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# El Cerrito Plaza Mixed-Use Development Project Final Subsequent Environmental Impact Report

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State Clearinghouse No. 2004032021

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# Section 1

## Introduction

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### 1.1 BACKGROUND

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A Draft Subsequent Environmental Impact Report (SEIR) was prepared by the City of El Cerrito to disclose potential environmental effects of the proposed El Cerrito Plaza Mixed Use Development Project, located at the southeast end of the El Cerrito Plaza Shopping Center in the City of El Cerrito, California. The Draft SEIR included a description of the proposed project, an assessment of its potential effects, a description of possible mitigation measures to reduce the significant effects that were identified in the Draft SEIR, and a consideration of alternatives that could address potential impacts. The project involved the following two components: (1) Measure C BART Parking Garage and (2) Mixed-Use Residential Development and daylighting and restoring approximately 180 feet of Cerrito Creek. In accordance with the California Environmental Quality Act (CEQA), the Draft SEIR was distributed for public review and comments.

The public review period for the Draft SEIR began November 1, 2004 and ended January 3, 2005. During this time frame, the document was reviewed by various state, regional, and local agencies, as well as by interested organizations and individuals. Written comments were received from 5 public agencies (federal, state, regional, and local), 6 organizations, and 73 individuals. A public hearing was held in the City of El Cerrito Council Chambers before the Planning Commission on December 1, 2004 to obtain oral comments on the Draft SEIR. Sixteen members of the public delivered comments during the public hearing.

After the public review period, the City, as the project sponsor for the BART garage, determined not to go forward with the garage portion of the project. Therefore, the project sponsor decided to proceed with an alternative that was evaluated in the Draft SEIR. The revised project is the Residential Only Alternative, as described in greater detail in Section 2, below, which excludes the BART parking garage and the child care facility. As a result, comments specific to impacts of these components of the project (i.e., the garage and child care facility) are no longer relevant.

This document responds to comments on the Draft SEIR that were raised during the public review period and contains revisions intended to correct, clarify, and amplify the Draft SEIR. The responses and revisions in this document substantiate and confirm the analyses contained in the Draft SEIR. No new substantial environmental impact and no increase in the severity of an earlier identified impact have surfaced in responding to the comments. Together, the previously released Draft SEIR and this document of comments and responses constitute the Final Subsequent Environmental Impact Report (Final SEIR). As the lead agency, the City must certify the Final SEIR before action can be taken on the project. Certification requires that the City make findings that the Final SEIR complies with CEQA.

The City and its consultants collaborated in preparing the responses to comments. Consultant team members and their roles include:

- EIP Associates – overall document production and review; technical responses to comments concerning the project description, land use compatibility, visual quality, air quality, cultural resources, hazardous materials, soils and geology, hydrology and water quality, utilities, and public services.
- Dowling Associates – technical responses to comments concerning transportation, circulation, and parking.
- Wilson Ihrig Associates – technical responses to comments concerning noise.

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## 1.2 REVISED PROJECT

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Following release of the Draft SEIR in November 2004, the project sponsor reconsidered his proposal to construct a residential project, a BART parking garage, and a child care facility. In March 2005, the City of El Cerrito Community Development Department received revised plans for the project site, which included 128 residential units, 158 parking spaces for residents and guests, and a revised daylighting and restoration plan for Cerrito Creek. This revised plan was initially evaluated as the Residential Only Alternative in the Draft SEIR and represents the current development proposal before the City for review (now referred to as the Residential Only Project).

A full description of the revised project is presented in Section 2 of this document. In addition, Section 2 expands upon the impact analysis of the Residential Only Alternative presented in the Draft SEIR. Notably, those impacts associated with the parking garage and child care facility, including traffic congestion and noise exposure and generation, would no longer occur and thus, in many instances, the impacts of the Residential Only Project are less than projected for the originally proposed project.

It is not uncommon for a project proponent to suggest modifications to a proposed project during the CEQA review process, particularly where members of the community voice concerns over the project as happened here. CEQA encourages such modifications. In fact, as some courts have noted, "The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal."<sup>1</sup>

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## 1.3 HOW TO USE THIS REPORT

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This document consists of six sections: (1) Introduction, (2) New Proposed Project, (3) List of Commentors, (4) Master Responses, (5) Responses to Written Comments, and (6) Responses to Oral Comments. Section 1 reviews the purpose and contents of the Final SEIR. Section 2 describes the

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<sup>1</sup> *Kings County Farm Bureau v. County of Solano* (1990) 221 Cal.App.3d 692.

Residential Only Project in greater detail and evaluates its environmental effects. Section 3 lists the public agencies, organizations, and individuals who submitted comment letters on the Draft SEIR or spoke at the public hearings on the Draft SEIR. Section 4 contains master responses to frequently raised comments regarding:

- the present status of the proposed project and the CEQA process;
- circulation and safety in the El Cerrito Shopping Center and near schools;
- noise concerns; and
- air quality concerns.

Section 5 contains individual responses to comments not addressed by a master response. Specific comments from each comment letter have been enumerated in the margin of the letter, which is reproduced in Section 5 of this document. Comments are denoted using a numbering system that identifies the comment letter and the comment number within the comment letter. Thus, Comment 13.2 refers to the second comment in Comment Letter #13. Responses to each of these comments follow each comment letter and follow the same numbering scheme. Thus, Response 13.2 addresses Comment 13.2. For the most part, the responses provide explanation or additional discussion of text in the Draft SEIR. In some instances, the response supersedes or supplements the text of the Draft SEIR for accuracy or clarification. New text that has been added to the Draft SEIR is indicated with underlining. Text that has been deleted is indicated with ~~striketrough~~.

Section 6 contains individual responses to oral comments not addressed by a master response or a response to a written comment. A transcript of oral comments received at the December 1, 2004, El Cerrito Planning Commission public hearing is included in Section 6 and each oral comment has been enumerated in the margin. Comments are denoted using the same numbering system as in Section 5, explained above. All oral commentators, with the exception of Noel Plummer (Speaker 10) and Laurie Sobel (Speaker 16), also submitted similar written comments on the Draft SEIR. Therefore, Section 6 contains responses only to Speakers 10 and 16.