. These tree species are common and native to the area, and the species diversity may improve the chances for successful maturity, as it is difficult to predict which tree species will grow well in the microclimates of the Project site.
- The Landscape Plan also includes 105 other individual canopy and accent trees that will be comprised of a mix of cedar, maple, cypress, plum and cherry trees.

Based on the Landscape Plan now proposed, the Revised Project will include tree plantings that total 317 new trees, of which at least 143 new trees will be oaks. The Cemetery has indicated that, unless use

of local genetic stock would result in lowered ability to fight disease due to narrowed genetic diversity, it will purchase local genetic stock for replacement trees if they are available and practical.

proposes to plant a total of 143 new, 24 inch box size trees from the City approved list of allowable species, which exceeds the City's required replacement ratio for replacement of 113 protected native trees (oaks).

SCA #27 also requires that the minimum planting area available on site must allow for a spacing of 315 square feet per tree for *Sequoia sempervirens*, and 700 square feet per tree for other species. Adequate land area is present on the Project site and on immediately adjacent lands within the Cemetery to meet the minimum planting requirements called for under this SCA.

4.7: Hydrology

Beginning at page 4.7-21

Consistency with City of Oakland Creek Protection Ordinance

Permit Requirements

According to the Ordinance, the Project site is considered a "creekside property" because the Cemetery has creeks and riparian corridors crossing the property. Therefore, according to section 13.16.120 of the OMC, before any work may commence at the Project site, the applicant will be required to obtain a creek protection permit.

The closest regulated feature that would be defined under the Creek Ordinance as a "creek" is the ephemeral drainage that flows into the area known as the Clarewood Bowl, immediately north of the Project site. This ephemeral drainage begins at a box culvert opening that is an outlet to a drainage pipe which conveys runoff from the development area at Stark Knoll Court, just above the Panhandle portion of the Project. This box culvert opening is located approximately 140 feet to the north (downhill) of the limits of anticipated grading associated with the proposed Project (see Figure 4.7-3).

The distance between the identified limit of Project-related grading activity and this regulated feature exceeds the 100-foot controls for a Category III permit but, because of the extensive earthwork and grading activity proposed uphill from this regulated creek, the Project will be required to apply for a Category III Creek Protection permit. If projects, and are only required to submit a site plan clearly illustrating the relationship and distance of the project to the creek centerline and top of the creek bank. Submittal requirements for Category III Creek permit projects include a site plan that shows the relationship and distances between the development or work to be conducted and the top of bank of the Creek, as well as a Creek Protection Plan that describes the BMPs that will be employed to assure construction activity will not adversely impact the creek bank, riparian corridor or water quality.

~~There is the potential that the Project's final grading plans showing the defined limits of grading may need to be adjusted, depending upon subsurface conditions that may be encountered (such as the potential presence of currently unknown un-compacted artificial fill north of the current limits of grading). Should adjustments to the grading limits for the Project later be found necessary based on unknown conditions encountered in the field, and such adjustments result in grading operations that would occur within 100 feet of the ephemeral drainage within the Clarewood bowl, then grading activity would need to cease until a Category III Creek Protection permit is prepared, reviewed and approved pursuant to SCA #54.~~

Mitigation Measures

No mitigation measures are necessary, based on the Project's conceptual grading plans included in the Project Description. ~~If the Project's final grading plans and defined limits of grading need to be adjusted due to subsurface conditions that may be encountered in the field, the~~ The submittal and required approval of a Class III Creek Permit as required pursuant to SCA #54 would ensure that no fundamental conflict with the City of Oakland Creek Protection Ordinance would occur, and the impact would be less than significant.