

# Section 5

## Responses to Written Comments on the Draft SEIR

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### 5.1 INTRODUCTION

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Written comment letters on the Draft Subsequent Environmental Impact Report (SEIR) are reproduced in this section, followed immediately by responses. Discrete comments from each letter are denoted in the margin by a vertical line and numbered. Responses to comments follow each comment letter and are enumerated to correspond with the comment number. Response 19.1, for example, refers to the response for the first comment in Comment Letter #19. Many responses in this section refer to master responses, which are found in Section 4 of this document.

### 5.2 RESPONSES TO WRITTEN COMMENTS

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Comment letters and responses begin on the following page.

# Section 6

## Responses to Oral Comments on the Draft SEIR

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### 6.1 INTRODUCTION

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Oral comments on the Draft Subsequent Environmental Impact Report (SEIR) made at the December 1, 2004 El Cerrito Planning Commission public hearing are reproduced in this section. Discrete comments from transcripts from the public hearing are denoted in the margin by a vertical line and numbered. Responses are enumerated to correspond with the comment number. Response SP1.1, for example, refers to the response for the first comment from Speaker 1 at the Planning Commission public hearing. Many responses in this section refer to master responses, which are found in Section 4 of this document.

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### 6.2 PLANNING COMMISSION PUBLIC HEARING COMMENTS AND RESPONSES

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The December 1, 2004 Planning Commission public hearing transcript is reproduced beginning on the next page, followed by responses to speakers SP10 and SP16 only. All oral commentators, with the exception of Noel Plummer (Speaker 10) and Laurie Sobel (Speaker 16), also submitted written comments on the Draft SEIR that raised questions or topics that were similar enough to their oral comments as to warrant responses to their written comments only; therefore, in this document, there will be responses only to those oral commentators listed above as SP10 and SP16.

Please refer to Section 5 for responses to all other oral commentators, listed by name.

12-1-04 DRAFT SEIR PUBLIC HEARING

Peter Varadi – Tahoe Place

Closest to the garage

- 1.1 EIR does not mention Tahoe Place
- 1.2 There will be impacts on the childcare facility. All impacts to children surrounding the garage are not in the EIR. 1.3

- 1.4 Safety on the Ohlone Pathway. EIR mentions adding safety equipment. Spoke about perceived safety – read from BART station access guidelines how Ohlone Path does not attract pedestrians. People might not use the path to get to BART due to safety reasons. Perceived safety is not address in EIR.

Charles Elmstedt 428 Norvell

- 2.1 A group of neighbors hope a lot of thought will go into the location of the BART garage and the housing. BART will not see any profits from Garage. Making housing available to Seniors will reduce the impacts to the area as Seniors don't have cars. Neighbors are concerned the southeast corner will become very congested. What if Albany does close their streets? Who does the planning? These are supposed to be safety engineers. Safety issues in garage – will developer take care of that? How will that be enforced? Why would people pay and walk further when they can walk for free? Who will control the garage, the City or the developer? What effects will we see?

Peter Loubal

- 3.1 No opposition to the housing. Protest the three minute limit. Wants to continue the financial discussion started in the OSH case. Believes that financials have a direct bearing on utilization.

Mani Feniger 235 Behrens

- 4.1 Sound section – “BART train noise reflected from walls” ambient noise = noise is already unbearable in the area. “Although barely perceptible” is not true. It's actually louder than the report gives it credit for. Trying to stay with the current noise on BART is already difficult. Not a reality for the citizens to deal with anything louder. Noise extends up to Ramona. Statistics have nothing to do with the reality of the situation.

Karen Summerly 202 Behrens St.

Renter, but opposed to the project. Health, safety, noise quality coments will be made in writing. Traffic – the SEIR says the purpose of the garage is to serve existing BART

- 5.1 users. No data in SEIR justifying that comment. BART Ridership study is from 1999 (this is included in the SEIR) nothing since then is included in SEIR. SEIR says that Wilbur Smith Associates said the lots are filled up by noon – not supported by neighbor investigations. Nothing about Albany street closures. Extremely concerned developer
- 5.2 has presented modified version of the project that is not reflected in the proposal. Traffic and safety isuses for Albany middle school is not adequately addressed in the EIR – 5.3
- 5.4 especially between Masonic and Ashbury. Delays at those intersections are substantially longer than any delay listed in the SEIR.

Michael Gardner, 235 Behrens St.

- 6.1 Whether Parking lot is needed at all is not addressed in SEIR. We don't know who will actually use the parking garage. On a weekday, in casual studies, neighbors found parking in BART lot has 50 empty spaces at noon. This is not a free project.
- 6.2 Shading the Ohlone Greenway – parking garage would shade Ohlone Greenway in afternoons.
- 6.3 Noise pollution not dealt with within SEIR.
- 6.4 View diminishment – towering buildings will eliminate views for a number of people in El Cerrito & Albany.
- 6.5 Pollution on Cougar Field – children playing on field are not considered local receptors in SEIR.
- 6.6 New Traffic Light on Fairmount @ Liberty – significant waits on Fairmount now without additional traffic. Issue not dealt with in SEIR.
- 6.7 Congestion in south part of Plaza – how will traffic function in this area?

Mary Milton 206 Ashbury

- 7.1 This project is not Transit Oriented Development. TOD recommends 20-25 units per acre. TOD is in area where you can come and go easily. TOD provides amenities for the community. This project doesn't meet it. This project is not like Fruitvale which was a benefit to the community. This will deteriorate the neighborhood. Albany interaction.

Charles Burress

- 8.1 Petition with 508 signatures given to Doug. Believes SEIR violates CEQA because the development in SEIR is not what the developer is proposing. Proposed new project at the Albany School Board meeting. Less impact, maybe, but it will need to be analyzed. Believes the project has been contaminated. Project changed before the SEIR was released.

Maggie Winslow 227 Behrens St. (Michael Graf's wife)

- 9.1 SEIR does not adequately study increases in PM2.5 – needs to look at that. During construction, SEIR says no significant impact if Bay Area Air Control Management District. SEIR needs to look at enforcement for requirements and mitigations laid out in SEIR. Did not look at impacts directly downwind of project in Cougar Field.
- 9.2 Garage may not really be necessary. If the lot in the rear is empty all day and people could park there and walk to BART, how would people use a garage.

Noel Plummer 415 Talbot Albany

- 10.1 Visual impact – Evelyn impacts – anywhere on Evelyn, views of hillsides obliterated. Views of hills on Talbot will also be affected. Lighting is an issue on the Plaza alone.

**10.2**

10.3 Traffic issues along Talbot still a problem even with a one-way installation. Speed bumps will not alleviate the situation. Does not believe people will follow whatever the rules area. Does not believe any future construction will follow rules – the experience of the Plaza makes her believe

Eleanor Moses 622 Cornell St.

11.1 Impacts of traffic on the streets in Albany. SEIR did not adequately address traffic issues in Albany. Since renovation, traffic has increased. Increased traffic kills the community. Does want to feel unsafe in her neighborhood. Does not believe impact of traffic on the neighborhood has been adequately addressed. Proposed mitigations to the streets will not necessarily alleviate traffic impacts, but instead transfer the traffic somewhere else.

11.2 Traffic impact near Brighton Middle School should be addressed.

Lisa Schneider 500 Block Stannage

12.1 Pedestrian and bicycle impacts. SEIR disregards children in this area – especially at Brighton Middle School. Over 850 children attend the school on Brighton. Middle school children not always reasonable pedestrians. SEIR needs to review child pedestrian patterns at different times throughout the day. If the project is built at planned, more parents may start driving to the school to protect their children.

12.2 The SEIR understates how many users will use the Albany streets to access the project. All the routes into the project will pass by parking spaces. Would like El Cerrito to allow street closures.

Catherine Beller 130 Behrens

13.1 SEIR does not adequately address traffic on Brighton Avenue. Brighton between San

13.2 Pablo and Key Route and from Portland to El Cerrito Plaza. Cougar Field is not just a play field, it's a community center of sorts for people in both El Cerrito & Albany.

13.3 Increased noise to Behrens, Cornell, Fairmount, Tahoe Place (more check tape) not noted in the SEIR. SEIR is supposed to be snapshot of what could happen – SEIR should be

13.4 address the impact of Albany closing the street. SEIR does not adequately address

13.5 quality of life and view issues. If mitigations say less than significant level and this

13.6 doesn't happen in real life once the project is built – what do we do?

Anne Lehman 223 Behrens St.

14.1 Pages 3.4-22 SEIR states quite clearly that the BART Station Plan that the plan does not estimate any increase in ridership. Only patterns of trips will be altered. Internal circulation within the Plaza is called out as inadequate.

14.2 Views: SEIR does not mention the loss of the Mt. Tam views.

14.3 1-2 decibels of increase is going to be significant because it's already so high. 3.5-13 two mitigations – first one says limit increase to 1 decibel and second says reasonable design goals is to limit the increase to 2 decibels.

Doug Donaldson – Chair of Albany Planning Commission – 627 Spokane in Albany

- 15.1 1. LU Mitigation measure 2.2 – project as currently designed does not conform to current zoning. Application should not of been deemed complete.
- 15.2 2. Noise – the SEIR provides good noise monitoring data. LDN of 78 dba says that this land is unacceptable for residential use. The SEIR doesn't go back and say there's also a land use impact. Because it says that, it is an significant and unavoidable impact.

Laurie Sobel 131 Behrens

- 16.1 Bart is very noisy. This isn't a NIMBY crew – they want well planned development. Invite Planning Commission to come out to Behrens Street. Even with double paned windows, the noise is unbearable.

**1. Terry Roberts, Director, State Clearinghouse, Governor's Office of Planning and Research**

- 1.1 The State Clearinghouse indicates that the El Cerrito Plaza Mixed-Use Development Project Subsequent EIR has been distributed to state agencies and departments for review and that the City has complied with the State Clearinghouse review requirements. No further response is warranted to this commentor, although it is noted that direct responses have been prepared to the responsible agencies and other public agencies that submitted comments.

**2. Robert W. Floerke, Department of Fish and Game**

- 2.1 The Department of Fish and Game has reviewed the Draft SEIR for the El Cerrito Plaza Mixed Use Development Project and has no specific comments concerning impacts to biological resources. No response is necessary.



### 3. Deidre Heitman, BART

- 3.1 Recent analysis does not contradict the findings of the previous analysis, much of which was conducted along the BART system. The point made by the commentor, that the Draft SEIR overcounts auto trips, underscores the conservative approach to the traffic analysis. This approach has been used to ensure that the maximum reasonable impacts on intersections are acknowledged. While the commentor disagrees with this approach, it properly addresses the possibility that the project may not yield transit ridership as great as other BART stations.
- 3.2 The BART parking structure is not proposed as part of the Residential Only Alternative, the new proposed project. Thus, concerns about the trip generation and distribution of garage-related traffic are no longer relevant.
- 3.3 The parking information from Wilbur Smith Associates cited on page 3.4-11 was thought to be from BART's recent station surveys. However, in acknowledgment of the comment, text on page 3.4-11, paragraph 4, sentence 7 is replaced by the following text:

In a survey conducted for BART in Spring 2004, no regular parking spaces were available after 7:45 am. ("Regular" means those spaces not reserved for carpool/mid-day, or for the reserved parking program.)

- 3.4 Most traffic from the proposed residential units would access the site along other routes and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential

negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

It is standard practice for assumptions to be made based on judgment and reconnaissance of the setting and that on-site traffic congestion is evaluated where an obvious or well-documented safety problem exists or the owners of the private development successfully request such an undertaking.

3.5 A child care facility is not part of the Residential Only Alternative. Accordingly, concerns regarding the validity of the child care facility trip generation rate are no longer relevant.

3.6 The generation rates used to estimate the number of school-aged children is referenced in footnote 34 on page 3.13-11 of the Draft SEIR. As noted by the commentor, the demographic profile of households in a transit-oriented development likely differs from other households in the community and thus may result in fewer school-aged children. Nevertheless, in the absence of a marketing plan or housing costs for the proposed units, it is not possible to accurately adjust the household composition to reflect the future occupants. If the future households have fewer school-aged children than the average household in the school district, then the Draft SEIR conservatively overestimates the future school enrollment from the proposed project. Since the Draft SEIR indicates that the proposed project would have a less-than-significant impact, a transit-oriented development household with fewer children per household would have even less impact. Thus, the conclusion in the Draft SEIR would not change.

3.7 Page 4-5 of the Draft SEIR presents hypothetical scenarios that could be advanced as a reduced project alternative. The discussion in the last paragraph on page 4-5 discloses the rationale used by the EIR preparers to select the most viable expression for a reduced project alternative. Scenario 2 reduces the parking garage so significantly that it does not remotely achieve the project objective and was therefore deemed unworthy of any further exploration. There are other scenarios that can reduce the overall size and scale of the project and better achieve the project objectives.

As noted by the commentor, the BART Parking Garage Relocation Alternative also falls short of meeting the project objective, but the reduced size of the garage is not so dramatically reduced that it should be dismissed. In the evaluation of this alternative on page 4-7 (see paragraph 3), the Draft SEIR states that "the project objective of providing a 400-space BART parking garage would not be met and Measure C funding would likely be rescinded."

- 3.8 The Ohlone Greenway is not part of the project. The project makes adequate measures to ensure access from the project site, the daylighted creek, and the shopping center to the Ohlone Greenway. Access to BART and pedestrian conditions along the Ohlone Greenway are not substantially affected by the Residential Only Alternative, the new proposed project.

#### **4. Robert Good, Mayor, City of Albany**

4.1 The commentor requests that the Draft SEIR explain how the City of El Cerrito can violate its own *General Plan* when it comes to allowing a density greater than what the *General Plan* permits. Please refer to Section 2.2 of this document, Land Use, Plans, and Zoning subsection, which explains that the Residential Only Alternative would result in a density of 45 dwelling units (d.u.)/acre. As stated on page 3.1-6 of the Draft SEIR, *General Plan* Policy LU1.7 allows a maximum multifamily density of 35 d.u./acre, except as otherwise provided in the *General Plan*. Per Table 4-2 of the *General Plan*, the maximum density increases to 45 d.u./acre through the City of El Cerrito's Incentives Program. The Residential Only Alternative would be processed under the City's Incentives Program and, as such, would be consistent with *General Plan* Policy LU1.7.

4.2 The cumulative traffic forecast in the Draft SEIR, in the short term, takes into account known approved projects (see page 3.4-12). Long-term traffic forecasts use the CCTA West Contra Costa model and reflect adopted land use plans.

4.3 Whether or not the CCTALOS software commonly underestimates intersection level of service, the CCTA requires its use. Although the methodologies presented in the Highway Capacity Manual and those incorporated into the SYNCHRO software are widely accepted, they are not the methodologies approved by the Contra Costa Transportation Authority or the City of El Cerrito. The Highway Capacity Method and the CCTALOS method are not comparable because they do not measure the same traffic conditions. The CCTALOS method provides LOS based on a measure of critical volume to capacity, whereas the Highway Capacity Method is based on vehicle delay. The two can be correlated but they are not the same methodology.

It is acknowledged that the use of SYNCHRO allows for more detailed inputs than the CCTALOS methodology, but in order to characterize the results as 'more-accurate,' it would be necessary to demonstrate detailed calibration of the inputs to conditions in the field. Such information is not contained in the peer review.

4.4 The Residential Only Alternative would not trigger an impact based on the TIRE index and mitigation is not required. The TIRE index is a tool that can be used to shed some light on the effects of traffic volumes on residential environments.

The description of the effect of traffic as "high" does not equate to an impact. Impacts are determined by changes in the TIRE index, in effect, changes in perception, unlike delay or collision data. Care must be applied when inferring that an existing condition is deficient or that it is fixed by simply diverting traffic.

The correct interpretation of the TIRE index on Brighton is that the perception of traffic effect would be high with or without the project and that the project itself does not result in

a significant change in the perception of traffic. Accordingly, there is no impact to be mitigated on Brighton.

The Residential Only Alternative would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it does not assume that any of the trips would be made on BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute. Thus, the proposed project would have negligible effects on circulation within the Plaza.

- 4.5 Transportation impacts related to the closure of Albany streets were described in the Draft SEIR for informational purposes based on a request from the City of Albany. Wherever project impacts have been found that result from this scenario, mitigation measures have been identified where feasible. As stated on page 3.4-10 of the Draft SEIR, any action taken by the City of Albany would be considered a separate project, and would require its own CEQA documentation, including identification of feasible measures to mitigate any potentially significant impacts, such as land use impacts. The Residential Only Alternative would not in it of itself result in the closure of Albany streets and, as such, would not bring about the division of a community. To the degree that this action would affect the traffic impacts of this project, the analysis provided in the Draft SEIR is adequate.
- 4.6 The commentor references the *Peer Review of Traffic Study* and its conclusions that a parking structure, as proposed, does not serve the best interest of BART patrons, speculates that the lot would not be utilized, and questions justification for its construction. Since the BART parking structure is not proposed as part of the Residential Only Alternative, justifying the need for it is not necessary.
- 4.7 The lighting levels along the Ohlone Greenway are an existing condition. The proposed project would not result in a change in the intensity of the ambient light conditions along the parkway and thus would not result in a physical impact. Instead, the revised project, which proposes residential uses only on the project site, would increase the informal surveillance of the greenway since there would be windows facing onto the Ohlone Greenway. The proposed Residential Only Alternative would improve the existing conditions because this stretch of the greenway passes an unused portion of the El Cerrito Plaza at the back of retail outlets, where there is virtually no surveillance.
- 4.8 The total traffic added by the Residential Only Alternative to the El Cerrito Plaza circulation system is 28 trips in the PM peak hour. Based on the traffic study of the Residential Only Alternative, the new proposed project would result in five northbound and one southbound vehicles traveling behind Albertson's in the AM peak hour and two northbound and six southbound vehicles in the PM peak hour. This volume of traffic is

considered negligible in terms of affecting pedestrian movements in this area. See Master Response 2 in Section 4 of this document for additional discussion of circulation within the El Cerrito Plaza.

- 4.9 The Courts have established that a parking shortfall is not an environmental impact (see *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco*). A shortfall in the number of available parking spaces therefore does not require mitigation, but the recommendations described in the Draft SEIR still merit consideration. Nonetheless, the City of El Cerrito has the authority to adjust the number of required parking spaces for the Residential Only Alternative under the City's Incentives Program. The project sponsor is seeking consideration of the project under this program and the Planning Commission will determine whether the proposed 158 parking spaces would adequately serve the residential project.

The current proposal's parking requirement and the proposed parking have changed from those identified in the comment. The child care facility is not part of the Residential Only Alternative. Under the Residential Only Alternative, the project would include 158 parking spaces. The current proposal includes 55 single bedroom facilities and 73 two bedroom and town house units. Under City of El Cerrito zoning requirements, this development would require 201 spaces, so there would a shortfall of 43 spaces. In the project setting, despite considerable use of the El Cerrito Plaza parking lot by BART users and others, there is no documented evidence of a persistent parking shortfall in the project area.

The proposed residential units would be within a quarter mile of the BART station with direct access by pedestrians and bikes along the Ohlone Greenway. San Pablo Avenue and Fairmont Drive are both well served by bus transit. All of these factors and the overall mixed use environment reduce the need for auto ownership among the project residents and for auto trips among guests. These factors will be considered by the Planning Commission in determining whether there would be sufficient parking at the project under the Incentives Program.

- 4.10 The BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

Furthermore, most traffic from the proposed residential uses would access the site along other routes and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

- 4.11 The commentor notes that additional land will be needed to accommodate the proposed daylighting of Cerrito Creek and the associated pedestrian and bike paths. As discussed in Section 2.1 of this document, daylighting would include, approximately, a 60-foot creek corridor right-of-way, where 20 feet would be dedicated to bank slopes and 39 feet to the meandering belt, which would include an 11-foot-wide active channel. The proposed

multi-use path north of the creek would be 10 feet wide with 2-foot buffers on each side. Thus, a total of about 74 feet would be required to accommodate the creek restoration.

A Hydrologic Study and Initial Site Planning Recommendations (Technical Memorandum) for Cerrito Creek was prepared in July 2004. The Technical Memorandum states that additional right-of-way may be required to provide for set-backs from existing or proposed walls and buildings. Mitigation Measure BR-3.1 requires a 12-foot setback from the top of the bank (see page 3.8-13 of the Draft SEIR). As discussed above, the Residential Only Alternative would include a 14-foot-wide multi-use path (10-foot path with 2-foot buffers) that would serve as a setback from Cerrito Creek. Since the Residential Only Alternative already incorporates the multi-use path into the site plans, no additional right-of-way would be necessary.

The commentor states that the 12-foot setback from the top of the bank, as prescribed by Mitigation Measure BR-3.1, is not adequate to protect the wildlife and aquatic habitats of Cerrito Creek. As discussed on page 3.8-14 of the Draft SEIR, overall impacts from daylighting and restoration of the creek would be beneficial to plant and wildlife habitat. The daylighting of Cerrito Creek would create wildlife and aquatic habitat because presently this portion of the creek is culverted and, as such, provides no benefits to plants or animals.

The California Department of Fish and Game was provided a copy of the Draft SEIR and had no specific comments on the project's impacts on biological resources (see Comment Letter #2). However, the Draft SEIR notes that the project sponsor will need to consult with the California Department of Fish and Game before undertaking daylighting of the creek in order to secure a Streambed Alteration Agreement and in the design of public access. Accordingly, the California Department of Fish and Game may still comment on the design of the creek daylighting, including the appropriateness of the proposed creek setback.

- 4.12 The commentor is concerned about the shadow impacts of the proposed project on the nearby apartment building at 401 Evelyn Avenue. The commentor states that the apartment building at 401 Evelyn Avenue is approximately 35 to 45 feet high. The heights of the Residential Only Alternative buildings are less than the building heights of the proposed project. The proposed project would be approximately 46 feet high near the BART tracks, next to the subject apartment building. Therefore, the difference in height would not be considered substantial. Also, in the San Francisco Bay Area, the solar path proceeds from the east to the west and is generally to the south of the local latitude. Thus, as a general rule of thumb, shadows cast by proposed structures lie to the northwest in the morning hours, lie generally to the north during the midday, and then lie to the northeast during the afternoon hours. Given this shadow pattern, the proposed project would not shade areas to the south of the project site, which is the location of apartment building in question. Please see the visual quality analysis of the Residential Only Alternative in Section 2.2 of this

document, for more information on shadow impacts. Additionally, the Subdivision Map Act states that development must not shade a building in such a way that sunlight cannot reach solar collectors atop that building's roof. Based on a visual reconnaissance of the buildings surrounding the project site, the building at 401 Evelyn Avenue does not have solar panels atop its roof.

4.13 The commentor is concerned about the height and bulk of the proposed project in relation to surrounding structures. The commentor is referred to Section 2.2 of this document and particularly the visual simulations of the Residential Only Alternative's building height impacts. While the residential structures would demonstrably alter views from Evelyn Avenue, as reported in the Draft SEIR on page 3.3-19, this is not considered significantly adverse for the reasons cited in the Draft SEIR on page 3.3-19 and 3.3-20. Specifically, the project-related buildings would be in scale with existing adjacent development, the architecture would include articulation to reduce the massing (these features are not presented in the visual simulation in the Draft SEIR, as the intent was to illustrate the height and mass of the project), and recent case law reinforces the emphasis on alterations to public views rather than private views.

4.13a The commentor requests that Mitigation Measure NO-1.1 limit construction hours to between 8:00 am and 6:00 pm, consistent with Albany's noise ordinance, because the closest residences are within Albany, and requests that construction vehicles not use Albany residential streets. The project would be under the jurisdiction of the City of El Cerrito and thus is not required to comply with the Albany noise ordinance. Nevertheless, given the project's proximity to Albany, the City of El Cerrito may consider conditions of project approval in order to minimize disturbance to Albany residents.

4.14 The question of whether residential development at the project site is appropriate is a policy decision before the City of El Cerrito Planning Commission and City Council. In making its determination, the City decision-makers must consider environmental impacts as disclosed in the Draft SEIR. As noted in the Draft SEIR, the proposed residential development would not create a significant adverse noise impact that cannot be mitigated. Many of the issues discussed in the Draft SEIR concern the existing noisy environment and its potential effect on future residents; these are impacts of the existing environment on the project, rather than the Project's effect on the environment, which is the purview of CEQA.

The comment concerning the child care facility is no longer relevant since the Residential Only Alternative does not include such use.

4.15 The Draft SEIR identifies several mitigation measures to control interior noise from passing BART trains (Mitigation Measure NO-2.1) and to reduce the reflection of noise from passing BART trains to land uses east of the tracks (Mitigation Measures NO-5.1 and NO-5.2). In each case, the intent of the measure is to achieve an acceptable level of noise



- reduction. It is expected that the project sponsor would retain an acoustical engineer to help design the structures to achieve these reductions. There are a variety of ways that structural design and construction can accomplish these reductions and it will be the responsibility of the project sponsor to demonstrate to the City that noise impacts will be mitigated. The City of El Cerrito Building Department, as part of their review will ensure compliance with the requirement to limit reflected noise from the eastern building façade to no more than 1 dBA for residences within 500 feet of the eastern property line of the project site. The suggestions made by the commentor may be one way of satisfying the mitigation and may be proposed by the project sponsor.
- 4.16 Please refer to Response 4.15, above.
- 4.17 The elimination of the parking garage from the project would decrease traffic impacts and thus, traffic related noise impacts. Accordingly, there would be no need to re-evaluate traffic noise impacts.
- 4.18 The commentor asks for a detailed explanation of why the BART Parking Garage Relocation Alternative is infeasible. This alternative is infeasible because it conflicts with BART's long-range development intention to develop transit-oriented, mixed-use development at the El Cerrito Plaza BART location. Notably, a parking garage is not proposed with the Residential Only Alternative; therefore, examining alternative garage locations is not necessary.
- 4.19 The commentor requests that an aerial photo be provided to show the proximity of surrounding land uses. The Setting section of the Draft SEIR, Section 3.1, Land Use, Plans, and Zoning, provides a description of the land uses adjacent to the project site. Additionally, Figure 3.1-1 of the Draft SEIR depicts zoning designations of the areas adjacent to the project site. The zoning designations provide the reader with an understanding of the types of land uses that are within the project site vicinity. While an aerial photo would be helpful, it is not necessary to understanding the proximity of surrounding uses. Nevertheless, for those interested in viewing an aerial photo, Figure 2-5 in Section 2.2 of this document and the following website allows users to view an aerial photo of the area: <http://terraserver.microsoft.com>.

## **5. William L. Wong, Albany Unified School District**

- 5.1 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

- 5.2 The commentor feels the Draft SEIR analyses of noise and air quality are inadequate. Please refer to the master responses discussing noise and air quality concerns in Section 4 of this document. Regarding potential noise impacts, the Draft SEIR identifies the following project components that could exacerbate noise levels near Cougar Field and the Albany Middle School: project design could cause BART train noise to reflect towards homes and other sensitive receptors to the east, the Measure C parking garage could increase noise levels in the neighborhood, and traffic related to the project would increase noise. The proposal for all residential uses increases the opportunity to design the project so that noise does not reflect towards existing sensitive receptors. Additionally, under the Residential Only Alternative, now proposed as the project, the parking garage-related noises are no longer relevant. Traffic-related noise was shown in the Draft SEIR (see page 3.5-14) to be less than 1 dBA. As a result, noise impacts are not expected to adversely affect students or residents in the project vicinity. It is noted that the existing noise environment is already loud and affects sensitive receptors, as pointed out by the commentor. These conditions are representative of existing conditions and not the proposed project. As explained in the Draft SEIR, the project, especially with residential

uses only, are not expected to worsen ambient noise conditions, except during the construction period.

As indicated in the master response on noise in Section 4 of this document, the increase in noise levels is less than significant with mitigation.

The commentor proposes that “the project developer/owner fully fund one certified school nurse at each school in the Albany Unified School district” and “fully fund the increased cost of special education programs related to student academic learning problems related to noise pollution as determined by assessment by school psychologists.” CEQA requires that there be a nexus between the significant impact and the proposed mitigation, and the measure must be roughly proportional to the impacts of the project. While the commentor has presented research on the general physiological and psychological effects of noise, the Draft SEIR contains mitigation measures that would reduce the effects to less than significant.

As noted in the master response on air quality in Section 4 of this document, the California Air Resources Board concludes “Air pollution plays a well-documented role in asthma attacks; however, the role air pollution plays in initiating asthma is still under investigation and may involve a very complex set of interactions between indoor and outdoor environmental conditions and genetic susceptibility.” Many studies have been undertaken by various agencies in order to determine if there is a causal relationship between diesel particulate emissions and asthma. According to the West Oakland Environmental Indicators Report, *Reducing Diesel Pollution in West Oakland*, “Recent studies have shown that diesel exhaust cannot only make asthma worse, but may actually cause asthma.”<sup>1</sup> Many studies suggest that PM<sub>10</sub> exposure is associated with asthma symptoms.<sup>2</sup> However, the preliminary findings of the Fresno Asthmatic Children’s Environment Study (F.A.C.E.S.), which focused on the acute and chronic health effects of particulate matter by studying the relative risks for nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), and PM<sub>2.5</sub>, indicated that “PM<sub>2.5</sub> associations were the smallest in the analysis,” and that “relative risks were generally higher for O<sub>3</sub> and NO<sub>2</sub>.”<sup>3</sup> In its comprehensive final Health Assessment Document for Diesel Engine Exhaust, the U.S. Environmental Protection Agency states that effects from diesel emissions may include exacerbation of existing allergies and asthma symptoms, but the nature and extent of these symptoms are highly variable across the population.<sup>4</sup> Although a correlation may exist between particulate emissions and asthma,

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<sup>1</sup> West Oakland Environmental Indicators Report, *Reducing Diesel Pollution in West Oakland*, November 2003, page 2.

<sup>2</sup> *Housing, Asthma and Health*, a presentation by Eric Roberts, MD, PhD from Community Action to Fight Asthma, June 10, 2004.

<sup>3</sup> U.C. Berkeley, California Department of Public Health, Sonoma Technology, and California Air Resources Board, *Fresno Asthmatic Children's Environment Study (F.A.C.E.S.)*, 2002, page 195.

<sup>4</sup> U.S. Environmental Protection Agency, Office of Research and Development's National Center for Environmental Assessment, Health Assessment Document for Diesel Engine Exhaust, EPA/600/8-90/057F, May 2002.

based on the information now available, a causal relationship has not yet been established and research continues to be conducted on the subject. Thus, there is no scientific basis for any determination that emissions from project construction and traffic would have an effect on the incidence of asthma on nearby receptors. Even though a causal relationship has not been proven, construction-related emissions of PM<sub>10</sub> and construction exhaust would be mitigated through implementation of the control measures identified in Mitigation Measure AQ-1.1 and AQ-1.2, beginning on page 3.6-10 of the Draft SEIR. Because of the uncertainty over whether particulate emissions cause asthma and because mitigation measures would reduce PM<sub>10</sub> and construction exhaust emissions, the project's effect on asthma would be considered to be less than significant.

- 5.3 Please refer to Master Response 1 regarding the present status of the proposed project and the CEQA process. Also refer to Section 2, which describes the revised plans.
- 5.A1 Please refer to Master Response 3 regarding noise concerns in Section 4 of this document.
- 5.A2 Please refer to Master Response 3 regarding noise concerns in Section 4 of this document.
- 5.A3 BART can usually be heard throughout the East Bay under the right conditions (either close or otherwise low ambient noise) and sometimes even from locations within Tilden Park and Wildcat Canyon. The proposed multi-family residence would not materially change this situation.
- 5.A4 Since the BART parking structure is not proposed as part of the Residential Only Alternative, traffic at the garage is not an issue with the proposed project. Please refer to Section 2 of this document for a description of the revised proposed project.
- 5.B1 The commentor generally states that the analysis of project-related construction air quality impacts is inadequate. Two additional subsequent comments focus on the specific aspects of the construction air quality analysis that are problematic. Deficiencies identified by the commentor are presented in Responses 5.B10 and 5.B11, below; please also refer to Master Response 4 in Section 4 of this document for additional discussion of potential air quality concerns.
- 5.B2 The commentor generally states that the analysis of cumulative air quality impacts is inadequate. A subsequent comment focuses on the specific aspects of the cumulative air quality analysis that are problematic. Deficiencies identified by the commentor are addressed in Response 5.B3, below; please also refer to Master Response 4 in Section 4 of this document for additional discussion of potential air quality concerns.
- 5.B3 The BAAQMD CEQA Guidelines states: "If a project is proposed in a city or county with a general plan that is consistent with the Clean Air Plan and the project is consistent with that general plan (i.e., does not require a general plan amendment), then the project will not have a significant cumulative impact (provided, of course, the project does not

individually have any significant impacts). No further analysis regarding cumulative impacts is necessary.”

The Draft SEIR’s cumulative analysis of Land Use, Plans, and Zoning states on page 3.2-7 that “The population increase [from the proposed project, together with the Mill & Lumber and Fairmont Avenue projects, the other approved and planned cumulative projects in El Cerrito] is within the ABAG projected population growth for the City of El Cerrito.” Since the Bay Area’s Clean Air Plan is based on ABAG population projections, the above-mentioned cumulative growth in El Cerrito is consistent with the Clean Air Plan. This will remain true even with the shift from the project as originally proposed (i.e., 500-vehicle BART parking structure, 97-unit multi-family residential, and child care facility) to the Residential Only Alternative (i.e., 128-unit multi-family residential). Furthermore, the project did not require a general plan amendment as part of its approval process, and does not have any individually significant air quality impacts. The Draft SEIR’s conclusion of less-than-significant cumulative air quality impacts remains valid.

5.B4 The commentor is correct about the air monitoring data in Table 3.6-1. The following data obtained from the BAAQMD and CARB will replace that in the Draft SEIR:

**Table 3.6-1  
Ambient Air Quality Standards and Monitoring Data  
from San Pablo – Rumrill Boulevard Stations (2002-2003)<sup>1</sup>**

Regulatory Standards	Ozone		CO		PM <sub>10</sub>		PM <sub>2.5</sub> <sup>2</sup>	
	1-hour (ppm)	8-hour (ppm)	1-hour (ppm)	8-hour (ppm)	24-hour (µg/m <sup>3</sup> )	Annual (µg/m <sup>3</sup> )	24-hour (µg/m <sup>3</sup> )	Annual (µg/m <sup>3</sup> )
California Ambient Air Quality Standard	0.09	N/A	20.0	9.0	50	20	N/A	12
National Ambient Air Quality Standard	0.12	0.08	35.0	9.0	150	50	65	15
<b>Monitoring Location</b>								
2002: San Pablo – Rumrill Blvd.	<del>0.064</del> 0.069	<del>0.045</del> ---	<del>2.47</del> 3.7	<del>1.73</del> ---	<del>55.3</del> <b>67.0</b>	---	N/A	N/A
2003: San Pablo – Rumrill Blvd.	<del>0.084</del> 0.091	<del>0.061</del> 0.068	<del>2.37</del> 3.1	<del>1.66</del> ---	<del>17.8</del> 47.9	<del>20.6</del> <b>20.4</b>	N/A	N/A

Source: California Air Resources Board, 2004.

Notes:

<sup>1</sup> The Rumrill Boulevard station is a new BAAQMD monitoring station and has collected data only for 2002 and 2003.

<sup>2</sup> PM<sub>2.5</sub> data only available for the Concord/Walnut Creek area of Contra Costa County.

**Bold** values are in excess of the California or National Ambient Air Quality Standard.

ppm = parts per million.

µg/m<sup>3</sup> = micrograms per cubic meter.

N/A = not available or not applicable.

The BAAQMD does not recommend that a 3-year record of monitoring data be included in EIR air quality setting sections, only that “existing air quality conditions should be described.” The 2-year record above is sufficient to show that violations of the State ozone and PM<sub>10</sub> standards occur in western Contra Costa County, where the project site is located.

- 5.B5 The commentor is correct; the last paragraph on page 3.6-3 is unclear. The first sentence of this paragraph states that “Most violations in the San Francisco Bay Area occur in central Contra Costa County, eastern Alameda, and Santa Clara County.” This is true; the BAAQMD monitoring stations in these locations are the ones where air quality standards for all pollutants monitored are violated most often compared with stations in other areas. The commentor asks where Central Contra Costa County is. Central Contra Costa County is generally located in about the center of that county, east of the Caldecott Tunnel and including communities such as Lafayette, Orinda, Moraga, Walnut Creek, and Concord. BAAQMD monitoring stations at Martinez and Concord would best define air quality there. The Bay Area’s inland areas are generally located further from the Pacific Ocean than are its coastal areas. The second sentence of the paragraph, though, is not only unclear, but untrue. Accordingly, this sentence is deleted.
- 5.B6 The commentor objects to the Draft SEIR statement that “TACs are the most common source of objectionable odors to the public” but offers no evidence to support an alternative position. The Draft SEIR notes that the BAAQMD has established an air toxics (TACs) monitoring station in San Pablo at the El Portal Shopping Center. Monitoring data from this station was not presented in the Draft SEIR because no ambient air quality standards have been established for TACs. But data from this and other Bay Area TAC monitoring stations are available for public review on the BAAQMD website. The commentor is wrong in challenging the Draft SEIR statement that “the monitored air quality conditions characterize the combined impacts of TACs emitted from various sources...” Ambient monitors sample pollutants transported to them from all upwind sources. Varying wind directions throughout the year transport pollutants from sources spread throughout the Bay Area and beyond. It is true that the monitoring stations that the BAAQMD calls its “Toxic Air Contaminant Monitoring Stations” only measure gaseous TACs; However, the BAAQMD has also established a number of PM<sub>2.5</sub> monitoring stations that measure very small diameter particulate matter, including diesel particulate matter.
- 5.B7 The Draft SEIR took the more conservative approach in making conclusions about the Bay Area’s probable attainment/nonattainment designation by the EPA. Using PM<sub>10</sub> as a surrogate for PM<sub>2.5</sub>, it concluded that the Bay Area would probably not attain federal standards for PM<sub>2.5</sub>. It may be true, as the commentor states, that the EPA will designate the Bay Area as unclassified.
- 5.B8 The commentor correctly points out that, even if the Bay Area is redesignated attainment for the federal 1-hour ozone standard, it will be required to address attainment of the

federal 8-hour ozone standard. The following statement has been added to the end of paragraph 5, page 3.6-6:

If the Bay Area is redesignated attainment for the federal 1-hour ozone standard, it will still be required to address attainment of the federal 8-hour ozone standard.

- 5.B9 The Draft SEIR's air quality analysis used up-to-date emission factors generated by the CARB's EMFAC 2002. The project as originally proposed (i.e., 500-vehicle BART parking structure, 97-unit multi-family residential, with child care facility) has been replaced with the Residential Only Alternative (i.e., 128-unit multi-family residential). Thus, re-doing the analysis of CO impacts on local intersections from cold start emissions from vehicles that would have used the parking structure is not necessary.
- 5.B10 The primary focus of the Draft SEIR's analysis of construction-phase air quality effects is the avoidance of significant impacts to local sensitive receptors. The BAAQMD recognizes that fine particulate matter from excavation, grading, etc., and equipment exhaust is the pollutant of greatest concern during construction phases. Its CEQA guidelines are geared to avoid these impacts by recommending control measures to reduce particulate emission. Also refer to Master Response 4 in Section 4 of this document for further discussion of diesel particulate matter.
- 5.B11 The Draft SEIR construction impacts/mitigations section adapted control measures applicable to this project from the lists developed by the BAAQMD for their CEQA guidelines, specifically from "Feasible Control Measures for Construction Emissions of PM10" (Table 2, page 15) and "Mitigating Impacts from Motor Vehicles" (listing of measures for diesel-powered vehicles, page 60).
- 5.B12 The commentor agrees with the findings of Impact AQ-4 in the Draft SEIR. No further response is necessary.
- 5.B13 The commentor agrees with the findings of the noise analysis in the Draft SEIR. No further response is necessary.
- 5.C1 Please refer to Response 5.1, above.
- 5.C2 Despite considerable use of the parking lot by BART users and others, there is no documented evidence of a parking shortfall in the project area. Furthermore, the proposed residential units would be served by sufficient parking if the Planning Commission determines that the project is eligible for the Incentives Program and waives the parking requirement in the existing zoning regulations.
- 5.C3 Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary
- 5.C4 Please refer to Response 5.C3, above.

**6. Charles Burress, Behrens Neighborhood Association, January 3, 2005**

- 6.1 The commentor submits comments under protest because the project in the Draft SEIR is not the same as the developer's proposal and because the deadline for submittal of comments was not extended by the City. Please refer to the Master Response 1 on the status of the proposed project and the CEQA process in Section 4 of this document. The choice of how long the public review period should last rests with the City of El Cerrito, the lead agency. The City has complied with CEQA requirements for a review period of at least 45 days.
- 6.2 The commentor disagrees with the Draft SEIR discussion of two projects (residential and garage) as one. Since the parking garage is not proposed as part of the Residential Only Alternative, this concern is not relevant to the currently proposed project. Please refer to the visual quality section in Section 2.2 of this document.
- 6.3 The commentor requests that the objectives reflecting the underlying purpose of the Measure C BART parking garage be identified. The BART parking structure is not proposed as part of the Residential Only Alternative, the current proposed project. Therefore, a response to this comment is no longer necessary. Please refer to Section 2.1 of this document for a presentation of the new proposed project.
- 6.4 The commentor feels that the Draft SEIR fails to fulfill its CEQA responsibility and requests its reissue because the new proposal is not analyzed in the Draft SEIR. Please refer to Master Response 1 in Section 4 of this document on the present status of the proposed project and the CEQA process. As currently proposed, the project reflects the description and analysis of the Residential Only Alternative found in the Draft SEIR on page 4-4 and on pages 4-7 through 4-10. An expanded analysis of this alternative is provided in Section 2.2 of this document.
- 6.5 The commentor claims that the City was aware of changes to the project that was evaluated in the Draft SEIR, before the Draft SEIR was released, and therefore should have suspended the CEQA process. In fact, the project sponsor did not submit a revised application to the City and there was no formal request by the sponsor to consider a different project prior to release of the Draft SEIR. The commentor alleges that the City was aware of such changes since City staff had indicated that release of the Draft SEIR was being delayed while the project details were being finalized. The information that was being sought by EIP Associates, the EIR preparers for the City, and that was delaying release of the Draft SEIR concerned the proposal presented in the Draft SEIR, not an entirely new proposal.
- 6.6 The commentor states that the garage would not meet the intent of Measure C for parking at the Del Norte BART Station. The BART parking structure is not proposed as part of the



Residential Only Alternative, the current proposed project. Therefore, a response to this comment is no longer necessary.

- 6.7 The commentor states that the garage would not meet the objectives of providing parking for BART patrons because BART patrons are not likely to use it. The BART parking structure is not proposed as part of the Residential Only Alternative, the current proposed project. Therefore, a response to this comment is no longer necessary.
- 6.8 The commentor cites information that BART patrons are not likely to use the garage because of its distance from the El Cerrito Plaza BART Station. The BART parking structure is not proposed as part of the Residential Only Alternative, the current proposed project. Therefore, a response to this comment is no longer necessary.
- 6.9 The commentor cites evidence that BART patrons are not likely to use the garage because of the difficulty of accessing the garage. The BART parking structure is not proposed as part of the Residential Only Alternative, the current proposed project. Therefore, a response to this comment is no longer necessary.
- 6.10 The commentor cites evidence that BART patrons are not likely to walk to the garage along the Ohlone Greenway. The BART parking structure is not proposed as part of the Residential Only Alternative, the current proposed project. Therefore, a response to this comment is no longer necessary.
- 6.11 The commentor states that the Draft SEIR does not demonstrate the need for a BART parking garage at the El Cerrito Plaza BART Station. The BART parking structure is not proposed as part of the Residential Only Alternative, the current proposed project. Therefore, a response to this comment is no longer necessary.
- 6.12 The commentor states that the garage would not meet the intent of Measure C and that the funds are better allocated to other BART stations in Contra Costa County. The BART parking structure is not proposed as part of the Residential Only Alternative, the current proposed project. Therefore, a response to this comment is no longer necessary.
- 6.13 The commentor states that the Draft SEIR does not justify the need for more parking at the El Cerrito Plaza BART Station. Since the BART parking garage is not proposed as part of the Residential Only Alternative, justifying the need for it or discussing its alignment with Measure C's intent is not necessary.
- 6.14 The commentor states the garage would not meet City of El Cerrito objectives. Since the parking garage is not proposed as part of the Residential Only Alternative, justifying the need for it or discussing its alignment with El Cerrito goals is not necessary.
- 6.15 The commentor states that if the parking garage were to meet the City's objective of reducing future surface parking, it would defeat the objective of Measure C funds, which is

- to provide new parking spaces. Since the BART parking garage is not proposed as part of the Residential Only Alternative, justifying the need for it or discussing its alignment with the City's objectives is not necessary.
- 6.16 The commentor states that the extra 100 spaces in the proposed garage would not meet the intent of Measure C. Since the BART parking garage is not proposed as part of the Residential Only Alternative, justifying the need for it or discussing its alignment with Measure C's intent is not necessary.
- 6.17 The commentor states that the proposed project faces strong community opposition and thus would not meet Measure C objectives of community support. Since the parking structure is not proposed as part of the Residential Only Alternative, discussion about Measure C compliance is not relevant.
- 6.18 The commentor notes that the Albany Traffic and Safety Commission has criticized the project and voted to close local streets south of the Plaza. The parking garage is not proposed as part of the Residential Only Alternative; thus, community support for, or opposition to, the Measure C parking garage is no longer relevant. The Draft SEIR examines the effects of closing the Albany residential streets south of the Plaza. Please refer to pages 3.4-40 through 3.4-41, which indicate that the street closures would result in significant increases in congestion at the intersections of San Pablo Avenue and Carlson Boulevard, Liberty Street and Fairmount Avenue, and Richmond Street and Fairmount Avenue, as well as additional access issues for the proposed project.
- 6.19 The commentor cites news documents showing community opposition for the proposed project based on a project with a garage. Since the parking structure is not proposed as part of the Residential Only Alternative, discussion about community opposition to the Measure C component is not relevant.
- 6.20 The commentor states that the garage would not meet the objectives of the garage that are listed in the Draft SEIR. Since the parking garage is not proposed as part of the Residential Only Alternative, issues about the garage are irrelevant, and responses to comments on the garage are unnecessary.
- 6.21 The commentor says that because Albany Middle School was omitted, the Draft SEIR does not adequately describe the environmental setting. Albany Middle School was considered in the Draft SEIR, specifically in the land use and noise setting sections.
- 6.22 The commentor says that the Draft SEIR should have quantified the current users and uses of Cougar Field in the environmental setting. The Draft SEIR does not quantify the number of residential units surrounding the project site, nor the number of jobs or square feet at the Plaza shopping center. It is sufficient that the Draft SEIR acknowledges that Cougar Field is a sensitive receptor/use in the Land Use, Visual Quality, Noise, Air Quality, and Public Services sections. Quantification of the number of users at Cougar

Field would not result in more in-depth analyses or change the impact conclusions presented in the Draft SEIR.

- 6.23 The commentor states that Draft SEIR omits *General Plan* design guidelines, specifically tailored to the Ohlone Greenway at El Cerrito Plaza, applicable to the proposed project. The Draft SEIR is revised to include the applicable design guidelines. The following text is added to the second full paragraph, sixth line, on page 3.1-9:

The Guide recommends activities, entries, public outdoor spaces, patios, and windows should open on the Ohlone Greenway to improve the safety and security of the area and to provide for increased activity on the greenway.

The Residential Only Alternative proposes windows and balconies for the residential buildings facing the Ohlone Greenway and open-air pedestrian walkways on the eastern wall of the building, which serve to increase visibility of the Ohlone Greenway and thus safety for users of the greenway. While the windows and balconies facing the Ohlone Greenway serve as a crime deterrent, it should be recognized that Mitigation Measure NO2.1 calls for the windows to be acoustically treated and remain shut in order to mitigate significant noise exposure to the BART trains. Even if the windows were inoperable and the balconies were simply decorative, they would still create the perception that there is greater surveillance of the Ohlone Greenway and serve to deter crime on the parkway.

- 6.24 The commentor is concerned that the proposed project violates the General Plan guideline for the Ohlone Greenway. The Residential Only Alternative would include a multi-use path connecting to the Ohlone Greenway. The path would serve as a new entry point onto Ohlone Greenway. The Residential Only Alternative would also include two open pedestrian bridges connecting components of the residential buildings. The design of the residential buildings would include windows and balconies facing the Ohlone Greenway. Because of existing ambient noise conditions, these windows would need to be acoustically treated to ensure that the interior noise standard of 45 dBA is maintained (see Mitigation Measure NO-2.1 of the Draft SEIR). The proposed site layout and building orientation would increase visibility, and thus safety, on the greenway. The only other “eyes” on the pedestrian path in the vicinity of the project site are other residences south of the Plaza in Albany. While some of these households would have their views of the Ohlone Greenway obstructed by the residential proposal, the total number of units facing the greenway would increase with the proposed project.

- 6.25 The commentor states that the Draft SEIR fails to address the compatibility between the project building scale and the height of existing buildings in the project vicinity. Impact VQ-1 in the Draft SEIR beginning on page 3.3-18 discusses how the project would affect the visual character of the project vicinity. A key component of this discussion is the relationship of the proposed project to the height and scale of nearby development. The visual simulations presented in Figures 3.3-8 and 3.3-9 illustrate the massing of the

proposed project components against the existing built environment. Accordingly, the Draft SEIR does address visual compatibility.

It should be understood that the CEQA significance criteria for aesthetics call for a proposed project to “substantially damage scenic resources” or to “substantially degrade the existing visual character.” Buildings that are of different heights, massing, or scale do not necessarily meet the standard of substantial degradation. Even if a project is inconsistent with a design policy or guideline, it does not mean that the project triggers a significant environmental impact. Failure to satisfy a design policy or guideline is a planning/design issue, rather than a physical, environmental issue. CEQA stipulates that failure to satisfy a design policy or guideline is a significant impact, if the conflict is with a policy, guideline, or regulation *adopted for the purpose of avoiding or mitigating an environmental impact* (emphasis added). While the distinction is subtle, it also means that a project’s visual or land use incompatibility with surrounding uses is not necessarily a significant impact, requiring mitigation.

The heights of the proposed buildings under the Residential Only Alternative would range from 45 to 59 feet, depending on the specific project component. (The Measure C parking garage is eliminated under this proposal, so that its height relative to adjacent uses is not relevant.) As stated in the Draft SEIR on page 3.3-19, the residential structures would be comparable in scale to existing development, though the Residential Only Alternative actually proposes buildings that are lower than the proposed project. In regards to Policy CD4.1, the Residential Only Alternative would “avoid big differences in building scale and character between developments on adjoining lots,” because it would provide three-story residential buildings atop an approximately 3-foot parking podium, which is similar to development south of the project site. The nearest apartment building at 401 Evelyn ranges in height from approximately 35 to 45 feet. While existing retail development in the El Cerrito Plaza ranges from 1 to 2 stories, its design scheme and color palette would be compatible with the Residential Only Alternative structures.

- 6.26 The commentor states that the Draft SEIR fails to address the density discrepancy between the proposed project and the surrounding residential neighborhood. A discrepancy in density is a legitimate planning consideration, but it is not covered by CEQA significance criteria for land use unless there is an adopted policy, guideline, or regulation concerning density that was adopted for the purpose of avoiding or mitigating an environmental impact. The Draft SEIR on pages 3.1-3 through 3.1-5 describes the land uses surrounding the project site. Specifically, the Draft SEIR states that in the City of Albany, the R-3, Residential High Density, zoning district, which is immediately south of the project site, allows densities of up to 39 d.u./acre. The Draft SEIR also notes that the residential area north of Cougar Field is designated for Low Density Residential and is zoned R-1, Single-Family Residential, which allows up to 9 d.u./net acre. The density of the Residential Only Alternative would be 45 d.u./acre. While the El Cerrito single-family residential neighborhood east of the project site allows up to 9 d.u./acre, the neighborhood is

separated from the proposed residential development by Cougar Field, the Ohlone Greenway, and BART aerial tracks. Thus, the Residential Only Alternative would not be directly adjacent to a single family neighborhood. The Albany residential neighborhood immediately south of the project site consists of a mix of single-family and multi-family housing units. The adjacent residential neighborhood in the City of Albany contains a mix of dwelling units, including apartment buildings. Given this mix, the Residential Only Alternative would not be incompatible with the residential uses south of the project site.

- 6.27 The commentor states that the Draft SEIR does not identify appropriate densities for transit-oriented housing. There is no single “ideal” density for transit-oriented development. Research prepared for the Federal Transit Administration shows that transit-oriented development can occur at a variety of densities, depending on the community land use pattern, the type of transit service, and market conditions. Regardless of the appropriate or optimum density, which could be addressed in the City staff's report on the merits of the project, an EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. The impacts of the proposed density are discussed in the Draft SEIR in terms of trip generation, related air and noise emissions, building mass, number of residents, and demand for public services and utilities.
- 6.28 The commentor claims that the Draft SEIR should address the impacts of a project with 77 dwelling units, a child care facility, and a 500-space BART parking garage, since that proposal would comply with the City’s zoning regulations. It is noted that the Reduced Project Alternative, presented on page 4-5 of the Draft SEIR, includes one scenario that considers a development program of 72 dwelling units, a child care facility, and a 400-space parking garage. The effects of such an alternative are discussed beginning on page 4-11 and indicate that project-related impacts would be reduced. In fact, the Reduced Project Alternative is identified as the environmentally superior alternative.
- 6.29 The commentor states that the Draft SEIR fails to identify why the project would qualify for the City’s Incentive Program. As discussed in the Draft SEIR page 3.1-8, a project processed under the Incentives Program must include desirable features, such as exceptional design, creative design of off-street parking, enhancements to public amenities, environmental benefits such as creek restoration, and similar benefits to the community. Section 19.32.200 of the El Cerrito Zoning Ordinance lists 17 desirable features that would qualify a project to be processed through the Incentives Program. An application for the Incentives Program need not include all of the desirable features listed in Section 19.32.200, and the Planning Commission may approve an Incentives Program permit if a project incorporates some of the desired features. Finally, it is not the Draft SEIR that makes the determination about whether the project is eligible for the Incentives Program; that determination lies with the Planning Commission. The role of the Draft SEIR is to identify the potential impacts associated with a project and to recommend mitigation measures where warranted.

- The above discussion notwithstanding, the Residential Only Alternative would provide several desirable features listed in Section 19.32.200. Specifically, this alternative would provide an environmental benefit by daylighting Cerrito Creek and a recreational benefit by providing a multi-use path that connects to Ohlone Greenway along the restored creek. Furthermore, the Residential Only Alternative would locate housing close to shopping and transportation centers and, as such, would reduce reliance on automobile usage. During project approval, the Planning Commission will make a determination as to whether the above-described desirable features warrant the exceptions to development standards sought by the project sponsor.
- 6.30 The commentor states that the Draft SEIR fails to analyze a residential project that would comply with the City's density requirements without the Incentives Program. The project sponsor has pursued the project with the expectation that it would qualify for the Incentives Program. If the Planning Commission and ultimately the City Council determined that the project were ineligible for the Incentives Program, the project sponsor would have to revise the project to meet the 35 d.u./acre requirement. One of the Reduced Project Alternative scenarios presented in the Draft SEIR evaluates an alternative with 46 dwelling units, which would comply with the City's High Density Residential allowable density (see page 4-5 of the Draft SEIR). At 46 units, this alternative would have a proposed density of 27 d.u./acre.
- 6.31 The commentor is concerned about the height of the project compared to the height of other buildings in El Cerrito. The commentor states that the Draft SEIR must address land use impact of building the tallest structure in El Cerrito and the precedent for altering the City's skyline. While these issues are important policy choices that face the City, an EIR is expected to present the physical changes that result from the proposed height. The assessment of the land use and visual impacts are provided in the Draft SEIR.
- 6.32 The commentor believes that the Draft SEIR should address City of Albany goals, policies, and programs. The project is under the jurisdiction of the City of El Cerrito; CEQA states that a significant land use impact would occur if a project conflicted with any applicable land use plan, policy, or regulation of an *agency with jurisdiction over the project* (emphasis added). Accordingly, while a discussion of Albany's applicable policies would be desirable to provide context for this community's concerns, they would not be used to determine the project's potential impacts.
- 6.33 The commentor is concerned that the cumulative analysis omits the Cerrito Theater, which could cause traffic impacts. The Cerrito Theater project is located a fair distance away from the proposed project and the affected area of the theater does not overlap with the affected area surrounding the proposed project. The environmental review done for the theater determined that the theater would not cause an increase in traffic that is considered substantial in relation to the existing traffic load and capacity of the street system and would not cause a change in level of service in the affected areas around the theater.

Therefore, the traffic impact would be less-than-significant, and no mitigation would be required. The parking study conducted as part of the environmental review for the theater found sufficient parking capacity within a five-minute walk from the theater, resulting in a less-than-significant impact. The study determined that circulation and parking for the theater would not impact any areas within or south of El Cerrito Plaza. Due to the lack of overlap in affected areas of use by both projects, the Cerrito Theater was not included in the cumulative impact analysis.

- 6.34 The commentor is concerned that the cumulative analysis omits the library component of the 6420 Fairmount Avenue project, which could cause traffic impacts. The library project is no longer proposed for construction. Thus, its consideration is not necessary.
- 6.35 The commentor is concerned that the cumulative analysis omits planned development at the El Cerrito Plaza BART Station. While the Draft SEIR acknowledges BART's policy of promoting transit-oriented development around its stations, specific future plans for the El Cerrito BART station property are not known. BART has not yet begun exploring opportunities for development of the surface parking lot. Accordingly, without sufficient details (such as numbers of dwelling units or square footages) or a development proposal, it would be entirely speculative to determine the cumulative impacts of BART's plans for its property.
- 6.36 The commentor is concerned about the visual impacts of the proposed project on Albany Middle School and Cougar Field and requests more information on the use of Cougar Field. The CEQA significance criteria for a significant visual impact speak to a substantial adverse effect on a scenic vista or substantial degradation of the existing visual character of the site and its surroundings. There are no scenic vistas in the vicinity and thus, on this basis, the project would have no effect. With respect to degrading the existing visual character, while the middle school and Cougar Field are public gathering places, their function is for education and active recreation, respectively. Neither of these public uses is intended for enjoyment of scenic beauty; neither of these uses is considered scenic vista points by state or local designations. Both Albany Middle School and Cougar Field fit the flat, urban setting of the *Bowman v. City of Berkeley* case, wherein the courts agreed with the City that a proposed four-story residential building would not be a visually significant impact on the surrounding one- and two-story residences. The courts explained that the design relationship of the building with its surroundings is properly addressed through local design review processes. Page 2-20 of the Draft SEIR indicates that the project must obtain Design Review Board approval to consider project compliance with design guidelines and compatibility with surrounding structures, in addition to other design considerations. The commentor correctly points out that the context and setting of the project site are important factors in evaluating a project's visual impacts. Thus, a similarly proposed project on a pristine area or on a visual landmark like the Albany Hills would be viewed differently and the impact analysis would reflect the site's context. This discussion does not deny the fact that the proposal at the El Cerrito Plaza Shopping Center is large-

scale and taller and more massive than adjacent structures. The visual simulations in the Draft SEIR and in Section 2.2 of this document clearly show that the proposed structures would obstruct views from the selected vantage points. Nevertheless, the proposed project would not substantially degrade the visual character or a scenic vista.

- 6.37 The commentor is concerned that residents of Behrens Street and viewers on Cougar Field would lose views of sunsets. Please refer to Response 6.36 regarding protection of scenic vistas and visual character, as opposed to scenic views of particular individuals.
- 6.38 The commentor is concerned with lost views of Mt. Tamalpais. Please refer to Response 6.36 regarding protection of scenic vistas and visual character under CEQA, as opposed to scenic views of particular individuals.
- 6.39 The commentor is concerned that the SEIR does not identify the three homes on Behrens Street of which views would be affected by the proposed project. Please refer to the visual quality section in Section 2.2 of this document regarding the Residential Only Alternative.
- 6.40 The commentor disagrees with the analysis of visual conditions from the Ohlone Greenway and feels that the proposed project would not enhance views from the greenway. Current views from the Ohlone Greenway along this stretch of the project site include the Plaza parking lot in the foreground. The commentor states that the parking lot plays a “useful role” in the urban landscape. The lot’s role is not of concern in this visual discussion, but its appearance and contribution to the visual setting. Visually, the surface parking lot does not impart any visual interest; the absence of structures on the lot allows views to the back of the retail buildings at the Plaza. The description of the parking lot as “sparsely vegetated” and “undeveloped” are meant to give the reader an idea of what the lot looks like viewed from the Ohlone Greenway, as opposed to a parking lot that perhaps has structures, mature trees, or vegetated islands on it. The Draft SEIR acknowledges that western views from the Ohlone Greenway would be substantially changed; however, the overall result of the entire project would be beneficial, because an unattractive, albeit functional, surface lot, would be replaced by a building with greater visual interest, design features, and landscaping. Figure 2-9 in this document illustrates the change in views from the a vantage point east of Cougar Field. The commentor notes that the proposed garage would be visually detrimental for users of the Ohlone Greenway. The garage is not proposed as part of the Residential Only Alternative, and thus view blockage by the garage is not relevant.

Regarding the conformance of the proposals with the land use, visual, and design guidelines, please refer to Responses 6.23, 6.24, and 6.25.

- 6.41 The commentor is concerned with the analysis of the Plaza patron’s feelings toward views from the project site. The intent of the discussion was to contrast the visual sensitivity of different viewer groups. Residential viewers, because of the amount of time they spend at home and their property values, tend to be more visually sensitive than commercial/retail



employees or shoppers. Certainly, high quality commercial architecture and design are essential to the retail and visual experience of the shopper. However, retail shoppers would be less sensitive to a proposed residential project in the southeastern corner of the Plaza parking lot, behind existing retail businesses, than nearby residents who have direct views of the proposal.

6.42 In the San Francisco Bay Area, the solar path proceeds from the east to the west and is generally to the south of the local latitude. Thus, as a general rule of thumb, shadows cast by proposed structures lie to the northwest in the morning hours, lie generally to the north during the midday, and then lie to the northeast during the afternoon hours. Given this shadow pattern, the proposed project would cast shadows onto the Ohlone Greenway in the afternoons, particularly in the falls and winters when the sun is lower in the sky. Additional details on the shade effects of the Residential Only Alternative are presented in Section 2.2 of this document.

6.43 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

6.44 The time periods analyzed cover, appropriately, the peaks in project traffic. The traffic generation of the Residential Only Alternative, the current proposed project, is typically negligible during the time period when Albany Middle School is dismissed. Given the

distance to the project site and the amount of traffic generated, it is highly unlikely that project traffic would significantly impact school dismissal.

- 6.45 The BART parking structure is not proposed as part of the Residential Only Alternative, the current proposed project. Therefore, a response to this comment is no longer necessary.

Most traffic from the residential units would access the site along other routes and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

The proposed project would generate negligible traffic throughout the plaza, including the area behind the Albertson's, as little commuter traffic from the residential portion of the project was expected to use that route. In any case, project impacts on parking lot circulation would be similarly less than significant.

It is standard practice for assumptions to be made based on judgment and reconnaissance of the setting and on-site traffic congestion be evaluated where an obvious or well-documented safety problem exists or the owners of the private development successfully request such an undertaking.

- 6.46 Please refer to Response 6.45, above.

- 6.47 Please refer to Response 6.45, above.

- 6.48 Please refer to Response 6.43, above. In addition, the traffic counts taken were conducted by an independent contractor using state-of-the-art equipment. There is no need for an additional assessment. Because quality of life impacts are based on the proportional changes in traffic levels, impacts are identified more when base levels of traffic are lower and identified less when base levels of traffic are higher. Use of the 1997 traffic volumes would have resulted in a finding of 'no-impact' even with the larger previously proposed project alternatives.

Furthermore, cumulative impacts analysis is not dependent on the seasonal fluctuations identified in the comment.

- 6.49 The BART parking structure is not proposed as part of the Residential Only Alternative, the current proposed project. Therefore, a response to this comment is no longer necessary.

- 6.50 The comment applies only to the signalized intersections, as the unsignalized intersections were evaluated based using the Highway Capacity Method as indicated in the Draft SEIR.

Although the methodologies presented in the Highway Capacity Manual and those incorporated into the SYNCHRO software are widely accepted, they are not the

methodologies approved by the Contra Costa Transportation Authority or the City of El Cerrito. The Highway Capacity Method and the CCTALOS method are not comparable because they do not measure the same traffic conditions. The CCTALOS method provides LOS based on a measure of critical volume to capacity, whereas the Highway Capacity Method is based on vehicle delay. The two can be correlated but they are not the same methodology.

It is acknowledged that the use of SYNCHRO allows for more detailed inputs than the CCTALOS methodology, but in order to characterize the results as ‘more-accurate,’ it would be necessary to demonstrate detailed calibration of the inputs to conditions in the field. Such information is not contained in the peer review.

- 6.51 Please refer to Response 6.45, above.
- 6.52 For the Residential Only Alternative, the currently proposed project, there is no impact based on the TIRE index. Should traffic calming be considered in any case, the purpose of the mitigation is not to divert traffic, but rather, to restore environmental quality by mitigating the expected increase in traffic. As the lowest volume streets connecting the plaza to Brighton Avenue, Talbot and Evelyn are the most sensitive to project traffic; any proportionate diversion of project traffic to Cornell or Kains (less than 75 percent) would also result in no impact. Moreover, such a huge diversion is not likely.
- 6.53 The analysis in the Draft SEIR uses conservative assumptions about vehicle traffic, particularly when a project would be adjacent to a major transit facility. The commentor assumes that the counts taken on the street segment north of Brighton should add up to the count on Brighton just east of San Pablo, where the additive effect of project traffic on Brighton is greatest. In fact, some trips related to the project continue south of Brighton while others travel east towards Ashbury. For the Residential Only Alternative, 350 vehicles would travel on Brighton to/from San Pablo, roughly 220 on Brighton towards Ashbury and roughly 20 south of Brighton. Note that the distributions of AM, PM, and daily trips all differ, so that comparisons of the traffic assignment between peak hour and daily estimates are not meaningful.
- 6.54 The intersections identified in the comment were not analyzed because the net new traffic at those locations would never have been substantially large enough at those locations to merit their inclusion as study facilities. For further information regarding traffic, please refer to Responses 6.43 and 6.48, above.
- 6.55 Please refer to Response 6.49, above.
- 6.56 Please refer to Response 6.49, above. Moreover, a parking impact has been identified in the Draft SEIR. This impact would be diminished under the Residential Only Alternative to a shortfall of 43 stalls. The discussion in the Draft SEIR relating to the availability of these spaces within the plaza still applies to the Residential Only Alternative.

- 6.57 The commentor is concerned that the noise analysis does not include Albany Middle School. The main buildings at Albany Middle School and the “blacktop area” of the school would not be impacted by the proposed multi-family residence to reflected BART noise, only the areas directly to the east, and those impacts would be less-than-significant with mitigation. Consequently, measurements of existing noise at the main buildings and blacktop area are not relevant to the Draft SEIR noise assessment.
- 6.58 The commentor’s observation that BART noise levels could interfere with speaking indoors is acknowledged as an existing condition. The impacts of the proposed project with mitigation would be less than significant and speakers would not notice the difference in noise levels directly to the east as well as in the main buildings at Albany Middle School.
- 6.59 Please refer to Master Response 3, addressing noise concerns, in Section 4 of this document.
- 6.60 The commentor requests assessment of noise impacts on Cougar Field. Please refer to Master Response 3 in Section 4 of this document for noise concerns.
- 6.61 The Federal Transit Agency (FTA) has criteria (“Transit Noise and Vibration Impact Assessment” or Guidelines) for evaluating new transit system facilities, which are federally funded. Although not directly applicable to the proposed project (a mixed-use development), the FTA Guidelines are worth mentioning. The residences on the east side of Cougar Field (those directly opposite the proposed site for the multi-family residential building) are exposed to  $L_{dn}$  67 to 68, based on the 2004 project measurements. At this existing noise level, a new rail transit project would be considered by FTA Guidelines to cause “severe impact” if the increase exceeds 3.5 dB. This is normally considered to be the threshold of significant impact for the purpose of CEQA assessment. An increase of 1 dBA or less would result in no impact according to the FTA guidelines.
- 6.62 Please refer to Master Response 3 in Section 4 of this document for additional commentary about noise impacts and mitigations.
- 6.63 The monitoring data in Table 3.6-1 is adequate to define the general air quality conditions on and in the vicinity of the project site. The Draft SEIR uses this information to define probable base air pollutant levels. Project sources would add ozone precursors, particulate and carbon monoxide, as estimated in Tables 3.6-3 and 3.6-4. Project emissions should not threaten regional ozone attainment goals or local exposure of residents with significant additional particulate or carbon monoxide exposure if the suggested mitigation measures are implemented.
- 6.64 Please refer to Master Response 4 in Section 4 of this document for additional commentary about air quality impacts and mitigations.

- 6.65 Please refer to Master Response 4 in Section 4 of this document regarding air quality concerns.
- 6.66 The commentor is concerned that none of the alternatives presented in the Draft SEIR meet Measure C objectives. Since the parking structure is not proposed as part of the Residential Only Alternative, and the project would not be eligible to utilize Measure C funding, discussion over Measure C compliance is no longer relevant to the project.
- 6.67 The commentor suggests development of a new range of alternatives. Since the parking structure is not proposed as part of the Residential Only Alternative, and the project would not be eligible to utilize Measure C funding, discussion of alternatives that comply with use of Measure C funds is not relevant to the project.
- 6A.1 The commentor requests withdrawal and recirculation of the Draft SEIR, since the project advanced by the project sponsor is not the project evaluated in the Draft SEIR. Please refer to Master Response 1 in Section 4 of this document on the present status of the proposed project and the CEQA process. It is not uncommon for a project sponsor to revise a proposed project during the course of CEQA review or to select an alternative being studied. The current proposal under consideration by the City, the Residential Only Alternative, is one of the alternatives explored in the Draft SEIR.
- 6B.1 The commentor requests withdrawal and recirculation of the Draft SEIR. Please refer to Responses 6.4, 6.5, and 6A.1, as well as Master Response 1 in Section 4 of this document on the present status of the proposed project and the CEQA process.
- 6C.1 The commentor requests withdrawal and recirculation of the Draft SEIR. Please refer to Responses 6.4, 6.5, and 6A.1, as well as Master Response 1 in Section 4 of this document on the present status of the proposed project and the CEQA process.
- 6D.1 The commentor requests withdrawal and recirculation of the Draft SEIR. Please refer to Responses 6.4, 6.5, and 6A.1, as well as Master Response 1 in Section 4 of this document on the present status of the proposed project and the CEQA process.
- 6E.1 The commentor requests withdrawal and recirculation of the Draft SEIR. Please refer to Responses 6.4, 6.5, and 6A.1, as well as Master Response 1 in Section 4 of this document on the present status of the proposed project and the CEQA process.

## **7. North Albany Neighborhood Association**

- 7.1 The commentor requests withdrawal and recirculation of the Draft SEIR, since the project advanced by the project sponsor is not the project evaluated in the Draft SEIR. Please refer to the master response in Section 4 of this document on the present status of the proposed project and the CEQA process. It is not uncommon for a project sponsor to revise a proposed project during the course of CEQA review or to select an alternative being studied. The current proposal under consideration by the City, the Residential Only Alternative, is one of the alternatives explored in the Draft SEIR and is described in greater detail in Section 2.1 of this document.
- 7.2 The commentor requests disclosure of BART's plans for their property. While the Draft SEIR acknowledges BART's policy of promoting transit-oriented development around its stations, specific future plans for the El Cerrito BART Station property are not known. Accordingly, without sufficient details (such as numbers of dwelling units or square footages) or a development proposal, cumulative impacts with BART's plans for its property would be speculative. This notwithstanding, BART is exploring transit-oriented development opportunities at a number of its stations, including El Cerrito Plaza. Initial phases of this exploration at the El Cerrito Plaza Station are underway, but no development concepts have been advanced. Thus, relocating development to the BART surface parking lot, as proposed by the commentor, would preempt BART's efforts.
- 7.3 The commentor requests that Figure 2-1, Project Location, and all similar figures in the Draft SEIR be revised to accurately represent the proposed project parcel. Figures S-1 and 2-1 have been revised to more accurately represent the size of the project site (see the following page). However, it should be noted that these figures are intended to provide the reader with the general location of the project site rather than its exact dimensions, which are described in Section 2, Table 2-2 (page 2-13 of the Draft SEIR) and Figures 2-3 and 2-4 (pages 2-10 and 2-11 of the Draft SEIR).
- 7.4 The commentor believes that the proposed parking structure would not be utilized, and requests justification for its need. The BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.
- 7.5 The commentor requests answers to a series of questions relating to BART parking and Measure C funds. Since the BART parking structure is not proposed as part of the Residential Only Alternative, discussion of BART parking and Measure C funds is not relevant to the project. Please refer to Master Response 1 in Section 4 of this document for the present status of the proposed project.

Slipsheet for Revised Figure S-1 and 2-1 (Same figure. Title Figure S-1 and 2-1)

- 7.6 The commentor requests the width of the total creek corridor right-of-way. Because the Draft SEIR does discuss the creek corridor right-of-way for the Residential Only Alternative on page 4-4 and this alternative is now the proposed project, there is no need to present the creek corridor right-of-way for the proposed project presented in the Draft SEIR. Please refer to Section 2.2 of this document for more details about the creek corridor.
- 7.7 The commentor requests that Figure 2-4, Mixed Use Development Project Site Plan, of the Draft SEIR show a crosswalk between the residential building and the Plaza sidewalks. The commentor is referred to Section 2, Figure 2-1, Garage Level of Residential Only Alternative, of this document. This figure shows that three crosswalks would connect the project site to El Cerrito Plaza Shopping Center. The sidewalks are denoted by a checkered pattern and are located at the northwest and southwest corners of Building 1 and at the northwest corner of Building 2.
- 7.8 The commentor notes that the Mill & Lumber project is located considerably less than 1 mile away from the El Cerrito Plaza Shopping Center and that, according to Draft SEIR Figure 2-1, Project Location, the distance is approximately 0.6 miles. Based on Figure 2-1, Project Location, of the Draft SEIR, the distance between the northwest corner of El Cerrito Plaza Shopping Center (the intersection of San Pablo and Fairmount Avenues) to the Mill & Lumber project (the intersection of San Pablo Avenue and Schmidt Lane) is approximately 0.8 miles. Thus, the distance from the Mill & Lumber project to the center of El Cerrito Plaza is about 1 mile. It is important to note the use of the word ‘approximate’ throughout the Draft SEIR to describe distances between two points. The discussion of cumulative development on page 3-3 of the Draft SEIR is intended to give the reader an idea of the proximity of other projects to El Cerrito Plaza Shopping Center and the project site rather than provide exact distances between the projects.
- 7.9 The commentor correctly notes that the El Cerrito Plaza Shopping Center houses 344,000 square feet of retail/commercial space rather than the 227,000 square feet identified in the Draft SEIR. Therefore, the following change is made to the second full sentence on page 3.1-2 of the Draft SEIR.
- As a result of the 1999 Revitalization Project, the El Cerrito Plaza Shopping Center currently contains nine one- to two-story buildings, which house ~~227,000 square feet (5.21 acres)~~ 344,000 square feet (7.9 acres) of retail/commercial space and surface parking lots.
- 7.10 The commentor states that Figure 3.1-1, Zoning Designations, does not define all the zoning designations in the City of Albany and that the Final SEIR should reflect Albany’s new Zoning Ordinance, adopted in December of 2004. Figure 3.1-1 has been revised accordingly.



Slipsheet for Revised Figure 3.1-1

- 7.11 The commentor notes that the City's General Plan lacks guidance on FAR and density as it pertains to mixed-use developments and that the Draft SEIR should acknowledge this fact. The Residential Only Alternative would result in a residential land use only. Therefore, a discussion of the appropriate land use intensity for mixed-use development is not necessary. The appropriate metric for a residential development, as noted by the commentor, is density, expressed as dwelling units per acre. For a discussion of the Residential Only Alternative's density, please refer to Section 2 of this document.
- 7.12 The commentor requests that a discussion of land use impacts associated with closing Albany streets adjacent to the project site be discussed. Closure of Albany streets south of the Plaza is not part of the proposed project and therefore not an effect of the project. To the extent that the City of Albany elects to close its streets, the environmental effects of such action should be evaluated by the City of Albany. It is noted that the transportation impacts related to the closure of Albany streets were presented in the Draft SEIR for informational purposes based on a request from the City of Albany. As stated on page 3.4-10 of the Draft SEIR, any action taken by the City of Albany would be considered a separate project. As with the proposed project, the Residential Only Alternative would not in itself result in the closure of Albany streets. Furthermore, the closure of streets in Albany would not trigger a land use impact pursuant to CEQA; that is, inconsistency with an adopted policy, division of a community, or conflict with a Habitat Conservation Plan.
- 7.13 The commentor requests that Impact LU-2 be reorganized into two separate impacts. The organization of the Environmental Analysis section follows the three significance criteria used by the City to assess impacts. For example, Impact LU-1 corresponds to the first bulleted significance criterion and Impact LU-2 corresponds to the second bulleted significance criterion. It is recognized that Impact LU-2 is lengthy and involves many different topics. However, the overall purpose of impact LU-2 is to assess the project's consistency with applicable policies. As such, discussion of consistency belongs under Impact LU-2. It is also noted that Impact LU-2 is subdivided into smaller sections to help the reader better follow and understand the information.
- 7.14 The commentor states that the BART parking garage parcel should not be included in the FAR calculations for the project. The Residential Only Alternative would result in residential land uses only, and the City's measure of intensity for a residential development is dwelling units per acre. Thus, discussion of FAR is no longer relevant. For a discussion of the Residential Only Alternative's density, please refer to Section 2 of this document.
- 7.15 The commentor states that Mitigation Measure LU-2.2 should require less than the maximum housing density, because the proposed project would also include commercial uses. Mitigation Measure LU-2.2 is no longer relevant, because the Residential Only Alternative is the project being proposed by the project sponsor, and this alternative does

not include commercial uses. The Residential Only Alternative is consistent with the maximum allowable residential density of 45 d.u./acre under the City's Incentives Program.

- 7.16 The commentor requests that the Draft SEIR provide information as to what public benefits the project sponsor would provide in exchange for processing the project under the Incentives Program. A description of the Incentives Program is provided on page 3.1-8 of the Draft SEIR. Response 6.29 discusses the features of the Residential Only Alternative that would potentially qualify it for the Incentives Program. The ultimate decision about whether the proposed project qualifies for this program lies with the City Planning Commission.
- 7.17 The commentor asks for clarification of the project details according to Mitigation Measure LU-2.2. As noted in Response 7.15, Mitigation Measure LU-2.2 is no longer relevant, since the project sponsor has revised his proposed project to the Residential Only Alternative. Please refer to Section 2.1 of this document for a description of this alternative.
- 7.18 The commentor believes that the design of the proposed project would be incompatible with the approved plan for the plaza because it includes housing and BART parking facilities. The Residential Only Alternative would not include the BART parking garage; therefore, questions about the compatibility or desirability of a garage are no longer relevant. Furthermore, as stated on page 3.1-5 of the Draft SEIR, "The 1999 *General Plan* identifies the El Cerrito Plaza Shopping Center as a major area of revitalization wherein mixed-use development is encouraged. The 1999 *General Plan* does not preclude housing as part of the mix of uses for this area. The 1999 *General Plan* states that mixed-use development would support use of the BART transit system and reduce reliance on auto trips by local residents." Currently, the El Cerrito Plaza Shopping Center only contains commercial uses. The addition of the Residential Only Alternative would enable the Plaza to be characterized as mixed-use, supporting the General Plan goal. These residential uses are also intended to support BART and reduce reliance on auto trips. All project residents would be able to access retail stores within the Plaza and the BART transit system without reliance on auto trips. Additionally, as stated on pages 3.1-15 through 3.1-17, the proposed project would comply with other city planning documents, such as the El Cerrito Design and Development Guide, the Cerrito Creek Bay Trail Connector Master Plan, the City's Zoning Ordinance, and the third amended and restated City of El Cerrito Redevelopment Plan. Furthermore, the previous plan for the Plaza included residential uses in this location. Section 2.2 of this document explains how the Residential Only Alternative would be consistent with these policy documents. Any inconsistencies with city planning documents would be mitigated by Mitigation Measures LU-2.1 and LU-2.3 on page 3.1-18 of the Draft SEIR. Therefore, the Residential Only Alternative would achieve the overall plan for the Plaza and uphold General Plan goals, not disrupt the overall plan for the Plaza as claimed by the commentor.

- 7.19 The commentor requests information on the height and bulk of structures that surround the proposed project site to verify compliance with General Plan Policy CD4.1. The heights of the proposed buildings under the Residential Only Alternative would range from 45 to 59 feet, depending on the measurement location. As stated in the Draft SEIR on page 3.3-19, the residential structures would be comparable in scale to existing development, though the Residential Only Alternative actually proposes buildings that are lower than the proposed project. In regards to Policy CD4.1, the Residential Only Alternative would “avoid big differences in building scale and character between developments on adjoining lots” because it would provide three-story residential buildings atop an approximately 3-foot parking podium, which is similar to development south of the project site. The nearest apartment building at 401 Evelyn ranges in height from approximately 35 to 45 feet. While existing retail development in the El Cerrito Plaza ranges from 1 to 2 stories, its design scheme and color palette would be compatible with the Residential Only Alternative structures. Further discussion and analysis of the visual relationship of the project to its surroundings are provided in Section 2.2 of this document.
- 7.20 The commentor states that, based on figures in the Draft SEIR, the FAR of the existing Plaza appears to be 0.27, not 0.16 as stated. The FAR is the floor area of developed space divided by the entire site area. Commercial floor area at the Plaza totals 344,000 sf; the total site area is 32 acres. The resulting FAR for existing conditions should be 0.25. Accordingly, page 3.3-2 of the Draft SEIR, paragraph 4, sentence 2 is revised as follows:
- The remainder of the 32-acre El Cerrito Plaza Shopping Center contains one- to two-story commercial structures and surface parking lots that result in a floor area ratio of 0.25 ~~0.16~~ for the entire El Cerrito Plaza Shopping Center.
- 7.21 The commentor is concerned with visual impacts affecting those working at, attending, visiting, and using Albany Middle School. Please refer to Section 2.2 of this document for a the Residential Only Alternative's visual effects on Cougar Field. Albany Middle School is not a location from which an important vista or scenic resource would be affected, and the site of the school itself would not be degraded or affected by light or glare.
- 7.22 The commentor requests a visual simulation showing the project site from the Ohlone Greenway. A visual simulation showing the project site from the Ohlone Greenway would depict the eastern façade of the proposed project, alongside the service and loading areas of low-rise, large footprint retail businesses, and would not be dissimilar to the top panel in Figure 2-7 of the Draft SEIR.
- 7.23 The commentor states that the photosimulations should show more detail, commensurate with the detail in the elevations. The type of photosimulations prepared for the Draft SEIR are intended to illustrate the scale and massing of the proposed development to allow the reader to understand the visual impacts, such as altered views or scale compatibility with surrounding development, that would result. The simulations are not meant to be a detailed

depiction of the design plans. Section 2.2 of this document includes more detailed simulations, prepared by the project architects, and better illustrates the scale and massing of the Residential Only Alternative as seen from Evelyn Avenue and from across Cougar Field.

- 7.24 The commentor is concerned with perceived incompatibility with the scale of existing development along Evelyn Avenue. Please see Response 7.19, above. Site visits to specifically examine the height of residential building south of the project site reveal that there would be virtually no difference in height, measured at the BART track side of the properties, between the proposed residential structure and the existing multifamily building in Albany. In addition, the site plan for the Residential Only Alternative indicates that the proposed residential structure would be set back at least 60 feet from the Albany border, which is greater than under the project that was evaluated in the Draft SEIR. Also, please refer to the visual quality section in Section 2.2 of this document which describes the variable setback of Building 2, which serves to further break up the mass of the building along its Albany frontage.
- 7.25 The commentor asks that the Draft SEIR compare the FAR of the El Cerrito Plaza Shopping Center and the proposed project. As discussed in Response 7.14 above, the City measure of intensity for a residential development is density (dwelling unit/acre). Thus, comparing the FAR of the El Cerrito Plaza Shopping Center and the Residential Only Alternative is not fitting. Furthermore, even if such a comparison were appropriate, the FAR is a measure of development intensity and is not necessarily a good measure for describing visual settings. For example, an FAR of 2.0 can be developed as a four-story structure on a quarter of the site area or a low-rise, large floor-plate structure of one-story occupying the entire site area. Both have FARs of 2.0 but markedly different visual characteristics.
- 7.26 The commentor requests that the height of the proposed buildings should be compared with the tallest structures in Albany and El Cerrito. Such information might be informative and interesting; however, visual character and impacts are based on their context. A 60-foot-high structure may look perfectly acceptable in one setting but not another. The description of the visual setting in the Draft SEIR takes into account the project site and the adjacent areas, which account for the viewshed of most viewers of the project vicinity.
- 7.27 The commentor is concerned with the contrast between the existing and proposed views, stating that the proposed project would be incompatible with existing height, bulk, density, and appearance of the project vicinity. Please refer to Response 6.36 regarding the applicability of the Bowman case and the visual impacts to Albany residents.
- 7.28 The commentor suggests that Impact VQ-1 be considered a significant impact due to General Plan Policy CD4.1. Please refer to Response 6.36 regarding the applicability of the Bowman case and the visual impacts to Albany residents.

- 7.29 The commentor suggests that Impact VQ-1 include mitigation to provide a pedestrian scale design appropriate for street frontage facing the Greenway and that the impact should be considered significant. Please refer to Responses 6.38 through 6.40 regarding the visual effects of the project from the Ohlone Greenway. Moreover, it should be noted that the design of the Residential Only Alternative with windows and balconies facing the Ohlone Greenway would be consistent with the City's General Plan Policy CD3.9. This policy calls for development along the greenway to avoid blank walls, backs of buildings, and large parking lots, which is precisely what one sees today at the project site.
- 7.30 The commentor states that the proposed project would block views of Mt. Tamalpais, resulting in a significant impact. Please refer to Responses 6.36 and 6.37 regarding views of Mt. Tamalpais from Cougar Field and the Behrens neighborhood. Also, please refer to Response 6.42 regarding shadow impacts on the project.
- 7.31 The use of peak hour traffic volumes to estimate daily traffic is a well-established practice in transportation analysis where other data are not available. The commentor believes that the estimate of daily trips in the Draft SEIR is low and therefore the TIRE index is inaccurate; the implication being that an accurate TIRE index analysis would reveal a significant project impact.

In reality, the TIRE index is less likely to reveal an impact when the background volume is high than when it is low. This result occurs because the standard of significance is based in a relative change in the TIRE index as an indicator of the relative change in perceptions. In other words, a proportionally larger traffic volume on a heavily trafficked roadway is needed to register a change in the TIRE index than on a lightly traveled thoroughfare. Thus, a given increase in traffic on a freeway is harder to perceive on a freeway than it is on a quiet street. Please refer to Master Response 2 in Section 4 of this document for further discussion of the TIRE index. Also, the TIRE index results for the Residential Only Alternative are reported in Section 2.2 of this document.

- 7.32 There is no justification for analysis of bike or pedestrian volumes on the Ohlone Greenway. Changes to the Ohlone Greenway are not contemplated as part of the proposed project and there is no capacity issue to be addressed by such analysis. Please also refer to the first section of Response 7.31, above.
- 7.33 In response to the commentor's correction, Table 3.4-1 is revised as follows:

Brighton Avenue ~~west~~ east of San Pablo Avenue

- 7.34 The physical configuration of the intersections identified in the comment is not affected by the proposed project, and the concerns expressed by the commentor represent existing conditions. The project's added traffic volumes have been evaluated for impacts off-site and where significant impacts were identified, mitigation measures have been recommended. The volumes generated by Residential Only Alternative, the project

currently proposed, do not represent a substantial impact to pedestrian traffic at any of the locations identified in the comment and the growth in peak hour traffic resulting from the project at these locations in most cases would be less than two percent. Please also refer to the first section of Response 7.31.

7.35 The peak hour is the period when the project and the majority of background facilities generate the greatest amount of trips. The peak hour for school traffic occurs earlier in the afternoon and would not be appreciably affected by the proposed project. Please also refer to the first section of Response 7.31.

7.36 The locations identified by the commentor for evaluation in the Draft SEIR are not public streets. Neither the project sponsor, Contra Costa County, nor the City of El Cerrito has direct control over these locations. In any case, as part of a private circulation system, the operational performance of these facilities is not judged based on the throughput of vehicles, the speed of travel, or on uninterrupted flow – the parameters used to assess the operations of a public intersection or roadway. Unless there is a direct impact on the public right of way, there are no LOS standards (or standards relating to speed of travel, etc.) that can typically be applied to private property. This is particularly the case when the owner of the property has not expressed a desire to have such impacts assessed. Operational performance and efficiency within the Plaza would be studied at the discretion of the property owner. It is not clear that data could even be collected to perform the analysis except at the owner's discretion.

It should also be understood that the Residential Only Alternative traffic would add 28 PM peak hour trips to the El Cerrito Plaza circulation system, based on the traffic study trip assignment assumptions. If any of the locations suggested by the commentor for evaluation were public streets, this amount of additional traffic would not meet the CCTA threshold for intersection impact analysis.

7.37 The comment applies only to the signalized intersections, as the unsignalized intersections were evaluated based using the Highway Capacity Method as indicated in the Draft SEIR. Although the methodologies presented in the Highway Capacity Manual and those incorporated into the SYNCHRO software are widely accepted, they are not the methodologies approved by the Contra Costa Transportation Authority or the City of El Cerrito. The Highway Capacity Method and the CCTALOS method are not comparable because they do not measure the same traffic conditions. The CCTALOS method provides LOS based on a measure of critical volume to capacity, whereas the Highway Capacity Method is based on vehicle delay. The two can be correlated, but they are not the same methodology.

It is acknowledged that the use of SYNCHRO allows for more detailed inputs than the CCTALOS methodology, but in order to characterize the results as 'more-accurate,' it

would be necessary to demonstrate detailed calibration of the inputs to conditions in the field. Such information is not contained in the peer review.

- 7.38 Please refer to Response 7.37, above.
- 7.39 Please refer to Response 7.35, above.
- 7.40 Please refer to Response 7.31, above.
- 7.41 Please refer to the first section of Response 7.31, above.
- 7.42 Please refer to the traffic section in Master Response 2 in Section 4 of this document.
- 7.43 Please refer to Responses 7.31 and 7.36, above.
- 7.44 Please refer to the first section of Response 7.31, above.
- 7.45 Please refer to the traffic section in Master Response 2 in Section 4 of this document.
- 7.46 Please refer to the traffic section in Master Response 2 in Section 4 of this document.
- 7.47 Information on the City's parking requirements is presented in Impact TR-6 on page 3.4-31, paragraph 2, in the Draft SEIR.
- 7.48 The BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary. Please refer to Section 2 of this document for a description of the new proposed project and its potential environmental effects.
- 7.49 Please refer to Response 7.48, above.
- 7.50 Please refer to Response 7.48, above.
- 7.51 Please refer to Responses 7.31 and 7.36, above.
- 7.52 Please refer to the traffic section in Master Response 2 in Section 4 of this document.
- 7.53 Please refer to Response 7.37, above.
- 7.54 Please refer to Response 7.31, above.
- 7.55 Please refer to Response 7.31, above. In addition, should traffic calming be considered, the purpose of the mitigation is not to divert traffic but, rather, to restore environmental quality by mitigating the expected increase in traffic. As the lowest volume streets connecting the plaza to Brighton Avenue, Talbot and Evelyn are the most sensitive to



- project traffic; any proportionate diversion of project traffic to Cornell or Kains (less than 75 percent) would also result in no impact. Moreover, such a huge diversion is not likely.
- 7.56 Please refer to Response 7.55, above.
- 7.57 The project as currently proposed (i.e., the Residential Only Alternative) would not trigger an impact based on the TIRE index and mitigation is not required. Funds were provided to Albany to use in mitigating an impact identified in the 1997 EIR. It was and remains the City of Albany's responsibility to ensure that those funds are used to mitigate quality of life impacts on streets identified as impacted in that Draft SEIR.
- 7.58 Please refer to Master Response 2 in Section 4 of this document.
- 7.59 The concern that pedestrians use the bicycle trail, rather than the designated pedestrian trail, is an existing issue. While the proposed residential development would likely increase the number of pedestrians and bicyclists using the Ohlone Greenway, the safety of these individuals and their use of the correct pathway is an enforcement issue that should be addressed by the cities along the greenway.
- 7.60 The bike parking recommended is not intended for long-term bike parking. The provision of bike lockers within the residential buildings is a marketing decision appropriately left to developers of the property. The project sponsor has indicated an intent to provide bike storage in the residential garage.
- 7.61 Paragraph 2, page 3.4-31 of the Draft SEIR, provides an overview to the parking supply and demand. Please note that the child care facility is no longer part of the proposed project. While the Residential Only Alternative reduces the parking deficit identified for the originally proposed project, there would still be a shortfall. This shortfall would be considered a less-than-significant impact if the project qualifies for the City's Incentives Program and the Planning Commission waives the parking requirements in the existing zoning regulations.
- 7.62 Please refer to Master Response 2 in Section 4 of this document.
- 7.63 Please refer to Master Response 2 in Section 4 of this document.
- 7.64 The total traffic added by the Residential Only Alternative to the El Cerrito Plaza circulation system is 28 trips in the PM peak hour. Based on the traffic study of the Residential Only Alternative, the new proposed project would result in five northbound and one southbound vehicles traveling behind Albertson's in the AM peak hour and two northbound and six southbound vehicles in the PM peak hour. This volume of traffic is considered negligible in terms of affecting vehicular and pedestrian movements in this area. See Master Response 2 in Section 4 of this document for additional discussion of circulation within El Cerrito Plaza.

- 7.65 The BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.
- 7.66 A site reconnaissance did not reveal any “blind-spots” along established or proposed pedestrian paths on the project site. Some view obstruction is inherent on all circulation paths. Given reasonable pedestrian and driver behavior, the areas with some view obstruction do not present a hazard. The project would not contribute to any safety problem in this regard. See Master Response 2 in Section 4 of this document for additional discussion of pedestrian circulation impacts within the Plaza.
- 7.67 Table 3.4-9 should be compared with Table 3.4-6, which shows appropriate changes to the traffic volumes on the north legs of each of the intersections. With closure of the Albany streets, an estimation of the reassignment of background traffic from the plaza to these streets was applied to the remaining plaza driveways, but the background volumes along Brighton are not changed. These trips are double counted, but this represents a conservative assumption as this traffic would likely be reduced.
- 7.68 Please refer to Response 7.67, above.
- 7.69 Please refer to Master Response 3 in Section 4 of this document for further discussion of noise concerns.
- 7.70 The existing ambient noise levels presented in the Draft SEIR for monitoring Locations 3 and 4 do contain noise from BART. Except for the occasional noise associated with Albany Middle School students or Cougar Field users, BART is the dominant source of noise at those locations at present and on a long-term basis. The noise monitoring is all-inclusive of the existing ambient noise present at the monitoring location. The long-term ambient monitoring performed for the Draft SEIR does address noise on Cougar Field and therefore addresses Albany Middle School students. The ambient noise monitoring was performed at the nearest residence to the project that could be affected by reflected noise. These are the residences on the eastern edge of Cougar Field (refer to Monitoring Locations 3 and 4).
- 7.71 All potential receptors have been considered in the noise analysis, including people living in the neighborhood and children at Albany Middle School.
- 7.72 Please refer to Response 7.70, above.
- 7.73 Please refer to Response 7.70, above.
- 7.74 Please refer to Response 7.70, above.
- 7.75 The commentor suggests that the project developer/owner consider mitigating BART noise by retrofitting the BART aerial structure with noise barriers. CEQA requires that there be a nexus between the significant impact and the proposed mitigation, and the measure must

be roughly proportional to the impacts of the project. The Draft SEIR contains mitigation measures that would reduce the effects to less than significant. Please refer to Master Response 3 in Section 4 of this document which explains that private developers cannot retrofit the BART facility; such modifications are solely within BART's discretion.

7.76 Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.

7.77 Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.

7.78 It is acknowledged that the project site would normally be unacceptable for residential development because of the existing ambient noise levels (approximately 82 dB at the second story and 83 to 84 dBA at higher stories). Given these conditions, the Draft SEIR considers whether future occupants of the residential development would be exposed to unacceptable noise levels inside the residence (i.e., greater than 45 dB). The Draft SEIR acknowledges that there is a potential significant impact for these residents and recommends appropriate mitigation measures. Specifically, please refer to Mitigation Measure NO-2.1., in the Draft SEIR. Regarding exterior noise levels, the commentor is correct that the site is exposed to unacceptable levels. The plan drawings for the proposed project in the Draft SEIR does not indicate any outdoor recreation/open space areas other than the play yard associated with the child care facility, but this facility is not part of the Residential Only Alternative. Mitigation Measure NO-4.1, Control of BART Noise by Acoustical Design, is recommended to achieve an exterior noise level of 65  $L_{dn}$ . The Residential Only Alternative proposes open space areas at the podium level for Buildings 1 and 2. Similar mitigation measures are proposed for this alternative to achieve acceptable exterior noise levels. While the recommended mitigation measures could reduce identified impacts to a less-than-significant level, there still remains the policy question of whether the site is suitable for residential development in light of the existing noise environment. This determination lies with the City Planning Commission and City Council. For further details on noise impacts and mitigations, please refer to Master Response 3 in Section 4 of this document.

7.79 Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.

7.80 Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.

7.81 Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.

7.82 The ambient noise on Cougar Field and at the back of the residences to the east of Cougar Field is dominated by BART. Consequently, the change in BART noise due to reflection is represented in the  $L_{dn}$  as well as in the noise level associated with individual trains. The  $L_{dn}$  is an energy average noise level over a 24-hour period. The duration of BART train passbys is short, but the sound energy produced by the BART trains determines the  $L_{dn}$ . The  $L_{dn}$  (or similar CNEL) noise metric is the accepted standard for measuring, reporting, and evaluating community noise and noise impacts. The targeted noise goal is to limit

- noise due to reflected sound from BART trains to 1 dBA as required by Mitigation Measures NO-5.1 and 5.2.
- 7.83 The residence in question is considerably north of the proposed multi-family residential building. Reflected noise would have a lesser impact on this residence than to residences directly to the east of the proposed building. Consequently, Mitigation Measure NO-5.1 or NO-5.2 are adequate, since they mitigate the impacts to these latter residences to a level that is less-than-significant.
- 7.84 The proposed mitigation measures (NO-5.1 or NO-5.2) would have the same effect near the new multi-family residence as they would further away. Consequently, there is no “compliance line” for the mitigation, because it would mitigate all areas to the east.
- 7.85 Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.
- 7.86 Since the BART parking structure is not proposed as part of the Residential Only Alternative, noise impacts from the proposed garage are not relevant. Please refer to Section 2 of this document for a description of the Residential Only Alternative and its potential noise impacts.
- 7.87 Since the BART parking structure is not proposed as part of the Residential Only Alternative, noise impacts from the proposed garage are not relevant. Please refer to Section 2 of this document for a description of the Residential Only Alternative and its potential noise impacts.
- 7.88 Albany Middle School is located at 1259 Brighton Avenue in Albany, a few hundred feet further south of the multi-family residential building identified in the Draft SEIR as the nearest existing sensitive receptor to the project site.
- 7.89 The Draft SEIR did identify PM<sub>2.5</sub> as an air pollutant of concern in the Bay Area. Table 3.6.1 includes PM<sub>2.5</sub> monitoring data and discussion in the Applicable Plans and Policies section on page 3.6-6 of the Draft SEIR states that the Bay Area does not meet federal standards for PM<sub>2.5</sub>. PM<sub>2.5</sub> is a component of PM<sub>10</sub>, the emissions of which were estimated for proposed project operations. The most important sources of PM<sub>2.5</sub> are diesel engines. The project as first proposed consisted of a 97-unit residential building with a childcare facility and a 500-space BART parking facility, and is now a 128-unit residential building with no BART parking. The main sources of air pollutants from either project scheme would be gasoline powered motor vehicles, which are not important sources of PM<sub>2.5</sub>. Therefore, the project would not result in a significant impact with respect to PM<sub>2.5</sub>.
- 7.90 The cumulative analysis of Land Use, Plans, and Zoning states on page 3.2-7 of the Draft SIER that “The population increase [from the proposed project, together with the Mill & Lumber and Fairmont Avenue projects, the other approved and planned cumulative projects in El Cerrito] is within the ABAG projected population growth for the City of El

Cerrito.” Since the Bay Area’s Clean Air Plan is based on ABAG population projections, the above-mentioned cumulative growth in El Cerrito is consistent with the Clean Air Plan. This will remain true even with the shift from the project as originally proposed (i.e., 500-vehicle BART parking structure, 97-unit multi-family residential, with child care facility) to the Residential Only Alternative (i.e., 128-unit multi-family residential). Furthermore, the project did not require a general plan amendment as part of its approval process, and does not have any individually significant air quality impacts. The Draft SEIR’s conclusion of less-than-significant cumulative air quality impacts, including PM impacts, remains valid.

- 7.91 The emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> predicted by URBEMIS2002 can have regional and local impacts. The fact that project emissions fall under the BAAQMD significance thresholds makes it unlikely that there would be significant impacts of either type.
- 7.92 Gasoline powered motor vehicles would be the main sources of project air pollutants. Gasoline powered motor vehicles are not important sources of PM<sub>2.5</sub>.
- 7.93 The EPA statement referenced by the commentor that gasoline engines will produce as much PM<sub>2.5</sub> as diesel engines by 2010 is logical since there are so many more gasoline powered vehicle in the country than diesel engines.
- 7.94 Please refer to Master Response 4 on air quality concerns in Section 4 of this document.
- 7.95 The project impacts on local traffic flows and their consequent air quality impacts were examined in the Draft SEIR. No significant local air quality problems, particularly carbon monoxide standard violations, were found likely to occur. Closure of Albany streets is not proposed as mitigation in the Draft SEIR nor is it a reasonably foreseeable consequence of the project, but, as noted on Response 7.12, it has been raised by the City of Albany. Such actions on the City’s part would be of the City’s own volition and resultant air quality impacts should be addressed by the City of Albany.
- 7.96 The commentor requests clarification for the contradiction regarding liquefaction between statements in paragraph 1 and paragraph 4 on page 3.9-9. The proposed project site does in fact have high liquefaction potential as explained correctly in paragraph 1. The text in paragraph 4 has been changed to match the statements in paragraph 1, as follows:
- Irrespective of the ~~low~~ liquefaction potential of the surface soils and the near-surface soil-forming materials...
- 7.97 The commentor asserts that the proposed project is not within the Santa Clara Valley Groundwater Basin. The proposed project is within the East Bay Plain Subbasin of the Santa Clara Valley Groundwater Basin, as stated on page 3.10-5 of the Draft SEIR, which extends south from San Pablo Bay along the east side of San Francisco Bay and south to

the City of Fremont. The proposed project is within Groundwater Basin number 2-9.04. Please refer to footnote 11 on page 3.10-5 for further clarification.

- 7.98 The commentor requests consideration of the Albany Watershed Master Plan and Alameda County requirements for daylighting and runoff in the hydrology section. The Albany Watershed Management Plan has been reviewed, although the proposed project is in the City of El Cerrito. The proposed project would not violate any water quality standards because project approval, including details for daylighting this section of Cerrito Creek, requires permits administered by the City of El Cerrito and the San Francisco Bay Regional Water Quality Control Board, which prohibit substantial adverse effects to the creek or the watershed. These permits would be required before construction could commence, as detailed on page 3.10-9 of the Draft SEIR. Because the project is in El Cerrito, it is not under the jurisdiction of the City of Albany Watershed Management Plan or Alameda County, but answers to the same Regional Water Quality Control Board. Consequently, it would not be permitted to violate any regional standards set by the Water Board or the Contra Costa County Flood Control District (page 3.10-2 through 3.10-5 and 3.10-9 of the Draft SEIR). Therefore, consideration of Alameda County requirements is not warranted and would not be relevant to the project.
- 7.99 The commentor requests that the Draft SEIR consider the cost of police time necessary to respond to crimes occurring within the BART parking garage. Since the Residential Only Alternative does not include the BART parking garage, an evaluation of police response to the parking structure is not necessary. The commentor is referred to Draft SEIR pages 4-9 through 4-10 and Section 2.2 of this document for a discussion of the Residential Only Alternative impacts on police services.
- 7.100 The commentor points out an error in page 4-2, paragraph 1, last sentence, regarding the definition of the BART Parking Garage Only Alternative. To correct this confusion, this text is modified as follows:
- Furthermore, two other alternatives consisting of a larger residential development and Cerrito Creek daylighting only (the child care facility and BART parking garage would not be built) and an alternative in which only the BART parking garage ~~and Cerrito Creek daylighting~~ would be built (the child care facility, residential development, and Cerrito Creek daylighting would not be built) are also considered.
- 7.101 The commentor claims CEQA requires further development of a 77-unit residential project and an alternative location for the residential component. Regarding the exploration of the 77-unit project, please refer to Response 6.28. Regarding the alternative residential location, the commentor believes this option must be considered because there are legitimate public policy questions about the use of the Measure C funds, because such an alternative was requested during the scoping session, and because the site is unacceptable

for the proposal. The Measure C funds apply to the BART parking garage. Since that project component has been eliminated by the project sponsor, its evaluation and alternatives for the structure are no longer necessary. The mere mention or request for an alternative location during a scoping session does not necessarily mean that it must be fully developed in an EIR. The guidance provided by the CEQA Guidelines for alternative locations is that such options should be considered if it can be reasonably assumed that such alternative locations would substantially reduce the impacts identified for the proposed project. Response 7.2 provides some information about the availability of the alternative location proposed by the commentor (the BART surface parking lot) and how BART is undertaking a planning effort to determine appropriate land uses and densities for the site. The commentor identifies BART-related noise as a primary concern with the proposed location of the project. The alternate location suggested by the commentor would also be adjacent to BART and would thus be subject to similar noise levels. Finally, it is not the role of an EIR to reject a site for failure to satisfy a particular General Plan standard. The role of an EIR is to identify potential environmental impacts and to make such information available to the decision makers so that they can make an informed decision. The Draft SEIR in Impacts NO-2 through NO-4, on pages 3.5-10 through 3.5-13, explicitly discloses that the residential units would be exposed to high levels of existing ambient noise.

- 7.102 The commentor suggests an alternative garage location. Since the BART parking structure is not proposed as part of the Residential Only Alternative, examination of alternative locations is not necessary.
- 7.103 The commentor suggests that there should be a community redesign alternative. The City believes that an adequate range of alternatives is considered in the Draft SEIR. If the community were interested in redesigning the project, such an alternative would have been appropriate to submit as a comment to the Draft SEIR. It is noted that the comprehensive letter submitted by the Behrens Neighborhood Association (Comment Letter #6) includes some alternatives for consideration.
- 7.104 The commentor requests a citation for the statement in the Draft SEIR on page 4-7 about Measure C funding contingency on the provision of approximately 400 parking spaces. Since the BART parking structure is not proposed as part of the Residential Only Alternative, Measure C funding is no longer relevant to the proposed project.
- 7.105 The commentor requests disclosure of BART's plans for the Plaza BART Station surface parking lot, since these plans are cited as reasons for rejecting potential alternatives. Please refer to Response 7.2 for an explanation of BART's plans.
- 7.106 The commentor states that the two-paragraph mandatory synopsis of the Draft SEIR conclusions misses three significant unavoidable impacts. The prior responses to the commentor's comments regarding visual impacts (see Responses 7.21 through 7.30), land use impacts (see Responses 7.12 through 7.17), and noise impacts (see Responses 7.70

through 7.87) explain why impacts identified for the project are not considered significant and unavoidable.

- 7.107 The commentor states that the height and bulk of the proposed project would be out of scale with the surrounding structures and that the project is not in compliance with General Plan Policy CD1.2. See Responses 7.21 through 7.30 regarding the scale compatibility of the project with the surrounding built environment. These responses explain why the proposed residential structure would not result in a significant unavoidable visual impact. The Bowman case is used in the Draft SEIR to inform the readers of how the courts have recently interpreted visual impacts in an urbanized context. Response 7.18 addresses the project's consistency with General Plan Policy CD1.2.
- 7.108 The commentor states that the Draft SEIR should determine that the proposed project would result in a significant and unavoidable impact because it exceeds the maximum allowable density of 45 d.u./acre. As discussed in Section 2 of this document, the Residential Only Alternative would comply with the maximum allowable density permitted under the Incentives Program. Thus, this alternative is in conformance with Chapter 19.32 of the Zoning Code and, therefore, would not result in a significant and unavoidable land use impact.
- 7.109 Please refer to Master Response 4 regarding air quality concerns in Section 4 of this document. With respect to noise, the General Plan Noise Element identifies ambient conditions where residential land uses are normally acceptable, conditionally acceptable, or unacceptable. These land use/noise environment compatibility guidelines are recommendations, to be balanced with other community goals and policies and subject to design and mitigation measures that can reduce ambient noise levels. Rarely is strict adherence to the noise guidelines the sole rationale for rejecting a land use proposal. Certainly, the land use/noise environment guidelines offer input into the City's land use decisions, but they are typically not the sole determinant. It will be up to the Planning Commission and City Council to determine whether the Residential Only Alternative proposes suitable land uses for the project site.
- 7.110 The commentor requests analysis of property value losses on residential properties in Albany due to increased traffic and noise, view loss, and poor urban planning associated with the proposed project. This comment raises economic issues and does not concern the physical environment which is the subject of CEQA. No evidence has been presented to indicate that a decrease in property values is likely to result from the project. Property values in the project area are important and should be acknowledged, but would not be considered significant impacts under CEQA. An EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR.



- 7A.1 The commentor retained a transportation consultant to peer review the traffic analysis of the Draft SEIR. The consultant reported that the project trip assignments were within acceptable industry practice. The Draft SEIR traffic analysis was prepared by Dowling Associates in close collaboration with the City, and the information was carefully reviewed prior to including it in the Draft SEIR.
- 7A.2 The forecasts used in the traffic analysis for the Draft SEIR are based on the West Contra Costa Travel Demand Forecasting Model, as required by the CCTA traffic impact analysis guidelines. The commentor indicates that the recent growth shown in the data provided by the City of Albany is greater than that predicted over a 20-year period by the forecasts. This trend is not unexpected and the comment itself provides an explanation for this variance.
- The large increase identified by the commentor is attributed to a one-time event, specifically the opening of a popular Trader Joe's store. While the commentor makes a reasonable observation about growth, it is inappropriate to suggest that the pace of growth resulting from events such as the opening of a particularly popular store will be replicated over time. In fact, such growth tends to be a one time event, resulting in a "spike" in traffic, and over time is offset by reductions in traffic as preferences and economic conditions change or there is turnover in the establishments in the area. An excellent example of this variation in traffic patterns is the decline of the original El Cerrito Plaza in the early 1990s. A sample of traffic volumes in the El Cerrito Plaza vicinity over that period would likely show a reduction in traffic for some movements. In any case, there is inherent uncertainty in forecasting. The tool that is required to address that uncertainty is the travel demand model, which was used conservatively and appropriately in the analysis for the Draft SEIR.
- 7A.3 Please refer to Response 7A.2, above.
- 7A.4 The BART parking structure and child care center are not proposed as part of the Residential Only Alternative. Please refer to Section 2 of this document regarding the Residential Only Alternative and Master Response 1 in Section 4 regarding the current status of the project. Regarding traffic and the proposed project, please refer to the Response 7.31, above.
- 7A.5 Please refer to Response 7.37, above.
- 7A.6 The BART parking structure and day care center are not proposed as part of the Residential Only Alternative. Please refer to Section 2.2 of this document regarding the Residential Only Alternative and Master Response 1 in Section 4 regarding the current status of the project.
- 7A.7 Please refer to Response 7A.6, above.

- 7A.8 Please refer to Response 7A.6, above.
- 7A.9 Please refer to Response 7A.6, above.
- 7A.10 Transportation impacts related to the closure of Albany streets were provided in the Draft SEIR for informational purposes based on a request from the City of Albany. Wherever project impacts have been found that result from this scenario, where feasible, mitigation measures have been identified. As stated on page 3.4-10 of the Draft SEIR, any action taken by the City of Albany would be considered a separate project, as that term is used in CEQA, which would require its own CEQA documentation, including identification of feasible measures to mitigate any potentially significant impacts, such as land use impacts. The Residential Only Alternative would not in it of itself result in the closure of Albany streets and as such, would not bring about the division of a community. To the degree that that measure affects the traffic impacts of this project, the analysis provided in the Draft SEIR is adequate.
- 7A.11 Please refer to Response 7A.11, above.
- 7A.12 Please refer to the Response 7A.6, above. Furthermore, the Ohlone Greenway is not part of the project. The project makes adequate measures to ensure access from the project site, the daylighted creek, and the shopping center to the Ohlone Greenway. Access to BART and pedestrian conditions along the Ohlone Greenway are not substantially affected by the project as currently proposed.
- 7A.13 Please refer to Response 7A.2, above.
- 7A.14 Please refer to Response 7.37, above.
- 7A.15 Please refer to Responses 7.31, 7.55, and 7.57, above.
- 7A.16 The commentor is concerned with the lighting of the Ohlone Greenway and suggests mitigation to upgrade greenway lighting. It is noted that the current ambient lighting is an existing condition that would not change with or without the proposed project. The Residential Only Alternative would increase the number of residents facing the Ohlone Greenway and, thus, the number of observers providing informal surveillance of the walkway. Please refer to Response 7A.12.

## **8. Norman La Force, San Francisco Bay Chapter of Sierra Club**

8.1 Neither the project sponsor, Contra Costa County, nor the City of El Cerrito has direct control over these locations. In any case, as part of a private circulation system, the operational performance of these facilities is not judged based on the throughput of vehicles, the speed of travel, or on uninterrupted flow – the parameters used to assess the operations of a public intersection or roadway. Unless there is a direct impact on the public right of way, there are no LOS standards (or standards relating to speed of travel, etc.) that can typically be applied to private property. This is particularly the case when the owner of the property has not expressed any desire to have such impacts assessed. Operational performance and efficiency within the Plaza would be studied at the discretion of the property owner. It is not clear that data could even be collected to perform the analysis except at the owner’s discretion.

The above notwithstanding, it should also be understood that the Residential Only Alternative traffic would add 28 trips to the El Cerrito Plaza circulation system. The CCTA applies a 50-trip guideline for analyzing an intersection. Thus, if any of the locations of concern to the commentor were public streets, they would still not meet the threshold for LOS analysis.

8.2 Please refer to Response 8.1, above.

8.3 The analysis attempts to address pedestrian impacts through mitigation measures that lead to improvements in pedestrian flow. The contention that pedestrians are treated as a nuisance is not substantiated in the comment.

Furthermore, please refer to the first section of Response 8.1

8.4 The project as currently proposed (i.e., the Residential Only Alternative) would not create a significant impact to residential quality of life along the Albany streets adjacent to the project site. The measure identified in the comment has documented secondary impacts. The streets identified have provided access to this commercial site for decades. The unilateral closure of these streets by El Cerrito remains a policy option.

8.5 The commentor expresses support for mixed-use development around BART stations and states that focus should be on fostering pedestrian access and use. See Master Response 2 in Section 4 of this document for additional commentary on pedestrian improvements of the proposed project. This comment does not address the adequacy of the Draft SEIR nor the City’s compliance with CEQA; therefore, no further response is necessary. However, the merits of the project are important and will be discussed at the upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

**9. Charles Burress, Behrens Neighborhood Association, October 29, 2004**

- 9.1 The City appreciates the commentor's concern and recognizes the complexity of the project. The public comment period of 63 days complies with CEQA requirements. In addition to the public review period, the City has convened a public meeting to afford the community another means of communicating their thoughts, comments, and concerns about the project and the Draft SEIR. CEQA does not require such a meeting during the public review period, only that a public meeting be held to certify an EIR after responses to comments have been prepared. The public review period and the public meeting are believed to be adequate opportunities to comment on the Draft SEIR. There will also be opportunities to express thoughts before the Planning Commission and the City Council when they deliberate on the Final SEIR.

**10. Harold Frieman (on behalf of the Albany Unified School District)**

10.1 The commentor requests withdrawal and recirculation of the Draft SEIR, since the project advanced by the project sponsor is not the project evaluated in the Draft SEIR. Please refer to Master Response 1 in Section 4 of this document on the present status of the proposed project and the CEQA process. Notably, at the time of the Draft SEIR release for public review and comment, the project sponsor, in spite of his presentation to the Albany Unified School District Governing Board, had not submitted a revised application to the City of El Cerrito for a project different than that evaluated in the Draft SEIR. Subsequent to the release of the Draft SEIR and after the City decided not to pursue the BART garage, the project sponsor elected to revise his application to reflect one of the alternatives evaluated in the Draft SEIR. It is not uncommon for a project sponsor to revise a proposed project during the course of CEQA review or to select an alternative being studied. The current proposal under consideration by the City, the Residential Only Alternative, is explored in Section 4 of the Draft SEIR, and discussed further in Section 2.2 of this document.

## **11. Susan Schwartz, Friends of Five Creeks**

- 11.1 The commentor requests the width of the total creek corridor right-of-way. Section 2 of this document contains a more detailed description of the creek daylighting proposal for the Residential Only Alternative, which is now the proposed project.
- 11.2 The commentor notes that information on the daylighting is vague. The City will require more detailed drawings and specifications as the planning process evolves. As noted in Response 11.1, greater details have been provided as part of the project sponsor's revised application for the Residential Only Alternative. The creek daylighting would conform to the recommendations in the 2003 Cerrito Creek Bay Trail Connector Master Plan, and it is expected that the design would be similar to the segment enhanced by the Friends of Five Creeks immediately to the east.
- 11.3 The commentor suggests that the proposed 8- to 10-foot wide pedestrian path not be so wide to allow more width for creek meandering. The California Department of Transportation recommends a minimum width of 10 feet for a high-use, paved multi-use path. The proposed path satisfies this recommendation. The proposal includes a 39-foot meandering belt.
- 11.4 The commentor suggests creating a ramp from the Ohlone Greenway to access the pedestrian and bicycle paths instead of stairs. The Residential Only Alternative would include a multi-use path connecting to the Ohlone Greenway. The path would serve as a new entry point onto the Ohlone Greenway. Furthermore, unlike the initially proposed project, the Residential Only Alternative would be consistent with Policies CD2.7 and LU5.5, which require that site design meet accessibility needs of the community, not be exclusively oriented to those who travel by car, and provide adequate pedestrian and bicycle facilities and accessibility for persons with disabilities are available. The Residential Only Alternative would support these policies because its design includes a ramp serving people with disabilities and connecting the multi-use path adjacent to Cerrito Creek to the Ohlone Greenway.
- 11.5 The commentor asks how the newly daylighted creek would be joined to the existing daylighted section on the Ohlone Greenway. Approximately 180 feet of Cerrito Creek, currently culverted, along the southern border of Building 2, would be daylighted and restored to a natural condition. The newly-daylighted portion of the creek would connect to the existing daylighted portion via a culvert passing beneath Evelyn Avenue and an existing professional building. Figure 2-1 in Section 2 of this document shows the creek corridor and the multi-use path.
- 11.6 The commentor asks if the lower level garage windows would face part of the creek corridor as shown in the elevation drawings. The elevation drawings the commentor refers to are no longer relevant to the proposed project and new elevation drawings have been

prepared for the Residential Only Alternative. This alternative would include garage-level windows facing the creek corridor. Please refer to Section 2 of this document, and particularly Figure 2-3, for details and elevations of the Residential Only Alternative.

## 12. Maggie Winslow

- 12.1 The City acknowledges that there is growing concern and an increasing body of research correlating air emissions, particularly diesel exhausts, with health hazards. Most construction equipment is diesel-powered and the diesel particulate matter (DPM) contained in the equipment exhaust is a recognized toxic air contaminant (TAC). Please refer to the master response on air quality concerns in Section 4 of this document for a further explanation of potential health impacts from DPM and construction activities.

The California Air Resources Board (CARB) has recently finalized its *Air Quality and Land Use Handbook: A Community Health Perspective*, a guide to help local governments make informed land use decisions that take into account the proximity of common TAC sources and the likely health risks associated with resultant TAC exposures. The handbook identifies the most important sources of TACs and recommends suitable buffer zones around them to protect sensitive land uses like residences, schools, daycare centers, playgrounds or medical facilities. Among the identified significant sources of DPM were freeways, high-traffic roads, distribution centers/warehouses, railyards, and ports, all of which are associated with DPM emissions from large numbers of trucks and cargo-handling equipment. Construction sites are not listed in the handbook as significant DPM sources. This is the case for most construction sites because the number of pieces of equipment emitting DPM is not large (at least in comparison with those in use on freeways or at warehouses, etc.) and construction activity is temporary. This is also true of the construction activity expected at the project site (especially now that project plans for a BART parking garage have been dropped). During the period when work at the site will be most intense (i.e., site preparation and foundation work) at most a few pieces of heavy equipment (e.g., backhoes, bulldozers, concrete delivery trucks, etc.) would be used over a period of a few weeks. During this time, any issues regarding nuisance exposures from air emissions could be dealt with through adjustments in equipment placement or use schedule with the City acting as the guarantor of a complainant's satisfaction.

- 12.2 The issues brought up by the commentor relating to CO emissions from vehicles idling at the parking garage, CO hotspots forming in parking areas, and CO emissions from the parking structure impacting nearby sensitive receptors (i.e., Cougar Field) are no longer relevant to the proposed project since plans for a BART parking garage have been dropped and replaced by the Residential Only Alternative.
- 12.3 The commentor suggests that the Draft SEIR does not adequately address air pollution impacts on children. The Draft SEIR on page 3.6-4 does account for children ("the very young") as being sensitive receptors and areas generally used by children, such as schools and child care facilities, as sensitive to air pollution, as defined by the BAAQMD. Please refer to Master Response 4 in Section 4 of this document for a further discussion of air quality impacts.



- 12.4 The commentor believes that the Draft SEIR needs to consider localized pollution levels in assessing health impacts, particularly on school children at Cougar Field. Please refer to Master Response 4 in Section 4 of this document regarding health effects of project-related air emissions.
- 12.5 The commentor does not believe that the proposed air quality mitigation measures would adequately address construction-related air impacts. The mitigation measures identified in the Draft SEIR, as explained on page 3.6-10, are recommendations by the BAAQMD to reduce construction impacts to less than significant. Please see additional discussion of construction emissions in Master Response 4 in Section 4 of this document.
- 12.6 The commentor states that the project would contribute to local air quality problems, even if it does not exceed 80 pounds per day. The City does not disagree with the commentor, namely, that the proposed project would add increased levels of particulate matter. However, CEQA requires that a determination be made about whether an impact is adverse or significantly adverse. In the case of air pollutants, most jurisdictions, including El Cerrito, defer to the BAAQMD. The District has defined a significance threshold of 80 pounds per day. The methodology used in the Draft SEIR to estimate emissions of particulate matter is approved by the BAAQMD and shows that the project would emit about 27 pounds per day. This amount of emissions is considered adverse but not significant. Adoption of the Residential Only Alternative would further reduce emissions from the amounts calculated in the Draft SEIR. For a further discussion of air quality impacts, please refer to the master response on air quality concerns in Section 4 and to Section 2.2 regarding impacts of the Residential Only Alternative.
- 12.7 The commentor believes that CO hotspots may develop within the vicinity of the Plaza. The project impacts on local traffic flows and their consequent air quality impacts were examined in the Draft SEIR. No carbon monoxide standard violations were found likely to occur. Adoption of the Residential Only Alternative would eliminate the BART parking facility and reduce further project effects on traffic congestion. For a further discussion of air quality impacts, please refer to the master response on air quality concerns in Section 4 and to Section 2.2 regarding impacts of the Residential Only Alternative.
- 12.8 The commentor believes that the Draft SEIR needs to address introducing a source of TACs near a sensitive land use during the construction period. The Draft SEIR does discuss the potentially significant impact of construction emissions. The Draft SEIR acknowledges that in the absence of feasible control measures, particulate emissions would be potentially significant (see Impact AQ-1, pages 3.6-12 to 3.6-14) and would affect sensitive land uses in the project vicinity, including adjacent residential uses and Cougar Field. Please refer to Response 12.1 for a discussion of how this potentially significant impact would be mitigated to less than significant. Refer also to the air quality master response in Section 4 of this document for additional consideration of health impacts.

12.9 The cumulative analysis for air quality reflects the cumulative traffic conditions. Future CO concentrations have been projected based on the traffic scenarios that consider background growth, plus other specific development projects. The commentor offers no reason why the cumulative analysis in the Draft SEIR is incomplete and should reach a different conclusion than presented in the Draft SEIR.

The Draft SEIR's cumulative analysis of Land Use, Plans, and Zoning states on page 3.2-7 that "The population increase [from the proposed project, together with the Mill & Lumber and Fairmont Avenue projects, the other approved and planned cumulative projects in El Cerrito] is within the ABAG projected population growth for the City of El Cerrito." Since the Bay Area's Clean Air Plan is based on ABAG population projections, the above-mentioned cumulative growth in El Cerrito is consistent with the Clean Air Plan. This will remain true even with the shift from the project as originally proposed (i.e., 500-vehicle BART parking structure, 97-unit multi-family residential, with child care facility) to the Residential Only Alternative (i.e., 128-unit multi-family residential). Furthermore, the project did not require a general plan amendment as part of its approval process, and does not have any individually significant air quality impacts. For a further discussion of air quality impacts, please refer to the master response on air quality concerns in Section 4 and to Section 2.2 regarding impacts of the Residential Only Alternative.

12.10 The BART parking structure is not proposed as part of the Residential Only Alternative; therefore, concerns about its conformance with General Plan goals are not relevant. The Draft SEIR itself does not address the quality of life issues raised by the General Plan. Nevertheless, the Draft SEIR touches on many physical changes that comprise quality of life—noise, air quality, traffic, and safety from natural hazards—and should help inform the staff report on the project's quality of life impacts.

12.11 The commentor requests further air quality analysis before the Final SEIR is accepted. Based on the responses contained in this Final SEIR, the Planning Commission and City Council will make a determination on whether the information is adequate and fulfills CEQA. If additional analysis is warranted, the Planning Commission and City Council will direct staff and supplemental information will be generated.

**13. Andrew C. Tang**

- 13.1 The commentor is concerned with the view of the project site from Ohlone Greenway. Please see Response 6.24 and the visual quality analysis of the Residential Only Alternative in Section 2.2 of this document.
- 13.2 The commentor suggests alternatives to the BART parking garage such as scaling it back and locating it elsewhere. Since a parking garage is not proposed with the Residential Only Alternative and Measure C funds would not be used, discussion on the garage is not relevant. Please refer to Section 2 of this document for a description of the Residential Only Alternative, the new proposed project.
- 13.3 The commentor is concerned with potential shadow impacts on the Ohlone Greenway caused by the proposed parking garage. A parking garage is not proposed with the Residential Only Alternative. Please see the visual quality analysis in Section 2.2 of this document for an evaluation of potential shadow impacts of the Residential Only Alternative.
- 13.4 A BART parking structure is not proposed as part of the project. Furthermore, the proposed project would generate negligible traffic throughout the plaza, including the area behind the Albertson's, since little commuter traffic from the residential portion of the project is expected to use this route. In any case, project impacts on parking lot circulation would be less than significant.

**14. Alisa Crovetti**

- 14.1 The commentor expresses opposition to the proposed project and voices general concerns about traffic, air pollution, noise, and construction impacts. The Draft SEIR addresses increased traffic congestion and backups (see particularly Impacts TR-2, TR-3, and TR-11); air pollution during construction and impacts on Cougar Field (see particularly Impacts AQ-1, AQ-3, and AQ-4); and noise during the construction period and during BART train passbys (see particularly Impacts NO-1 and NO-5). Where appropriate, the Draft SEIR identifies these concerns as significant impacts and proposes mitigation measures to reduce the impacts. Please refer to the master responses on traffic, air quality, and noise issues in Section 4 of this document for additional information regarding these topics. For a more detailed analysis of these topics for the new proposed project, the Residential Only Alternative, please see Section 2.2 of this document.

**15. Laurie Kossoff and Pearson Miller**

- 15.1 Please refer to Master Response 4 in Section 4 of this document for additional discussion of air quality concerns.
- 15.2 Please refer to Master Response 3 in Section 4 of this document for additional discussion of noise concerns.
- 15.3 The BART parking structure is not proposed as part of the Residential Only Alternative, the current proposed project. Therefore, a response to this comment is no longer necessary.

The interaction of pedestrians and vehicles does not necessarily result in a hazard. Hazards occur where there is an impediment to driver perception or the actual operation of vehicles because of characteristics of design, the spatial patterns of flow, or the physical layout of a given facility. Although the normal conflicts that occur between pedestrians and vehicles in a large parking setting are to be expected, in order for a project impact to be identified, some nexus must be established between what the project is proposing and an increase in degree or exposure to some hazard. This is not the case with the currently proposed project.

Regarding the intersections of various streets with Brighton, grid type streets with visible and marked pedestrian crossing are typically very safe environments for the interaction of pedestrians and vehicles, as evidenced by the high volumes of both that can coexist in typical downtown settings.

The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential

negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

- 15.4 The commentors state that the size and scope of the project is out of scale with the existing structures and surrounding neighborhood, resulting in the loss of views of sunsets and Mt. Tamalpais. See Responses 7.21 through 7.30 regarding the scale compatibility of the project with the surrounding built environment. These responses explain why the proposed residential structure would not result in a significant unavoidable visual impact. Please refer also to Responses 6.36 through 6.38 regarding views of Mt. Tamalpais from Cougar Field and the Behrens neighborhood.
- 15.5 The commentors state that the proposed project will not increase public transit usage and expresses general opposition to the project. This project will no longer receive Measure C funds as a result of the decision not to pursue the BART garage. Placing residences near public transit and within walking distance of shops and services would encourage use of public transit and discourage vehicle usage. This comment does not address the adequacy of the Draft SEIR nor the City's compliance with CEQA; therefore, no further response is necessary. The merits of the project will be discussed at upcoming Planning Commission and City Council hearings on the project.

## **16. Gregory P. Levine**

16.1 The commentor expresses opposition to the proposed project and especially to the use of Measure C monies to fund it. The project will no longer receive Measure C funds since the BART garage has been eliminated. This comment concerns the commentor's opinion about the project and its merits. Since the comment does not address the adequacy of the Draft SEIR nor the City's compliance with CEQA, no further response is warranted in this document. The merits of the project will be discussed at upcoming Planning Commission and City Council hearings on the project.

16.2 The commentor expresses concerns about noise, traffic, and air quality on the surrounding community and on the Albany Middle School area. These issues have been addressed in the Draft SEIR. In fact, the Draft SEIR reports that the proposed project would have significant or potentially significant impacts on the surrounding community in terms of construction noise, BART train noise reflecting off project buildings, traffic on residential streets, and construction air emissions. The Draft SEIR also proposes mitigation measures for these impacts, and these measures can reduce the effects to less than significant. Please refer to the master responses on noise, traffic, and air quality issues in Section 4 of this document, for additional information regarding the analysis and significance of these impacts.

16.3 The commentor feels that the proposed project does not embody good long-term planning strategies and environmentally sound development, and would threaten community safety and health, reduce property values, and diminish the attractiveness of El Cerrito Plaza Shopping Center. As discussed in the Draft SEIR page 3.1-8, a project processed under the Incentives Program must include desirable features, such as exceptional design, creative design of off-street parking, enhancements to public amenities, environmental benefits such as creek restoration, and similar benefits to the community. Section 19.32.200 of the El Cerrito Zoning Ordinance lists 17 desirable features that would qualify a project to be processed through the Incentives Program. It is important to note that an application for the Incentives Program need not include all of the desirable features listed in Section 19.32.200 and that the Planning Commission may approve an Incentives Program permit if a project incorporates some of the desired features.

The Residential Only Alternative would provide several desirable features listed in Section 19.32.200. Specifically, this alternative would provide an environmental benefit by daylighting Cerrito Creek and a recreational benefit by providing a multi-use path that connects to Ohlone Greenway along the restored creek. Furthermore, the Residential Only Alternative would locate housing close to shopping and transportation centers and, as such, would reduce reliance on automobile usage. During project approval, the Planning Commission will make a determination as to whether the above-described desirable features warrant the exceptions to development standards sought by the project sponsor.

Property values are an economic issue and do not effect the physical environment which is the subject of CEQA. Property values in the project area are important and should be acknowledged, but would not be considered significant impacts under CEQA and should not affect the deliberations on this SEIR. Moreover, no evidence has been presented that indicates that the project would tend to have negative impacts on property values in the area.

An EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. Some of the circulation and layout design problems identified by the commentor are existing concerns and CEQA does not confer any obligation on a project sponsor to correct existing deficiencies. The proposed project, however, does pose future potential circulation impacts that are acknowledged in the Draft SEIR as Impacts TR-7 through TR-10. Figure 3.4-7 on page 3.4-34 describes a number of proposed circulation/design improvements to address circulation problems created by the project within the Plaza. The merits of the project and whether the site is suitable for the proposed Residential Only Alternative will be discussed at upcoming Planning Commission and City Council hearings on the project.



**17. Nathan Smith**

17.1 The commentor expresses concern and objection to the existing El Cerrito Plaza Shopping Center layout and circulation design and expresses opposition to the proposed project due to circulation issues surrounding the Plaza. CEQA is intended to inform public agency decision-makers and the public of the significant environmental effects of a project (as stated on page 1-3 of the Draft SEIR). The problems identified by the commentor are existing concerns and CEQA does not confer any obligation on a project sponsor to correct existing deficiencies. (However, it is acknowledged that if a significant impact is identified, proposed mitigation measures may not only reduce the impact to less than significant but also improve upon existing deficiencies.) The proposed project does pose future potential circulation impacts that are acknowledged in the Draft SEIR as Impacts TR-7 through TR-10. Figure 3.4-7 on page 3.4-34 describes a number of proposed circulation/design improvements to address circulation problems created by the project within the Plaza. Please also refer to Section 4 of this document, where Master Response 1 discusses the CEQA process and Master Response 2 discusses circulation and safety in the El Cerrito Plaza Shopping Center.

Additionally, the interaction of pedestrians and vehicles does not necessarily result in a hazard. Hazards occur where there is an impediment to driver perception or the actual operation of vehicles because of characteristics of design, the spatial patterns of flow, or the physical layout of a given facility. Although the normal conflicts that occur between pedestrians and vehicles in a large parking setting are to be expected, in order for a project impact to be identified, some nexus must be established between what the project is proposing and an increase in degree or exposure to some hazard. This is not the case with the currently proposed project.

## 18. Anonymous

18.1 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

The Residential Only Alternative would not trigger an impact based on the TIRE index and mitigation is not required. The TIRE index is a tool that can be used to shed some light the effect of traffic volumes on residential environments.

The description of the effect of traffic as “high” does not equate to an impact. Impacts are determined by changes in the TIRE index, in effect, changes in perception, unlike delay or collision data. Care must be applied when inferring that an existing condition is deficient or that it is fixed by simply diverting traffic.

The analysis in the Draft SEIR uses conservative assumptions about vehicle traffic, particularly when a project would be adjacent to a major transit facility. The commentor assumes that the counts taken on the street segment north of Brighton should add up to the count on Brighton just east of San Pablo, where the additive effect of project traffic on Brighton is greatest. In fact, some trips related to the Project continue south of Brighton while others travel east towards Ashbury. For the Residential Only Alternative, 350 vehicles would travel on Brighton to/from San Pablo, roughly 220 on Brighton towards Ashbury and roughly 20 south of Brighton. Note that the distributions of AM, PM, and

daily trips all differ, so that comparisons of the traffic assignment between peak hour and daily estimates are not meaningful.

Moreover, any case where the background traffic on Brighton is higher means that the project impact is less.

- 18.2 Although plotting noise contours is a good suggestion, to do so for the Draft SEIR is unnecessary for characterizing a minor change in noise levels on the east side of the BART tracks and unnecessary for characterizing the noise level at the eastern façade of the proposed multi-family residence.
- 18.3 CO hotspots are a function of the volume of traffic and the congestion that the traffic experiences. The intersections evaluated in the Draft SEIR carry higher volumes during peak periods than any of the crossings within the Plaza. As a result, it would be expected that CO concentrations within the Plaza would be less than identified at nearby major intersections. The Draft SEIR reports that none of the study intersections would experience CO concentrations near the ambient air quality standards (see Tables 3.6-4 and 3.6-5). Accordingly, internal crossings within the Plaza, with much lower volumes, would not be expected to exceed CO standards.

## **19. Lisa Schneider**

19.1 The commentor expresses general opposition for the proposed project and is mainly concerned with traffic, noise, and air pollution issues. These issues have been addressed in the Draft SEIR. In fact, the Draft SEIR reports that the proposed project would have significant or potentially significant impacts on the surrounding community in terms of construction noise, BART train noise reflecting off project buildings, traffic on residential streets, and construction air emissions. The Draft SEIR also proposes mitigation measures for these impacts, and these measures can reduce the effects to less than significant. Please refer to the master responses on noise, traffic, and air quality issues in Section 4 of this document for additional information regarding the analysis and significance of these impacts.

19.2 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

19.3 The commentor claims the Draft SEIR fails to describe the proposed project and asks for completion of a revised Draft SEIR that permits meaningful notice and commentary. The City recognizes the confusion created by the project sponsor's presentation to the Albany Unified School District, but did not receive a revised application to proceed with the Residential Only Alternative until the spring of this year. Accordingly, this document reports that the Residential Only Alternative is now the proposed project and explains that

this alternative was evaluated in the Draft SEIR. It is not uncommon for a project sponsor to select an alternative that was evaluated in the Draft SEIR, as has happened in the current case. Please refer to Section 2.2 of this document which expands on the analysis of the Residential Only Alternative in the Draft SEIR.

- 19.4 The commentor questions the necessity of a BART parking garage and suggests the alternative of placing BART parking on BART property nearer to the existing station. This alternative was discussed in the Draft SEIR on page 4-3 (see BART Parking Garage Relocation Alternative). Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.
- 19.5 The commentor states that the proposed project thwarts Measure C objectives. Since the BART parking structure is not proposed as part of the Residential Only Alternative, no Measure C funds will be expended and a response to this comment is no longer necessary.
- 19.6 Please refer to Response 19.2, above. The analysis evaluates impacts to bikes and pedestrians at a level appropriate to assess physical environmental impacts, as required by CEQA.
- 19.7 The comment applies only to the signalized intersections, as the unsignalized intersections were evaluated based using the Highway Capacity Method as indicated in the Draft SEIR.

Although the methodologies presented in the Highway Capacity Manual and those incorporated into the SYNCHRO software are widely accepted, they are not the methodologies approved by the Contra Costa Transportation Authority or the City of El Cerrito. The Highway Capacity Method and the CCTALOS method are not comparable because they do not measure the same traffic conditions. The CCTALOS method provides LOS based on a measure of critical volume to capacity, whereas the Highway Capacity Method is based on vehicle delay. The two can be correlated but they are not the same methodology.

It is acknowledged that the use of SYNCHRO allows for more detailed inputs than the CCTALOS methodology, but in order to characterize the results as ‘more-accurate,’ it would be necessary to demonstrate detailed calibration of the inputs to conditions in the field. Such information is not contained in the peer review.

The analysis provided is consistent with long-standing City and County impact analysis policy and was accurately applied.

In discussing cumulative traffic demand, the Kimley Horn peer review does apply the forecasts for the West Contra Costa County Travel Model, which is required for use in developing cumulative traffic scenarios. This is the basis for the growth assumptions in the analysis, with minimum growth assumed where the model predicts flat or negative growth.

The Kimley Horn review assumes that growth resulting from events such as the opening of a particularly popular store will be replicated over time. In fact, such growth tends to be one time and over time is offset by reductions in traffic as preferences and economic conditions change or there is turnover in the establishments in the area. An example of this is the decline of the original El Cerrito Plaza in the early 1990s. A sample of traffic volumes in the plaza vicinity over that period would likely show a trend of falling traffic for some movements. In any case, there is inherent uncertainty in forecasting. The tool that is required to address that uncertainty is the travel demand model, which was used conservatively and appropriately in this analysis.

19.8 Please refer to Response 19.2, above.

19.9 Please refer to Responses 19.2 and 19.7, above.

19.10 The traffic growth assumptions are consistent throughout the analysis, but the study area used to evaluate traffic impacts is not identical to the area used to evaluate noise impacts because the traffic study locations are selected based on the distribution of new project-generated trips.

19.11 The BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

Furthermore, this comment refers to an economic issue, which is unrelated to the physical environment that CEQA is concerned with. An EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

19.12 The analysis has appropriately addressed the likelihood for some drivers to avoid circulation through the plaza lot, despite the fact it is a faster and shorter route.

19.13 The BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

Most traffic from the proposed residential development would access the site along other routes and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops. The proposed project would generate negligible traffic throughout the plaza, including the area behind the Albertson's, since little commuter traffic from the residential portion of the project is expected to use this route. In any case, project impacts on parking lot circulation would be less than significant.

The Draft SEIR does not say trucks would not use the loading docks during business hours, rather that they would tend not to, which is an accurate statement. The routes to this area are not “choked” by trucks, as stated by the commentors and given the measures recommended in Mitigation Measure TR-7.1 (Implement Signage, Striping, and Marking of Rear Circulation Aisle), operations would be adequate.

19.14 This comment concerns the design of the BART parking garage. Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

19.15 Please refer to Response 19.14, above.

19.16 Please refer to Response 19.13, above.

With regards to liability for possible traffic accidents within the Plaza, this concern addresses an existing condition that is wholly unrelated to the proposed project. An EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. Since the comment concerns the merits of the project, no further response is necessary. However, such issues are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

19.17 This comment also concerns the merits of the project and does not address the adequacy of the Draft SEIR or the City’s fulfillment of CEQA. Opinions about the merits of the project may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

19.18 Please refer to Response 19.13, above.

19.19 Please refer to Response 19.13, above.

19.20 Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Please refer to Section 2 of this document master response for a discussion of the Residential Only Alternative.

19.21 Please refer to Response 19.20, above.

19.22 Please refer to Response 19.20, above. Furthermore, despite considerable use of the El Cerrito Plaza parking lot by BART users and others, there is no documented evidence of a persistent parking shortfall in the project area. The proposed residential units would be within a quarter mile of the BART station with direct access by pedestrians and bikes along the Ohlone Greenway. San Pablo Avenue and Fairmont Drive are both well served by bus transit. All of these factors and the overall mixed use environment reduce the need for auto ownership among the project residents and for auto trips among guests. These factors

will be considered by the Planning Commission in determining whether there would be sufficient parking to serve the residential project under the Incentives Program.

- 19.23 Please refer to the Response 19.22, above.
- 19.24 The commentor states that the Draft SEIR does not adequately address crime impacts resulting from the construction of the BART parking garage on the surrounding neighborhood. The Residential Only Alternative would not include the construction of a BART parking garage and, thus, a discussion of criminal activity associated with it is not necessary. Furthermore, the CEQA Guidelines are clear that an EIR analysis of criminal activity or behavior is relevant to the extent that the project creates a need for new or physically altered police facilities, the construction of which could cause significant environmental impacts (see significance criteria on page 3.13-7 of the Draft SEIR).
- 19.25 The commentor inquires who will be responsible for ensuring that the BART parking garage is properly secured. Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary. Please refer to Section 2 of this document regarding the Residential Only Alternative.
- 19.26 A parking garage is not proposed with the Residential Only Alternative. Accordingly, emissions from cars starting and/or idling in the structure are no longer relevant to the analysis and would not affect receptors at Cougar Field or Albany Middle School. Please refer to Master Response 4 in Section 4 of this document for additional information regarding the air quality analysis and potential health effects.
- 19.27 Limiting BART noise reflected from the new residential building such that the increase is no more than 1 dBA over the existing noise levels would result in a less-than-significant impact to receptors on the east side of the BART tracks. Such an increase would be undetectable to the average person. The Draft SEIR has identified two forms of mitigation that will achieve this (please see Mitigation Measure NO-5.1 and/or NO-5.2).
- 19.28 The project would not affect BART operations.
- 19.29 The commentor is concerned about declining property values if the proposed project is implemented. This comment refers to an economic issue, which is unrelated to the physical environment that CEQA is concerned with. Moreover, no evidence has been presented to indicate that the proposed project might have a negative effect on property values in the area. An EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, public input on the merits of the project is important and may be offered at



upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

## **20. Polly Mayer**

- 20.1 The commentor states that air quality, traffic, and growth of crime are not adequately addressed in the Draft SEIR and voices concerns about emissions and noise from BART. These issues have been addressed in the Draft SEIR. In fact, the Draft SEIR reports that the proposed project would have significant or potentially significant impacts on the surrounding community in terms of construction noise, BART train noise reflecting off project buildings, traffic on residential streets, and construction air emissions. The Draft SEIR also proposes mitigation measures for these impacts, and these measures can reduce the effects to less than significant. Please refer to the master responses on noise, traffic, and air quality issues in Section 4 of this document for additional information regarding the analysis and significance of these impacts. With respect to crime, the CEQA Guidelines are clear that an EIR analysis of criminal activity or behavior is relevant to the extent that the project creates a need for new or physically altered police facilities, the construction of which could cause significant environmental impacts (see significance criteria on page 3.13-7 of the Draft SEIR). The Draft SEIR, based on communications with the El Cerrito Police Department, reports that new facilities would not be necessary; however, a number of improvement measures are proposed as conditions of project approval to reduce potential criminal activity.
- 20.2 The commentor believes the current BART parking lot has ample spaces and suggests a transportation plan that encourages shuttle bus use, rather than cars. Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.
- 20.3 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential

negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

20.4 The commentor is concerned that the view of Mt. Tamalpais would be blocked by the proposed project. Please refer to Response 6.38 and the visual quality analysis in Section 2.2 of this document for a discussion of views of Mt. Tamalpais.

20.5 The commentor expresses concern regarding the safety of Ohlone Greenway once the proposed project (the Residential Only Alternative) is implemented. This comment is based on the assumption that the greenway would be shaded by the proposed project. Please refer to the visual quality section of Section 2.2 of this document for an assessment of shadow impacts from the Residential Only Alternative. The limited new shadows would not likely result in a substantial increase in criminal activity.

## **21. Carlene P. Brown**

- 21.1 Please note that the BART parking structure is not proposed as part of the Residential Only Alternative, the currently proposed project. Therefore, a response to this comment is no longer necessary. Please refer to Section 2 of this document for a description of the Residential Only Alternative and its environmental impacts.

The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

- 21.2 The commentor believes Measure C funds should not be used to enrich private developers and that BART parking should be located on BART property, with revenues used to benefit BART. As noted above, the BART parking structure is not proposed as part of the Residential Only Alternative and, therefore, the project will not receive any Measure C funds. Therefore, a response regarding the merits of the garage and the use of Measure C funds is no longer necessary.

- 21.3 Please refer to Response 21.2, above.

## 22. Joanna Gomez

- 22.1 Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

Furthermore, most traffic from the proposed residential units would access the site along other routes, and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

The proposed project would generate negligible traffic throughout the plaza, including the area behind the Albertson's, since little commuter traffic from the residential portion of the project is expected to use this route. In any case, project impacts on parking lot circulation would be less than significant.

It is standard practice for assumptions to be made based on judgment and reconnaissance of the setting and for on-site traffic congestion to be evaluated where an obvious or well-documented safety problem exists or the owners of the private development successfully request such an undertaking.

- 22.2 The commentor requests an assessment of the views from the residential units and the impact on possible tenants and inquires into the economic viability of the residential units. While the information to address these comments would be interesting and would address the marketability of the units, the role of an EIR is to present how the proposed project would change the existing physical environment. How the existing retail businesses affect views for future tenants or factor into the economics of the units is not relevant to CEQA. It should be noted that future tenants will be aware of their surroundings, including the views of blank store walls, prior to choosing to live at the project. Whether proposed landscaping would screen their views of the retail businesses is not an impact of the project on the environment.

- 22.3 Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

- 22.4 The commentor states that plant species listed in Mitigation Measure BR-3.1 may not be appropriate and recommends that this measure be rewritten. In response to the commentor, Mitigation Measure BR-3.1 is rewritten as follows:

*BR-3.1 Maintain a Creek Buffer Zone.* A minimum 12-foot setback from the top-of-bank shall be incorporated into the design of the proposed project. The project sponsor shall consult with the CDFG to establish appropriate creek setbacks if a 12-foot setback would not be feasible. Impermeable surfaces and buildings would be prohibited within this buffer zone, although a meandering multi-use path would be permitted. If feasible, the path should be designed with permeable surfaces.

The buffer zone, around the path, ~~shall~~ would be planted with native species at appropriate densities and in similar proportions as the adjacent recently restored portion of Cerrito Creek next to the project site. The species planted shall be from the List of Plant Species Used in the Cerrito Creek Restoration, provided in Table 3.8-1. Two educational signs shall be provided along the 180-foot stretch of the daylighted creek informing the public of the sensitive riparian habitat and discouraging people from accessing the creek except shrub species (e.g. California rose (*Rosa californica*) and California blackberry (*Rubus vitifolius*) that would discourage human access to the creek except in certain designated locations to be determined in consultation with CDFG).

22.5 The commentor inquires who would assure that the creek setback would be of an appropriate width and states that the channel seems too narrow. The dimensions of the stream channel, meander belt and setback under the Residential Only Alternative are consistent with the recommendations of the Hydrology Study and Initial Site Planning Recommendations Technical Memorandum prepared by the Restoration Design Group (RDG) for Forest Plaza Partners in July 2004 and are larger than in the original proposal. The Residential Only Alternative now calls for a 39-foot meander belt and a total creek corridor of 60 feet. The findings of the Technical Memorandum were based on the following work conducted by RDG:

- Analysis of the Cerrito Creek watershed to determine drainage area and sub-basins, degree of urbanization, and estimate flood frequencies;
- Review of storm drain maps provided by the City of El Cerrito;
- Field surveys to identify geomorphic features and typical channel cross sectional profiles;
- Review of survey data provided for Forest Plaza Partners;
- Meeting with planning and development design staff; and
- Identification of channel width, depth, and degree of sinuosity for a dynamically stable channel.

22.6 The commentor requests details about a drop-off lane at the child care facility. Please note that the child care facility is not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

**23. Linda Reeves**

23.1 The commentor hopes the City can find a better use for the Measure C funds than the proposed project and feels the adverse impacts of the project cannot be reduced to an acceptable level. Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative and no Measure C funds will be contributed to the project. Therefore, a response about the use of Measure C funds and the input of the garage is no longer necessary. Please refer to Master Response 1 in Section 4 of this document regarding the present status of the proposed project.

Furthermore, this comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, public impact on the merits of the project is important and may be offered at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

23.2 The commentor states that the garage entrance described to be on the northeast corner is not shown in Figure 2-4. A parking structure is not part of the Residential Only Alternative and new plans have since been drawn up for this alternative (see Section 2 of this document). Therefore, Figure 2-4 in the Draft SEIR no longer relevant.

23.3 The commentor states that the proposed project would result in a significant land use impact because the closure of Albany streets would divide an established community. As stated on page 3.4-10 of the Draft SEIR, any action taken by the City of Albany would be considered a separate project, which would require its own CEQA documentation, including identification of feasible measures to mitigate any potentially significant impacts, such as land use impacts. The Residential Only Alternative would not in and of itself result in the closure of Albany streets and, as such, would not bring about the division of a community. Transportation impacts related to the closure of Albany streets were presented in the Draft SEIR for informational purposes in response to a request from the City of Albany.

23.4 The "existing background pattern" refers to the distribution of trips for this portion of the region. The direction in which the project faces is not relevant to the assumption that the proportion of residents of this development who work in Berkeley, Oakland, or San Francisco is generally the same as the larger population of commuters in this area.

23.5 The project layout as currently proposed shows Evelyn Avenue feeding directly onto the project site as before. The layout has been altered so the previous diagrams are no longer relevant. The new project access is shown in Figure 2-1 in Section 2.1 of this document.

- 23.6 The estimate of daily traffic on Brighton is derived by applying a factor to existing peak hour traffic. The estimation of daily traffic from peak hour traffic is a standard practice when daily count data are not available. The location is appropriate because this is where the greatest amount of project traffic on Brighton would be expected. While it is possible that school traffic would account for more of the daily traffic on Brighton than on other streets, the larger actual daily traffic volume on Brighton would diminish the project impact, because impacts are determined based on a proportional increase over baseline traffic volumes.
- 23.7 The traffic forecasts are based on the West Contra Costa Travel Demand Forecasting Model, which includes streets and land uses in Albany.
- 23.8 The effects of the lane reduction on Fairmont Avenue are included in the Draft SEIR even though modifications to Fairmont Avenue are not part of this project and all of the impacts of that improvement are not the subject of this Draft SEIR.
- 23.9 Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, a response about the garage's trip generation characteristics is no longer necessary.
- 23.10 Please refer to Response 23.9, above.
- 23.11 The observation in the Draft SEIR that roughly 50 percent of residential and child care traffic would travel through the El Cerrito Plaza was applied to the combined traffic from the child care and the residential development. With the elimination of the child care facility, the travel pattern for the Residential Only Alternative would be different. It is estimated that 36 percent of the residential traffic would travel through the El Cerrito Plaza and 64 percent would use Albany streets south of the El Cerrito Plaza. This assumption reflects the fact that traffic tends to take the shortest and quickest path. For trips headed north and west, paths through the El Cerrito Plaza are demonstrably faster even during periods of congestion within the El Cerrito Plaza. An assumption that 90 percent of the traffic would use Evelyn and Talbot is not justified. It should be noted that although such an assumption would result in TIRE impacts, signal warrants would not be met. The TIRE index would be lower under the Residential Only Alternative than under the original proposed project as a result of the reduction in trip generation. The TIRE index results for the new proposed project are presented in Section 2.2 of this document.
- 23.12 The traffic counts taken were conducted by an independent contractor using state-of-the-art equipment. There is no need for an additional assessment. Because quality of life impacts are based on the proportional changes in traffic levels, impacts are identified more when base levels of traffic are lower and identified less when base levels of traffic are higher. Use of the 1997 traffic volumes would have resulted in a finding of 'no-impact' even with the larger previously proposed project alternatives.



23.13 For the Residential Only Alternative, the currently proposed project, there is no impact based on the TIRE index. Should traffic calming be considered in any case, the purpose of the mitigation is not to divert traffic, but rather to restore environmental quality by mitigating the expected increase in traffic. As the lowest volume streets connecting the plaza to Brighton Avenue, Talbot and Evelyn are the most sensitive to project traffic; any proportionate diversion of project traffic to Cornell or Kains (less than 75 percent) would also result in no impact. Moreover, such a huge diversion is not likely.

The City of Albany would have discretion to implement traffic calming measures it felt appropriate, the purpose of which would be to reduce the number of trips on residential streets and to reduce their speed. Impacts associated with the selected traffic calming measures should be addressed by the City of Albany.

23.14 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The commentor suggests that traffic calming measures for Albany streets such as Evelyn and Talbot would not deter traffic from using those streets but would instead simply slow traffic. The commentor suggests reorienting the project entrance so that it faces the interior of the shopping center behind Copeland's Sports. Traffic calming measures do in fact deter traffic by slowing it down. Drivers tend to choose the fastest route to their destination point and, therefore, will avoid slower routes. The commentor's suggestion to reorient the building is not feasible because of the unusual shape of the parcel and because the creek restoration is a key aspect of the project. In any event, reorienting the building would not be likely to have the desired effect of reducing traffic on Albany streets leading to the project as approximately half of the trips to the condominiums would still access the project via those streets.

23.15 Please refer to Response 5.1, which explains that the volume of trips generated by the Residential Only Alternative would have a small impact on traffic congestion and delays. Furthermore, it is incorrect to assume that the interaction of cars and vehicles is in and of itself a hazard. For the purposes of CEQA, a traffic safety impact occurs when characteristics or design features of a project impede the safe operation of vehicles or the use of other transportation facilities. This type of impact can occur, for example, due to obstruction of a driver's sight lines and views, the inappropriate placement of project features that obstruct safe vehicular operation, or unclearly defined circulation features that drivers are prone to approach at unsafe speeds. None of these characteristics or features is

noticeable such that the project would result in a significant safety impact. The additional traffic generated by the proposed project would not exacerbate any existing safety problems. It should be noted that slow traffic flow as occurs within the parking lot of a retail center is often safer than free-flowing traffic.

Although conflicts between pedestrians and vehicles in a large parking area are expected, a substantial increase in hazards is the threshold to be met in order for a project impact to be considered significant. The incremental traffic associated with the Residential Only Alternative, 28 of which would travel through the Plaza, would not result in a substantial increase in hazards.

Regarding the various intersections along Brighton, grid-type streets with visible and marked pedestrian crossings are typically very safe environments for pedestrian movements, as evidenced by the high volumes of pedestrians and vehicles that occur in typical downtown settings without unusually high accident rates.

23.16 Despite considerable use of the parking lot by BART users and others, there is no documented evidence of a parking shortfall in the project area. Furthermore, the Planning Commission will determine whether the proposed residential units would be served by sufficient parking under the Incentives Program.

23.17 Neither the project sponsor nor the City of El Cerrito has any jurisdiction to implement mitigation measures on Albany streets. Such measures would not be considered feasible without an explicit and binding commitment from the City of Albany to implement them.

Please also refer to Response 23.16, above.

23.18 Most traffic from the proposed residential buildings would access the site along other routes and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

Furthermore, the proposed project would generate negligible traffic throughout the plaza, including the area behind the Albertson's, since little commuter traffic from the residential portion of the project is expected to use this route. In any case, project impacts on parking lot circulation would be less than significant.

The mitigation measures recommended in Mitigation Measure TR-7.1 are adequate to reduce potentially significant impacts on local circulation, based on the professional judgment of the City's EIR traffic consultant and no evidence has been presented to support a claim that they will not be adequate.

23.19 The commentor would like the Draft SEIR to evaluate the potential increase in crime associated with the proposed project. The Draft SEIR discusses police services impacts in the context of public services significance criteria (see page 3.13-7 of the Draft SEIR).

Specifically, the Draft SEIR evaluated whether the proposed project would require new or expanded police facilities, the construction of which would result in substantial adverse physical impacts. In making that determination, the Draft SEIR considered the number of additional police officers it would take to serve the proposed project. Inherent in that consideration is an assumption that an increase in population would result in an increase in service calls to ECPD. The new proposed project, the Residential Only Alternative, would actually increase the number of units facing the Ohlone Greenway, thereby increasing informal surveillance onto this walkway. This alternative does not include a garage and the perceived dangers associated with it.

- 23.20 The commentor requests that the Draft SEIR evaluate the increased demand for police protection in Albany resulting from the proposed project. Please refer to Response 23.19, above, regarding police services.
- 23.21 The El Cerrito Plaza Shopping Center was considered as part of the existing conditions and included in the baseline conditions against which the proposed project was evaluated. For example, Table 3.4-11, 2004 No Project and 2004 with Project TIRE Index Analysis, has a column showing the volume of vehicles and the TIRE index under the 2004 No Project Condition. The 2004 No Project Condition includes vehicles traveling through Albany streets to get to the El Cerrito Plaza Shopping Center. As such, activities associated with the El Cerrito Plaza Shopping Center are accounted for in the Draft SEIR.

## **24. Elizabeth Beller**

24.1 As explained in Master Response 2 in Section 4 of this document, the project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

24.2 A parking garage is not proposed with the Residential Only Alternative. Please refer to the air quality analysis for the Residential Only Alternative in Section 2.2 of this document and to Master Response 4 on air quality concerns in Section 4 of this document.

24.3 The commentor requests that the Draft SEIR address safety issues along Ohlone Greenway. The Draft SEIR discusses police services impacts in the context of public services significance criteria (see page 3.13-7 of the Draft SEIR). Specifically, the Draft SEIR evaluated whether the proposed project would require new or expanded police facilities, the construction of which would result in a substantial adverse physical impacts. In making that determination, the Draft SEIR considered the number of additional police officers it would take to serve the proposed project. Inherent in that consideration is an assumption that an increase in population would result in an increase in service calls to ECPD. The new proposed project, the Residential Only Alternative, would actually increase the number of units facing the Ohlone Greenway, thereby increasing informal surveillance onto this walkway. This should not be affected by the fact that residents would have double paned windows. This alternative does not include a garage and the perceived dangers

associated with it. The commentor also raised concerns about natural light on the Ohlone Greenway. Please refer to visual analysis in Section 2.2 for a discussion of shadow effects of the Residential Only Alternative.

24.4 The commentor would like the Draft SEIR to consider the cumulative impact of the BART parking garage and the residential development on the real and perceived safety of the Ohlone Greenway. As noted in Response 24.3, above, there is no garage proposed with the Residential Only Alternative; thus, there are no cumulative police demand impacts.

24.5 The commentor asks the City to reconsider the need for a garage at all and expresses support for lower-density housing in the project area, suggesting placement on BART land. A parking structure is not proposed with the Residential Only Alternative; therefore, justifying its need is not necessary. BART is conducting studies to determine transit development opportunities at its station parking lot; however, there are no land use concepts as of yet.

**25. Catherine Beller**

- 25.1 The commenter is concerned about impacts to Albany Middle School due to noise from BART trains. Please refer to Master Response 3 in Section 4 of this document for a discussion of noise impacts on Albany Middle School.
- 25.2 The commentor states that the Draft SEIR does not consider the construction and long-term air quality impact on Albany Middle School and Cougar Field. Please refer to Master Response 4 regarding air quality concerns in Section 4 of this document.
- 25.3 The commentor states that the Draft SEIR does not consider the construction impact on Cerrito Creek. The Draft SEIR acknowledges that construction activities associated with site development could cause emissions of dust or contaminants from equipment exhaust and that this would be a potentially significant impact (see Draft SEIR, page 3.6-10). The Draft SEIR puts forth Mitigation Measures AQ-1.1 and AQ-1.2, which would minimize dust and equipment exhaust emissions to a less-than-significant level. In addition, biological and hydrological impacts from creek daylighting are noted in Impact BR-4 on page 3.8-14. The Draft SEIR identifies the likely need for a Streambed Alteration Agreement from the California Department of Fish and Game, a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers, and a Section 401 permit from the Regional Water Quality Control Board. Impacts related to disturbance to the riparian and aquatic habitats are acknowledged. Ultimately, the daylighting and restoration of the portion of Cerrito Creek bordering the project would result in an overall positive impact on the creek.
- 25.4 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential

negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

Refer to Master Response 2 in Section 4 of this document for additional commentary on traffic impacts.

- 25.5 The commentor believes the Draft SEIR is inadequate and requests the City not certify it. Determination of the adequacy of the Draft SEIR rests with the Planning Commission and the City Council. In making this decision, the City will consider comments such as those offered by the commentor.

**26. Yuichi Kashima**

- 26.1 The commentor expresses concern and opposition for the proposed project due to view loss, traffic, noise, pollution, and construction impacts. These problems, or impacts, are discussed in the Draft SEIR. For many of these issues, the Draft SEIR identifies mitigation measures intended to help reduce these impacts to less than significant. The commentor's opposition to the project is noted. The forum for expressing opinions about the project will be at upcoming Planning Commission and City Council hearings on the project.



## 27. Nana Shiomi

27.1 The commentor is concerned about traffic emissions from the project affecting the health of her children and the impediment of sea breezes reaching her home. Recent research and studies, as reported in Master Response 4 on air quality in Section 4 of this document, point to the relationship between air emissions and health concerns for children. These health concerns are discussed in the Draft SEIR in Impact AQ-4 beginning on page 3.6-14. The analysis concludes that the sources of emissions at the project are unlikely to generate emissions that would result in significant health impacts. Given that the new proposed project does not include a parking garage, health impacts from the project are even less likely. Please refer to Master Response 4 regarding air quality concerns in Section 4 of this document for further details.

Regarding sea breezes, the effect of the proposed project at the commentor's home depends on the season, the time of day, the current wind pattern and gradient, and the location of the commentor's home relative to the proposed Residential Only Alternative structures. It is difficult to speculate on the project's effect in the absence of information on each of these parameters.

27.2 The commentor is concerned about views of the project site from the east, particularly those from Carmel Street. Please see the visual quality discussion in Section 2.2 of this document regarding the Residential Only Alternative. This section provides information on views of the project site from various locations surrounding the project site. While some residents may be able to see El Cerrito Plaza Shopping Center and the proposed new housing development, it would not be considered a focal point due to its distance from the viewers. Because of high visual "clutter" and only occasional glimpses of the site, this area is regarded as one with "low viewer sensitivity." This classification does not mean that viewers would not experience a change in their views toward the west; rather, this classification means that these viewers are expected to be able to tolerate a greater change to the visual setting than viewers that are classified as having high sensitivity.

27.3 The commentor suggests there is no need for a new garage at El Cerrito Plaza BART Station and that tax money should not be used to fund it. A parking garage is not proposed with the Residential Only Alternative; therefore, justifying the necessity for a parking garage is no longer relevant.

## **28. Jenny Craik and John Lacy**

28.1 Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, responses to questions about ingress and egress are no longer necessary.

Most traffic from the proposed residential buildings would access the site along other routes, and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

Please refer to Master Response 2 in Section 4 of this document for additional commentary on traffic.

28.2 The commentors are concerned about the traffic from the child care facility. Please note that a child care facility is not proposed as part of the Residential Only Alternative. Accordingly, questions about access to the child care facility and parents' driving behaviors are no longer relevant. The commentor's desire to have the City of Albany close that city's streets into the El Cerrito Plaza Shopping Center should be directed toward the City of Albany.

28.3 The commentors are concerned about the level of pollution from the parking garage. As noted above, the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, pollution from the parking facility is no longer relevant.

**29. John W. Donovan, December 27, 2004**

- 29.1 The commentor protests the proposed project and believes that the apartment complex makes no economic sense. This comment describes the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project, no further response is necessary. The merits of the project will be discussed at upcoming Planning Commission and City Council hearings on the project, and the commentor is invited to express opinions about the project at those meetings.
- 29.2 This comment conveys the commentor's opinion about the design and economics of the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. As noted in Response 29.1, above, the commentor is invited to express opinions about the project at upcoming Planning Commission and City Council hearings on the project.
- 29.3 The commentor suggests the cheapness of the proposed construction is shown by the developer's unwillingness to excavate a one-level parking area at the base of the building. The CEQA process does not address the design or construction standards of proposed structures. However, through City's routine project review process, the City is responsible for assuring that the project complies with applicable building codes and standards. Through this routine review process and through design review, the City can comment on the quality of the construction.
- 29.4A The commentor notes that BART train passbys will result in unacceptable interior noise levels and the design of the building will reflect train noise toward homes further to the east. Both of these issues are addressed in the Draft SEIR in Impact NO-2 and Impact NO-5, respectively. The Draft SEIR acknowledges that each impact would be significant and require mitigation measures. For additional details, please refer to Master Response 3 regarding noise concerns in Section 4 of this document.
- 29.4B The commentor is concerned about emergency access because the apartment building is built like a fortress. Both the City police and fire department are involved in the review of the plan drawings. Any concerns regarding emergency access or satisfaction of fire and safety codes will be raised during these reviews and revisions will be required as a condition of project approval. Therefore, concerns identified by the commentor should be adequately addressed by the City's routine project review process.
- 29.5 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in

other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

Most traffic from the proposed residential buildings would access the site along other routes, and the remaining traffic will represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

The proposed project would generate negligible traffic throughout the Plaza, including the area behind the Albertson's, since little commuter traffic from the residential portion of the project is expected to use this route. In any case, project impacts on parking lot circulation would be similarly less than significant.

It is standard practice for assumptions to be made based on judgment and reconnaissance of the setting and on-site traffic congestion be evaluated where an obvious or well-documented safety problem exists or the owners of the private development successfully request such an undertaking.

Please refer to Master Response 2 in Section 4 of this document for additional commentary about traffic and circulation in the Plaza.

- 29.6 The comment regarding the variability of parking availability is acknowledged. Despite considerable use of the parking lot by BART users and others, there is no documented evidence of a parking shortfall in the project area. Furthermore, the Planning Commission will determine whether the proposed residential units would be served by sufficient parking under the Incentives Program.

29.7 The interaction of pedestrians and vehicles does not necessarily result in a hazard. Hazards occur where there is an impediment to driver perception or the actual operation of vehicles because of characteristics such as design, the spatial patterns of flow, or the physical layout of a given facility. Although the normal conflicts that occur between pedestrians and vehicles in a large parking setting are to be expected, in order for a project impact to be identified, some nexus must be established between what the project is proposing and an increase in degree or exposure to some hazard. This is not the case with the currently proposed project.

Regarding the intersections of various streets with Brighton, grid type streets with visible and marked pedestrian crossings are typically safe environments for the interaction of pedestrians and vehicles, as evidenced by the high volumes of both that can coexist in typical downtown settings.

For further information, please refer to Response 29.5, above.

29.8 The commentor expresses concern that the proposed project would lead to an increase in crime and an associated increase in police services costs. CEQA requires an assessment of how a project might affect police staff, but from a perspective that such increases in staffing might require new or altered space, the construction of which might result in a substantial adverse physical impacts (see page 3.13-7 of the Draft SEIR). In making this determination, the Draft SEIR considered the number of additional police officers it would take to serve the proposed project. Based on the General Plan's standard of 1.26 officers/1,000 residents, the Residential Only Alternative would result in a demand for 0.4 officers to serve the projected 291 residents. Inherent in that consideration is an assumption that an increase in population would result in an increase in service calls to ECPD. Estimating the crime and police costs expected to be associated with the proposed project is a fiscal impact that should be considered in addressing the merits of the project. The Draft SEIR only considers the change to the physical environment, and based on conversations with the ECPD, the proposed project would not be expected to result in a change in police facilities.

29.9 The commentor states that the City's intent to provide a parking structure for the proposed apartment complex in the form of a BART garage appears to form the basis of a lawsuit. The parking garage is not included as part of the Residential Only Alternative, the newly proposed project and no public funds will be contributed to the Residential Only Alternative. Accordingly, comments about the garage and its merit are no longer relevant.

29.10 The commentor states that it is incorrect to include the area occupied by the BART parking garage into the density calculations. Since the BART parking garage is not proposed as part of the Residential Only Alternative, the new proposed project, a recalculation of density is no longer necessary. For a discussion of the Residential Only Alternative's density, please see Section 2 of this document.

29.11 The commentator protests the secrecy of the proposed project and the one-month timeframe in which City residents were given to respond to the Draft SEIR. Notices of preparation were sent to all relevant state and federal agencies as mandated under Section 15082(a) of the CEQA Guidelines which states that immediately after deciding that an EIR is required for a project, the lead agency shall send to each responsible and trustee agency and every federal agency involved in approving or funding the project a notice of preparation stating that an EIR will be prepared. As stated on page 1-5 of the Draft SEIR, such a notice was distributed by the City on March 2, 2004. Section 15087 pertains to public review of the Draft EIR and mandates that the lead agency (the City) “shall provide public notice of availability of the Draft EIR at the same time it sends a notice of completion to OPR” and notices shall be mailed to all organizations and individuals who have previously requested such notice. The City has complied with these requirements. Further, Section 15105 of the CEQA Guidelines specifies that the length of “public review period for a Draft EIR shall not be less than 30 days.” The City has complied with this CEQA requirement.

### **30. Michael R. Gardner**

30.1 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

Most traffic from the proposed residential units would access the site along other routes, and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

Please refer to Master Response 2 in Section 4 of this document for additional commentary on traffic considerations.

30.2 Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, responses to questions about ingress and egress to the garage are no longer necessary.

Furthermore, the proposed project would generate negligible traffic throughout the Plaza, including the area behind the Albertson's, since little commuter traffic from the residential portion of the project is expected to use this route. In any case, project impacts on parking lot circulation would be similarly less than significant.



- 30.3 The commentor claims that the area of the proposed project was “orphaned” at the time the Plaza was rebuilt. In fact, the Plaza plan and the 1997 Plaza Redevelopment EIR envisioned residential uses on this parcel. The commentor also notes that there is not sufficient access to the back of the Plaza where the new development is proposed, that this area should not become a parking structure, and that residential development should be kept at a reasonable level. This comment conveys the commentor’s opinion about the project and does not address the adequacy of the Draft SEIR or the City’s fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, public input on the merits of the project are important and may be offered at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.
- 30.4A The situation described in this comment does not describe an impact of the proposed project and does not appear to reflect typical traffic conditions. The findings of the Draft SEIR are focused on typical traffic conditions for any given scenario.
- As noted in Responses 30.1 and 30.2, project impacts on circulation at the Plaza would be less than significant.
- 30.4B The commentor believes BART currently has a surplus of parking spaces and does not see a compelling reason to build a new parking structure in the area. Since the BART parking structure is not proposed as part of the Residential Only Alternative, justifying the need for the garage is not necessary.
- 30.5 The commentor asks if use of Measure C funds is worth the traffic, noise, and shade impacts associated with the project. These comments reflect the commentor’s opinions about the costs of the proposed project. Because the Residential Only Alternative does not include the BART garage, no Measure C funds will be contributed to the project. Comments on the merits of the project are important and may be offered at upcoming Planning Commission and City Council hearings on the project.

## **31. Mani Feniger**

- 31.1 The commentator opposes the proposed project. This comment conveys the commentator's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, comments on the merits of the project are important and may be offered at upcoming Planning Commission and City Council hearings on the project. The commentator is invited to express opinions about the project at those meetings.
- 31.2 The commentator states that increased noise levels attributable to the project are not addressed in the Draft SEIR. Physiological and psychological effects of noise are taken into consideration in determining acceptable land uses for different ambient noise environments. The Draft SEIR explains how the proposed project would increase background noise levels in Impact NO-1 (construction noise), Impact NO-5 (reflected noise into the residential area and Albany Middle School facilities), and Impact NO-6 (traffic-related noise). Please also refer to Master Response 3 in Section 4 of this document for additional commentary on noise considerations.
- 31.3 The commentator describes how noise impacts from BART are greater than levels measured in 1997 and are a greater annoyance. These comments concern noise from BART operations and not the proposed project. The Residential Only Alternative, the current proposed project, is not expected to affect train operations. Potential BART-related impacts involve the exposure of future occupants to BART service and the reflection of BART pass-by noise toward the residents to the east of the BART tracks. Both of these issues are addressed in the Draft SEIR (see Impact NO-2 and Impact NO-5, respectively) and found to be potentially significant, requiring mitigation measures to reduce the noise levels to less than significant.
- 31.4 Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.
- 31.5 Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.
- 31.6 The commentator notes that the proposed project would be inconsistent with Policy CD3.9. The Residential Only Alternative would not include the BART parking garage and, thus, would not place a large parking lot adjacent to Ohlone Greenway. Furthermore, the Residential Only Alternative would have several entry points into its interior from the Emergency Vehicle Access road adjacent to the Ohlone Greenway as well as two pedestrian bridges connecting components of the residential development. This means of internal circulation, combined with the design that calls for more windows facing the path, suggests that there would be greater informal surveillance of the path than currently exists

and that these “additional eyes” looking onto the path would reduce the likelihood of criminal activities.

31.7 The commentor notes that Mitigation Measure NO-2.1 would further isolate the Greenway from witnesses. This mitigation measure calls for the windows to be insulated so that interior noise levels within the residential units are acceptable. The design of the windows to achieve noise attenuation does not diminish their transparency, so that the crime deterrence benefit of facing the path should not be any less.

31.8 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

Refer to Master Response 2 in Section 4 of this document for additional commentary on traffic considerations.

31.9 The proposed project would generate negligible traffic throughout the Plaza, including the area behind the Albertson’s, since little commuter traffic from the residential portion of the project is expected to use this route. In any case, project impacts on parking lot circulation would be less than significant. Refer to Master Response 2 in Section 4 of this document for additional information on circulation within the Plaza.

- 31.10 Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, responses to comments about the inappropriateness of using Measure C funds for the BART garage are no longer relevant.
- 31.11 The commentor opposes the proposed garage location because it is too far away from the BART station and would increase pollution from cars. Since a parking garage is not proposed with the Residential Only Alternative, the current proposed project, justification for the garage or the use of Measure C funds is no longer necessary.
- 31.12 The commentor opposes the wasteful expenditure of public funds for a project that will not relieve traffic congestion. Since a parking garage is not proposed with the Residential Only Alternative, the current proposed project, justification for the garage or the use of Measure C funds is no longer necessary.
- 31.13 The commentor suggests a “condo only” alternative to the proposed project. The project applicant has revised his proposed project to eliminate the BART parking garage and child care facility. Accordingly, the new proposed project consists solely of residential uses as suggested by the commentor. An analysis of this new proposed project, including the potential visual, noise, and air impacts, is presented in Section 2.2 of this document.
- 31A.1 The distance of 67 feet is misstated on page 3.5-10 of the Draft SEIR and has been corrected, as shown below. The distance should have read 43 feet. There were two measurements made to determine the  $L_{dn}$  at the façade of the building. These are discussed on page 3.5-5. Location 1 was a long-term monitoring location and Location 1A was a short-term monitoring location. By measuring long-term noise at Location 1 and short-term (individual passby) noise at both locations it was possible to estimate the long-term ( $L_{dn}$ ) noise level at the façade of the building. It should be noted that the distance from the eastern façade to the centerline of the southbound BART track varies by a few feet along its length. This will have only a small effect on the noise levels at this close distance to the tracks. The Draft SEIR on page 3.5-5 does estimate noise levels at the 3<sup>rd</sup> and 4<sup>th</sup> stories, as the commentor mentions in the first sentence of this comment. The  $L_{dn}$  at the 3<sup>rd</sup> and 4<sup>th</sup> stories is estimated to be 84. The City of El Cerrito Building Department as part of its review will ensure compliance with Title 24 requirement for  $L_{dn}$  45 for interior living spaces for the Residential Only Alternative.

The following text in paragraph 3 on page 3.5-10 has been modified, as follows:

At ~~67~~ 43 feet from the centerline of the southbound BART track, the train passby noise levels ranged from 92 to 98 dBA and the  $L_{dn}$  was 82 dBA.

- 31A.2 Please refer to Response 31A.1, above.
- 31A.3 It would be reasonable to expect that the goal for either Mitigation Measure NO-5.1 or NO-5.2 should be the same. It is also reasonable to expect that the developer/owner

produce an acoustical analysis, performed by a qualified acoustician, that demonstrates the noise mitigation measure to be implemented or a combination of the two meet a goal of controlling the increase in  $L_{dn}$  on the east side of the BART tracks to 1 dB or less due to sound reflection from the eastern building facade. Therefore the Mitigation Measure NO-5.2 has been modified as follows:

NO-5.2 *Use Sound Absorptive Treatment for Walls Facing BART Tracks.* If Mitigation Measure NO-5.1 above is infeasible, the project sponsors shall apply appropriate sound absorptive treatment to those walls close to and facing the BART tracks. An absorption treatment shall be selected that minimizes reflection of BART train noise. Since absorption is more effective at reducing noise levels, a reasonable design goal is to limit increases to no more than  $\pm 1$  dBA for residences within 500 feet of the eastern property line of the project site. Data on the adequacy of the absorptive treatment shall be submitted by the project sponsor prior to review by the Design Review Board and issuance of a building permit.

31A.4 The comment refers to Mitigation Measure NO-7.1. The parking garage is not proposed as part of the Residential Only Alternative; therefore, discussion of the adequacy of Mitigation Measure NO-7.1 is no longer relevant.

31A.5 The commentor suggests community groups obtain a copy of the project's Mitigation Monitoring and Reporting Plan (MMRP) to make follow-up inquiries to the City regarding mitigations enforcement. The MMRP is required at the time of project approval and is typically made a condition of project approval. Copies of the MMRP may be requested from the City.

## **32. Laura Soble and Eric Hansen**

32.1 The commentors support transit-oriented development in general, but oppose the BART parking garage placed so far from the station especially when there appears to be no real need. Since a parking garage is not proposed with the new proposed project, the Residential Only Alternative, justification for the garage is no longer necessary.

32.2 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

Refer to Master Response 2 in Section 4 of this document for additional commentary on traffic considerations.

32.3 The commentors are concerned about BART noise in general and about noise impacts to Albany Middle School and Cougar Field users. Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.

32.4 The commentors express concern that Albany residents have been inconvenienced while the Plaza was being constructed and that the City of El Cerrito should seek to work more collaboratively with the City of Albany. This comment concerns a process for inviting greater consideration and possibly participation by the City of Albany on a project that affects both cities. Since this issue does not concern the adequacy of the analysis in the

Draft SEIR nor the City's compliance with the CEQA process, no further response is warranted.

- 32.5 The commentors are concerned with aesthetics and view issues associated with the proposed project, particularly views of Mt. Tamalpais. The view of Mt. Tamalpais is not described as "insignificant" in the Draft SEIR. The Draft SEIR on page 3.3-11 states that Mt. Tamalpais as viewed from Cougar Field is "vaguely visible and comprises a minor visual element from this vantage point." The Draft SEIR on page 3.3-22 also acknowledges that views of Mt. Tamalpais would be removed. In addition, development of the Residential Only Alternative would result in lower building heights, allowing greater sky views. For additional details on views and visual impacts, please see the visual quality analysis of the Residential Only Alternative in Section 2.2 of this document.
- 32.6 The commentors question the need for the proposed parking garage and state that it would negatively impact citizen's quality of life. Since a parking garage is not proposed with the new proposed project, the Residential Only Alternative, justification for the garage is no longer necessary.
- 32.7 The commentors question the use of Measure C funds by a private developer to profit and ask why BART parking is not placed on an existing BART lot. Since a parking garage is not proposed with the Residential Only Alternative, use of Measure C funds and justification of their use for the project are no longer relevant to the proposed project.
- 32.8 Since a parking garage is not proposed as part of the Residential Only Alternative, siting alternatives for the garage are not relevant to the proposed project.

### **33. Doug and Pat Donaldson**

- 33.1 The commentors believe the Draft SEIR is inadequate and request recirculation of the Draft SEIR with an accurate project description. Please refer to Master Response 1 discussing the present status of the proposed project and the CEQA process in Section 4 of this document.
- 33.2 The commentors ask for clarification on Measure C and its relation to the project description. Since a parking garage is not proposed with the Residential Only Alternative, use of Measure C funds is no longer relevant to the proposed project.
- 33.3 Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, responses to comments about the need for additional parking space in the garage are no longer necessary.
- 33.4 The commentors ask for expansion of Table 2-1 to include child care and residential parking components of the proposed project. The proposed project description has since been altered; therefore, Table 2-1 is no longer representative of the new proposed project.
- 33.5 The commentors note that a child care facility is a City objective, though the developer's new plan does not include it. Please refer to Master Response 1 in Section 4 of this document for further information on the present status of the proposed project.
- 33.6 The commentors request discussion of parking fees at the proposed BART parking garage. Since a parking garage is not proposed with the Residential Only Alternative, parking fees are no longer relevant to the proposed project.
- 33.7 The commentors question the rationale for allocating public money to subsidize the residential and child care employee parking demand at the proposed project site. Since a BART parking garage is not proposed with the Residential Only Alternative and thus Measure C funding is no longer relevant, justification for using public monies in the proposed project is no longer necessary.
- 33.8 The commentors correctly note that the El Cerrito Plaza Shopping Center houses 344,000 square feet of retail/commercial space rather than the 227,000 square feet identified in the Draft SEIR. Therefore, the following change is made to the second full sentence on page 3.1-2 of the Draft SEIR:

As a result of the 1999 Revitalization Project, the El Cerrito Plaza Shopping Center currently contains nine one- to two-story buildings, which house ~~227,000 square feet~~ 344,000 square feet (7.9 acres) of retail/commercial space and surface parking lots.



- 33.9 The commentors request that a discussion of land use impacts associated with closing Albany streets adjacent to the project site be discussed. Closure of Albany streets south of the Plaza is not part of the proposed project and therefore not an effect of the project. To the extent that the City of Albany elects to close its streets, the environmental effects of such action should be evaluated by the City of Albany. It is noted that the transportation impacts related to the closure of Albany streets are presented in the Draft SEIR for informational purposes based on a request from the City of Albany. As stated on page 3.4-10 of the Draft SEIR, any action taken by the City of Albany would be considered a separate project. As with the proposed project, the Residential Only Alternative would not in and of itself result in the closure of Albany streets.
- 33.10 The commentors ask if the FAR of 1.1 includes the 97 parking spaces and why the FAR calculation excludes the BART parking garage. The Residential Only Alternative would result in residential land uses only. The measure of intensity for a residential development in El Cerrito is dwelling units per acre. Thus, discussion of FAR is no longer relevant. For a discussion of the Residential Only Alternative's density, please refer to Section 2.1 of this document.
- 33.11 The commentors request that the Draft SEIR explain the benefits of processing the proposed project under the Incentives Program. As discussed in the Draft SEIR page 3.1-8, a project processed under the Incentives Program must include desirable features, such as exceptional design, creative design of off-street parking, enhancements to public amenities, environmental benefits such as creek restoration, and similar benefits to the community. Section 19.32.200 of the El Cerrito Zoning Ordinance lists 17 desirable features that would qualify a project to be processed through the Incentives Program. It is important to note that an application for the Incentives Program need not include all of the desirable features listed in Section 19.32.200 and that the Planning Commission may approve an Incentives Program permit if a project incorporates some of the desired features.
- The Residential Only Alternative would provide several desirable features listed in Section 19.32.200. Specifically, this alternative would provide an environmental benefit by daylighting Cerrito Creek and a recreational benefit by providing a multi-use path that connects to Ohlone Greenway along the restored creek. Furthermore, the Residential Only Alternative would locate housing close to shopping and transportation centers and, as such, would reduce reliance on automobile usage. During project approval, the Planning Commission will make a determination as to whether the above-described desirable features warrant the exceptions to development standards sought by the project sponsor.
- 33.12 The commentors ask if the child care center is part of the project, if it would be subsidized, and if the City could require it to go through the Conditional Use Permit process. The 70-child child care facility has been removed entirely from the new site plan.

- 33.13 The commentors request that the Draft SEIR disclose the benefits that would accrue from the proposed project under the Incentives Program. The commentor is referred to Response 33.11, which discusses the features of the Residential Only Alternative that may qualify it for the Incentives Program.
- 33.14 The commentors state that Mitigation Measure LU-2.2 should be an alternative because it represents a new project design and, as such, should undergo a new environmental review. The density of the Residential Only Alternative would be within the maximum allowable density under the Incentives Program. Therefore, Mitigation Measure LU-2.2 would no longer be required, effectively eliminating a project with 77 dwelling units. The Residential Only Alternative was analyzed in the Draft SEIR and is further discussed in Section 2 of this document.
- 33.15 The commentors request BART's development plans be discussed in the cumulative analysis. BART's plans for development are not finalized or available to the general public and would therefore be speculative.
- 33.16 The commentors are concerned with the detail provided in the photosimulations. The photosimulations are meant to represent the scale and massing of the proposed development to allow the reader to understand the visual impacts, such as altered views or compatibility with surrounding development that would result. The simulations are not meant to be a detailed proposal of complete design plans. The above notwithstanding, the project architects have prepared more detailed photosimulations of the Residential Only Alternative, and they can be found as Figures 2-5b and 2-9b in Section 2.2 of this document.
- 33.17 The commentors believe that the proposed project would not be compatible in scale with the development along Evelyn Avenue. Development of the Residential Only Alternative would result in lower building heights than the proposed project, about 5 to 10 feet taller than the closest apartments on Evelyn Avenue. Although the proposed residential structures would demonstrably alter views from Evelyn Avenue, the resulting change is not considered significantly adverse because (1) the 46- to 59-foot-tall structures would be comparable in scale to existing development along Evelyn Avenue, which is approximately 35 to 40 feet tall near the southern portion of the project site, (2) the structure would include articulation that would reduce the massing of the buildings, (3) proposed design of the structures would reflect a contemporary Italianate character, similar to Italianate architectural styles applied within various urban cores in the San Francisco Bay, (4) the daylighting of the creek would improve foreground views, and (5) the building would be set back approximately 60 feet from the Albany border.
- 33.18 The commentors feel that the analogy to the *Bowman v. City of Berkeley* case is inappropriate; however, this case is not used to provide a direct analogy, but is included to provide an example of an urban infill project that also deals with a neighborhood concern

for aesthetic impacts. The *Bowman* decision found that “purely aesthetic” impacts generally are not significant for projects in developed areas. The project building in question in the *Bowman* case generated an outcry from neighbors concerned about the scale of the structure. The Court held such differences of opinion regarding aesthetics did not amount to a “fair argument” under CEQA, particularly where the building had undergone an extensive design review process. As stated in the decision, “Where a project must undergo design review under local law that process itself can be found to mitigate purely aesthetic impacts to insignificance, even if some people are dissatisfied with the outcome.” The Draft SEIR states on page 3.3-21 that information from the *Bowman* decision in combination with other significant factors led to a conclusion of less-than-significant impacts. The inclusion of the *Bowman* decision is not meant, in and of itself, to explain the reasoning provided in the Draft SEIR. Please see Section 2.2 on the Residential Only Alternative for further discussion of aesthetic impacts, including those from Evelyn Avenue, El Cerrito Plaza, Ohlone Greenway, and Cougar Field.

- 33.19 Please refer to Response 33.3, above.
- 33.20 Please refer to Response 33.3, above.
- 33.21 This segment of Evelyn Avenue is a one-way street, and there are no volumes on the segments identified by the commentors.
- 33.22 Please refer to Response 19.20. Furthermore, despite considerable use of the El Cerrito Plaza parking lot by BART users and others, there is no documented evidence of a persistent parking shortfall in the project area. The Planning Commission will determine whether the proposed residential units would be served by sufficient parking under the Incentives Program.
- 33.23 The Draft SEIR indicates that Mitigation Measure NO-4.1 would reduce the impact to a less-than-significant level by attenuating exterior noise using feasible techniques such as acoustically rated windows, among other methods. There is a clearly defined process by which the developer/owner would demonstrate that the building design meets the requirements of Title 24 of the California Administrative Code, before a building permit would be issued. Therefore, there is no reason to classify the impact as a significant and unavoidable land use impact. Also, refer to Master Response 3 in Section 4 of this document for additional commentary on noise concerns.
- 33.24 The proposed noise mitigation measures are feasible, and windows can reduce the exterior-to-interior noise levels by 37 dBA.
- 33.25 Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.
- 33.26 The commentors request analysis of air quality impacts associated with the closure of said Albany streets. The project impacts on local traffic flows and their consequent air quality

impacts were evaluated in the Draft SEIR. These included the effects of street closures and traffic flow alterations. No significant local air quality problems, particularly carbon monoxide standard violations, were found likely to occur, and the project would comply with the Bay Area Air Quality Management District standards. Furthermore, with the Residential Only Alternative, there would be no BART parking structure and consequently any additional traffic congestion associated with it would be avoided. Please refer to Master Response 4 in Section 4 of this document for additional discussion of air quality concerns.

- 33.27 The commentors request clarification for the contradiction regarding liquefaction between statements in paragraph 1 and paragraph 4 on page 3.9-9. The proposed project site does in fact have high liquefaction potential as explained correctly in paragraph 1. The text in paragraph 4 has been changed to match the statements in paragraph 1, as follows:

Irrespective of the low liquefaction potential of the surface soils and the near-surface soil-forming materials...

- 33.28 The commentors assert that the proposed project is not within the Santa Clara Valley Groundwater Basin. In fact, the proposed project is within the East Bay Plain Subbasin of the Santa Clara Valley Groundwater Basin, as stated on page 3.10-5 of the Draft SEIR, which extends south from San Pablo Bay along the east side of San Francisco Bay and south to the City of Fremont. The proposed project is within Groundwater Basin number 2-9.04. Please refer to footnote number 11 for further clarification.

- 33.29 The commentors state that the Final SEIR must revise Section 4 of the Draft SEIR to include a full description and analysis of a 77-unit project. The Residential Only Alternative would be within the maximum allowable density under the Incentives Program. Therefore, Mitigation Measure LU-2.2 would no longer be required, effectively eliminating a project with 77 dwelling units. The Residential Only Alternative was analyzed in the Draft SEIR and is further discussed in Section 2 of this document.

- 33.30 The commentors state that the Draft SEIR is inadequate if it does not present an alternative that conforms to the General Plan's noise standards. Please refer to Master Response 3 in Section 4 of this document regarding noise concerns. The General Plan Noise Element identifies ambient conditions where residential land uses are normally acceptable, conditionally acceptable, or unacceptable. These land use/noise environment compatibility guidelines are recommendations, to be balanced with other community goals and policies and subject to design and mitigation measures that can reduce ambient noise levels. Rarely is strict adherence to the noise guidelines the sole rationale for rejecting a land use proposal. Certainly, the land use/noise environment guidelines offer input into the City's land use decisions, but they are typically not the sole determinant. It will be up to the Planning Commission and City Council to determine whether the Residential Only Alternative proposes suitable land uses for the project site.

### **34. Adrian Nacamuli and Summer Medina**

- 34.1 The commentors are concerned about BART noise. Please refer to Master Response 3 in Section 4 of this document for a discussion of noise concerns, including BART train noise. The Federal Transit Agency (FTA) has criteria (“Transit Noise and Vibration Impact Assessment” or Guidelines) for evaluating new transit system facilities, which are federally funded. Although not directly applicable to the proposed project (a mixed-use development), the FTA Guidelines are worth mentioning. The residences on the east side of Cougar Field (those directly opposite the proposed site for the multi-family residential building) are exposed to  $L_{dn}$  67 to 68, based on the 2004 project measurements. At this existing noise level, a new rail transit project would be considered by FTA Guidelines to cause “severe impact” if the increase exceeds 3.5 dB. This is normally considered to be the threshold of significant impact for the purpose of CEQA assessment. An increase of 1 dBA or less would result in no impact according to the FTA guidelines. In addition, the discrepancy between Mitigation Measure NO-5.1 and NO-5.2 is corrected so that either mitigation measure allows only a 1 dBA increase.
- 34.2 The commentors state that if a noise increase were to occur at their house, the City would need to take measures to bring their house into conformance with Title 24. At the time a building permit is issued, the project sponsor will have had to present a study by an acoustical consultant that the building design would not result in a detectable increase in ambient noise conditions. The recommendations in the acoustical study would avoid potential noise exposure impacts at neighboring properties.
- 34.3 The commentors are concerned about the assessment of visual impacts, particularly impacts to views of Mt. Tamalpais. Please see Response 6.38 and the visual quality analysis of the Residential Only Alternative in Section 2.2 of this document for a discussion of visual impacts including those related to Mt. Tamalpais.
- 34.4 Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.
- 34.5 Please refer to Response 34.4, above.
- 34.6 The closure of the streets is not a part of the proposed project or a recommendation of the Draft SEIR. If the City of Albany decides to close the streets between El Cerrito Plaza and Brighton Avenue, it is the responsibility of the City of Albany to provide a detailed environmental analysis of that undertaking.
- 34.7 The Draft SEIR acknowledges worsening traffic congestion at the intersection of Fairmount/Richmond in 2025. Mitigation Measure TR-11.1 requires signalization of the intersection of Richmond Avenue and Fairmount Avenue, which would improve upon existing conditions.

34.8 The commentors are concerned about inadequate financial analysis and question the necessity of a parking structure. Issues related to financial analysis are not related to the project's effects on the physical environment, which is the subject of CEQA, as explained on page 1-3 of the Draft SEIR. The economics of the project are, however, important and may be discussed at upcoming Planning Commission and City Council hearings on the project. Furthermore, since the BART parking structure is not being proposed as part of the Residential Only Alternative and Measure C funding is no longer relevant to the proposed project, justifying the need for it is unnecessary.

## 35. Vivian Jaquette

- 35.1 The commentor is concerned that the cumulative analysis omits the Cerrito Theater, which could cause traffic impacts. The Cerrito Theater project is located a fair distance away from the proposed project and the affected area of the theater does not overlap with the affected area surrounding the proposed project. The environmental review done for the theater determined that the theater would not cause an increase in traffic that is considered substantial in relation to the existing traffic load and capacity of the street system and would not cause a change in level of service in the affected areas around the theater. Therefore, the traffic impact would be less-than-significant, and no mitigation would be required. The parking study conducted as part of the environmental review for the theater found sufficient parking capacity within a five-minute walk from the theater, resulting in a less-than-significant impact. The study determined that circulation and parking for the theater would not impact any areas within or south of El Cerrito Plaza. Due to the lack of overlap in affected areas of use by both projects, the Cerrito Theater was not included in the cumulative impact analysis.
- 35.2 The commentor requests that the library project at 6420 Fairmount Avenue also be considered in the cumulative analysis. According to El Cerrito staff, the library project is no longer proposed for construction. Thus, its consideration is not necessary.
- 35.3 The commentor states that the proposed project is not consistent with the *General Plan* Policies LU1.3 and LU4.5. The Draft SEIR page 3.1-14 acknowledges that the proposed project would be inconsistent with Policies LU1.3 and LU4.5. The Draft SEIR, however, also states that the potentially significant or significant quality of life issues associated with the proposed project could be reduced to a less-than-significant level after mitigation. It is important to note that the Residential Only Alternative would generally have fewer quality of life impacts than the proposed project (see Draft SEIR, page 4-15, Table 4-2, and Section 2.2 of this document).
- 35.4 The commentor states a child care facility is not an appropriate use for the project site given the adjacent aerial BART tracks and proposed BART parking garage. Since the Residential Only Alternative does not include the child care facility or the BART parking garage, no further response is necessary.
- 35.5 The commentor states that the objectives of Measure C would not be met with the proposed project. Since the BART parking structure is not proposed as part of the Residential Only Alternative and Measure C funding is no longer relevant to the proposed project, justifying meeting the Measure C objectives is unnecessary.
- 35.6 The commentor notes that prior redevelopment of the Plaza was poorly done and adding more traffic would be a bad idea. Most traffic from the proposed residential units would

access the site along other routes, and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

- 35.7 The commentor is concerned that the cumulative analysis omits planned development at the El Cerrito Plaza BART Station. While the Draft SEIR acknowledges BART's policy of promoting transit-oriented development around its stations, specific future plans for the El Cerrito BART station property are not known. BART has not yet begun exploring opportunities for development of the surface parking lot. Accordingly, without sufficient details (such as numbers of dwelling units or square footages) or a development proposal, it would be entirely speculative to determine the cumulative impacts of BART's plans for its property.
- 35.8 The commentor is concerned with visual impacts associated with the BART parking garage. Since the BART parking structure is not being proposed as part of the Residential Only Alternative, visual quality impacts from the proposed garage are not relevant. Please refer to the visual quality section of Section 2.2, for a discussion of the new proposed project's effects on visual quality.
- 35.9 The commentor suggests experimenting with use of the back lot to furnish parking to see if it is used and to observe the effects on quality of life. Since a BART parking structure is



not proposed as part of the Residential Only Alternative, the new proposed project, the commentor's proposal is no longer necessary.

**36. Dorothy Quate**

- 36.1 The commentor objects to the proposed parking garage because of its size and distance from the BART station, and deems it unnecessary. Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, justifying its need is no longer necessary.
- 36.2 Please refer to the Response 36.1, above.
- 36.3 The child care facility has been removed entirely from the new site plan. Accordingly, concerns about the suitability of the site for such a facility are no longer relevant.
- 36.4 The commentor is concerned with the loss of views of Mt. Hamilton and the Berkeley Hills. Residents in the project vicinity would not have a significant view of Mt. Hamilton and it is assumed that she is concerned with Mt. Tamalpais. Please see the visual quality analysis in Section 2.2 regarding the Residential Only Alternative's effects on views.
- 36.5 Please refer to Response 36.1, above.

**37. Michael Green, Center for Environmental Health**

- 37.1 Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative, the new proposed project. Therefore, responses to comments about the appropriateness and future use of the garage are not necessary.
- 37.2 The commentor states that the “environmentally superior alternative” is inadequate because the garage would be far from BART, thus unused, and a misuse of Measure C funds. Since a BART parking structure is not proposed as part of the Residential Only Alternative, justifying the need for it or the use of Measure C funds is unnecessary.
- 37.3 Please refer to Response 37.1, above, regarding trips related to the garage. The analysis in the Draft SEIR uses conservative assumptions about vehicle traffic, particularly when a project would be adjacent to a major transit facility. The commentor assumes that the counts taken on the street segment north of Brighton should add up to the count on Brighton just east of San Pablo, where the additive effect of project traffic on Brighton is greatest. In fact, some trips related to the Project continue south of Brighton while others travel east towards Ashbury. For the Residential Only Alternative, 350 vehicles would travel on Brighton to/from San Pablo, roughly 220 on Brighton towards Ashbury, and roughly 20 south of Brighton. Note that the distributions of AM, PM, and daily trips all differ, so that comparisons of the traffic assignment between peak hour and daily estimates are not meaningful.
- 37.4 Please refer to Response 37.1, above.
- 37.5 The commentor feels the proposed project would negatively affect Albany residents and states that the City of El Cerrito City Council is “naïve” not to think that residents of Albany would not close off the small side streets that would suffer the increased traffic and asks that this be discussed in the Draft SEIR. Potential traffic impacts associated with closing Albany Streets were discussed as a possibility in the transportation section of the Draft SEIR starting on page 3.4-40, as requested by the City of Albany.

In addition, this comment conveys the commentor’s opinion about the project and the anger of Albany residents. Since the comment does not address the adequacy of the Draft SEIR or the City’s fulfillment of CEQA, no further response is necessary.

## **38. Kit Lau**

- 38.1 The physical configuration of the pedestrian crossings to BART is described in Impact TR-4 on page 3.4-29 of the Draft SEIR. The project-added traffic volumes are evaluated for off-site impacts and where impacts were identified, mitigation measures have been recommended. The problems identified by the commentor as existing problems will be partially addressed by the City-approved Fairmount Avenue improvement program. In addition, the commentor raises questions about the accessibility of the site by persons with disabilities. All sidewalks and walkways in the project are designed to meet ADA accessibility standards including the ramp from the Ohlone Greenway connecting to the pathway along the Cerrito Creek. Moreover, a fully accessible walkway would connect from the greenway near the creek around the southern and then the western side of the project to the Plaza shops either through an open breezeway alongside Trader Joe's or on a sidewalk to the north of Copeland's. Also, entrances/exits to the parking area for the project would have audible alarms to alert pedestrians of approaching vehicles.
- 38.2 The commentor requests that the Draft SEIR discuss accessibility issues for people with disabilities at the pedestrian-right-of-way such at the intersection of Fairmount Avenue and Richmond Street/Ohlone Greenway. The Draft SEIR does consider accessibility for people with disabilities for pathways directly affected by the proposed project. For example, Impact LU-2 (page 3.1-14) determines that the proposed project would result in a significant impact because it does not provide a ramp, necessary to accommodate people with disabilities that would allow a connection from the project site to Ohlone Greenway. The Residential Only Alternative would remedy this situation by providing a ramp from the multi-use path adjacent to Cerrito creek to the Ohlone Greenway. As noted in Response 38.1, above, the new alternative provides accessible routes into and around the project and from the project into the Plaza. With regard to blind pedestrians, an audible alarm will sound as cars approach or exit the on-site garage.

Accessibility issues described by the commentor at the intersection of Fairmount Avenue and Richmond Street/Ohlone Greenway are existing conditions and would not be caused by the Residential Only Alternative. The Draft SEIR acknowledges that the pedestrian crosswalk across Fairmount Avenue is already problematic because of poor visibility under and around the BART support column in the road's median (Draft SEIR, page 3.4-12). The installation of a STOP sign at the eastbound approach of Fairmount Avenue, as prescribed by the approved Fairmount Avenue improvement program, would reduce pedestrian safety impacts to a less-than-significant level.

**39. John W. Donovan, January 3, 2005**

- 39.1 The commentor is concerned about an increase in noise from BART trains. Please refer to Response 29.4A and Master Response 3 in Section 4 of this document regarding noise concerns, including noise from BART trains.
- 39.2 The commentor is concerned that more residents of El Cerrito are not informed about the proposed project and places this blame on the City. Notices of preparation were sent to all relevant state and federal agencies as mandated under Section 15082 (a) of the CEQA Guidelines which states that immediately after deciding that an EIR is required for a project, the lead agency shall send to each responsible and trustee agency and every federal agency involved in approving or funding the project a notice of preparation stating that an EIR will be prepared. As stated on page 1-5 of the Draft SEIR, such a notice was distributed by the City on March 2, 2004. Section 15087 pertains to public review of the Draft EIR and mandates that the lead agency (the City) “shall provide public notice of availability of the Draft EIR at the same time it sends a notice of completion to OPR” and notices shall be mailed to all organizations and individuals who have previously requested such notice. The City has complied with this requirement. Section 15105 of the CEQA Guidelines specifies that the length of “public review period for a Draft EIR shall not be less than 30 days.” The City has complied with this CEQA requirement. Also refer to Master Response 1 in Section 4 of this document for a discussion of the CEQA process.

**40. Christine Griffith**

- 40.1 As the commentor is aware, the project sponsor has submitted a revised application to the City requesting consideration of the Residential Only Alternative. The commentor's comments regarding a reduced parking garage, modifications to creek restoration, and changes to the residential component are no longer relevant.

**SP10. Noel Plummer**

- S10.1 The speaker is concerned about the obliteration of hillside views from Evelyn Avenue and Talbot Avenue. The Draft SEIR analysis of views from Evelyn and Talbot Avenues (page 3.3-19) found that views of the sky, Berkeley Hills, and El Cerrito Plaza Shopping Center would be replaced with middle-ground views of the proposed residential structures and as such, would demonstrably alter visual character and quality. However, the changes would not be considered significantly adverse because the proposed structures would be similar in scale to existing development on Evelyn Avenue, the structures would be articulated so as to reduce massing appearance, and the proposed design would be aesthetically pleasing. Additionally, views of the newly daylight portion of Cerrito Creek would enhance views from Evelyn Avenue. The Residential Only Alternative analysis would yield the same findings. Please refer to Section 2.2 of this document for a discussion of the visual impacts of the Residential Only Alternative.
- S10.2 The speaker states that lighting is already an issue at the Plaza. It is unclear as to whether the speaker is referring to existing lighting at the Plaza, the prospect of additional light emanations from the proposed development, or to the necessity for more safety illumination at or around El Cerrito Plaza. As such, the City is unable to respond directly to this comment. Existing lighting from El Cerrito Plaza occurs irrespective of project implementation and because this comment does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA, no further response is necessary. Regarding external lighting effects of the Residential Only Alternative, please refer to the visual quality section in Section 2.2 of this document.
- S10.3 The commentor is concerned about traffic along Talbot. Please refer to the Master Response 2 in Section 4 of this document for additional commentary on circulation concerns.

**SP16. Laurie Sobel**

SP16.1 The commentor is concerned about BART noise. Please refer to the Master Response 3 in Section 4 of this document for additional commentary on BART noise affecting future residential development, as well as how future residential development may reflect BART train noise to areas of El Cerrito and Albany.



## **41. Richard A. Cross**

41.1 The commentor states that the hydrology section of the Draft SEIR is inadequate and fails to comply with CEQA because it does not address the City of Albany's ability to comply with the Clean Water Act, the Porter-Cologne Act, Article X, Section 2 of the state constitution, or its own laws and policies, and if so to what extent. According to California law, the City of El Cerrito has no obligation or responsibility with regard to the City of Albany's compliance with the abovementioned Acts or policies.

The Draft SEIR does, however, address water quality impacts without limitation to City boundaries. Specifically, the Draft SEIR states the proposed project would not violate any water quality standards (page 3.10-12), would control construction-period water quality through the General Construction Activity NPDES permit (pages 3.10-13 and -14), would limit operational-period runoff peak flows to existing levels as required by the City of El Cerrito General Plan Policies (page 3.10-15), would not create or contribute to runoff flows that would exceed existing storm drainage system capacity or create additional sources of pollutants (pages 3.10-15 and -16), would not otherwise substantially degrade water quality (pages 3.10-11 and -18), and would have no flooding issues associated with it (page 3.10-18). Consequently, although the City of Albany Watershed Management Plan Creek Restoration Projects do not include daylighting Cerrito Creek at this site, there is no evidence that such daylighting would have any substantial adverse effect on the creek or the watershed.

41.2 The commentor states that the hydrology section of the Draft SEIR is inadequate and fails to comply with CEQA because it does not address contamination of stormwater runoff and recharge of the underlying aquifer and Albany's ability to implement part of its Watershed Management Plan. Please also refer to Response 41.1, above. The Draft SEIR in Impact HY-2 on page 3.11-13 determines that there would be no significant impact on groundwater recharge because the site has no recharge potential and because there would be no change in the permeability of the site under the proposed project.

41.3 The commentor states that the hydrology section of the Draft SEIR fails to consider hydrological effects on the City of Albany. The Albany Watershed Management Plan has been reviewed, although the proposed project is in the City of El Cerrito. The proposed project would not violate any water quality standards because project approval, including details for daylighting this section of Cerrito Creek, requires permits administered by the City of El Cerrito and the San Francisco Bay Regional Water Quality Control Board, which prohibit substantial adverse effects to the creek or the watershed. These permits would be required before construction could commence, as detailed on page 3.10-9 of the Draft SEIR. Because the project is in El Cerrito, it is not under the jurisdiction of the City of Albany Watershed Management Plan or Alameda County, but answers to the same Regional Water Quality Control Board. Consequently, it would not be permitted to violate

any regional standards set by the Water Board or the Contra Costa County Flood Control District (page 3.10-2 through 3.10-5 and 3.10-9 of the Draft SEIR). Therefore, consideration of Alameda County requirements is not warranted and would not be relevant to the project.

## **42. Sarah Stone**

- 42.1 The commentor supports transit-oriented housing but believes that the proposed parking garage is unnecessary, poorly designed, and significantly impacts the community. Both the parking garage and child care facility have been eliminated in the Residential Only Alternative. Impacts of the currently proposed project are presented in Section 2.2 of this document.
- 42.2 Most traffic from the proposed residential building would access the site along other routes and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops. The currently proposed project would generate negligible traffic throughout the plaza, including the area behind the Albertson's, since little commuter traffic from the residential portion of the project is expected to use this route. In any case, project impacts on parking lot circulation would be less than significant. Please refer to Master Response 2 in Section 4 of this document for additional discussion of traffic circulation through the Plaza.
- 42.3 The commentor is concerned about existing noise levels combined with project noise increases. Please refer to Master Response 3 in Section 4 of this document for additional consideration of noise impacts of the project.
- 42.4 Please note that the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, discussions about the BART garage are no longer necessary. Please refer to Section 2 of this document for a description of the new proposed project.
- 42.5 The commentor is concerned about the specifications for use of Measure C funds. Since a parking garage is not proposed with the Residential Only Alternative, justification for the use of Measure C funds is unnecessary. Please refer to Master Response 1 in Section 4 of this document for the present status of the proposed project.
- 42.6 The retirement of older motor vehicles from the Bay Area fleet was not a presumption. The emission factors used for air quality modeling of motor vehicle effects reflect what has been observed and would be reasonably expected in the future for vehicle retirement rates. This includes the effect of a longer average vehicle lifespan as a result of the Bay Area's mild climate. Also, the addition of motor vehicles from the then-proposed 97-unit project residential component was part of the Draft SEIR's air pollutant emissions calculations.
- 42.7 The commentor disagrees with the alternatives presented in the Draft SEIR. The purpose of examining alternatives is to substantially reduce project impacts while feasibly attaining most of the project sponsor's objectives. The commentor expressed a desire to see an alternative with fewer than 80 residential units. The Reduced Project Alternative would have fewer than 80 units (the two scenarios evaluated for this alternative considered 46 and

72 units) and is included in the Draft SEIR. The ultimate decision about whether a reasonable range of alternatives has been considered lies with the City Council.

42.8 The commentor suggests scaling down the proposed project. Please refer to Response 42.7, above, and to Section 2.2 of this document regarding the Residential Only Alternative.

**43. S. Kusum Perera**

43.1 The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic is at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with project, the traffic levels at these locations will still remain less than currently exists at Cornell/Brighton where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that any potential negative impacts to pedestrians are not correlated to vehicular volumes over the range of traffic volumes experienced on these three street segments.

While it is recognized that any increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level. Please refer to Master Response 2 in Section 4 of this document for additional commentary on traffic considerations, particularly with respect to conditions within the Plaza.

43.2 The comment about the City's narrow street is acknowledged; however, no specific aspect of the traffic analysis in the Draft SEIR has been drawn into question. Regarding the use of I-80, it is expected that the currently proposed project (i.e., the Residential Only Alternative) would have a negligible effect on the ramps.

43.3 The commentor states that using public funds for a private garage seems conflicting and says that it is not clear if the project would meet criteria for use of Measure C funds. Since a parking garage is not proposed with the Residential Only Alternative, the new proposed project, and Measure C funds are no longer applicable to the proposed project, justification for the garage is no longer necessary.

43.4 Please refer to Response 43.3, above.

43.5 The commentor believes current residents will not derive any benefit from the proposed project and instead it will reduce their quality of life and that of the environment. This comment conveys the commentor's opinion about the project and does not address the adequacy of the EIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, comments on the merits of the project are important and may be offered at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

#### **44. Ellen Friedman**

- 44.1 The commentor states that the Draft SEIR does not adequately address important issues such as noise, population density, and traffic and that the mitigation measures proposed are not sufficient to address the significant impacts. The Draft SEIR does analyze noise, population density, and traffic-related impacts associated with the proposed project (see Sections 3.5, 3.1, and 3.4 of the Draft SEIR, respectively). The proposed mitigation measures to address the identified significant impacts are regarded seriously, and a Mitigation Monitoring and Reporting Program, intended to verify implementation of the measures, will be required as a condition of project approval. The commentor is also referred to Alternatives Analysis starting on page 4-1 of the Draft SEIR and Section 2.2 of this document for a discussion of impacts associated with the Residential Only Alternative.
- 44.2 The commentor believes there are contradictions between the Draft SEIR recommendations on noise and the General Plan. In the Draft SEIR traffic, noise, and air quality sections, questions of significance were examined from two perspectives: 1) are there existing significant impacts from traffic, noise, and air quality? and; 2) would the project have large enough effects on traffic, noise, and air quality so that its impacts would be significant given the existing conditions?

Based on the documentation in the setting section of the Draft SEIR, traffic congestion is not at a significant level as measured by the City's level of service standard. According to the noise section (see Section 3.5-7 of the Draft SEIR), the Albany Middle School and the residences east of Cougar Field are exposed to ambient sound levels that are conditionally acceptable for residential and commercial uses. Thus, even though noise from BART train passbys annoy local residents, the ambient noise levels are not regarded as existing significant impacts as measured by the City's General Plan land use/noise environment compatibility guidelines.

Most of the applicable significance thresholds to determine whether the proposed project would result in a significant environmental impact for traffic, noise, and air quality are absolute standards. In other words, exceeding these standards, regardless of how close existing conditions are to violating these standards, would be a significant project impact. Table 3.4-10 shows that with the project, intersection levels of service would not exceed the City's level of service standard of D. Impact NO-5 shows that the proposed project may increase noise levels east of the project site but the resultant noise level would still be considered conditionally acceptable by the City's General Plan. Applying a more stringent significant threshold used by the Federal Transit Administration, the Draft SEIR concludes that the project would result in a potentially significant impact and therefore proposes either of two mitigation measures (Mitigation Measures NO-5.1 or NO-5.2).

In terms of air quality, Table 3.6-1 indicates that air quality monitoring data from the nearest monitoring station, in San Pablo, exceeds ambient air quality standards for PM<sub>10</sub>.

Impact AQ-1 reports that construction activities could contribute to existing air quality violations and thus finds this impact to be potentially significant. A number of best management construction practices and exhaust control measures are proposed in Mitigation Measures AQ-1.1 and AQ-1.2. In summary, the Draft SEIR did consider existing conditions in making its determination of traffic, noise, and air quality impacts; identified significant impacts in two of these areas; and recommended mitigation measures for these significant impacts.

- 44.3 The commentor opposes the proposed project and believes it will reduce resident's quality of life and that of the environment. This comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, comments on the merits of the project are important and may be offered at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.
- 44.4 The commentor suggests the City seek more community participation in developing a transit-type village in the area. This comment does not address the adequacy of the Draft SEIR nor the City's compliance with CEQA. Please refer to Response 44.3, above.

## **45. Byron Brown**

45.1 The commentor says the proposed project is unacceptable for El Cerrito because it does not meet the noise and housing densities in the General Plan. The Draft SEIR evaluated both noise impacts and density issues in Sections 3.5 and 3.1, respectively. The project sponsor has submitted a revised application to the City for a residential only project. Regarding noise, please refer to Master Response 3 in Section 4 of this document for additional discussion of interior noise and reflected noise impacts. Section 2.2 of this document discusses the potential impacts associated with the Residential Only Alternative, including noise impacts. “Land Use, Plans, and Zoning” in Section 2.2 addresses the project’s compliance with the General Plan densities. The Residential Only Alternative, the new proposed project, proposes 45 dwelling units/acre, the maximum permitted density under the City’s Incentives Program.

The commentor supports the idea of a transit-oriented village but believes the proposed project would increase the traffic, noise, and pollution in the area. Please refer to the master responses on noise concerns, circulation, and air quality concerns in Section 4 of this document for a response to these concerns about the project.

45.2 The commentor also requests that the Draft SEIR address safety issues along Ohlone Greenway. The Draft SEIR discusses police services impacts using the public services significance criteria reported on page 3.13-7 of the Draft SEIR. Specifically, the Draft SEIR evaluated if the proposed project would require new or expanded police facilities, the construction of which would result in a substantial adverse physical impacts. In making that determination, the Draft SEIR considered the number of additional police officers it would take to serve the proposed project. Inherent in that consideration is an assumption that an increase in population would result in an increase in service calls to ECPD. The new proposed project, the Residential Only Alternative, would have a negligible effect on the number of new officers required to maintain the City’s existing service levels. Instead, the Residential Only Alternative would increase the number of units facing the Ohlone Greenway (compared to the original proposal), thereby increasing informal surveillance onto this walkway and serving as a deterrent to crime. This alternative also would not include a garage and the perceived dangers associated with it.

45.3 The commentor is opposed to using public funds for BART parking and states that the garage is unnecessary and suggests a redesign of the El Cerrito Shopping Center Plaza instead. Since the Residential Only Alternative, the new proposed project, does not include a BART parking garage, the use of public funds for the garage is no longer applicable to the proposed project. Accordingly, justification for the parking garage is no longer necessary. Suggestions to change the existing Plaza to enhance its design and attractiveness are not relevant to the project being evaluated by the City.



45.4 The commentor expresses opposition to the proposed project. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about this project, no further response is necessary. However, comments about the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

**46. Peter S. Loubal**

- 46.1 The commentor states that the proposed housing densities exceed those allowed in the General Plan and asks why the proposed project does not include a General Plan amendment or is not deemed incompatible with it. The conclusion reached by Impact LU-3 in the Draft SEIR is the same as that reached by the commentor; namely, the proposed project exceeds the maximum allowable density of the General Plan. The project sponsor has since modified its application to propose a residential density of 45 dwelling units/acre, the maximum permitted density under the City's Incentives Program.
- 46.2 The commentor believes that the proposed project has been inconsistent with the CEQA process rules, particularly concerning the use of City funds for the BART garage, and claims that the project has become a "done deal." A decision for the proposed project has not yet been made by the Planning Commission or the City Council. Please note that a parking garage is not proposed with the Residential Only Alternative, the new proposed project, and accordingly, Measure C funds are no longer associated with the proposed project.
- 46.3 The commentor opposes the garage location and questions its necessity. Since a parking garage is not proposed with the Residential Only Alternative, justification for the garage is not necessary.
- 46.4 The commentor believes the proposed project area is unsuitable for family units and asks if the residential building could be designed for easy conversion to live/work units to address El Cerrito's jobs to housing balance. Please refer to Master Response 3 in Section 4 of this document for a discussion of noise impacts and land use compatibility. The General Plan Noise Element identifies ambient conditions where residential land uses are normally acceptable, conditionally acceptable, or unacceptable. These land use/noise environment compatibility guidelines are recommendations, to be balanced with other community goals and policies and subject to design and mitigation measures that can reduce ambient noise levels. Rarely is strict adherence to the noise guidelines the sole rationale for rejecting a land use proposal. Certainly, the land use/noise environment guidelines offer input into the City's land use decisions, but they are typically not the sole determinant. It will be up to the Planning Commission and City Council to determine whether the Residential Only Alternative proposes suitable land uses for the project site.
- 46.5 Despite considerable use of the El Cerrito Plaza parking lot by BART users and others, there is no documented evidence of a parking shortfall in the project area. The project sponsor will be seeking a reduction in the number of required parking spaces under the Incentives Program.
- 46.6 The commentor opposes the proposed garage location and accounts his perspective on the BART parking situation in El Cerrito. Since a parking garage is not proposed with the

Residential Only Alternative, justification for the garage and the use of Measure C funds is not necessary.

46.7 The commentor believes current BART patronage does not lend itself to begin charging for parking and suggests consideration in the SEIR for placement of a garage next to the BART station or making it more easily convertible to other uses. Since a parking garage is not proposed with the Residential Only Alternative, responses to comments about charges at the garage and alternative locations for this structure are no longer necessary.

46.8 The commentor believes that the CEQA process has been violated and suggests redirecting Measure C funds to another worthy cause. The City has adhered to the required CEQA procedures and suggestions to the contrary are inaccurate. No decisions regarding the project have been made yet. Mitigation measures will be adopted and included as a condition of project approval. As noted above, use of Measure C funds for a BART parking garage is no longer being considered and the new proposed project focuses on residential uses only.

**47. Ann Lehman**

- 47.1 The commentor states that the proposed parking garage is not needed and should not be built. Since a parking garage is not proposed with the Residential Only Alternative, the new proposed project, and Measure C funds are no longer associated with the proposed project, justification for the garage is not necessary.
- 47.2 As noted above, the BART parking structure is not proposed as part of the Residential Only Alternative. Therefore, comments about the walking distance from the garage to the BART station are no longer relevant.
- 47.3 Please refer to Response 47.2, above. It should be noted in Comment 3.3 that BART staff report that the station surface parking lot is full before 8:00 am.
- 47.4 Since a parking garage is not proposed with the Residential Only Alternative and Measure C funds are no longer associated with the proposed project, justification for the garage is no longer necessary.
- 47.5 The commentor states that the need for the garage is never sufficiently analyzed in the Draft SEIR. Since a parking garage is not proposed with the Residential Only Alternative and Measure C funds are no longer associated with the proposed project, justification for the garage use of Measure C fund is not necessary. The currently proposed project involves only residential uses and no commitment of Measure C Funds.
- 47.6 Please refer to Response 47.5, above.
- 47.7 The commentor states that while economic analysis is not a requirement of CEQA, this project requires some degree of study in this area. This comment refers to an economic issue, which is unrelated to the physical environment that CEQA is concerned with. An EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. The rationale offered by the commentor to include an economic discussion is not consistent with CEQA Guidelines, which permits consideration of economic issues when they contribute to a physical impact. The sales tax revenue and job creation suggestions are important dimensions of the project's fiscal and economic merits, but not its effect on the environment. Therefore, no economic analysis is provided as part of the Final SEIR.
- 47.8 The proposed project would generate negligible traffic throughout the Plaza, including the area behind the Albertson's, since little commuter traffic from the residential portion of the project is expected to use this route. In any case, project impacts on parking lot circulation would be less than significant. As a result, neither the absence of retail nor project effects on Plaza circulation would be expected to adversely affect existing retail spaces.

47.9 Please refer to Response 47.8, above, and to Master Response 2 in Section 4 of this document regarding traffic circulation in the Plaza.

47.10 The commentor quotes an article which states that the El Cerrito Plaza Shopping Center is not well designed. This comment conveys the commentor's opinion about the existing shortcomings of the Plaza and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Accordingly no further response is necessary.

47.11 Please refer to Response 5.1, which explains that the volume of trips generated by the Residential Only Alternative would have a small impact on traffic congestion and delays. Furthermore, it is incorrect to assume that the interaction of cars and vehicles is in and of itself a hazard. For the purposes of CEQA, a traffic safety impact occurs when characteristics or design features of a project impede the safe operation of vehicles or the use of other transportation facilities. This type of impact can occur, for example, due to obstruction of a driver's sight lines and views, the inappropriate placement of project features that obstruct safe vehicular operation, or unclearly defined circulation features that drivers are prone to approach at unsafe speeds. None of these characteristics or features is noticeable such that the project would result in a significant safety impact. The additional traffic generated by the proposed project would not exacerbate any existing safety problems. It should be noted that slow traffic flow as occurs within the parking lot of a retail center is often safer than free-flowing traffic.

Regarding the intersections of various streets with Brighton, grid-type streets with visible and marked pedestrian crossing are typically very safe environments for the interaction of pedestrians and vehicles, as evidenced by the high volumes of both that can coexist in typical downtown settings.

Furthermore, most traffic from the proposed residential units would access the site along other routes, and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

47.12 The commentor believes that Mitigation Measure NO-5.1 would not reduce the potentially significant impact to less-than-significant. There is no reason to believe the Draft SEIR noise measurements are incorrect. The change in noise levels between 1997 and 2004 associated with BART are attributable to changes in the rail condition and where BART is in its maintenance cycle. Mitigation Measures NO-5.1 or NO-5.2 would reduce the impact of a potentially significant impact to one that would be less than significant by limiting noise increases to 1 dBA. Such a change is not perceptible to the average listener.

47.13 The commentor is concerned with the visual quality impacts, including those affecting views of sunsets and Mt. Tamalpais. Please see Section 2.2 of this document for a discussion of the Residential Only Alternative's effects on visual quality. This section analyzes the impacts to views of the project site looking west. Albany Middle School is

not a location from which an important vista or scenic resource would be affected, and the site of the school itself would not be degraded or affected by light or glare.

- 47.13a The commentor is concerned with the analysis of visual impacts affecting shoppers at El Cerrito Plaza. As stated on page 3.3-24 of the Draft SEIR, employees and/or patrons would be expected to notice the proposed residential buildings, but their main purpose for visiting the Plaza would involve an indoor activity. The intent of the discussion was to contrast the visual sensitivity of different viewer groups. Residential viewers, due to the amount of time spent at home and their sensitivity to community character and property values, tend to be more visually sensitive than commercial/retail employees or shoppers. Certainly, high quality commercial architecture and design are essential to the retail and visual experience of the shopper. However, retail shoppers would be less sensitive to a proposed residential project in the southeastern corner of the Plaza parking lot, behind existing retail businesses, than nearby residents who would have direct views of the proposed project. The new development would not be expected to negatively affect visitors' experiences at El Cerrito Plaza because it would provide new, aesthetically-designed structures and landscaping which are preferable to views of surface parking lots, according to the 1999 General Plan. Additionally, patrons could be positively affected by seeing the daylighted portion of Cerrito Creek in the southeastern corner of the project site. Also, the proposed project does not run the entire length of the project site and is mainly contained in the southeastern corner. While it would be one to two stories higher than existing retail development, the bulk of the proposed residential buildings would be comparable, as shown in Figure 2-3 on page 2-10 of the Draft SEIR. Finally, the proposed project design would require Design Review Board approval before being accepted. Section 2.2 of this document describes the visual quality impacts of the Residential Only Alternative.
- 47.14 The commentor suggests reviewing the project as two separate projects. Since a parking garage is not proposed with the Residential Only Alternative, there is only one project to analyze as part of the entire project. Had the proposed project not been revised, alternatives to the project would still need to have considered all the project components, as required by CEQA.
- 47.15 The commentor states that none of the alternatives analyzed include the developer's current proposition. A residential only alternative was identified and evaluated as an alternative in the Draft SEIR. The developer has now proposed to develop the Residential Only Alternative. Even if the Residential Only Alternative had not been selected by the project sponsor, the Draft SEIR considers a reasonable range of alternatives. CEQA allows latitude to the lead agency in determining a reasonable range of alternatives. There is no precise formula for determining the right number, but the lead agency must have sufficient information to understand if the project could be feasibly achieved while substantially reducing significant impacts identified for the proposed project.

- 47.16 The commentor states that the Garage Only Alternative does not meet the reasonable standard under CEQA. The reasonable test for alternatives under CEQA considers whether a range of options for achieving the project sponsor objectives while reducing impacts has been identified. The fact that the project sponsor has indicated that he would not pursue the garage only alternative does not render the entire range of alternatives as invalid. The Draft SEIR on page 4-11 explains that this alternative would not achieve most of the project objectives. This information will be considered by the Planning Commission and the City Council in making their determination on the feasibility of the project alternatives.
- 47.17 The commentor requests disclosure of BART's plans for their property. While the Draft SEIR acknowledges BART's policy of promoting transit-oriented development around its stations, specific future plans for the El Cerrito BART Station property are not known. This notwithstanding, BART is exploring transit-oriented development opportunities at a number of its stations, including El Cerrito Plaza. Initial phases of this exploration at the El Cerrito Plaza Station are underway, but no development concepts have been advanced. Thus, relocating development to the BART surface parking lot, as proposed by the commentor, would preempt BART's efforts.
- 47.18 The commentor states the Residential Only Alternative would have fewer impacts but needs a specific plan. Please refer to Section 2 of this document for a more detailed description of a residential only proposal and a discussion of the impacts of this proposal.
- 47.19 The commentor recommends placing the garage on BART property. A parking garage is not proposed with the Residential Only Alternative, the currently proposed project. As noted above, a BART garage at the BART station surface lot would not be consistent with BART's plans for future transit-oriented development.
- 47.20 The commentor recommends placing the garage at the Del Norte BART Station. Since a parking garage is not proposed with the Residential Only Alternative, proposals to consider alternative locations are no longer relevant.
- 47.21 Since the new proposed project, the Residential Only Alternative, no longer includes a BART parking garage, no further response to this comment is necessary.

**48. George W. Nickelson, P.E.**

- 48.1 The comment that the EIR traffic analysis is comprehensive and reasonable is acknowledged.
- 48.2 The commentor considers the trip generation rates for the proposed residences and child care facility conservative and believes there would be fewer trips going south through Albany. The residual distribution of residential traffic would result in over 50 percent of project trips using routes along streets south of the plaza. Furthermore, as noted by the commentor, the assignment assumptions represent a conservative approach to the traffic generated by the project based on the anticipated macro-distribution of the project traffic.
- 48.3 The use of conservative assumptions throughout the traffic analysis is an appropriate approach given the uncertainty related to the generation and assignment of traffic in an area with substantially built out infrastructure. As characterized by the City of El Cerrito, the mitigation measure would not be feasible unless implemented by the project sponsor.



**49. Charles L. Blanchard**

- 49.1 The commentor feels the project should provide analysis on air pollutants at Cougar Field and Albany Middle School. Please refer to Master Response 4 in Section 4 of this document for additional commentary on air quality concerns, including effects at Cougar Field and Albany Middle School.
- 49.2 The commentor is concerned about air quality and emissions associated with the proposed project. Please refer to Master Response 4 in Section 4 of this document for a discussion of air quality impacts.
- 49.3 The commentor states that the project will result in the increased frequency and severity of local violations of PM standards. Please refer to Master Response 4 in Section 4 of this document for a discussion of impacts from small particulate matter, and to Section 2.2 for a discussion of air quality impacts specific to the Residential Only Alternative.
- 49.4 The commentor is concerned that the cumulative impact of traffic created by the proposed project will be a significant source of PM emissions. The Draft SEIR in Impact AQ-5 addresses cumulative air quality impacts and is based on cumulative traffic. The Residential Only Alternative does not include construction of the garage, which would have generated additional emissions in the area.
- 49.5 The commentor requests further analysis on the cumulative effects of the proposed project on Cougar Field and Albany Middle School. Please note that the presently proposed Residential Only Alternative does not include construction of the garage. Please refer to Master Response 4 in Section 4 of this document for a discussion of air quality impacts to Cougar Field and Albany Middle School, and to Section 2.2 for a discussion specific to the Residential Only Alternative.
- 49.6 The Draft SEIR notes in Impact AQ-4 that project development “would not place a source of TACs or objectionable odors near sensitive land uses.” This refers specifically to the project’s operational impacts. The previously proposed BART parking structure and child care facility have been removed from the development plans and the project now consists exclusively of residential uses. Operation of a residential development would not typically result in the emission of TACs or objectionable odors. However, in contrast to the long-term operational phase of a project, during construction, most construction equipment is diesel-powered and the diesel-particulate-matter (DPM) contained in the equipment exhaust is a recognized toxic air contaminant (TAC). Please refer to the master response on air quality concerns in Section 4 of this document for a further explanation of potential health impacts from DPM and construction activities.

The commentor notes correctly that the Draft SEIR did not identify Albany Middle School as a local sensitive receptor. The commentor also makes a valid point that air pollutant

levels are often highest on days with very low wind speeds. The Draft SEIR made the same point in the 2<sup>nd</sup> paragraph on page 3.6-2.

- 49.7 All the procedures suggested by the commentor are valid for obtaining a first approximation of project particulate concentrations associated with garage use. However, they also show the potential inaccuracies introduced by compounding worst-case assumptions, specifically that all particulates (which the Draft SEIR associated with daily operations) would be emitted by vehicles while they are still in the garage (none over the course of their trip after leaving/before entering the garage), that wind speed remains low and wind would blow directly from the garage to Cougar Field for an entire day, and that an air plume from the garage would not spread and particulate matter would not settle out over the distance from garage to field. The 85 ug/m<sup>3</sup> estimate of the garage particulate effect exceeds the State's 50 ug/m<sup>3</sup> 24-hour standard. The commentor then does a less conservative calculation by using only particulate emitted by vehicles during startup in the garage. Under this assumption, the project effect is only 0.1 ug/m<sup>3</sup>. Note that the Residential Only Alternative does not include a BART garage; thus, the commentor's points about particulate matter emissions from the garage are no longer relevant.
- 49.8 The commentor suggests that a more accurate estimate of garage particulate impacts could be obtained by using a model like CALINE4 to estimate the dispersion of particulate in the air plume during the time it exits the garage and reaches Cougar Field, but then admits that the results probably would not be very different from the simpler approach. This illustrates the problem with using simple dispersion modeling to estimate project particulate impacts: there is so much variability in the individual model parameters that exposure estimates can easily range from a clear violation of the air quality standard to a barely measurable amount. Note that the Residential Only Alternative does not include a BART garage; thus, the commentor's points about particulate matter emissions from the garage are no longer relevant.
- 49.9 The commentor includes information on how the vehicular particulate emission factors developed by the CARB take into account the inclusion of high-emitting vehicles (i.e., "smokers"), tire- or brake-ware, and particulate size fraction. This information would be relevant to methods of calculating particulate concentrations near parking structures. However, the BART parking structure has been removed from the development plans and the project now consists exclusively of residential uses. Accordingly, the additional information offered by the commentor would not materially change or improve upon the assessment contained in the Draft SEIR.

**50. Mera M. Atlis and Brian D. Levy**

- 50.1 The commentors express opposition to the proposed project. This comment conveys opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentors are invited to express opinions about the project at those meetings.
- 50.2 The commentors believe building the proposed project would increase air pollution in the area. The Draft SEIR in Section 3.6, Air Quality, evaluates the potential for the proposed project to generate air emissions that would exceed standards established by the Bay Area Air Quality Management District. Significant air quality impacts were identified for the construction period; however, significant impacts were not identified from traffic related to the project. Please refer to Master Response 4 in Section 4 of this document for additional commentary on air quality concerns.
- 50.3 The new proposed project would generate a total of 78 trips during the PM peak hour, 28 of which would circulate throughout the El Cerrito Plaza. At all other times, the trip generation would be less than this amount. Based on the traffic study of the Residential Only Alternative, the residential development would result in five northbound and one southbound vehicles behind the Albertson's in the AM peak hour and two northbound and six southbound vehicles in the PM peak hour. This traffic volume is considered negligible when considering impacts to pedestrian movement in this area. Please refer to Master Response 2 in Section 4 of this document for additional discussion of circulation impacts in the El Cerrito Plaza.
- 50.4 The commentors believe building the proposed project would increase BART noise. Impact NO-5 on page 3.5-11 of the Draft SEIR reports that reflection of BART noise would be a potentially significant impact. Please refer to Master Response 3 in Section 4 of this document for additional discussion of this concern.
- 50.5 The commentors are concerned that the proposed project would cause at least two years of construction noise, dust, and diesel exhaust. The Draft SEIR reports that construction noise and air emissions would be significant impacts of the project and therefore identifies mitigation measures to reduce these effects. Specifically, Mitigation Measure NO-1.1 proposes a number of feasible construction noise controls and Mitigation Measures AQ-1-1 and AQ-1.2 propose a number of feasible dust and exhaust control measures. Implementation of these measures is expected to reduce the construction noise and air impacts to less than significant.

50.6 The commentors reiterate opposition to the proposed project in light of the abovementioned concerns as well as the use of Measure C funds. Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative; therefore, discussion of Measure C funds is no longer relevant. This comment conveys opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentors are invited to express opinions about the project at those meetings.

## **51. David and Beverly Farrell**

- 51.1 The commentors are opposed to the proposed project's because of location and its potential effects on Albany Middle School. This comment does not address the adequacy of the Draft SEIR nor the City's compliance with CEQA, therefore no further response is necessary. However, the merits of the project are important and will be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions on the project at those meetings.
- 51.2 The commentors are concerned about noise, air, and circulation impacts on Albany Middle School. Please refer to the master responses on the abovementioned topics in Section 4 of this document.
- 51.3 The commentors suggest a mitigation measure that calls for a reduction in the mass of the condo and garage structures. Since the BART parking structure is not being proposed as part of the Residential Only Alternative, the massing of the garage is not relevant. In addition, the residential structures have been modified to reduce their apparent mass from the original proposal. Section 2 of this document describes the new proposed project, which has a greater setback from the Albany border, a wider creek restoration corridor, a lower building height, and articulation in the building facades, all which help to reduce the bulk and scale of the project. This new project was preliminarily described and evaluated in the Draft SEIR as the Residential Only Alternative.
- 51.4 The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic is at Evelyn/Brighton and Talbot/Brighton; even with the project, the traffic levels at these locations will remain less than currently exists at Cornell/Brighton. Such traffic levels do not present any remarkable concern in terms of pedestrian impacts.
- 51.5 The commentors request provision of double-pane windows and air conditioning for Albany Middle School. As discussed in the Draft SEIR, the proposed project would have a potentially significant noise impact at the Albany Middle School. The proposed mitigation measures (NO-5.1 and NO-5.2) would reduce these potential effects to less than significant and be far more cost effective for the project sponsor than the suggestions by the commentors. Master Response 3 in Section 4 of this document further explains the noise effects at the school.
- 51.6 The commentors request that El Cerrito act as a "good neighbor" and notes that some El Cerrito children benefit from attending Albany schools that would be impacted by noise, traffic, and air quality. Please refer to Response 51.1.

## 52. Neo Serafimidis

- 52.1 The commentor asks how the City can violate its own General Plan regarding proposed project noise. The General Plan Noise Element identifies ambient conditions where residential land uses are normally acceptable, conditionally acceptable, or unacceptable. These land use/noise environment compatibility guidelines are recommendations, to be balanced with other community goals and policies and subject to design and mitigation measures that can reduce ambient noise levels. Rarely is strict adherence to the noise guidelines the sole rationale for rejecting a land use proposal. Certainly, the land use/noise environment guidelines offer input into the City's land use decisions, but they are typically not the sole determinant. It will be up to the Planning Commission and City Council to determine whether the Residential Only Alternative proposes suitable land uses for the project site.
- 52.2 The commentor requests analysis of traffic impacts based on utilization of the garage by plaza patrons. Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.
- 52.3 The project would not generate a substantial amount of traffic compared to background traffic. Under the Residential Only Alternative, the proposed project would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peak travel times for other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative (i.e., the analysis assumes a high number of trips to anticipate the greatest potential traffic impact), because it is assumed no reduction in trips by residents who might use BART or other transit. Even with this conservative assumption, the trip generation from the proposed project would represent just over one additional vehicle per minute during the peak hour. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute. Most concerns raised by the commentor regarding the increase in traffic do not recognize this negligible effect during the peak hour. As a result, the volumes of traffic generated by the Residential Only Alternative would not represent a significant impact. The intersections identified in the comment as candidates for analysis, including at Key Route Boulevard, are distant from the project and in a direction where project traffic would be so diffuse that any level of service deficiencies could not reasonably be attributed to the proposed project.
- 52.4 The commentor is concerned that the proposed project is in violation of the General Plan Policy regarding Ohlone Greenway enhancements. The commentor states that, according to the General Plan, the Greenway should have "entries, yards, patios and windows facing the Greenway. Blank walls, backs of buildings, and large parking lots should be avoided next to the Greenway." Currently, there is a large parking lot next to the Greenway.

Beyond the large parking lot are backs of retail buildings of El Cerrito Plaza, which have blank walls, except for some truck loading and unloading areas. All of these characteristics are discouraged by the General Plan when placed next to the Ohlone Greenway.

Under the Residential Only Alternative, windows, entries, access to pedestrian pathways, and landscaped areas would face the Greenway, which are recommended by the General Plan. The new proposed project would enhance the greenway by providing a connection to the Cerrito Creek multi-use path at the southeast corner of the project, by adding landscaping elements along the western side of the greenway, and by including building elements such as windows and entries facing the greenway. In addition, the emergency vehicle access lane mentioned by the commentor would be turf block and, thus, would not resemble a “back” alley as suggested by the commentor.

The photosimulations in the Draft SEIR are meant to represent the scale and massing of the proposed development to allow the reader to understand the visual impacts, such as altered views or resulting compatibility with surrounding development. The simulations are not meant to be a detailed proposal of complete design plans. Additionally, it would be difficult to create a photosimulation showing the project's frontage along the Ohlone Greenway with the proposed project landscaping and buildings, because the greenway is adjacent to the project site and there are no viewpoints sufficiently distant from the project site to offer this perspective. A specific discussion of views from the Ohlone Greenway and how they would be affected by the Residential Only Alternative is provided in Section 2.2 of this document.

- 52.5 The commentor is concerned with the analysis of shadow impacts on the Ohlone Greenway and Albany Middle School. Please refer to the visual quality section in Section 2.2 of this document regarding the Residential Only Alternative. This section includes figures and analyzes impacts to views looking west from Albany Middle School and the Ohlone Greenway.
- 52.6 The commentor requests that El Cerrito act neighborly towards Albany residents and requests that they deny the project. This comment conveys the commentor’s opinion about the project and does not address the adequacy of the Draft SEIR nor the City’s fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

**53. Paul Sterne**

- 53.1 Please refer to Master Response 2 in Section 4 of this document regarding circulation. Note that the Residential Only Alternative does not include a BART garage and, as a result, there is nothing to support the commentor's suggestion that 300 pedestrians would be using the path during peak hours.
- 53.2 Please note that the BART parking structure and child care center are not being proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.
- 53.3 The commentor states that the BART parking garage parcel should not be included in the FAR calculations for the project. The Residential Only Alternative would result in residential land uses only, and the City's measure of intensity for a residential development is dwelling units per acre. Thus, discussion of FAR is no longer relevant. For a discussion of the Residential Only Alternative's density, please refer to Section 2 of this document.
- 53.4 The commentor states that El Cerrito Plaza should not be considered "blighted" because it has been extensively rebuilt. The term "blight" is language used in the *1999 General Plan* that encourages the reduction of underused or deteriorated conditions within El Cerrito Plaza Shopping Center and the vicinity. Since the *1999 General Plan* is the most recent General Plan in El Cerrito, it is the principal planning document used by the City. While much of the Plaza may have been rebuilt since the General Plan was written, some of it, including the proposed project site, has not and is currently a large parking lot next to the Ohlone Greenway. Beyond the large parking lot are rear views of El Cerrito Plaza Shopping Center buildings, which have blank walls, except for truck loading and unloading areas. All of these characteristics next to the Ohlone Greenway are discouraged by the General Plan.
- 53.5 The commentor is concerned that the project's height is incompatible with existing buildings in and around the El Cerrito Shopping Plaza. Please see the visual quality section in Section 2.2 of this document regarding the Residential Only Alternative and its height compatibility with surrounding development.
- 53.6 The commentor is concerned with height limits that would affect the proposed buildings. Please see the visual quality analysis of the Residential Only Alternative in Section 2.2 of this document.
- 53.7 The commentor states that the Draft SEIR fails to evaluate view impacts from the Berkeley Hills and Kensington. Views from these locations would not be highly sensitive because the proposed project would not compromise views of El Cerrito or the San Francisco Bay from these locations. While the proposed project could be seen from these locations, it



would be visually compatible with the urban character of El Cerrito, and at the distances to the Berkeley Hills and Kensington, it would not be visually dominant. As a result, no further analysis is required.

- 53.8 The commentor states that the project would violate General Plan Policy CD1.7 that calls for preservation of views and open space on Ohlone Greenway. The existing site and as seen from Ohlone Greenway is a paved parking lot with the backs of the windowless buildings in El Cerrito Plaza beyond. Paved parking lots are not generally considered open space or quality vistas. The project provides landscaping, access to a restored creek, and a plaza, which would enhance views along a major open space, as called for by Policy CD1.7. Therefore, the project would not violate Policy CD1.7. For a discussion of views from Cougar Field, please refer to the visual quality section in Section 2.2 of this document.
- 53.9 The commentor states that the project would violate General Plan Policy CD4.1 that calls for compatibility in building scale. In regards to Policy CD4.1, the Residential Only Alternative would “avoid big differences in building scale and character between developments on adjoining lots” because it would provide three-story residential buildings atop a parking podium, which is similar to development south of the project site. Although the proposed residential structures would demonstrably alter views from Evelyn Avenue, the resulting change is not considered significantly adverse because (1) the 46- to 59-foot-tall structures would be comparable in scale to existing development along Evelyn Avenue, which is approximately 35 to 40 feet tall near the southern portion of the project site, (2) the structure would include articulation that would reduce the massing of the buildings, (3) proposed design of the structures would reflect a contemporary Italianate character, similar to Italianate architectural styles applied within various urban cores in the San Francisco Bay, (4) the daylighting of the creek would improve foreground views, and (5) the building would be set back approximately 60 feet from the Albany border. While existing retail development in the El Cerrito Plaza ranges from one to two stories (estimated to be about 15 to 30 feet high), its design scheme and color pallet would be compatible with the Residential Only Alternative structures.

## **54. Eleanor Moses**

54.1 The commentor notes that the Plaza Neighbors and the North Albany Neighborhood Association submitted comments on the proposed project. The commentor is correct in that the abovementioned organizations have submitted comments to the City. This comment does not address the adequacy of the Draft SEIR nor the City's compliance with CEQA; therefore, no further response is necessary.

54.2 Project traffic is expected to use Evelyn Avenue and Talbot Avenue as the most direct routes to Brighton Avenue. The project traffic will cause no significant congestion so no diversion of existing traffic is expected. Cornell Avenue will not experience a substantial change in traffic as a result of the proposed project.

The analysis in the Draft SEIR uses conservative assumptions about vehicle traffic particularly in a context adjacent to a major transit facility. Under the Residential Only Alternative, the proposed project would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peak travel times for other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative (i.e., the analysis assumes a high number of trips to anticipate the greatest potential traffic impact), because it is assumed no reduction in trips by residents who might use BART or other transit. Even with this conservative assumption, the trip generation from the proposed project would represent just over one additional vehicle per minute during the peak hour. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute. Most concerns raised by the commentor regarding the increase in traffic do not recognize this negligible effect during the peak hour. As a result, the volumes of traffic generated by the Residential Only Alternative do not represent a significant impact.

54.3 The commentor is concerned about asthma and air quality impacts on Cougar Field users. Please refer to Master Response 4 in Section 4 of this document for a discussion of the health effects of air emissions.

54.4 The commentor is concerned about BART noise reflections. Please refer to Master Response 3 in Section 4 of this document for a discussion of this issue.

54.5 The commentor favors the concept of a transit village but believes the proposed project is ill placed. This comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

**55. Robert J. Blaisdell**

- 55.1 The commentor is concerned about air quality impacts and cancer risk on Cougar Field users. Please refer to Master Response 4 in Section 4 of this document for a discussion of the health effects of air emissions from the project.
- 55.2 The commentor is concerned about air quality impacts and asthma on Cougar Field users. Please refer to Master Response 4 in Section 4 of this document for a discussion of health effects of air emissions from the project.
- 55.3 The commentor states that there are no diesel exhaust particulate mitigation measures in the Draft SEIR. Impact AQ-1 in the Draft SEIR analyzes potential construction air quality impact including “dust” and “contaminants from equipment exhaust, including diesel exhaust (see page 3.6-10). This section specifically addresses Cougar Field as a sensitive receptor and identifies a potentially significant impact. As a result, Mitigation Measure AQ-1.2 requires the implementation of equipment exhaust control measures recommended by the BAAQMD. The Draft SEIR did not identify potentially significant project impacts associated with diesel exhaust from project construction or operation, so the mitigation the commentor suggests would not be necessary. Please refer to Master Response 4 in Section 4 of this document for a general discussion of current research on diesel exhaust and its effects on asthma and cancer risk.
- 55.4 The commentor is concerned about increased idling times for diesel trucks. There is no indication that diesel truck idling times on roadways affected by the project would significantly increase. Please refer to Master Response 4 in Section 4 of this document for further consideration of emissions from diesel trucks.

**56. Debora Pinkas, J.D., and Christy Dana, Ph.D.**

56.1 The commentors feel the traffic mitigation measures offered in the Draft SEIR are inadequate. The comment is acknowledged; however, the analysis indicates that the recommended mitigation measures will be adequate to address the impacts identified. The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

Furthermore, transportation impacts related to the closure of Albany streets were provided in the Draft SEIR for informational purposes based on a request from the City of Albany. Wherever project impacts have been found that result from this scenario, where feasible, mitigation measures have been identified. As stated on page 3.4-10 of the Draft SEIR, any action taken by the City of Albany would be considered a separate project, as that term is used in CEQA, which would require its own CEQA documentation, including identification of feasible measures to mitigate any potentially significant impacts, such as land use impacts. The Residential Only Alternative would not in it of itself result in the closure of Albany streets and as such, would not bring about the division of a community. To the degree that that measure affects the traffic impacts of this project, the analysis provided in the Draft SEIR is adequate.

56.2 The commentors state that pedestrians and bicyclists will not be safe. The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic is at Evelyn/Brighton and Talbot/Brighton; even with the project, the traffic levels at these locations will remain less than currently exists at Cornell/Brighton. Such traffic levels do not present any remarkable concern in terms of pedestrian impacts.

56.3 Please refer to Master Response 3 in Section 4 of this document for a discussion of noise concerns related to the project.

56.4 The commentors note that the proposed BART parking garage is very large and therefore incompatible with surrounding land uses. Since the Residential Only Alternative would not include the construction of a BART parking garage, no further response is necessary.

56.5 The commentors oppose the garage and question its necessity. Since a parking garage is not proposed with the Residential Only Alternative and Measure C funds are not relevant to

the proposed project, justification for the garage is not necessary. Please refer to Master Response 4 in Section 4 of this document regarding air quality concerns.

- 56.6 The commentors request the City of El Cerrito reject the proposed project. This comment does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentors are invited to express opinions about the project at those meetings.

**57. Karen Summerly**

- 57.1 The commentor states that the Draft SEIR does not demonstrate a need for the proposed project and that it violates El Cerrito policies on housing density and compatibility with surrounding structures. Regarding housing density policy, based on the significance criteria put forth in Appendix G of the CEQA Guidelines, a project would have a significant effect on the environment for the reasons listed on the top of page 3.2-5 of the Draft SEIR. The Residential Only Alternative would be 45 units per acre which meets the General Plan density requirements under the City's Incentives Program. Because this comment does not address the adequacy of the Draft SEIR nor the City's compliance with CEQA, no further response is warranted in this document. Issues related to project merit will be discussed at upcoming Planning Commission and City Council hearings on the project. Please also refer to the Master Response 1 on the CEQA process in Section 4 of this document. Additionally, as stated on page 3.3-17 of the Draft SEIR and described further in Section 3.1, the project site would be subject to compliance with the City's *Redevelopment Plan* which includes controlling building design to ensure a consistent look and theme.
- 57.2 The commentor suggests consideration of housing need, attractiveness, affordability, and overall community benefits. The Association of Bay Area Governments (ABAG) has determined that El Cerrito's "fair share" of new housing units for the six-year period ending in 2006 is 185 units. The proposed project would, if approved, help El Cerrito meet its fair share requirements. Comments on affordability concern an economic issue, which is unrelated to the physical environment that CEQA is concerned with. The Draft SEIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. Since the comment about community benefits concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.
- 57.3 The commentor states that the Draft SEIR does not demonstrate a need for the proposed parking facility. The Residential Only Alternative does not include a parking facility, so no further response to this comment is necessary.
- 57.4 The commentor states that the Draft SEIR does not demonstrate community need for the proposed project and does not explore options for placing parking closer to the BART station. A parking garage is not proposed with the Residential Only Alternative; therefore, justifying its need is not necessary.
- 57.5 The commentor believes the Draft SEIR should discuss BART's future plans for its parking area and doubts the necessity for paid parking. While the Draft SEIR acknowledges

BART's policy of promoting transit-oriented development around its stations, specific future plans for the El Cerrito BART station property are not known. BART has not yet begun exploring opportunities for development of the surface parking lot. Accordingly, without sufficient details (such as numbers of dwelling units or square footages) or a development proposal, it would be entirely speculative to determine the cumulative impacts of BART's plans for its property. Also note that a parking garage is not proposed with the Residential Only Alternative; therefore, justifying its need is not necessary.

- 57.6 The commentor suggests investigating BART rider willingness to use and pay for parking at the proposed garage. Since a parking garage is not proposed with the Residential Only Alternative, justifying BART rider willingness to use the garage is not necessary.
- 57.7 The commentor is opposed to the use of Measure C funds for the proposed project and suggests they be used more aptly outside of El Cerrito. Since a parking garage is not proposed with the Residential Only Alternative and Measure C funds would not be used, justifying the use of Measure C funds is unnecessary.
- 57.8 The commentor is concerned about traffic emissions affecting Cougar Field users and Albany Middle School. Please refer to Master Response 4 in Section 4 of this document regarding air quality effects on Cougar Field and Albany Middle School.
- 57.9 The commentor requests that air quality impacts be analyzed at the local, as well as regional, level. The emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> predicted by URBEMIS2002 can have regional and local impacts. However, the fact that project emissions fall under the BAAQMD significance thresholds makes it very unlikely that there would be significant impacts of either type. The Draft SEIR also looked at local effects from CO emitted from additional traffic associated with the project and found no significance for this pollutant either.
- 57.10 The time periods analyzed appropriately cover the peaks in project traffic. The traffic generation of the currently proposed project is typically negligible during the time period when Albany Middle School is dismissed. Given the distance of the currently proposed project and the amount of traffic generated, it is highly unlikely that project traffic would significantly impact school dismissal.

The project does not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that no single reduction would apply based on the use of BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project generated traffic would be even less than one vehicle per minute. Most concerns over the increase in traffic do not account for this.

57.11 Most traffic from the condominiums would access the site along other routes, and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

The proposed project would generate negligible traffic throughout the Plaza, including the area behind the Albertson's, as little commuter traffic from the residential portion of the project was expected to use that route. In any case, project impacts on parking lot circulation would be proportionately insignificant.

Transportation impacts related to the closure of Albany streets were presented in the Draft SEIR for informational purposes based on a request from the City of Albany. Wherever project impacts have been found that result from this scenario, mitigation measures have been identified, where feasible. As stated on page 3.4-10 of the Draft SEIR, any action taken by the City of Albany would be considered a separate project, as that term is used in CEQA, which would require its own CEQA documentation, including identification of feasible measures to mitigate any potentially significant impacts, such as land use impacts. The Residential Only Alternative would not in it of itself result in the closure of Albany streets and as such, would not bring about the division of a community. To the degree that that measure affects the traffic impacts of this project, the analysis provided in the Draft SEIR is adequate.

It is often beyond the scope of an impact analysis to perform a detailed analysis of the assignment of project traffic on the internal circulation system of a private development. It is standard practice that assumptions are made based on judgment and reconnaissance of the setting and that on-site traffic congestion is only evaluated where an obvious or well documented safety problem exists, or the owners of the private development successfully request such an undertaking.

57.12 The commentor states that the mitigation measures proposed for Impact NO-5 are inadequate. The commentor seems to be confusing exterior noise levels with interior levels, and long-term noise measurements with short-term single event noise levels. Noise reduction for outdoors to indoors ranges typically from 20 to 25 dBA for typical residential construction. With a 25 dBA reduction, the interior  $L_{dn}$  would be 43, which is not a level that is normally considered to disturb sleep.

57.13 The commentor is concerned about lost views of Mt. Tamalpais from Behrens Street. Two homes, located at 139 and 135 Behrens Street, and possibly the west-facing upstairs windows of 131 Behrens Street would have views of the project site at buildout. All other residences in this area are screened at the back lot lines, or are screened by existing buildings on the Cougar playfield, so that views westward are limited. Please refer to the visual quality section of Section 2.2 in this document for figures and additional information about views from the Behrens Street neighborhood.



57.14 This comment conveys the commentor's opinion about the project. Because this comment does not address the adequacy of the Draft SEIR nor the City's compliance with CEQA, no further response is warranted in this document. Issues related to the project's merit will be discussed at upcoming Planning Commission and City Council hearings on the project.

**58. Ellen Hershey, January 3, 2005**

58.1 The commentor requests that the Draft SEIR provide greater detail on the provisions for security at the proposed BART parking garage. Since the Residential Only Alternative would not include the construction of a BART parking garage, no further response is necessary. The commentor also asks about crime incidence along the Ohlone Greenway. The Draft SEIR addresses security along the Greenway in Section 3.12, Public Services. The Residential Only Alternative includes windows and project entryway facing the greenway which should have an overall positive effect on security there.

58.2 The commentor requests that the attached letter be included with the comment letter. The letter is included in this document as Comment Letter #80.

**59. Diane Stark**

59.1 The commentor recommends that the project design plans include easy, safe, lighted, and direct pedestrian pathways to the Ohlone Greenway, the El Cerrito Plaza BART Station, and the El Cerrito Plaza Shopping Center. This comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the subject.

The Ohlone Greenway is not part of the project and, therefore, no changes can be made to the greenway itself. However, the Residential Only Alternative would provide a lighted, ADA-compliant multi-use path along the northern bank of Cerrito Creek that would connect to the Ohlone Greenway. The Residential Only Alternative would also provide a sidewalk along the western side of the residential buildings. The sidewalk would connect to three pedestrian crosswalks leading to the El Cerrito Plaza Shopping Center (see Section 2, Figure 2-1, of this document).

59.2 The commentor recommends a crosswalk leading to the BART station as additional mitigation for Impact TR-10; however, Impact TR-10 was determined to be less than significant and, therefore, does not require mitigation measures. Any comments regarding the merit of the project may be discussed at upcoming Planning Commission and City Council hearings on the project.

**60. Michael W. Graf, Esq.**

60.1 The commentor expresses concern that the proposed project is inconsistent with the City's *General Plan* policies. The Draft SEIR examines the proposed project's General Plan consistency, visual quality, traffic, and noise impacts in Sections 3.1, Land Use, Plans, and Zoning, 3.3, Visual Quality, 3.4, Transportation, and 3.5, Noise, respectively.

As discussed in the Draft SEIR page 3.1-8, a project processed under the Incentives Program must include desirable features, such as exceptional design, creative design of off-street parking, enhancements to public amenities, environmental benefits such as creek restoration, and similar benefits to the community. Section 19.32.200 of the El Cerrito Zoning Ordinance lists 17 desirable features that would qualify a project to be processed through the Incentives Program. An application for the Incentives Program need not include all of the desirable features listed in Section 19.32.200, and the Planning Commission may approve an Incentives Program permit if a project incorporates some of the desired features. Finally, it is not the Draft SEIR that makes the determination about whether the project is eligible for the Incentives Program; that determination lies with the Planning Commission. The role of the Draft SEIR is to identify the potential impacts associated with a project and to recommend mitigation measures where warranted.

The above discussion notwithstanding, the Residential Only Alternative would provide several desirable features listed in Section 19.32.200. Specifically, this alternative would provide an environmental benefit by daylighting Cerrito Creek and a recreational benefit by providing a multi-use path that connects to Ohlone Greenway along the restored creek. Furthermore, the Residential Only Alternative would locate housing close to shopping and transportation centers and, as such, would reduce reliance on automobile usage. During project approval, the Planning Commission will make a determination as to whether the above-described desirable features warrant the exceptions to development standards sought by the project sponsor.

60.2 In the Draft SEIR traffic, noise, and air quality sections, questions of significance were examined from two perspectives: 1) are there existing significant impacts from traffic, noise, and air quality? and 2) would the project have large enough effects on traffic, noise, and air quality so that its impacts would be significant given the existing conditions?

Based on the documentation in the setting section of the Draft SEIR, traffic congestion is not at a significant level as measured by the City's level of service standard. According to the noise section (see Section 3.5-7 of the Draft SEIR), the Albany Middle School and the residences east of Cougar Field are exposed to ambient sound levels that are conditionally acceptable for residential and commercial uses. Thus, even though noise from BART train passbys annoy local residences, the ambient noise levels are not regarded as existing significant impacts as measured by the City's General Plan land use/noise environment

compatibility guidelines. Table 3.6-1 indicates that air quality monitoring data from the nearest monitoring station, in San Pablo, exceeds ambient air quality standards for PM<sub>10</sub>.

Most of the applicable significance thresholds to determine whether the proposed project would result in a significant environmental impact for traffic, noise, and air quality are absolute standards. In other words, exceeding these standards, regardless of how close existing conditions are to violating these standards, would be a significant project impact. Table 3.4-10 shows that with the project, intersection levels of service would not exceed the City's level of service standard of D. Impact NO-5 shows that the proposed project may increase noise levels east of the project site but the resultant noise level would still be considered conditionally acceptable by the City's General Plan. Applying a more stringent significant threshold used by the Federal Transit Administration, the Draft SEIR concludes that the project would result in a potentially significant impact and therefore proposes either of two mitigation measures (Mitigation Measures NO-5.1 or NO-5.2). In terms of air quality, Impact AQ-1 reports that construction activities could contribute to existing air quality violations and thus finds this impact to be potentially significant. A number of best management construction practices and exhaust control measures are proposed in Mitigation Measures AQ-1.1 and AQ-1.2. In summary, the Draft SEIR did consider existing conditions in making its determination of traffic, noise, and air quality impacts; identified significant impacts in two of these areas; and recommended mitigation measures for these significant impacts.

- 60.3 Transportation impacts related to the closure of Albany streets were provided in the Draft SEIR for informational purposes based on a request from the City of Albany. Wherever project impacts have been found that result from this scenario,, mitigation measures have been identified where feasible. As stated on page 3.4-10 of the Draft SEIR, the City of Albany has not as yet decided whether to close these streets and any action taken by the City of Albany would be considered a separate project, as that term is used in CEQA, which would require its own CEQA documentation, including identification of feasible measures to mitigate any potentially significant impacts, such as land use impacts. The Residential Only Alternative would not in it of itself result in the closure of Albany streets and as such, would not bring about the division of a community. To the degree that that measure affects the traffic impacts of this project, the analysis provided in the Draft SEIR is adequate.

The commentor also stated that the SEIR did not consider changes to Fairmount Avenue. The Draft SEIR identifies the volume of traffic on Fairmount Avenue under the existing 2004 conditions (page 3.4-3) and discusses the Fairmount Avenue streetscape improvements, which include signage, striping, pavement marking, curb ramp, and signal improvements (page 3.4-13). These appear to be the changes to which the commentor refers.

- 60.4 The commentor states that the Draft SEIR does not analyze certain air pollutants or impacts to children from particulate pollution. Without more specifics on which certain air pollutants the commentor is referring to, the City can not fully respond to this comment. The Air Quality section of the Draft SEIR was prepared using methodologies and assumptions recommended in the *Bay Area Air Quality Management District CEQA Guidelines*, and evaluations were relative to the State and federal ambient air quality standards, which are the industry's resource standards for preparing air quality analyses. For discussion on air quality and health impacts to children, please refer to Master Response 4 on air quality concerns in Section 4 of this document.
- 60.5 The commentor requests analysis of noise reflection from BART. Please refer Master Response 3 regarding noise concerns in Section 4 of this document.
- 60.6 The commentor states that the Draft SEIR considers only one alternative that would arguably meet Measure C funding objectives. The five alternatives analyzed in the Draft SEIR meet CEQA Guidelines compliance, those being reasonable alternatives that meet the basic objectives of the project. Since a parking garage is not proposed with the Residential Only Alternative and Measure C funds are no longer relevant to the proposed project, issues surrounding the garage are not relevant to the presently proposed project. Please refer to Section 2 in this document for a description of the Residential Only Alternative.
- 60.7 The commentor states that because the project has changed, it has been difficult for the public to provide meaningful comments on the proposed project. The commentor also notes that the Draft SEIR does not explain why the proposed project would qualify for the Incentives Program. The commentor is referred to Master Response 1 in Section 4 of this document, which discusses the CEQA process as it relates to this project. The commentor is also referred to Response 60.1, above, which discusses the desirable features provided by the Residential Only Alternative that would potentially qualify it for the Incentives Program.
- 60.8 The commentor states that the Draft SEIR fails to analyze certain types of impacts and thus does not function as a document of accountability between the public and the City. The commentor does not state what specific impacts the Draft SEIR fails to analyze. Therefore, the City cannot fully respond to this comment. However, it is anticipated that responses to the remainder of the issues raised by the commentor will address the commentor's concerns.
- 60.9 The commentor states that the use of Measure C funds for the proposed project is contrary to the intent of voters when they passed it. Since a parking garage is not proposed with the Residential Only Alternative and Measure C funds are no longer relevant to the proposed project, justification for the use of those funds is not necessary.
- 60.10 The commentor provides reasons why the proposed project is not consistent with the City's Incentives Program because none of the criteria outlined in Section 19.36.160 are met. As

discussed in Response 60.1, above, the Residential Only Alternative would provide an environmental benefit by daylighting Cerrito Creek and a recreational benefit by providing a multi-use path that connects to Ohlone Greenway along the restored creek. The Residential Only Alternative would also locate housing close to a shopping and transportation centers and, as such, would reduce reliance on automobile usage. Moreover, the project employs creative solutions to the design of improvements for unusual or irregular sites which are difficult to develop, reuses an underutilized property, makes interior spaces accessible, and demonstrates creative design of off-street parking. During project approval, the Planning Commission and City Council will make a determination as to whether the above-described desirable features warrant the exceptions to development standards sought by the project sponsor.

Furthermore, as described on page 3.1-16 of the Draft SEIR, all proposed structures would be subject to design review for compliance with design guidelines, compatibility of exterior colors and materials with surrounding environment, compatibility of landscaping and site design with surrounding environment, compatibility with surrounding structures, and vehicular and pedestrian circulation and parking. Thus, the discretionary development and design review would ensure that the structures comply with the design review criteria.

60.11 The commentor states that the Draft SEIR avoids CEQA's cumulative impact analysis requirement in failing to acknowledge significant impacts. As noted by the commentor, CEQA requires the consideration of past, present, and probable future projects, in combination with the proposed project. The Draft SEIR does not report existing significant impacts, but does provide baseline conditions in its description of the environmental setting. The setting addresses existing traffic volumes (Table 3.4-1), levels of congestion (Table 3.4-4), and residential street quality of life/safety (Table 3.4-1); air pollution (Table 3.6-1) and compliance with air quality management plans (page 3.6-6); noise (pages 3.5-5 and 3.5-6); drainage (pages 3.10-1 and 3.10-2); scenic quality/residential character (pages 3.1-1 through pages 3.1-5; pages 3.3-2 through 3.3-14); community services (pages 3.31-1 through 3.13-6); energy consumption (page 3.12-3); health (page 3.11-2); and litter (page 3.12-2 and 3.12-3). The conditions described on the above-cited pages, in combination with those resulting from the proposed project and the future probable projects as identified on pages 5-2 and 5-3, provide the cumulative context required by the CEQA Guidelines, Section 15130(b)(1)(a). Existing baseline conditions for property values and neighborhood cohesion are not presented in the Draft SEIR because these factors are socio-economic considerations, rather than the physical environmental conditions that concern CEQA.

EIRs do not present existing conditions as significant impacts, because impacts are defined by CEQA as the environmental consequences of the proposed project. The EIR setting does, however, indicate if existing conditions exceed ambient standards or guidelines. Thus, for example, the traffic baseline conditions report whether certain intersections are congested because they exceed the City's level of service standard or whether certain residential streets have traffic volumes that pose a "high" effect on residential activities and

quality of life. Similarly, the air and noise baseline conditions report whether the nearby air monitoring stations have exceeded ambient air quality standards and whether the project site is normally acceptable for residential uses given the existing noise environment.

The Draft SEIR, beginning on 5-3, assesses whether the existing conditions plus probable future projects plus the proposed project result in significant cumulative impacts, compared against the significance thresholds identified in Section 3 of the report. If those impacts were determined to be cumulatively significant, the Draft SEIR examined whether the proposed project's contribution would be cumulatively considerable, as required by CEQA Guidelines, Section 15130(a)(3).

- 60.12 Please refer to Response 60.3, above.
- 60.13 The capacity impacts of the lane reduction have been included in the Draft SEIR although modifications to Fairmont Avenue are not part of this project and all of the impacts of that improvement are not the subject of this Draft SEIR. There is no reason to believe the assignment of traffic would be altered as a result of Fairmont Avenue improvement project. Please refer also to Response 60.3 regarding Fairmont Avenue.
- 60.14 Please refer to the Response 60.3, above, regarding project effects on Albany streets. With regard to traffic on Fairmont, please see Response 60.13, above.
- 60.15 The commentor states that the Draft SEIR does not analyze impacts of chronic noise exposure. The 24-hour average exposure as characterized by the  $L_{dn}$  noise metric is the standard means of evaluating community noise. All communities in California use the  $L_{dn}$  or the similar metric CNEL to guide policy makers and allow planners to make decisions. Furthermore, it is the federally accepted metric for evaluating impacts to residential land uses for new transit systems as discussed in Response 6.61.
- 60.16 The commentor states that the Draft SEIR does not analyze air pollution impacts to Cougar Field and Albany Middle School by not addressing certain pollutants, not addressing an isopleth plume emitted from the parking garage, and not addressing asthma and cancer effects from the project. The commentor does not state what specific pollutants the Draft SEIR fails to analyze. Therefore, the City cannot fully respond to that part of the comment. Please refer to Response 60.4, above, regarding pollutant effects on children. Regarding an isopleth plume from the parking garage; since a parking garage is not proposed with the Residential Only Alternative, this concern is no longer relevant. Please refer to Section 2.2 in this document on the Residential Only Alternative for a discussion of the residential project's air quality impacts. For discussion of childhood health concerns such as asthma, refer to Master Response 4 on air quality concerns in Section 4 of this document.
- 60.17 The commentor is concerned about lost views of Mt. Tamalpais from nearby residences and Cougar Field. As discussed on page 3.3-11 of the Draft SEIR, "viewers east of the



- BART tracks and Cougar Field have low viewer sensitivity, except occupants of three residences along Behrens Street.” Therefore, the proposed structures, which are one story lower in the Residential Only Alternative than the proposed project, would comprise a moderate element in the visual character as viewed from these locations. Two homes, located at 139 and 135 Behrens Street, and possibly the west facing upstairs windows of 131 Behrens Street would have views of the project site at buildout. All other residences in this area are screened at the back lot lines, or are screened by existing buildings on Cougar playfield, so that views westward do not exist. Please refer to the visual quality discussion in Section 2.2 of this document for figures and more information about views from these locations.
- 60.18 The commentor states that the Draft SEIR does not adequately address a reasonable range of alternatives because it only examines one alternative that would meet use of Measure C funds. The Draft SEIR identifies more than one alternative where use of Measure C funds results in the construction of a parking garage. As noted by the commentor, the BART Parking Garage Only Alternative considers use of the project site solely for a parking garage. However, the Reduced Project Alternative in both Scenarios 3 and 4 also includes a BART parking garage. The City agrees with the commentor that the alternatives analysis in the Draft SEIR should not separate project components and identify alternatives for each component. The City Council in its deliberations on the Draft SEIR will determine if an adequate range of alternatives were considered to inform them of the tradeoffs of various parking garage sizes and locations.
- 60.19 The commentor states that the Draft SEIR incorrectly found the BART parking garage to be infeasible. Since a parking garage is not proposed with the Residential Only Alternative, issues surrounding the garage are not relevant to the present status of the proposed project. Please refer to Section 2 in this document for a description of the Residential Only Alternative.
- 60.20 The commentor states that the Draft SEIR does not provide adequate information for the public to review and that because the project has changed since the publication of the Draft SEIR it has been difficult for the public to provide meaningful comments on the document. The commentor is referred to Section 4, Master Response 1, which outlines the sequence of events leading to the selection of the Residential Only Alternative as the proposed project.
- 60.21 Please refer to Responses 60.1 and 60.10, above, for a discussion of the City’s Incentives Program.
- 60.22 The commentor states that the location of the parking garage is inconsistent with the mandated use of Measure C funds. Since a parking garage is not proposed with the Residential Only Alternative and Measure C funds are no longer relevant to the proposed project, justification for the use of those funds is not necessary.

- 60.23 The commentor states that the Draft SEIR does not adequately determine if the proposed project complies with use of Measure C funds. Since a parking garage is not proposed with the Residential Only Alternative and Measure C funds are no longer relevant to the proposed project, justification for the use of those funds is not necessary.
- 60.24 The commentor states that the Draft SEIR does not provide information regarding the financial arrangements between the City and the developer. The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. The purpose of the Draft SEIR is to determine whether the implementation of the El Cerrito Plaza Mixed-Use Development Project would result in significant adverse environmental impacts. Information regarding the financial arrangements between the City and the developer is not pertinent to evaluating whether the proposed project would adversely affect the environment, and therefore, was not included in the Draft SEIR.

**61. Doug Mansel**

61.1 The commentor wonders why the proposed project cannot be constructed on BART property if BART's plans call for transit-oriented mixed-use development. Neither the project sponsor nor the City of El Cerrito can dictate the development that should take place on BART property. Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

Furthermore, this comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

61.2 The commentor asks how the proposed 12-foot setback from the top-of-bank compare to what is being proposed in the new zoning ordinance. Because the new zoning ordinance has not been publicly reviewed or adopted by the City at the time this document was published, specific information about the content of the new zoning ordinance is not available. Nevertheless, regulations of the new zoning ordinance would apply to the Residential Only Alternative.

61.3 The commentor recommends that Improvement Measure PS-2.1 be required rather than recommended. The City can only require mitigation measures in the event that a project would result in a significant impact based on the significance criteria presented on page 3.13-7 of the Draft SEIR. The Residential Only Alternative would result in a less-than-significant impact on El Cerrito Police Department (as discussed in Section 2.2 of this document). Therefore, the City cannot require the implementation of Improvement Measure PS-2.1.

61.4 The commentor asks for clarification on Figures 2-6 and 2-7 regarding the lines shown above the BART guideway. The lines shown in Figure 2-6 are intended to represent a BART train to show the height of the tracks with a passing train on top of them. The BART tower is not shown in Figure 2-7.

61.5 The commentor suggests showing the height of adjacent buildings in Figures 2.6 and 2.7 such as the height of apartments on Evelyn Avenue and Copeland's. Figures 2.6 and 2.7 depict the residential development elevations. Please refer to Section 3.3 of the Draft SEIR, Visual Quality, for photographs and discussion on the proposed development relative to existing surrounding structures. Section 2 of this document discusses the heights of the

buildings proposed as part of the Residential Only Alternative relative to surrounding development. A summary of that assessment is provided in Response 61.7, below.

- 61.6 The commentor suggests labeling Evelyn Avenue on Figure 3.3-4. Figure 3.3-4 has been revised to include the location of Evelyn Avenue and is included on the following page.
- 61.7 The commentor is concerned with the scale of the proposed project in relation to the existing residential development along Evelyn Avenue. The heights of the proposed buildings under the Residential Only Alternative would range from 45 to 59 feet, depending on the measurement location. As stated in the Draft SEIR on page 3.3-19, the residential structures would be comparable in scale to existing development, though the Residential Only Alternative actually proposes buildings that are lower than the proposed project. The nearest apartment building at 401 Evelyn ranges in height from approximately 35 to 45 feet. While existing retail development in the El Cerrito Plaza ranges from 1 to 2 stories (estimated to be about 15 to 30 feet), its design scheme and color palette would be compatible with the Residential Only Alternative structures. Please refer to the visual quality analysis of the Residential Only Alternative in Section 2.2 of this document for further discussion of height and scale compatibility between the proposed project and surrounding development.
- 61.8 Counts were made on January 13, 2004 and January 21, 2004 when schools were in session.
- 61.9 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

As stated in the Draft SEIR, the intersection of Central Avenue and I-80 is not along the most desirable or likely route for travel between the project site and I-80. Travel to and from the north (on eastbound I-80) would be more convenient via Carlson Boulevard. Travel to and from the south (on westbound I-80) would be more convenient via Buchanan Street, which is closer to the project site than Central. Based on the distribution assumptions in the traffic analysis, project traffic at Central Avenue and I-80 would not reach a magnitude that merits LOS analysis. No rationale has been provided by the commentor to explain why residents would choose to use Central Avenue to access the project site, a less convenient and more congested route.

Slipsheet for Figure 3.3-4

Revised Figure 3.3-4

Visual Reconnaissance Route and Highly Sensitive Viewers

- 61.10 Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a Description in Section 2 of this document for a description of the new proposed project.
- 61.11 Most traffic from the condominiums would access the site along other routes, and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

The proposed project would generate negligible traffic throughout the Plaza, including the area behind the Albertson's, as little commuter traffic from the residential portion of the project would be expected to use that route. In any case, project impacts on parking lot circulation will be proportionately insignificant.

**62. Stephen J. Jeung**

- 62.1 The commentor describes that existing crime near the El Cerrito BART station as very high and notes that the proposed project would increase crime. The impacts of the project on police services is discussed in Section 3.12, Public Services, of the Draft SEIR and in Section 2.2 of this document regarding Residential Only Alternatives. The commentor focuses on existing crime in the project area and near BART stations but does not address potential impacts of this project. It is expected that the Residential Only Alternative would have an overall positive effect on crime in the project area by replacing a vacant parking area and as a result of residential windows facing the greenway, thereby providing informal surveillance of the surrounding area.
- 62.2 The commentor is concerned about BART vibration setting off car alarms and states that the Draft SEIR does not adequately address noise impacts of the garage. Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Accordingly, the vibration from passing BART trains would not set off alarms in cars in the garage.
- 62.3 The commentor notes that discussion has not been made of the proposed garage's operating hours. Since a parking garage is not proposed with the Residential Only Alternative, hours of operation for the garage are not relevant to the proposed project.
- 62.4 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The capacity impacts of the lane reduction have been included in the Draft SEIR even though modifications to Fairmont Avenue are not part of this project and all of the impacts of that improvement are not the subject of this Draft SEIR. There is no reason to believe the assignment of traffic would be altered as a result of Fairmont Avenue improvement project.

The installation of STOP signs was anticipated in the analysis as a cumulative condition. Mitigation Measure TR-17.1 requires signalization of the intersection of Richmond Avenue and Fairmont Avenue as a result of the projected congestion.

- 62.5 Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary. Please refer to Response 62.4 regarding Fairmount Avenue.
- 62.6 The commentor is concerned with shadow impacts on residential areas to the east of the project site. The proposed project would not shade sensitive shadow areas to the east of the project site, i.e., the Ohlone Greenway, during the afternoon hours. During the late afternoon and evening hours, existing shadow from the aerial BART tracks would shade this area and any new shadow caused by the proposed project would be minimal. Please see the visual analysis of the Residential Only Alternative in Section 2.2 of this document for a detailed discussion of shadow impacts. Any perceived impacts associated with the parking garage are not applicable, because it is no longer proposed as part of the Residential Only Alternative.



**63. John Murk and Kit Lau**

- 63.1 The requirements of the Albany General Plan are similar to those in the El Cerrito General Plan and would not alter the analysis in the SEIR.
- 63.2 The commentors feel that the same mitigation measures proposed for the child care facility be afforded for Albany Middle School. The ANSI S12.60 document provides design guidelines, but is not directly applicable to the project, since neither the City of Albany nor the City of El Cerrito have officially adopted the guidelines, nor has the State of California as far as can be determined. More importantly, as the Draft SEIR has indicated, the amount of increase in noise at the Albany Middle School classrooms on Cougar Field can be limited to 1 dBA, which is a less-than-significant change. Also refer to Master Response 3 in Section 4 of this document, which indicates that the Residential Only Alternative may actually be beneficial by reducing BART noise. The commentor proposes that the project developer/owner provide new “acoustically tested windows, insulated exterior walls, etc.” at Albany Unified School. CEQA requires that there be a nexus between the significant impact and the proposed mitigation, and the measure must be roughly proportional to the impacts of the project. The Draft SEIR contains mitigation measures that would reduce the effects to less than significant.
- 63.3 The commentors are concerned about noise impacts on children’s education. Although the commentors makes very good points about poor classroom acoustics, the resolution of which is an admirable goal, CEQA requires that there be a nexus between the significant impact and the proposed mitigation, and the measure must be roughly proportional to the impacts of the project. The Draft SEIR contains mitigation measures that would reduce the noise effects to less than significant.
- 63.4 The commentors are opposed to the placement of a play yard between the proposed BART garage and child care facility and ask what the sound levels are at the western edge of Cougar Field, basketball courts, and the eating area. The BART garage and the play yard associated with child care facility are not proposed as part of the Residential Only Alternative; therefore, concerns about noise impacts at these facilities are no longer relevant. Please refer to Master Response 3 in Section 4 of this document, regarding noise at Cougar Field and Albany Middle School.
- 63.5 The commentors ask what design goal for BART noise increases is reasonable. Although the commentor makes very good points about poor classroom acoustics, the resolution of which is an admirable goal. The comments address existing conditions rather than project impacts, and CEQA requires that there be a nexus between the significant impact and the proposed mitigation, and the measure must be roughly proportional to the impacts of the project. The Draft SEIR contains mitigation measures that would reduce the effects to less than significant.

- 63.6 The commentors ask what  $L_{dn}$  is acceptable for Albany Middle School grounds. The desired noise levels are indicated in the Albany General Plan in the Noise Element. For information purposes, the El Cerrito General Plan indicates that an  $L_{dn}$  of 65 dBA would normally be acceptable for a playground.
- 63.7 The commentors ask what other mitigation measures will be provided. The mitigation measures identified in Section 3.5, Noise, would reduce significant noise impacts to less than significant. No other measures are anticipated. Refer to Response 63.5, above, for an explanation why other measures may not be necessary or appropriate.
- 63.8 The commentors ask what noise increase within 500 feet of the property line is acceptable. Mitigation Measures NO-5.1 and NO-5.2 indicate that noise increases should be limited to no more than 1 dBA 500 feet east of the BART tracks. (Actually, Mitigation Measure NO-5.2 in the Draft SEIR suggests a 2 dBA, but this increase has been reduced to 1 dBA in this Final SEIR.)
- 63.9 The commentors suggest that at a minimum the project developer/owner provide new acoustically tested windows and sound insulation “for any existing residence which has or will have an interior level of 45 dBA CNEL or greater.” The analysis in the Draft SEIR determined that the increase in noise levels directly resulting from the project would be less than significant for all existing residences with implementation of the identified mitigation measure. The mitigation proposed by the commentors would benefit only a selected number of residents, would not reduce outside noise, and would be disproportionately costly. CEQA requires that there be a nexus between the significant impact and the proposed mitigation, and the measure must be roughly proportional to the impacts of the project. The Draft SEIR contains mitigation measures that would reduce the effects to less than significant.
- 63.10 The commentors are concerned with BART train noise increasing in the future. Please refer to Master Response 3 in Section 4 of this document regarding BART noise.
- 63.11 The commentors ask how long mitigation measures in the Draft SEIR will remain adequate. Mitigation Measures NO-5.1 and NO-5.2 are adequate now and will remain adequate indefinitely.
- 63.12 The commentors ask what measures should be taken to ensure noise levels remain within General Plan limits. Please refer to Master Response 3 in Section 4 of this document regarding the adequacy of the noise mitigation measures.
- 63.13 The commentors express concern and desire for maintaining quality levels of education and successful communities in El Cerrito and Albany. This comment conveys the commentor’s opinion about the project and does not address the adequacy of the Draft SEIR or the City’s fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no

further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentors are invited to express opinions about the project at those meetings.

**64. Wengen Liao, Ph.D., P.E.**

64.1 The Residential Only Alternative would not trigger an impact based on the TIRE index and mitigation is not required. The TIRE index is a tool that can be used to shed some light the effect of traffic volumes on residential environments.

The description of the effect of traffic as “high” does not equate to an impact. Impacts are determined by changes in the TIRE index, in effect, changes in perception, unlike delay or collision data. Care must be applied when inferring that an existing condition is deficient or that it is fixed by simply diverting traffic. The commentor concludes that Albany streets should “already be closed.” The Draft SEIR discusses potential effects of Albany street closures, but closures are not part of the project and are not direct impacts of the project. Should the City of Albany decide to close the streets leading into the Plaza, environmental review of the impacts of that action will have to be performed by the City of Albany.

64.2 The commentor questions the need for and use of the proposed garage, suggests that it should not be built, and questions its impact on nearby intersections. Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

64.3 The commentor asks if Measure C specifically pertains to the El Cerrito Shopping Center Plaza and states that if not a garage should be built elsewhere. Since a parking garage is not proposed with the Residential Only Alternative, and Measure C funds are no longer relevant to the proposed project, justification for their use is not necessary.

64.4 The Draft SEIR does not assume that project-related trips would be limited to Brighton. The Draft SEIR assumed that roughly 50 percent of the residential and child care traffic would travel through the El Cerrito Plaza; this assumption was applied to the combined traffic from the child care and the residential development. With the elimination of the child care facility, the travel pattern for the Residential Only Alternative would be different. It is estimated that 36 percent of the residential traffic would travel through the El Cerrito Plaza and 64 percent would use Albany streets south of the El Cerrito Plaza. This assumption reflects the fact that traffic tends to take the shortest and quickest path. For trips headed north and west, paths through the El Cerrito Plaza are demonstrably faster even during periods of congestion within the El Cerrito Plaza. Additional information on trip distribution is available in Master Response 2 in Section 4 of this document.

64.4a The use of different methodologies is entirely consistent with the guidelines established over 20 years ago by the Contra Costa Transportation Authority. It reflects the preference of the authority to evaluate signals based on a method where nuances of signal timing are equalized between intersections and analysis scenarios. By contrast, LOS at STOP-controlled intersections is universally evaluated in the United States in terms of delay based on the Transportation Research Board’s *Highway Capacity Manual, HCM 2000*.

- 64.5 The Highway Capacity Manual prescribes methodologies for the capacity analysis of all types of publicly accessible roadways and transportation facilities.
- 64.6 Please refer to Response 64.2, above.
- 64.7 There is no empirical reason to believe that the parking demand would be lower because the Plaza was new. The information applied from the Nickerson study was appropriate for use in this analysis. The condition described regarding the farmers market is at some distance from the currently proposed project and there is no apparent nexus between this existing condition and any project-generated environmental impact.
- 64.8 The commentor has confused ‘approved’ and ‘proposed.’ Certain alternatives of the proposed project were found to have TIRE index impacts and this is stated in the Draft SEIR. No approved projects have such impacts.
- 64.9 The Draft SEIR should not have referred to a 20 percent annual increase in V/C, but rather to a 20 percent increase in volume on major through streets, in this case, along San Pablo Avenue. Volume to capacity (V/C) ratios are not calculated based on the total volume but the volume on critical movements. These movements would typically include left turns into and out of the shopping center. The growth in these movements is not proportional to the growth in commuter traffic, because it is determined based on the uses within the Plaza. These uses do not generate more trips simply because there is more traffic in the background.
- The discrepancy between the 19 percent growth in AM traffic and the 5 percent growth in PM traffic at San Pablo Avenue and Brighton is consistent with all the study intersections along San Pablo Avenue. This seeming anomaly is due to the fact that in the regional model, PM traffic is already near the capacity of regional facilities, while during the AM, there is “room” to accommodate greater traffic volumes before reaching the roadway’s capacity.
- 64.10 Whether the mitigation measures from the 1997 EIR on revitalization of the El Cerrito Plaza have been implemented is somewhat irrelevant. In conducting the traffic analysis for the Draft SEIR, the City’s consultants documented existing traffic controls and intersection geometrics. If various traffic improvements/mitigations from the 1997 EIR had been implemented, they would have been acknowledged in the existing conditions for the traffic analysis. If the traffic improvements/mitigations have not been implemented, they have not been assumed as part of the background conditions. The traffic analysis in the Draft SEIR updates that performed for the 1997 EIR and identifies mitigations appropriate to the revised project, background conditions, and impacts. The new proposed project, the Residential Only Alternative, would not result in significant TIRE Index impacts, so that closure of Albany streets would not be warranted because of the project. Following the 1997 EIR, the City of Albany did receive funds to undertake a traffic calming study for the neighborhood south of the Plaza. The City is not aware of how Albany used these funds.

- 64.11 This comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.
- 64.12 The impact criteria used in the analysis are consistent with those adopted seven years ago in the 1997 EIR. They represent established City and County policy and are consistent with criteria used in urban jurisdictions throughout California. The analysis applied these criteria consistently. A V/C ratio is an "absolute" measurement of traffic operations, because the ratio is defined in terms of a number of movements divided by a maximum or 100 percent theoretical capacity of the transportation facility. If traffic reaches this theoretical level of capacity during a peak hour, operations at the intersection or along the road should "fail," until traffic demand tapers off and queues have a chance to dissipate.
- Unlike the absolute measurement of the V/C ratio, there is no analog for the TIRE index that could meaningfully be applied. This is because streets do not approach their daily traffic capacities. For that to happen, a street would have to experience rush hour levels of traffic for 24-hours a day.
- The reason the TIRE index was developed was to measure changes in perceptions. This implicitly requires transportation planners to deal with an impact as a measure of change relative to a baseline, rather than against an absolute standard. In the case of the Draft SEIR that level of change has been determined to be 0.1 measured on logarithmic scale of daily traffic.
- 64.13 The commentor questions the need for the proposed garage. Since a parking garage is not proposed with the Residential Only Alternative, issues regarding the garage are not relevant.
- 64.14 The commentor suggests Albany close its streets to avoid spillover from the proposed project on to Albany streets. This comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.
- 64.15 Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

- 64.15a The commentor asks if it is worth building a garage to alter travel patterns. Since a parking garage is not proposed with the Residential Only Alternative, issues regarding the garage are not relevant.
- 64.16 Please refer to Response 64.15, above.
- 64.17 Please refer to Response 64.15, above.
- 64.18 The Draft SEIR statement cited in the comment is the justification for assigning 36 percent of the residential traffic through the El Cerrito Plaza. Although the statement made was based on field observation and common sense, the Kimley Horn Peer review has provided a more detailed analysis to corroborate the assumption.
- 64.19 The statement cited identifies a condition that is consistent with the trip distribution and assignment evaluated in the Draft SEIR. It is not a prediction of a different distribution or assignment. The trip assignment is presented in the Draft SEIR.
- 64.20 For an increase in traffic delays to occur at the Cornell/Brighton intersection, the volume of side street traffic would have to increase; since the project traffic would primarily use Talbot and Evelyn instead of Cornell, traffic on Brighton at Cornell would not experience or contribute to any delay.
- 64.21 Although there is more traffic at the intersection, there is proportionately less traffic on the side street experiencing delay and, thus, the average delay decreases.
- 64.22 The most direct point of access for the project is along either Talbot or Evelyn. Those drivers who seek to avoid Brighton on the approach to San Pablo will travel to Kains. There is no compelling reason for project traffic to use Cornell.
- 64.23 For the project as currently proposed, there is no impact based on the TIRE index. Should traffic calming be considered in any case, the purpose of the mitigation is not to divert traffic but to effect restore environmental quality by mitigating the negative effects of, and expected increase in, traffic. As the lowest volume streets connecting the Plaza to Brighton Avenue, Talbot and Evelyn are the most sensitive to project traffic. Any proportionate diversion of project traffic to Cornell or Kains (less than 75 percent) would also result in no impact. Moreover, a diversion of this magnitude is not likely. Furthermore, there is no reason to assume the distribution will double.
- 64.24 The comment confuses the effects of peak hour and daily traffic. The increment in daily traffic is cited and at distances greater than those analyzed. The volumes of traffic are inconsequential because they become diffused over time and space. Peak hour volumes are in fact negligible at those distances.

- 64.25 The comment is not specific about what assumptions are “purposely adjusted,” “unfounded,” or “contradictory.” Consequently, the City cannot respond to these claims. Please refer Response 64.1.
- 64.26 The commentor asks if the funds to pay for traffic calming measured in Albany, paid by Regency Centers, have been used and suggests Albany close off its streets. A \$15,000 payment to the City of Albany was made to perform a traffic calming study; however, it is not known how those funds were used. Shifts in traffic as a result of the implementation of traffic calming techniques should be evaluated by the City of Albany. The traffic analysis presented in Section 2.2 of this document on the Residential Only Alternative shows that this project would not significantly and adversely affect residential quality of life on Albany streets, and, thus, there is no project-related reason to close the Albany streets. As noted in Master Response 2 in Section 4 of this document, if the City of Albany elected to close these streets, that City would be responsible for evaluating and mitigating the effects of such closure.
- 64.27 The Incentives Program recognizes that under circumstances such as those of the currently proposed project, both car ownership and vehicle use is reduced. The purpose of the analysis is not to justify this pre-existing policy of the City of El Cerrito, but to identify it as a relevant factor in assessing parking impacts. The Residential Only Alternative includes 158 parking spaces for 128 units. Of those, 24 are expected to be visitor spaces.
- 64.28 Please note that the BART parking structure and child care facility are not proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.
- 64.29 Please see Response 64.15, above. Moreover, during normal weekday arrival times for residents, the Plaza has a surplus of parking. It is not likely that residents would need to find parking spaces on Saturday afternoon, as most cars would be parked in their overnight spaces. The impact, if any, would be a shift in the parking of the shopping center itself and even at 90 percent occupancy the available spaces within the Plaza would be sufficient to offset the parking from the currently proposed project, with sufficient space to allow shopping center patrons to avoid using Albany streets.
- 64.30 Please note that the child care facility is not being proposed as part of the Residential Only alternative. Accordingly, a response to this comment is no longer necessary.

With regards to parking, despite considerable use of the parking lot by BART users and others, there is no documented evidence of a parking shortfall in the project area. Furthermore, the Planning Commission will determine whether the proposed residential units would be served by sufficient parking under the City’s Incentives Program. Parking spaces within the Residential Only Alternative project will be assigned to specific units and visitor spaces will be designated with signage.



- 64.31 The commentor asks how the closure of Albany streets will affect the shoppers and pedestrians visiting El Cerrito Shopping Center Plaza. The Draft SEIR contains an assessment of closure Albany street closures at the request of the City of Albany. Should the City of Albany decide to close the streets, the City of Albany would need to conduct its own environmental review of the proposal to document changes in travel patterns.
- 64.32 Please refer to Response 64.31, above.
- 64.33 This comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.
- 64.34 The commentor asks why Albany streets should contribute to the project. This comment does not pertain to the adequacy of the Draft SEIR or the City's compliance with CEQA, no further comment is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

**65. Anne C. Lammers, Ph.D.**

- 65.1 With the Residential Only Alternative, there is no impact based on the TIRE index. Should traffic calming be considered in any case, the purpose of the mitigation is not to divert traffic but to restore environmental quality by mitigating the negative effects of, and expected increase in, traffic. As the lowest volume streets connecting the Plaza to Brighton Avenue, Talbot and Evelyn are the most sensitive to project traffic. Even at peak hour conditions applying very conservative assumptions, the project would generate 78 trips in one hour which is equivalent to roughly one car per minute. In addition, only about half of those trips are expected to use Albany streets. Any proportionate diversion of project traffic to Cornell or Kains (less than 75 percent) would also result in no impact. Moreover, a diversion of this magnitude is not likely.
- 65.2 Please refer to Response 65.1 and Master Response 2 regarding circulation in Section 4 of this document.
- 65.3 This comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.
- 65.4 The commentor is concerned with the scale and design of the proposed project. The heights of the proposed buildings under the Residential Only Alternative would range from 45 to 59 feet, depending on the measurement location. As stated in the Draft SEIR on page 3.3-19, the residential structures would be comparable in scale to existing development, though the Residential Only Alternative actually proposes buildings that are lower than the proposed project. The nearest apartment building at 401 Evelyn ranges in height from approximately 35 to 45 feet. While existing retail development in the El Cerrito Plaza ranges from one to two stories, its design scheme and color palette would be compatible with the Residential Only Alternative structures. In addition, the structures would be set back from the Albany border approximately 75 feet where the creek restoration and multi-use path would be. Further discussion and analysis of the visual relationship of the project to its surroundings are provided in Section 2.2 of this document.
- 65.5 The commentor is concerned with decreased views of Mt. Tamalpais. Please refer to Responses 6.38 and 6.39 regarding views of Mt. Tamalpais from Cougar Field and the Behrens neighborhood.
- 65.6 The commentor is concerned about noise levels at the residential site. Please refer to Master Response 3 on noise concerns in Section 4 of this document. The ultimate

determination of General Plan consistency will be made by the Planning Commission and City Council.

- 65.7 The commentor is extremely concerned about existing and potential noise levels in the project area. All potentially impacted receptors have been considered, including nearby residents and children at Albany Middle School. The Draft SEIR has identified those receptors that would be significantly affected by project-related noise and recommended feasible mitigation measures that would those effects to less than significant.
- 65.8 The commentor requests noise recalculations to factor in parking garage noise. Since a parking garage is not proposed with the Residential Only Alternative, noise associated with the garage is no longer relevant to the proposed project.
- 65.9 The commentor expresses opposition to the proposed project. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary.
- 65.10 The commentor suggests an alternative site location for the proposed project. This alternative was considered in the Draft SEIR and rejected as infeasible since neither the City nor the project sponsor can control or propose development on BART property. BART has not finalized its plan for development of that site. Additionally, although planting trees may have visual benefits, it is not feasible to obtain any significant noise reduction for sound passing through trees.
- 65.11 The commentor asks that the City be mindful of their responsibility to the whole community and notes that comments from Preston Jordan will be submitted. The merits of the project may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

**66. John Murk**

66.1 The capacity impacts of the lane reduction and the diagonal parking have been included in the Draft SEIR, even though modifications to Fairmont Avenue are not part of this project and all of the impacts of that improvement are not the subject of this Draft SEIR. There is no reason to believe the assignment of traffic would be altered as a result of the Fairmont Avenue improvement project.

66.2 The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments. Similarly, impacts to pedestrians on Fairmont Avenue and Richmond Street are expected to be less than significant.

The pedestrian impact identified in the Draft SEIR as Impact TR-4 is less than significant, so that no mitigation is required. Nonetheless, given the large increase in pedestrian traffic that would occur with the construction of the BART garage, the recommendation to install an eastbound STOP would have adequately balanced pedestrian safety against the desire to avoid interrupting flow along eastbound Fairmont Avenue. In the existing condition that interruption may have been found unacceptable leading to its removal. In any case, with the elimination of the BART garage from the proposed project, the incremental pedestrian traffic would no longer justify the STOP sign.

66.3 Please refer to Response 66.1, above.

66.4 Fairmont Avenue is not classified as a residential street in the El Cerrito General Plan and, therefore, the TIRE index is not applicable.

66.5 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level. Please also refer to Response 66.2, above.

- 66.6 The commentor requests that a discussion of land use impacts associated with closing Albany streets adjacent to the project site be discussed. Transportation impacts related to the closure of Albany streets were provided in the Draft SEIR for informational purposes based on a request from the City of Albany. Wherever project impacts have been found that result from this scenario, mitigation measures have been identified, where feasible. As stated on page 3.4-10 of the Draft SEIR, any action taken by the City of Albany would be considered a separate project, as that term is used in CEQA, which would require its own CEQA documentation, including identification of feasible measures to mitigate any potentially significant impacts, such as land use impacts. The Residential Only Alternative would not in it of itself result in the closure of Albany streets and as such, would not bring about the division of a community. To the degree that that measure affects the traffic impacts of this project, the analysis provided in the Draft SEIR is adequate.

**67. Carol and Charlie Olmstedt**

- 67.1 The commentors suggest that the proposed project be stopped because many residents do not favor it. This comment conveys the commentors' opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentors are invited to express opinions about the project at those meetings.
- 67.2 The commentors question the need for the proposed parking garage. Since a parking garage is not proposed with the Residential Only Alternative, justifying its need is not necessary.
- 67.3 The commentors question the necessity and future use of the proposed parking garage. Since a parking garage is not proposed with the Residential Only Alternative, justifying its need is not necessary.
- 67.4 The commentors ask who will keep up the garage. Since a parking garage is not proposed with the Residential Only Alternative, a discussion of its upkeep is unnecessary.
- 67.5 Potential safety impacts along the Ohlone Greenway are discussed in the Draft SEIR, Section 3.12, Public Services. In addition, the Residential Only Alternative is expected to improve safety conditions along the greenway by providing a connection to the Cerrito Creek multi-use path, thereby increasing overall use of the greenway, and by providing windows and entrances facing the greenway, thereby increasing informal surveillance of the pathway.
- 67.7 The commentors are concerned with blocked views of Mt. Tamalpais. Please see the visual quality analysis of the Residential Only Alternative in Section 2.2 of this document for a discussion of views, including those of Mt. Tamalpais.
- 67.8 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The commentor raises questions about the child care facility. The Residential Only Alternative does not include a child care component; thus, no further response is necessary.

- 67.9 The commentors ask if the developer has considered that people may not want to buy in a marketing and congested area with high BART noise. Comments relating to economics and project merit do not affect the physical environment of which is the subject of CEQA. An EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. Therefore, no further reply is warranted. The merits of the project may be discussed at upcoming Planning Commission and City Council hearings on the project.
- 67.10 The commentors state that the decibels in the area of BART are already beyond levels allowed for safety and health. Please refer to Master Response 3 in Section 4 of this document for a discussion of the noise environment along the BART tracks in the vicinity of the project site.
- 67.11 The commentors ask, if Albany closes key streets, what will happen to merchants and traffic on other streets, and especially on Fairmount Avenue. The effect of Albany street closures on merchants is a topic outside the requirements of CEQA analysis for this project. For traffic impacts related to Albany street closures, please refer to page 3.4-40 in the Draft SEIR under the heading Albany Street Closures. Essentially, such an action by the City of Albany would have the immediate effect of diverting existing El Cerrito Plaza Shopping Center traffic from these streets to other ingress and egress points. As indicated in the Draft SEIR, additional trips would also be routed through the intersection of Liberty Street and Fairmount Avenue and along Fairmount Avenue to Richmond Street and Fairmount Avenue as this would be the nearest available alternative to Brighton Avenue to and from the shopping center. With the all-way STOP sign control planned at Richmond Street and Fairmount Avenue as part of the Fairmount Avenue Street Improvement Project, the additional traffic would cause PM LOS to fall to LOS F. Before taking steps to close these streets, the City of Albany would have to undertake separate environmental analysis to analyze the impacts of such an action.
- 67.12 The commentors suggest an alternative location for the parking garage at the Del Norte BART station and states that this was the recommended location when the bond measure passed. Since a parking garage is not proposed with the Residential Only Alternative, discussing alternate locations is not necessary.
- 67.13 The commentors request leaving the proposed project site vacant for a while to observe conditions in the area and express concern about property values if the garage is built and unused. Comments relating to economics and project merit do not affect the physical environment which is the subject of CEQA. An EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. Therefore, no further reply is necessary.

**68. Yvonne Tom**

68.1 The commentor requests that a discussion of impacts associated with closing Albany streets adjacent to the project site be discussed. Transportation impacts related to the closure of Albany streets were provided in the Draft SEIR for informational purposes based on a request from the City of Albany. Wherever project impacts have been found that result from this scenario, where feasible, mitigation measures have been identified. As stated on page 3.4-10 of the Draft SEIR, any action taken by the City of Albany would be considered a separate project, as that term is used in CEQA, which would require its own CEQA documentation, including identification of feasible measures to mitigate any potentially significant impacts, such as land use impacts. The Residential Only Alternative would not in it of itself result in the closure of Albany streets and as such, would not bring about the division of a community. To the degree that that measure affects the traffic impacts of this project, the analysis provided in the Draft SEIR is adequate.

68.2 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians even within the Plaza parking lot. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

68.3 The commentor states that it is inappropriate to make references to the Fruitvale BART transit hub and to use public funding for the proposed project. Since a parking garage is not proposed with the Residential Only Alternative, and Measure C funds are no longer associated with the proposed project, justifying use of public funds is not necessary.



- 68.4 The commentor suggests that a BART transit hub would be better placed at Richmond than at El Cerrito. Since a parking garage is not proposed with the Residential Only Alternative, placement of a publicly-funded BART transit hub is not relevant to the proposed project, nor is it within the required CEQA analysis to suggest an alternative jurisdiction to locate a BART transit hub.
- 68.5 The commentor notes the absence of discussion in the traffic, air quality, and noise sections of the Draft SEIR of the four schools in the area. The peak hour for school traffic in the afternoon does not coincide with the peak hour for traffic. Therefore school traffic would not be substantially affected by an increase in traffic due to the project. Please refer to the master responses in Section 4 of this document for a discussion on air quality and noise effects on local schools.
- 68.6 Please refer to Response 68.1, above.
- 68.7 Please refer to Response 68.2, above.
- 68.8 The commentor is concerned about the elderly and foreign-born populations and says they are more at risk for traffic impacts. Please refer to Response 68.2 regarding pedestrian safety. Pedestrian impacts with regard to the elderly or foreign-born are expected to differ substantially from impacts involving school children.
- 68.9 Please refer to Response 68.2, above.
- 68.10 The commentor states that the Draft SEIR failed to consider the use of Cougar Field. The commentor is incorrect; the Draft SEIR acknowledges that Cougar Field is a sensitive receptor/use in the Land Use, Visual Quality, Noise, Air Quality, and Public Services sections.
- 68.11 The commentor is concerned about BART noise from inside the Albany Middle School gym. Please refer to Master Response 3 in Section 4 of this document for a discussion of project-related noise effects at Albany Middle School.
- 68.12 The commentor notes that the three Albany school sites have outdoor eating areas and that the project would expose those areas to particulate matter and increased sound. Please refer to the master responses in Section 4 of this document on noise and air quality concerns.
- 68.13 The commentor expresses support for the project and a need for housing in the area, but suggests a smaller scale project. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. It is important to note that the Residential Only Alternative no longer contains a BART garage, contains more housing, and is reduced in height and apparent mass compared to the original proposal.

**69. Patricia Reese**

69.1 The commentor expresses opposition to the proposed project. This comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

69.2 The commentor believes that the proposed parking garage is unnecessary. Since a parking garage is not proposed with the Residential Only Alternative, justification for the garage is not necessary.

69.3 The commentor is concerned with the view of the project site from Evelyn Avenue. Please see the visual quality analysis of the Residential Only Alternative in Section 2.2 of this document. In particular, Figure 2-5b presents a photosimulation of the Residential Only Alternative as viewed from Evelyn Avenue.

69.4 Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

With regards to traffic, most traffic from the proposed residential units would access the site along other routes, and the remaining traffic would represent a negligible increase over what ordinarily occurs in the parking area near the coffee shops.

With regards to the Plaza, the proposed project would generate negligible traffic throughout the Plaza, including the area behind the Albertson's, as little commuter traffic from the residential portion of the project was expected to use that route. In any case, project impacts on parking lot circulation would be proportionately insignificant.

69.5 A parking impact has been identified in the Draft SEIR. This impact would be diminished with the Residential Only Alternative to a shortfall of 43 stalls. The discussion relating to the availability of these spaces within the Plaza still applies to the impacts of the currently proposed project.

During normal weekday arrival times for residents, the Plaza has a surplus of parking. It is not likely that residents would need to find parking spaces on Saturday afternoon, as most cars would be parked in their overnight spaces. The impact, if any, would be a shift in the parking of the shopping center itself and even at 90 percent occupancy the available spaces within the Plaza would be sufficient to offset the parking from the currently proposed project with sufficient space to allow shopping center patrons to avoid using Albany Streets.

The Incentives Program recognizes that under circumstances such as those of the currently proposed project, both car ownership and vehicle use is reduced. The purpose of the analysis is not to justify this pre-existing policy of the City of El Cerrito, but to identify it as a relevant factor in assessing parking impacts.

- 69.6 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton. In addition, the TIRE index shows no negative quality-of-life impacts as a result of the Residential Only Alternative. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

- 69.7 The commentor states that 85 percent of her neighbors are opposed to the scale and density of the proposed project and suggests better use of Measure C funds. Comments relating to project merit do not affect the physical environment which is the subject of CEQA. An EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. Therefore no further reply is warranted. The merits of the project may be discussed at upcoming Planning Commission and City Council hearings on the project. Also, since a parking garage is not proposed with the Residential Only Alternative, and thus Measure C funding is not associated with it, justification for use of the funds is not necessary.

**70. Peter C. Varadi**

- 70.1 The commentor states that the Draft SEIR misrepresents the project objectives. It is unclear how this could be possible, since the project sponsor objectives were provided by the sponsor and the City objectives are drawn directly from the applicable Redevelopment Plan and General Plan.
- 70.2 The commentor believes a hierarchy of project objectives is necessary to help the City evaluate a reasonable range of alternatives in the Draft SEIR. Please refer to CEQA Guidelines Section 15124 (b) stating that the Project Description of an EIR must have a statement of project objectives sought by the proposed project. The CEQA Guidelines do not specify or require the development of prioritization of objectives. The City has complied with the CEQA requirements by providing the objectives of the proposed project on page S-3 of the Draft SEIR, and separated the objectives of the project sponsor and those of the City.
- 70.3 The commentor requests clarification on the actual scope of the project. Please refer to Master Response 1 on the present status of the proposed project and the CEQA process and Section 2 regarding the Residential Only Alternative.
- 70.4 The commentor states that the Draft SEIR does not provide an accurate, stable, and finite project description. Specifically, the Draft SEIR analyzes a project that is inconsistent with City of El Cerrito Zoning Ordinance. The Residential Only Alternative, the new proposed project, would result in the construction of a residential development that would be 45 d.u./acre, which is the maximum permitted density under the City's Incentives Program. Section 2 of this document describes the Residential Only Alternative and its consistency with zoning requirements.
- 70.5 The commentor states that BART's long-range development plans were not included in the Draft SEIR. The commentor also notes that cumulative impacts of the proposed project, in combination with BART's long range development plans, could preclude BART from pursuing its plans. When and if BART decided to develop its property at the El Cerrito Plaza BART Station, a separate CEQA review of that project would be conducted. That CEQA review would consider cumulative impacts and determine whether significant impacts would occur. Even if a determination of significant cumulative unavoidable impacts is made, BART decision makers could still approve the BART project. At this time, it is not possible to know whether BART will end up constructing a project on its property or not; therefore, it is appropriate for the Draft SEIR to conservatively conclude that a project would be constructed.
- 70.6 The proposed project would generate negligible traffic throughout the Plaza, including the area behind the Albertson's, as little commuter traffic from the residential portion of the

project was expected to use that route. In any case, project impacts on parking lot circulation would be proportionately insignificant.

Furthermore, the analysis has appropriately addressed the likelihood for some drivers to avoid circulation through the Plaza lot despite the fact it is a faster and shorter route.

- 70.7 The commentor is concerned with impacts to views from neighborhoods east of the project site. Residences on Behrens Street are screened at the back lot lines, or are screened by existing buildings on the Cougar playfield, so that views westward do not exist. Two homes, located at 139 and 135 Behrens Street would have views of the project site, and possibly the west-facing window of 131 Behrens Street. When the Draft SEIR uses the phrase “view of the project site”, it is assumed that this view would include the project site after buildout. The Draft SEIR analyzes potential project impacts, not impacts of the existing surface parking lot, as those are already known. Since the BART parking structure is not being proposed as part of the Residential Only Alternative, further discussion is not warranted. Please see the visual quality analysis of the Residential Only Alternative in Section 2.2 of this document for further analysis and a response to the commentor’s concern over the inclusion of the *Bowman* decision in the Draft SEIR.
- 70.8 The commentor is concerned with the aesthetic impact of the parking garage. Since the BART parking structure is not being proposed as part of the Residential Only Alternative, further discussion is not warranted. Please see Response 6.24 for more information about views of the project site from the Ohlone Greenway.
- 70.9 The commentor is concerned that the project would affect views of Albany Hill. Page 3.3-2 of the Draft SEIR indicates that Albany Hill, located approximately 2,000 feet southwest of the project site, is a visually prominent landform in the region, rising about 300 feet above sea level(. Only a portion of the hill can be seen from Cougar Field. The proposed project, which is at a higher elevation, is still not comparable to the height and scale of Albany Hill. The view of Albany Hill would be preserved and therefore, the proposed project would be in compliance with Policy CD1.7 in relation to this issue.
- 70.10 The commentor requests a photosimulation to accompany Figure 3.3-7. The proposed project would not be seen from this vantage point; therefore, if a photosimulation were created for this figure, it would be identical to Figure 3.3-7.
- 70.11 The commentor is concerned with lost views of Mt. Tamalpais as seen from Cougar Field. Please refer to the visual quality section in Section 2.2 of this document for a discussion of the Residential Only Alternative’s effect on Cougar Field. Albany Middle School is not a location from which an important vista or scenic resource would be affected, and the site of the school itself would not be degraded or affected by light or glare.
- 70.12 The commentor states that a tree in front of the BART tracks would vanish within the silhouette of the proposed project. The Residential Only Alternative has a reduced height

compared to the proposed project. Also, in the simulation, the building appears green in color, similar to the tree. The actual building is proposed to have a similar color scheme as the El Cerrito Plaza Shopping Center, which is painted with earth tones, such as browns and tans. The simulation is simply used to show the relative height and mass of the project, not specific design details.

- 70.13 The commentor requests photosimulations be included that show the project site from Ohlone Greenway and is concerned that the project violates General Plan Policy CD3.9. Please see Response 6.24 and the visual quality section of Section 2.2 of this document for a discussion of the Residential Only Alternative's visual effect on the greenway.
- 70.14 The commentor is concerned with the meaning of Mitigation Measure NO-2.1(b). This mitigation measure states, "*Where feasible*, buildings shall be oriented so windows do not directly face BART tracks. Some or all windows not directly facing BART may still need to be acoustically rated to provide more noise reduction than would be available with standard construction." Part of the building must face the BART tracks due to the location of the project site. Most of the building windows would not be facing the BART tracks. Windows on the eastern sides of the buildings would face the elevated BART tracks, but not directly. Instead, windows would be either above or below them. As stated on page 3.5-11 of the Draft SEIR, all windows would be acoustically tested. Therefore, project residents would have views of the greenway, without being located directly across from the BART tracks, and without experiencing excessive noise. In addition to people being able to see out of their windows onto the greenway, the proposed development would generally increase the number of people in the area, thereby helping to deter criminal activity.
- 70.15 The commentor is concerned with the proposed buildings' scale. Although the proposed residential structures would be large scale, the resulting visual change is not considered significantly adverse, because (1) the 46- to 59-foot-tall structures would be comparable in scale to existing development along Evelyn Avenue, which is approximately 35 to 40 feet tall near the southern portion of the project site, (2) the structure would include articulation that would reduce the massing of the buildings, (3) the proposed design of the structures would reflect a contemporary Italianate character, similar to Italianate architectural styles applied within various urban cores in the San Francisco Bay, (4) the daylighting of the creek would improve foreground views, and (5) the building would be set back approximately 60 feet from the Albany border.
- 70.16 The commentor is concerned with an apparent discrepancy in building heights. The heights of the proposed buildings under the Residential Only Alternative would range from 45 to 59 feet, depending on the measurement location. As stated in the Draft SEIR on page 3.3-19, the residential structures would be comparable in scale to existing development, though the Residential Only Alternative actually proposes buildings that are lower than the proposed project. The nearest apartment building at 401 Evelyn ranges in height from approximately 35 to 45 feet. While existing retail development in the El Cerrito Plaza

ranges from 1 to 2 stories (estimated 15 to 30 feet), its design scheme and color palette would be compatible with the Residential Only Alternative structures. Further discussion and analysis of the visual relationship of the project to its surroundings are provided in Section 2 of this document.

- 70.17 The commentor is concerned that the pedestrian spaces associated with the project would be out of human scale. The proposed project would integrate pedestrian pathways within the El Cerrito Plaza Shopping Center with a bicycle/pedestrian corridor along Cerrito Creek and Ohlone Greenway. The pedestrian pathways would be about 8 feet wide, which would be appropriate for a person, rather than an automobile, and would meander throughout the project site among various trees and architectural structures. The project building designs include various patterns, sizes, landscape features, and colors to create a human-friendly and accessible environment. Buildings scaled to human physical capabilities have steps, doorways, railings, work surfaces, seating, shelves, fixtures, walking distances, and other features that fit well to the average person, which are all true of the Residential Only Alternative buildings.
- 70.18 It is inaccurate to say that the Draft SEIR adopted a “worst case analysis approach.” Rather, certain assumptions were made in order to be conservative, particularly concerning trip generation. The traffic volumes obtained and presented in the study may represent less traffic than other counts available to the commentor, but these data do not therefore mean the Draft SEIR analysis is “not” conservative. On the one hand, lower existing traffic volumes may result in fewer impacts for the intersection LOS analysis; on the other hand, lower existing traffic volumes tend to result in greater impacts to residential quality of life as measured by the TIRE index.
- Avoidance of a TIRE index impact was a key determinant in establishing the size (i.e., number of units) of the Residential Only Alternative. If the traffic analysis had used a higher existing traffic volume to derive the TIRE index, a larger project would be possible.
- 70.19 The notion that a slow day was “picked” is inaccurate. The traffic was observed in accordance with a timely study schedule. There is no apparent source of bias in the data collected and used in the analysis.
- 70.20 Traffic varies overtime. The enshrinement of a particular data point or set of data points as consistent is an inappropriate objective. The data collected is intended to be simply representative and measures are taken in the course of scheduling data collection to ensure that this is the case. The approach taken in this analysis is consistent with standard practice.
- 70.21 Variation in traffic counts is inevitable. There are differences between days, and adjacent intersections counted on the same day can experience peak traffic at slightly different times. Note that in comparing the traffic between adjacent intersections the commentor ignores the effect of driveways between these intersections along San Pablo Avenue. The

traffic using these driveways can be substantial. The results of the analysis embody a tolerance for reasonable variation in traffic levels; the variation presented in the comment fall within that tolerance.

70.22 The counts along San Pablo Avenue were taken on January 13, 2004. In the Draft SEIR, sources are listed on pages 3.4-3 and 3.4-8. Traffic counts are not intended to be consistent or balanced, simply representative of background traffic conditions.

70.23 Please refer to Response 70.21, above.

70.24 The analysis reveals some double counting of background trips. While the double counting facilitated the analysis, the overall effect in terms of impacts is inconsequential. The reason some double counting occurred is because the closure of the Albany streets requires an estimate of how background traffic from the Plaza to these streets would be redistributed. The reassignment was applied to the remaining Plaza driveways, but the background volumes from the El Cerrito Plaza that travel to and along Brighton were not changed. These trips along Brighton are therefore double counted. The calculated traffic along Brighton represents a conservative value, since this traffic would logically be reduced, as indicated by the commentor's "Net Flows" analysis.

70.25 Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

70.26 In this context, the net difference between peak-hour inbound and outbound traffic flows is a meaningless measurement and is not comparable between alternatives with different trip generation characteristics. The coincidence is just that, and it simply implies that the kinds of uses that were originally proposed tended to have as much inbound (residential) as outbound (BART garage no longer proposed) traffic. See Master Response 2 in Section 4 of this document for further discussion of local circulation.

70.27 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour, using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The commentor claims that the El Cerrito Plaza is hazardous and unsafe to pedestrians in particular, but no evidence has been offered to support this concern. The Plaza serves thousands of patrons each day, yet no information has been provided to document substantial traffic safety hazards for pedestrians. From a CEQA perspective, a clear distinction must be made between circulation environments that seem uncomfortable and



those that are operationally unsafe. Often traffic calming techniques such as narrow streets, speed humps, or chicanes require that drivers be uncomfortable so that traffic flow slows and is safe.

- 70.28 Please refer to Response 70.27. Furthermore, it is often beyond the scope of an impact analysis to perform a detailed analysis of the assignment of project traffic on the internal circulation system of a private development. It is standard practice that assumptions are made based on judgment and reconnaissance of the setting and that on-site traffic congestion is only evaluated where an obvious or well documented safety problem exists or the owners of the private development successfully request such an undertaking.
- 70.29 Please refer to Responses 70.25 and 70.28.
- 70.30 The commentor suggests the provision of a telephone hotline for noise and pollution complaints during construction. A Mitigation Monitoring and Reporting Plan (MMRP) is required at the time of project approval and is typically made a condition of project approval. The City and various agencies are legally responsible for monitoring and enforcing the mitigation measures and other requirements as detailed in the MMRP. Copies of the MMRP may be requested from the City.
- 70.31 The commentor requests disclosure of BART plans for its land at the El Cerrito Plaza station. While the Draft SEIR acknowledges BART's policy of promoting transit-oriented development around its stations, specific future plans for the El Cerrito BART station property are not known. BART has not yet begun exploring opportunities for development of the surface parking lot. Accordingly, without sufficient details (such as numbers of dwelling units or square footages) or a development proposal, it would be entirely speculative to discuss specific BART plans for the El Cerrito station in the SEIR.
- 70.32 The commentor suggests moving the BART garage to an entirely different location, such as the center of El Cerrito Plaza or Richmond. Since a parking garage is not proposed with the Residential Only Alternative, alternative locations for the parking garage are not relevant to the proposed project.
- 70.33 The commentor questions the use of Measure C funds for the proposed project. Since a BART parking structure is not being proposed as part of the Residential Only Alternative, justifying use of Measure C funds is not necessary.
- 70.34 The commentor states that without discussion of need for the BART parking garage the Draft SEIR is incomplete. Since the BART parking structure is not being proposed as part of the Residential Only Alternative, justifying the need for it is unnecessary.
- 70.35 The commentor questions the number of new spaces created by the Measure C parking garage. Since the BART parking structure is not proposed as part of the Residential Only

- Alternative, explaining the number of parking spaces provided by the garage is no longer relevant.
- 70.36 The commentor questions the use of Measure C funds for the proposed project. Since a BART parking structure is not being proposed as part of the Residential Only Alternative, justifying use of Measure C funds is unnecessary.
- 70.37 The commentor requests disclosure of any plans by the City to take aggressive steps to restrict spillover parking into El Cerrito Plaza Shopping Center or residential streets. The Planning Commission will determine whether the proposed residential project would have sufficient parking under the City's Incentives Program.
- 70.38 The commentor's request is not a CEQA issue. No response is necessary.
- 70.39 The commentor asks why the Summary in the Draft SEIR is longer than the page limit derived by CEQA. The commentor is correct that CEQA suggests a 15 page Summary length; however, this page guideline is only a suggestion and the City has conformed to CEQA Guidelines by including the required information within the Summary. EIR practitioners have found that lead agencies prefer to see a comprehensive listing of impacts and mitigation measures, rather than a brief itemization of significant impacts and mitigations only. This preference is the principal reason that the Summary is longer than the recommended 15 pages.
- 70.40 The commentor states that the Draft SEIR does not present an accurate picture of the Environmental Setting, referring specifically to failure to mention the Fairmount Gardens. The last sentence in paragraph 3 on page 3.1-2 mentions that a single family residential area lies north of Cougar Field across the Ohlone Greenway from the project site. That reference to residences speaks specifically to the Fairmount Gardens neighborhood, although it is not specifically named. In addition, the Draft SEIR considers impacts to this neighborhood in terms of visual quality and noise.
- 70.41 The commentor requests that the Draft SEIR provide detail about which incentives the City would provide to the project sponsor and what benefits the City would expect in return. Under the Residential Only Alternative, the City would allow for modification of limitations, requirements, and development standards as they pertain to density and parking requirements. Specifically, the City would allow the maximum density of the residential development to increase from 35 d.u./acre to 45 d.u./acre. Through the City's Incentives Program, the City could allow a reduction in the off-street required parking spaces from 201 spaces to 158 spaces, a difference of 43 spaces. Finally, the City could also permit the Residential Only Alternative to exceed the maximum allowable height of 35 feet. (Please note that Section 19.28.320 states that the maximum height limit may be exceeded, provided a use permit is obtained. The Residential Only Alternative would require a use permit and would be subject to review and approval by the design board.)

The Residential Only Alternative would provide several desirable features listed in the Incentives Program (see Section 19.32.200). Specifically, this alternative would provide an environmental benefit by daylighting Cerrito Creek and a recreational benefit by providing a multi-use path that connects to Ohlone Greenway along the restored creek. Furthermore, the Residential Only Alternative would locate housing close to a shopping and transportation centers and, as such would reduce reliance on automobile usage. During project approval, the Planning Commission will make a determination as to whether the above-described desirable features warrant the exceptions to development standards sought by the project sponsor.

## **71. Diane Ichiyasu**

71.1 The project's added traffic volumes have been evaluated for impacts off-site and where impacts were identified, mitigation measures have been recommended. The volumes generated by the project as currently proposed do not represent a substantial impact to pedestrian traffic at any of the locations identified in the comment and the growth in peak hour traffic resulting from the project at these locations should in most cases be less than two percent.

The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the Residential Only Alternative would not represent a significant impact to pedestrians. The highest concentration of project traffic is at Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these locations would remain less than currently exists at Cornell/Brighton. Such traffic levels do not present significant concern in terms of pedestrian impacts. Students walking along Brighton would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potentially significant negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments. While it is recognized that an increase in traffic could present pedestrians with new conflicts, resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

71.2 The commentor expresses concern about circulation in the Plaza area. Please refer to Master Response 2 in Section 4 of this document regarding circulation concerns. Please note that the Residential Only Alternative no longer includes a BART garage, therefore, comments regarding the garage require no further response.

71.3 The commentor expresses concern about noise in the project area. Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.

## **72. Stephanie Zamarelli**

72.1 The commentor expresses opposition to the proposed project. This comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

The commentor also raises concerns about traffic congestion in and around the Plaza area. Please refer to Master Response 2 in Section 4 of this document regarding traffic and circulation. In addition, the commentor states that the project would generate 500-600 new cars. The Residential Only Alternative would include 128 residential units.

Please also note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a response concerning the garage is no longer necessary.

72.2 The commentor expresses concern regarding parking. During normal weekday arrival times for residents, the Plaza has a surplus of parking. It is not likely that residents would need to find parking spaces on Saturday afternoon, as most cars would be parked in their overnight spaces. The impact, if any, would be a shift in the parking of the shopping center itself and even at 90 percent occupancy the available spaces within the plaza would be sufficient to offset the parking from the currently proposed project, with sufficient space to allow shopping center patrons to avoid using Albany Streets.

Despite considerable use of the parking lot by BART users and others, there is no documented evidence of a parking shortfall in the project area. Furthermore, under the City's Incentives Program, the Planning Commission can determine that the Residential Only Alternative provides sufficient parking. Parking spaces within the residential project would be assigned to specific units and visitor spaces would be designated with signage.

72.3 The project's added traffic volumes have been evaluated for impacts off-site and where impacts were identified, mitigation measures have been recommended. The volumes generated by the project as currently proposed do not represent a substantial impact to pedestrian traffic at any of the locations identified in the comment and the growth in peak hour traffic resulting from the project at these locations should in most cases be less than two percent.

The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread

over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the Residential Only Alternative do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

- 72.4 The commentor is concerned about air quality at Albany Middle School. Please refer to Master Response 4 of Section 4 in this document regarding air quality concerns.
- 72.5 The commentor is concerned about noise at Albany Middle School. Please refer to Master Response 3 in Section 4 of this document addressing noise concerns.

**73. Mary P. Milton**

- 73.1 The commentor requests the Draft SEIR address the outcome of increased noise exposure to students and staff at Albany Middle School. Please refer to Master Response 3 in Section 4 of this document regarding noise concerns. Please note that the Residential Only Alternative no longer includes a child care component.
- 73.2 The commentor states that Figure 3.5-1 incorrectly labels Lynn and Ward Avenues. In recognition of this comment, Figure 3.5-1 is revised. Please see the following page.
- 73.3 The commentor notes that Albany Middle School was not a noise monitoring location in the Draft SEIR. Please refer to Master Response 3 in Section 4 of this document for noise concerns. The main buildings at Albany Middle School and the “blacktop area” of the school would not be impacted by the proposed multi-family residence to reflected BART noise, only the areas directly to the east, and latter impacts would be less-than-significant with mitigation. Consequently measurements of existing noise at the main buildings and blacktop area are not relevant to the Draft SEIR noise assessment.
- 73.4 The commentor notes that noise levels from BART have increased but no explanation or cause was explored in the Draft SEIR. For issues surrounding BART noise, please refer to Master Response 3 in Section 4 of this document.
- 73.5 The commentor notes that construction noise would exceed acceptable levels. Construction noise levels would satisfy local noise control requirements of both Albany and El Cerrito, in that they will be no worse than is normally expected for construction of a similar building. The reference to “normally acceptable” commercial noise exposure levels of 70 dBA is apparently a reference to an  $L_{dn}$  noise level and not to short-term time varying noise levels associated with construction, which would be limited to the hours of 7am to 6pm. The  $L_{dn}$  is a 24-hour average noise level metric.
- 73.6 The commentor states that no procedures are specified to ensure mitigation measures are followed during construction. As part of the project’s Planning Commission and City Council approval process the project is required to prepare and implement a Mitigation Monitoring and Reporting Plan (MMRP). The MMRP lists all mitigation measures, the phase during which each is applicable, and the party or agency responsible for enforcement. It would be the responsibility of those parties or agencies to monitor the project area during construction and to grant or deny the necessary permits or inspection reviews based on compliance.

Slipsheet for Revised Figure 3.5-1



- 73.7 Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.
- 73.8 Please refer to Master Response 3 in Section 4 of this document regarding noise concerns.
- 73.9 The commentor states that hearing loss would definitely occur at noise levels discussed in the SEIR. The referenced text on page 3.5-12 is in the context of the child care center's outdoor play yard. Since the Residential Only Alternative no longer includes this project component, no further response is necessary. Please refer to Master Response 3 in Section 4 of this document regarding other noise concerns.

**74. Paul G. and Lorraine M. Kirkendall**

74.1 The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

Furthermore, for the project as currently proposed, there is no impact based on the TIRE index. Should traffic calming be considered in any case, bear in mind that the purpose of the mitigation is not to divert traffic rather to effect a restoration of the environmental quality by mitigating the negative effects of, and expected increase in traffic. As the lowest volume streets connecting the plaza to Brighton Avenue, Talbot and Evelyn are the most sensitive to project traffic; any proportionate diversion of project traffic to Cornell or Kains (less than 75 percent) would also result in no impact. Moreover, such a huge diversion is not plausible.

74.2 Please refer to Response 74.1, above.

74.3 The commentor expresses concern regarding parking. During normal weekday arrival times for residents, the Plaza has a surplus of parking. It is not likely that residents would need to find parking spaces on Saturday afternoon, as most cars would be parked in their overnight spaces. The impact, if any, would be a shift in the parking of the shopping center itself and even at 90 percent occupancy the available spaces within the plaza would

be sufficient to offset the parking from the currently proposed project, with sufficient space to allow shopping center patrons to avoid using Albany Streets.

Despite considerable use of the parking lot by BART users and others, there is no documented evidence of a parking shortfall in the project area. Furthermore, under the City's Incentives Program, the Planning Commission can determine that the Residential Only Alternative provides sufficient parking. Parking spaces within the residential project would be assigned to specific units and visitor spaces would be designated with signage.

- 74.4 Transportation impacts related to the closure of Albany streets were provided in the Draft SEIR for informational purposes based on a request from the City of Albany. Wherever project impacts have been found that result from this scenario, where feasible, mitigation measures have been identified. As stated on page 3.4-10 of the Draft SEIR, any action taken by the City of Albany would be considered a separate project, as that term is used in CEQA, which would require its own CEQA documentation, including identification of feasible measures to mitigate any potentially significant impacts, such as land use impacts. The Residential Only Alternative would not in it of itself result in the closure of Albany streets and as such, would not bring about the division of a community. To the degree that that measure affects the traffic impacts of this project, the analysis provided in the Draft SEIR is adequate.
- 74.5 The commentor expresses concern that the proposed project would cause traffic problems, especially during farmer's market. Please refer to Master Response 2 in Section 4 of this document regarding circulation. The commentor also questions the need for a parking garage. Please note that the Residential Only Alternative does not include a BART garage, so further explanation regarding the need for the garage and the use of public funds is not necessary.
- 74.6 The commentor is concerned about project construction and operational noise at El Cerrito Shopping Center Plaza. These issues are specifically addressed in the Draft SEIR in Section 3.5, Noise.. Also, please note that a parking garage is not proposed with the Residential Only Alternative; noise impacts of the Residential Only Alternative are discussed in Section 2.2 of this document.
- 74.7 The commentor is concerned about air quality. Please refer to Master Response 4 in Section 4 of this document for commentary on air quality considerations.
- 74.8 The commentor feels that the Draft SEIR is grossly deficient and is opposed to the proposed project. Comments on project merit do not affect the physical environment which is the subject of CEQA. An EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. Therefore, no further reply is warranted. The merits of the project may be discussed at upcoming Planning Commission and City Council hearings on the project.

74.9 The commentor expresses opposition to the proposed project, suggesting Measure C funds not be used, and suggests alternatively using the space as a park. Comments on project merit do not affect the physical environment of which is the subject of CEQA. An EIR must focus on physical environmental changes that result from implementation of a proposed project, as explained on page 1-3 of the Draft SEIR. Therefore no further reply is warranted. The merits of the project may be discussed at upcoming Planning Commission and City Council hearings on the project. Furthermore, a parking garage is not proposed with the Residential Only Alternative; therefore, use of Measure C funds is not relevant to the proposed project. Please refer to Section 2 of this document for a description of the Residential Only Alternative.

**75. Hal Schultz**

- 75.1 The commentor feels the proposed BART parking garage location is unsuitable for a variety of reasons. Since a parking garage is not proposed with the Residential Only Alternative, justifying the garage's suitability is not necessary.
- 75.2 The commentor expresses a difference of opinion as to what time of day the BART parking spaces generally fill up. Since a parking garage is not proposed with the Residential Only Alternative, issues surrounding BART parking as part of the proposed project are not relevant.
- 75.3 The commentor recounts the timing of a test drive/walk to the proposed parking garage site. Since a parking garage is not proposed with the Residential Only Alternative, issues surrounding BART parking as part of the proposed project are not relevant.
- 75.4 The commentor believes the Draft SEIR has not properly evaluated the impact of reflected BART noise. Please refer to Master Response 3 in Section 4 of this document for additional discussion of reflected BART noise.

**76. Linda Schneider**

76.1 The commentor describes some of the recent criminal activity that has occurred in the neighborhood. Since the comment does not address the adequacy of the Draft SEIR nor the City's compliance with CEQA, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

**77. Carol and Charlie Elmstedt**

- 77.1 The commentors express opposition to the proposed parking garage. Since a parking garage is not proposed with the Residential Only Alternative, issues surrounding a parking garage and the use of Measure C funds are no longer relevant to the proposed project. Please refer to Section 2 of this document for a description of the Residential Only Alternative.
- 77.2 Please refer to Master Response 2 in Section 4 of this document regarding traffic concerns. Furthermore, the Albany residential neighborhood immediately south of the project site consists of a mix of single-family and multi-family housing units. Given that the adjacent City of Albany residential neighborhood contains a mix of dwelling units, including apartment buildings, the Residential Only Alternative would be compatible with the residential uses south of the project site. Furthermore, the proposed residential development would be buffered from the City of Albany by Cerrito Creek and the proposed multi-use path. The commentor suggests that the project area should be left vacant or used for the farmer's market. This comment addresses the merits of the project rather than the Draft SEIR and, therefore, requires no further response.
- 77.3 The commentors refer to the developer's presentation at the Albany School Board meeting. Please refer to Master Response 1 in Section 4 of this document for the present status of the proposed project.
- 77.4 The commentors question the need for the proposed BART parking garage. Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative. Therefore, a response to this comment is no longer necessary.

**78. Eileen Hadidian**

- 78.1 The commentor expresses concern over air quality, traffic, noise, and construction impacts from the proposed project. Please refer to the master responses in Section 4 of this document for the topics of air quality, circulation, and noise. Please note that a parking garage is not proposed with the Residential Only Alternative; please refer to Section 2 of this document for a description and analysis of the Residential Only Alternative.
- 78.2 The commentor requests the Draft SEIR analyze proposed project impacts to the neighborhoods south of the plaza in the City of Albany. The Albany residential neighborhood immediately south of the project site consists of a mix of single-family and multi-family housing units. Given that the adjacent City of Albany residential neighborhood contains a mix of dwelling units, including apartment buildings, the Residential Only Alternative would be compatible with the residential uses south of the project site. Furthermore, the proposed residential development would be buffered from the City of Albany by Cerrito Creek and the proposed multi-use path. For a complete discussion of the Residential Only Alternative's effects, please review Section 2.2 of this document.
- 78.3 This comment conveys the commentor's opinion about the project and closing Albany streets and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.



**79. Victoria Nelson**

79.1 The commentor is concerned about traffic impacts from the proposed project. Project traffic is expected to use Evelyn Avenue and Talbot Avenue as the most direct routes to Brighton Avenue. The project traffic would cause no significant congestion, so no diversion of existing traffic is expected. Cornell Avenue would not experience a substantial change in traffic as a result of the proposed project.

The project would not generate a substantial amount of traffic compared to background traffic. The project as currently proposed would generate a maximum of 78 trips spread over a peak hour using a variety of routes. This period may not coincide with peaks in other uses in the area, but it is the maximum amount of hourly traffic that would be generated by the project. This trip generation is conservative because it is assumed that none of the project-related trips would use BART or other transit. Still, this traffic represents just over one additional vehicle per minute. During other periods, the amount of project-generated traffic would be even less than one vehicle per minute.

The volumes of traffic generated by the currently proposed project do not represent a significant impact to pedestrians. The highest concentration of project traffic would occur at the intersections of Evelyn/Brighton and Talbot/Brighton. Even with the project, the traffic levels at these intersections would still remain less than currently exists at Cornell/Brighton, where pedestrian safety has not been a particular concern. Students walking along Brighton Avenue would therefore experience less conflicting vehicular movement at the locations where project traffic would be generated than they do at an existing location where no hazards have been reported. This is an indication that potential negative impacts to pedestrians would not result from the range of traffic volumes on these three street segments.

While it is recognized that an increase in traffic could present pedestrians with new conflicts resulting in a significant impact, a peak increase of one or two vehicles per minute would not increase pedestrian safety impacts to a significant level.

**80. Ellen Hershey, December 6, 2004**

80.1 The commentor expresses opposition to use of Measure C funds for the proposed project and feels it is poorly designed. Please note that the BART parking structure is not being proposed as part of the Residential Only Alternative and Measure C funds will not be used. Please refer to Master Response 1 in Section 4 of this document for the present status of the proposed project.

Furthermore, this comment conveys the commentor's opinion about the project and does not address the adequacy of the Draft SEIR or the City's fulfillment of CEQA. Since the comment concerns the merits of the project and this document is intended to address significant environmental points about the project, no further response is necessary. However, the merits of the project are important and may be discussed at upcoming Planning Commission and City Council hearings on the project. The commentor is invited to express opinions about the project at those meetings.

80.2 Please refer to Response 80.1. Furthermore, it has been determined that the proposed project would generate negligible traffic throughout the Plaza, including the area behind the Albertson's, as little commuter traffic from the residential portion of the project was expected to use that route. In any case, project impacts on parking lot circulation will be proportionately insignificant.

80.3 The commentor disagrees with use of Measure C funds to subsidize private profit and feels the garage would be underutilized and in an unsafe location. Please refer to Response 80.1, above.