CITY OF EL CERRITO
EDEN HOUSING SAN PABLO
MIXED-USE APARTMENT PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT
SCH# 2013042013

PREPARED FOR:
CITY OF EL CERRITO
10890 SAN PABLO AVENUE
EL CERRITO, CA 94530

PREPARED BY:
PACIFIC MUNICIPAL CONSULTANTS
2729 PROSPECT PARK DRIVE
RANCHO CORDOVA, CA 95670

DECEMBER 2013
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1.0 INTRODUCTION

1.1 PURPOSE AND BACKGROUND

This document contains public comments received on the Draft Environmental Impact Report (Draft EIR; SCH# 2013042013) for the Eden Housing San Pablo Mixed-Use Apartment Project (project). Written comments were received by the City of El Cerrito during the public comment period from August 26, 2013, through October 11, 2013. This Final EIR includes written responses to environmental issues raised in comments on the Draft EIR. The responses in the Final EIR clarify, correct, and amplify text in the Draft EIR, as appropriate. Also included are text changes made at the initiative of the lead agency (City of El Cerrito). These changes do not alter the conclusions of the Draft EIR. This document has been prepared in accordance with the California Environmental Quality Act (CEQA; Public Resources Code Sections 21000–21177).

In accordance with CEQA regulations, the City released a Notice of Preparation (NOP) on April 5, 2013, with a comment period from April 5, 2013, to May 6, 2013. The NOP comment period was subsequently extended to May 13, 2013. The City distributed the NOP to responsible agencies, interested parties and organizations, and to private organizations and individuals that have stated an interest in the project. The purpose of the NOP was to provide notification that an EIR for the project was being prepared and to solicit guidance on the scope and content of the document. A copy of the NOP, as well as public and agency responses to the NOP, is included in Appendix A of the Draft EIR in accordance with CEQA. The City held a scoping meeting on Monday, April 22, 2013.

The Draft EIR was circulated for public review and comment for a period of 45 days from August 26, 2013, through October 11, 2013. A public hearing was held on the Draft EIR for this project on Wednesday, September 18, 2013.

1.2 PROJECT UNDER REVIEW

1.2.1 PROJECT ANALYZED IN THE DRAFT EIR

The project analyzed in the Draft EIR includes the construction of a 63-unit mixed-use senior affordable housing community on a 40,000-square-foot site in El Cerrito’s midtown area, including 62 one-bedroom units and 1 two-bedroom unit. The design includes a commercial ground floor, establishes an articulated urban presence on San Pablo Avenue, and provides a public open space to serve as a gathering place for residents of El Cerrito. Open space on the project site consists of a 2,710-square-foot Heritage Plaza and 9,423 square feet of private open space. The public presence along San Pablo Avenue is also enhanced by a small ground-floor retail/cafe space that opens directly onto the new public plaza, as well as a community clinic to be operated by Samuel Merritt University. The project includes nonresidential uses fronting San Pablo Avenue on the ground floor of the project. The uses include a 1,906-square-foot clinic and 1,156 square feet of retail/cafe space.

The single-story structure at 10848 San Pablo Avenue will be renovated in keeping with its original design to the greatest extent feasible and will house some of Eden Housing’s community and management functions on the property.

Pursuant to CEQA Guidelines Section 15124(b), the following objectives have been identified for the project by the former El Cerrito Redevelopment Agency, which originally purchased the property for the purpose of providing affordable housing:

- Develop a high-quality, mixed-use project comprising commercial and residential uses including affordable apartments for seniors, with services.
1.0 INTRODUCTION

- Given the high visibility of the site and adjacency to City Hall, incorporate high-quality materials and design compatible with City Hall.
- Include residential units of senior housing.
- Maximize affordability by providing the maximum feasible number units affordable to very low- and low-income households.
- Maximize the site’s development potential for higher-density housing.

1.3 TYPE OF DOCUMENT

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. As described in CEQA Guidelines Section 15162(a), “when an EIR has been certified no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” The City of El Cerrito determined, because of the conflicting conclusions between the City’s historical resources report and the report submitted as part of the project application, that an EIR would be the appropriate document. The purpose of the EIR is to provide the public, trustee agencies, and responsible agencies with information about the potential environmental effects of the proposed project. As described in CEQA Guidelines Section 15121(a), an EIR is a public informational document that assesses potential environmental effects of a proposed project and identifies mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. Public agencies are charged with the duty to consider and minimize environmental impacts of proposed development, where feasible, and an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

CEQA requires the preparation of an environmental impact report prior to approving any project that may have a significant adverse effect on the environment. For the purposes of CEQA, the term “project” refers to the whole of an action which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378(a)). The City has determined that the proposed action is a “project” within the definition of CEQA.

The State CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a project EIR pursuant to State CEQA Guidelines Section 15161, which defines a project EIR as:

The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development of the project. The EIR shall examine all phases of the project including planning, construction, and operation.

By preparing a project EIR, the City intends to allow the project, if approved by the City Council, to proceed without additional CEQA analysis, absent the kinds of changed circumstances or project modifications that trigger the preparation of a subsequent EIR, supplemental EIR, or addendum (see State CEQA Guidelines, Sections 15162–15164).
The EIR utilizes technical information provided by the project applicant (Eden Housing), the City of El Cerrito General Plan and Zoning Code, and information gathered from federal, state, and local agencies, as well as any other data supported by the State CEQA Guidelines (see Section 15148 [Citation] and 15150 [Incorporation by Reference]). By utilizing these provisions of the State CEQA Guidelines, the City, in preparing this Draft EIR, has been able to make maximum feasible and appropriate use of this technical information.

The actions analyzed in the EIR include, but are not limited to, the following:

- Certification of the Environmental Impact Report
- Adoption of a Mitigation Monitoring and Reporting Program
- Conditional Use Permit (CUP) for 25+ units of multi-family residential in the Transit-Oriented Mixed Use district (El Cerrito Municipal Code Table 19.07-A)
- CUP to allow a density bonus and height concession pursuant to El Cerrito Municipal Code Section 19.23, Affordable Housing Bonus, and Section 19.22, Incentives Program
- CUP for parking reduction for medical clinic use (El Cerrito Municipal Code Section 19.24.050(B))
- Design Review (El Cerrito Municipal Code Section 19.38)

1.4 Organization of This Document

For this Final EIR, comments and responses are grouped by comment letter. As the subject matter of one topic may overlap between letters, the reader must occasionally refer to one or more responses to review all the information on a given subject. To assist the reader, cross-references are provided. The comments and responses that make up the Final EIR, in conjunction with the Draft EIR, as amended by the text changes, constitute the EIR that will be considered for certification by the City of El Cerrito.

The Final EIR is organized as follows:

Section 1 – Introduction: This section includes a summary of the project description and the process and requirements of a Final EIR.

Section 2 – Errata: This section lists the text changes to the Draft EIR.

Section 3 – List of Agencies and Persons Commenting: This section contains a list of all the agencies or persons who submitted comments on the Draft EIR during the public review period.

Section 4 – Comments and Responses: This section contains the comment letters received on the Draft EIR and the corresponding response to each comment. Each letter and each comment in a letter has been coded to identify the comment letter. Agency comment letters are coded with a letter; individual or private organization letters are coded with a number. Responses are provided after the letter in the order in which the comments appear. Where appropriate, responses are cross-referenced between letters. The responses following each comment letter are intended to supplement, clarify, or amend information provided in the Draft EIR or refer the commenter to the appropriate place in the document where the requested information can be
1.0 INTRODUCTION

found. CEQA does not require responses for comments not directly related to environmental issues, but these issues may be clarified or noted for the record.

1.5 PUBLIC PARTICIPATION AND REVIEW PROCESS

The City of El Cerrito notified all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft EIR on the proposed project was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

NOTICE OF PREPARATION

In accordance with Section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation of an EIR for the project on April 5, 2013. This notice was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the project. An Initial Study for the project was prepared and released for public review along with the NOP. The NOP is presented in Appendix A of the Draft EIR. The City held a scoping meeting on April 22, 2013.

DRAFT EIR PUBLIC NOTICE/PUBLIC REVIEW

The Draft EIR was circulated for public review and comment for a period of 45 days from August 26, 2013, through October 10, 2013. A public hearing was held on the Draft EIR for this project on September 18, 2013.

Copies of the Draft EIR were available for review at the following locations:

- The City of El Cerrito City Hall, Planning Division, 10890 San Pablo Avenue, El Cerrito
- The El Cerrito Branch of the Contra Costa County Library at 6510 Stockton Avenue
- http://www.el-cerrito.org/index.aspx?NID=397 (City Planning Department website)
2.0 ERRATA
2.1 INTRODUCTION

This chapter presents minor corrections and revisions made to the Draft EIR initiated by the public, the lead agency, and/or consultants based on their ongoing review. Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. New text is indicated in underline, and text to be deleted is reflected by a strikethrough unless otherwise noted in the introduction preceding the text change. Text changes are presented in the page order in which they appear in the Draft EIR.

2.2 CHANGES AND EDITS TO THE DRAFT EIR

1.0 INTRODUCTION

The fourth bullet on Draft EIR page 1.0-2 is amended as follows:

- CUP to allow a density bonus and height concession pursuant to El Cerrito Municipal Code Section 19.23, Affordable Housing Bonus, and Section 19.22, Incentives Program CUP under Affordable Housing Bonus (bonuses are density and height) (El Cerrito Municipal Code Section 19.22)

2.0 PROJECT DESCRIPTION

No changes were made to this section.

3.0 ENVIRONMENTAL ANALYSIS

The text on Draft EIR page 3.0-33 is amended as follows:

The Historic American Building Survey (HABS) and the Historic American Engineering Record (HAER) are United States government agencies that are part of the National Park Service with a mission to identify and document properties that are important to local, state, and national history. HABS/HAER documentation provides rigorous, archival means of recording buildings, sites, structures, and landscapes. HABS Level I documentation is frequently used in California to mitigate significant adverse impacts to California Register–eligible properties. The HRE found that, aside from Rehabilitation Standard 2, the proposed project appears to comply with the Secretary of the Interior’s Standards for Rehabilitation, and the retention and rehabilitation of the former Contra Costa Florist shop, combined with the components included in the project to reduce effects on the former Mabuchi property, including HABS Level 1 documentation, rehabilitation of the florist shop façade, an interpretive display, and Japanese-American inspired landscaping, would reduce the project’s adverse impacts to a less than significant level. A comment on the Notice of Preparation suggested salvage of materials from the Mabuchi house as additional mitigation. However, while some portions of the house may be salvaged for reuse on site, salvage of materials is not required to reduce the impact to less than significant (VerPlanck 2013b). Because the proposed project has included a number of components as part of the project to reduce effects on the property (i.e., HABS 1 documentation, rehabilitation of the florist shop façade, an interpretive display, and Japanese-American inspired landscaping), additional mitigation would not be required.

The text of mitigation measure MM HAZ-1 on Draft EIR page 3.0-77 is revised as follows:
Prior to ground disturbance, the project applicant shall obtain a Phase II Environmental Site Assessment prepared by an environmental professional approved by the City of El Cerrito to determine the extent of contamination on the site, if any. If required, remediation of contaminated soils and groundwater can be completed through the Department of Toxic Substances Control’s Voluntary Cleanup Program (VCP), which enables property owners to assess and remediate contaminated properties. Regulatory oversight of the investigation and cleanup activities shall be administered by the appropriate oversight agency. Have the site inspected by a licensed/certified hazardous waste materials expert (as approved by the City of El Cerrito) who shall submit a report for the City’s review that addresses the presence or absence of extractable total petroleum hydrocarbons, organochlorine pesticides, or isolated areas of elevated arsenic and other pesticides in the soil. If the soil is contaminated, a soil test shall be conducted to determine the extent of contamination and, based on the contaminants present, the report shall also provide for the appropriate method of disposal for contaminated soils.

4.0 OTHER CEQA CONSIDERATIONS

No changes were made to this section.

5.0 REPORT PREPARERS

No changes were made to this section.
3.0  LIST OF AGENCIES AND PERSONS COMMENTING
3.0 LIST OF AGENCIES AND PERSONS COMMENTING

3.1 LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted comments on the Draft EIR:

<table>
<thead>
<tr>
<th>Letter</th>
<th>Individual or Signatory</th>
<th>Affiliation</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Patrick Hsieh</td>
<td>California Department of Toxic Substances Control (DTSC)</td>
<td>September 24, 2013</td>
</tr>
<tr>
<td>B</td>
<td>Erik Alm</td>
<td>California Department of Transportation (Caltrans)</td>
<td>October 9, 2013</td>
</tr>
</tbody>
</table>

Individual and Private Organization Comments

<table>
<thead>
<tr>
<th>No.</th>
<th>Commenter</th>
<th>Affiliation</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tom Panas</td>
<td>Resident</td>
<td>September 18, 2013</td>
</tr>
<tr>
<td>2</td>
<td>Mary Selva</td>
<td>Richmond Annex Neighborhood Council</td>
<td>April 30, 2013</td>
</tr>
</tbody>
</table>

Commenters from the DEIR Hearing: September 18, 2013

- Tom Panas
- John Stashik
- Marilyn Hansen
- Laura Iiyama
- Unnamed member of the public
- Garland Ellis
- Flora Ninomiya
- Davis Todd Hunter
- Commissioner Lisa Motoyama
4.0 COMMENTS AND RESPONSES
4.0 COMMENTS AND RESPONSES

4.1 REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires the lead agency to evaluate all comments on environmental issues received on the Draft Environmental Impact Report (EIR) and prepare a written response. The written response must address the significant environmental issue raised and must provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by comment, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that where the response to comments results in revisions to the Draft EIR, those revisions be noted as a revision to the Draft EIR or in a separate section of the Final EIR.

4.2 COMMENTS RECEIVED AT THE HEARING FOR THE DRAFT EIR

The City of El Cerrito Planning Commission held a public hearing on the Draft EIR for the project on September 18, 2013. Oral comments related to the Draft EIR were related to treatment of and impacts on the former Contra Costa Florist building at 10848 San Pablo Avenue, effects on biological resources, visual effects of the project, and parking. Responses to comments on the Draft EIR are provided under “Draft EIR Hearing,” following responses to individual letters.

4.3 RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

Public agency comment letters are coded by letters and each issue raised in the comment letter is assigned a number (e.g., Comment Letter A, comment 1: A-1).

Individual and interest group comment letters are coded by numbers and each issue raised in the comment letter is assigned a number (e.g., Comment Letter 1, comment 1: 1-1).

Where changes to the Draft EIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (underline for new text, strikeout for deleted text). Comment-initiated text revisions to the Draft EIR and minor staff-initiated changes are also provided and are demarcated with revision marks in Section 2.0, Errata, of this Final EIR.
September 24, 2013

Sean Moss
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, California 94530

EDEN HOUSING SAN PABLO MIXED USE SENIOR APARTMENTS PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT; SCH# 2013042013

Dear Mr. Moss:

Thank you for the opportunity to comment on the subject Draft Environmental Impact Report (DEIR). The Department of Toxic Substances Control (DTSC) is the state agency that oversees the cleanup of sites where hazardous substances have been released, pursuant to the California Health and Safety Code, Division 20, Chapter 6.8.

As a nursery was formerly located at the project site, soils and groundwater at the project site may potentially be contaminated with hazardous substances, such as pesticides and metals. DTSC therefore recommends a Phase II Environmental Site Assessment be conducted by an Environmental Professional to assess the potential extent of contamination. In addition, the potential need for remediation of contaminated soils and groundwater should be considered to protect the health and safety of construction workers and to prevent exposure of sensitive receptors to contaminated soil and groundwater. Remediation of soils and groundwater contaminated with hazardous substances should be done under regulatory agency oversight.

As you may be aware, DTSC’s Voluntary Cleanup Program (VCP) enables property owners to assess and remediate contaminated properties in a timely, cost effective and cooperative manner. DTSC and the Regional Water Quality Control Boards (Regional Boards) signed a Memorandum of Agreement, March 1, 2005 (MOA) intended to avoid duplication of efforts among the agencies in the regulatory oversight of investigation and cleanup activities at brownfield sites. Under the MOA, anyone requesting oversight from DTSC or a Regional Board must submit an application to initiate the process to assign the appropriate oversight agency. The completed application and site information may be submitted to either a DTSC office or a Regional Board office in your
Letter A Continued

Sean Moss
September 24, 2013
Page 2

ground geographical area. The application is available at:
http://www.dtsc.ca.gov/SiteCleanup/Brownfields/BrownfieldsVoluntaryProgram.cfm

If you have any questions, please contact me at (510) 540-3906 or by e-mail at
Patrick.Hsieh@dtsc.ca.gov.

Sincerely,

Patrick Hsieh, Project Manager
Brownfields and Environmental Restoration Program
Berkeley Office

cc: Governor’s Office of Planning and Research
State Clearinghouse
State.clearinghouse@cpr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Nancy.Ritter@dtsc.ca.gov
Letter A – Patrick Hsieh, Department of Toxic Substances Control (DTSC)

Response A-1

The comment recommends a Phase II Environmental Site Assessment be prepared for the project site due to past use of the site as a nursery. Although there is no evidence of a commercial nursery operating on the site in the past, the Draft EIR includes a mitigation measure for an investigation of the site for contamination from potential past use as a nursery. However, in compliance with the request from the DTSC, the text of mitigation measure MM HAZ-1 on Draft EIR page 3.0-73 is revised to include a requirement for a Phase II site assessment as follows:

Prior to ground disturbance, the project applicant shall obtain a Phase II Environmental Site Assessment prepared by an environmental professional approved by the City of El Cerrito to determine the extent of contamination on the site, if any. If required, remediation of contaminated soils and groundwater can be completed through the Department of Toxic Substances Control's Voluntary Cleanup Program (VCP), which enables property owners to assess and remediate contaminated properties. Regulatory oversight of the investigation and cleanup activities shall be administered by the appropriate oversight agency. Have the site inspected by a licensed/certified hazardous waste materials expert (as approved by the City of El Cerrito) who shall submit a report for the City's review that addresses the presence or absence of extractable total petroleum hydrocarbons, organochlorine pesticides, or isolated areas of elevated arsenic and other pesticides in the soil. If the soil is contaminated, a soil test shall be conducted to determine the extent of contamination and, based on the contaminants present, the report shall also provide for the appropriate method of disposal for contaminated soils.

The comment also refers to the DTSC’s Voluntary Cleanup Program (VCP). This is not a comment on the Draft EIR, and no response is required.
October 9, 2013

Mr. Sean Moss
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Dear Mr. Moss:

Eden Housing San Pablo Mixed Use Senior Apartments Project – Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the DEIR and have the following comments to offer.

Traffic Impacts

The DEIR does not discuss construction activities or analyze the potential temporary impacts the construction activities will have on State Route (SR) 123. Construction activities and potential traffic impacts due to construction activities should be analyzed in Appendix C as part of the Transportation Impact Analysis (TIA) for this project. Please include in the TIA a detailed analysis of temporary impacts to SR 123 traffic due to construction of the proposed project. As part of the detailed analysis, please include the location of construction staging areas and the types of traffic control measures that will be implemented during construction. Any traffic control measures proposed within State right-of-way (ROW) will require an encroachment permit; see end of this letter for more information regarding encroachment permits.

Utilities

Utilities should be discussed in DEIR, particularly the location of existing utilities and whether the utilities are within ROW, the type of utilities, and how the proposed project will tie into the existing utilities. If the proposed project is to connect to existing utilities located within the State ROW, an encroachment permit will be required. Since an encroachment permit is required for work in the State ROW, and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City of El Cerrito work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal.
of an encroachment permit application. Further comments will be provided during the encroachment permit process.

**Encroachment Permit**

Any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the following website for more information:


Should you have any questions regarding this letter, please call Brian Brandt or my staff at (510) 286-5505.

Sincerely,

[Signature]

ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan (State Clearinghouse)
4.0 COMMENTS AND RESPONSES

Letter B – Erik Alm, California Department of Transportation (Caltrans)

Response B-1

The comment states that the traffic analysis does not address potential temporary traffic impacts during project construction. Construction details were not available at the time of preparation of the traffic analysis for the project; however, as noted in Caltrans’ comments on the Notice of Preparation (NOP; see Draft EIR Appendix A), if traffic restrictions or detours are needed on a Caltrans facility, prior to project construction the project applicant would be required to prepare a Traffic Management Plan (TMP) in accordance with Caltrans’ Manual on Uniform Traffic Control Devices. This TMP would be subject to Caltrans approval to ensure that Caltrans facilities are not negatively affected. Because a TMP would be required, the Draft EIR does not include a mitigation measure for a TMP to reduce the potential impact to less than significant. However, to provide a verifiable method that ensures its preparation, the preparation of a TMP will be imposed by the City as a Condition of Approval for the project.

Response B-2

The comment states that connection to existing utilities or any work within state right-of-way would require an encroachment permit from Caltrans. As discussed in Impact 3.7.25 on Draft EIR page 3.0-57, the proposed project would connect to water and wastewater facilities in San Pablo Avenue, a state right-of-way. As noted in the comment, prior to any work in the right-of-way, the project applicant would have to obtain an encroachment permit from Caltrans. Caltrans will not issue the permit until all of Caltrans’ concerns are adequately addressed. Compliance with the existing permit process would ensure that there would be no negative effects related to connection to existing utilities.
Letter 1

Good evening Chairman Kuhlman, members of the Commission, and City staff. My name is Tom Panas and I live at 7345 Fairmount Avenue in El Cerrito.

The draft EIR covers a lot. I would like to comment on Botany, then on Cultural Resources. Page 3.0-63 names several endangered plant species, including round-leaved filaree, and states there will be no impact because nothing grows on the project site. Filaree thrives in El Cerrito and a 30-second inspection of the site turned up plenty of our ubiquitous wild oats and foxtails. I don’t know if endangered filaree or any other filaree grows there but the EIR’s statement that there will be no endangered plant impact because nothing grows on the site is clearly wrong.

I’d also like to address the proposed mitigation at the Contra Costa Florist site. We need, and more importantly deserve, mitigation that is alive; mitigation that draws in the public: mitigation that speaks to and actively describes the vibrant Japanese culture and lifestyle that was an important factor in the development of El Cerrito. We don’t need mitigation that is dead and does not engage the public.

Parts of the proposed mitigation are appropriate, such as replacing the doors and windows on the front of the building. Others are the equivalent of flowers on the casket; for example HABS/HAER documentation is a flat, dead, “get it done and file it away forever” form of mitigation. Overall, I feel that the proposed mitigation doesn’t come close to compensating for the demolition of more than half of the Historic Resource. Most of the mitigation ideas suggested in the attached document were not implemented. I have heard comments that some of them conflicted with the building code. I would like to remind everyone that this site qualifies for use of the State Historical Building Code, which changes the code calculus.

We live in a new, progressive El Cerrito. We built a beautiful, LEED-certified City Hall and we won awards for it. We build a first-class, LEED platinum-certified and standout Recycling Center and we were acclaimed for it. We seized the opportunity to make a key acquisition for the Hillside Natural Area by thinking outside the box, completed the transaction, and now everyone is thrilled. We have invested much time and money making San Pablo Avenue a more interesting place to be.

These things never happened in “the old El Cerrito.” But these days in El Cerrito we have enlightened city leadership and we are trying to do things right, not do them the most miserly way. So why would we be willing to accept the cheapest, minimum permitted mitigation on this very important historic resource???

The proposed mitigation is only somewhat better than suggesting that we replace Lotta’s Fountain with a sign or plaque. Is this an indication of the amount of respect that we have for our Japanese community; for all the history - profound, happy, and sad - that is embodied in this site? We know how to do better in El Cerrito. We can, should, and must do better than the bad-old-days-in El-Cerrito mitigation that has been proposed for this important historic resource. Pages 1.0-4 and 3.0-30 of the EIR assert that the project will not cause a significant adverse impact on a cultural resource. That statement will not be correct until there is an adequate mitigation plan in effect.

Thank you for your time this evening.

September 18, 2013
Letter 1 – Tom Panas

Response 1-1

The comment states that the Draft EIR concluded that endangered plants, including round-leaved filaree (California macrophylla), are not present on the project site because “nothing grows there.” The comment goes on to state that the presence of wild oats (Avena fatua) and foxtails (Hordeum sp.) demonstrated that endangered species could be present. The Draft EIR did not base the conclusion of absence of endangered species on the assumption that nothing grows on the site. The conclusions in the Draft EIR are based on the availability of the habitat requirements of the species on the project site, which are included in Table 3.8-1 on pages 3.0-63 and 3.0-64 for special-status plants. The developed nature of the project site does not provide the habitat requirements for any of the special-status species known to occur in the region. Further, the presence of the ubiquitous, non-native species noted in the comment could preclude the presence of special-status species on the site.

Response 1-2

The comment describes the components of the project intended to reduce impacts on the building at 10848 San Pablo Avenue as “dead,” and states that they do not engage the public. The comment also states that mitigation ideas in the author’s comments on the NOP were not implemented. However, the comment does not specifically state how the current proposal is inadequate for the potential impacts or how the measures proffered in NOP comments would further reduce impacts beyond those currently proposed. Generally, the NOP comments provide the author’s opinion regarding components of the existing building that can be salvaged and/or reused. Items noted in the comment are not proposed to be reused. The applicant investigated reuse of the materials and discussed findings with the commenter. The findings were that the items could not be effectively incorporated in the project design and that focus on other measures, such as the design and fabrication of the interpretive display, would commemorate the site history and more effectively engage the public. The items have been offered for salvage to the El Cerrito Historical Society for off-site use.

The NOP comments also recommend landscaping to evoke the former Japanese garden at the site and a display regarding the local Japanese heritage. Japanese-inspired landscaping and an interpretive display are included as components of the project (see Draft EIR page 2.0-15).

The comment does not provide information regarding which measures included in the author’s NOP comments would conflict with the California Building Code, but would not conflict with the State Historical Building Code.

Response 1-3

The comment provides opinions about the City of El Cerrito and reiterates that the mitigation in the EIR is not adequate and that the impact on a cultural resource would be significant until “adequate” mitigation is included. Please refer to Response to Comment 1-2.
April 30, 2013

Sean Moss
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
SMoss@ci.el-cerrito.ca.us

RE: EIR for the Eden Housing San Pablo Mixed-Use Senior Housing Project; 63 units on 40,000 SF lot; 10848 and 10800 San Pablo Avenue, bounded by Schmidt Lane, Manila, and Kearney.

Dear Mr. Moss:

The Richmond Annex Neighborhood Council and its substantial community have expressed concerns regarding the above proposal.

The proposed project requires a conditional use permit (CUP) for mixed-use development for this district. We would like to remind the City that a CUP is typically required for a use classification having unusual site development features or operating characteristics requiring special consideration so that the use may be designed, located, and operated compatibly with commercial and residential uses on adjoining properties and in the surrounding area.

A CUP is required for an increase in building height, beyond what is required for this district (Transit-Oriented Mixed Use), where the maximum height limit for the Midtown Node area is 45 feet. In granting a CUP, the City must ensure that the location, size, design, and operating characteristics of the proposed use are compatible with commercial and residential uses on adjoining properties and in the surrounding area.

Proposed height would dramatically exceed other commercial buildings on adjoining properties. The building would be 25' higher than El Cerrito City Hall and the Village at Town Center Apartments at Schmidt Lane. (To get a better perspective of building heights in the vicinity, please see attachment.)

For us, because we are a low-density residential neighborhood, the large bulk and scale and minimal front setback becomes overpowering for this area. CD4.1 Compatibility in Building Scale states, “Avoid big differences in building scale and character between developments on adjoining lots.” We find the dramatic increase in bulk and scale, particularly the 65' height, is incompatible to the surrounding commercial area and adjacent residential neighborhoods. The height of the building, including rooftop equipment, would impact views of E.C. hills that many Annex hillside residents strongly desire and consider of great value.

Factors to Consider in Evaluating Building Height

- **Urban Form/Community Character**
  Will additional height change community character in undesirable ways?
  - Dwarf other important features of the natural and built environment?
  - Detract from the desirable view of the El Cerrito Hills?

- **Visual/View Impacts**
  Will additional height block views of important features (e.g. El Cerrito Hills)?

- **Human Scale**
  Can the building be designed to establish a human scale?
  How will additional height affect the sunlight on key pedestrian/open space features?

Vehicular parking includes 32 off-street residential spaces (25 standard, 2 accessible, 5 compact—a reduction of half the required number of off-street parking spaces. We notice there is no visitor parking for the residential units. Three (3) off-street commercial parking spaces are proposed for the ground floor 1,908 SF clinic and 1,199 SF retail space. Depending on the use, it may not be enough.
Letter 2 Continued

To mitigate these impacts, we recommend the following design changes:

a) Lower building height from 65' to 45'. We believe the height at the roof ridgeline of the El Cerrito City Hall and the Village at Town Center Apartments (Schmidt Lane) would be more appropriate for this particular location.

b) Soften the architectural design or tier it back; the current design is too bulky, blocky, and overpowering. The design does not comply with Z.O. Development Standards, which states, the building(s) attempt to minimize shadows or the "canyon effect" on public sidewalks and open spaces through stepbacks at upper levels or other design elements; and the building(s) provide an appropriate transition in scale to structures in adjacent residential districts. In our view, this criteria has not been met.

c) Provide a landscaped 15' front setback; e.g. the El Cerrito City Hall has a landscaped 15' front setback, which we consider attractive, inviting, and very desirable. The proposed "hardscape" building is bold with its straight lines and provides no front setback, losing its opportunity for landscaping.

d) Carefully distinguish the difference between an intensive business use with higher parking demands and a low-volume use. Ensure there is adequate off-street parking for intensive retail business (employees and customers) to prevent parking conflicts in both El Cerrito and Richmond Annex commercial and residential neighborhoods.

e) If off-street parking is lacking for senior residential visitors, cars will assuredly spill over into adjacent neighborhoods. Seniors want and need their own parking spaces. According to seniors, driving means independence. Seniors like to go where they want, when they want, without having to rely on others. Additionally, the number of elderly drivers is increasing in the U.S. due to the retiring baby boom generation. We would consider circulation problems and parking demands without adequate off-street parking space a significant impact. In our experience, visitor parking is key in making this type of project successful. At least 1 space per every 5-units would be appropriate. Friends and relatives visit seniors all the time.

If the project was redesigned with the recommendations mentioned above, we believe it would lead to a quality development which would be more harmonious with the surrounding area.

Thank you for the opportunity to comment on this proposal. We wholeheartedly support senior housing for this site and hope that you will give consideration of the Richmond Annex Neighborhood Council's recommendations.

Sincerely,

Mary Selva,
President

Attachment: Building Height Perspectives
Letter 2 – Mary Selva, Richmond Annex Neighborhood Council

The commenter has resubmitted the comment letter submitted on the NOP. Therefore, the comments in the letter do not pertain to any potential inadequacies of the analysis in the Draft EIR, but refer to topics the commenter had requested to be addressed in the Draft EIR. The responses below indicate where those topics are addressed in the Draft EIR.

Response 2-1

The comment refers to the request for a Conditional Use Permit (CUP) for the proposed project. As discussed on Draft EIR page 2.0-16, the proposed project is seeking a Conditional Use Permit for 25+ units of multi-family residential in the Transit-Oriented Mixed Use district, for density and height (Affordable Housing Bonus), and for a parking reduction for medical clinic use. City of El Cerrito Municipal Code Chapter 19.34 defines the purpose, applicability, review procedures, and required findings for a CUP. The determination of whether the project is consistent with the code is not an environmental determination, but rather a policy decision. See Responses to Comments 2-2 through 2-5 regarding parking and building heights and setbacks.

Response 2-2

The comment notes the height of the proposed building in relation to neighboring buildings and requests an analysis of the project height in terms of community character, views of important features, and human scale. The effects of the proposed project related to height and scale of the building are addressed in Impact 3.7.1 on Draft EIR pages 3.0-24 and 3.0-25. The analysis considers the height of the building in the context of the surrounding structures. Draft EIR Impacts 3.6.1 and 3.6.2 address the project’s potential effect on designated scenic vistas and highways. It should be noted that neither the California Environmental Quality Act (CEQA) nor the City of El Cerrito have established thresholds for other local features (e.g., views of the El Cerrito Hills). Similarly, neither CEQA nor the City has established thresholds for human scale or location/duration of shadows. The proposed building does, however, have a public plaza fronting San Pablo Avenue, which would provide a pedestrian feature at a human scale.

Response 2-3

The comment questions whether the parking for the project would be adequate. Parking for the project is addressed in Impact 3.7.16 on Draft EIR pages 3.0-39 through 3.0-44. The analysis includes site-specific parking surveys to determine existing availability in the project area and estimated demand based on surveys of comparable senior housing properties.

Response 2-4

The comment again refers to building height, as well as to building setbacks and stepbacks. As noted in Response to Comment 2-2, the effects of the proposed project related to height and scale of the building are addressed in Impact 3.7.1 on Draft EIR pages 3.0-24 and 3.0-25. The discussion in Impact 3.7.1 (page 3.0-24) also discusses in detail the setbacks and stepbacks of the building.

Response 2-5

The comment refers to parking for the proposed project, including off-site parking and residential demand. As noted in Response to Comment 2-3, parking for the project is addressed in Impact 3.7.16 on Draft EIR pages 3.0-39 through 3.0-44. Regarding on-street parking, an on-street parking
survey was undertaken to determine the availability of existing parking spaces in the immediate vicinity of the project site, which found that on-street parking was generally available throughout the day, with the period of highest demand occurring during the morning period with an overall occupancy ratio of 59 percent (though individual street segments had occupancy of up to 89 percent). Regarding residential parking, the analysis considers the number of spaces provided. Based on surveys from comparable senior housing properties in the area, the project would provide adequate parking.
Draft EIR Hearing, September 18, 2013

The City held a hearing in front of the El Cerrito Planning Commission to accept comments on the proposed Eden Housing San Pablo Mixed-Use Apartment Project and the accompanying Draft EIR. Many commenters provided comments on the merits of the project, with few comments directly related to the contents or adequacy of the Draft EIR. To the extent that comments can be related to EIR analysis, those comments are summarized below, with accompanying responses.

Tom Panas

The commenter read a written response that was submitted to the City. Please see Response to Comments 1-1 through 1-3.

John Stashik

The comment expressed support for preservation of the building at 10848 San Pablo Avenue. This is a comment on the merits of the project, not on the adequacy of the EIR. No response is required.

Marilyn Hansen

The comment expressed support for preservation of the building at 10848 San Pablo Avenue and a desire to convert the building into a museum. This is a comment on the merits of the project, not on the adequacy of the EIR. Converting the building into a museum would not reduce any impacts identified for the project. No response is required.

Laura Iiyama

The commenter does not support the proposed use as a resident exercise room, bicycle storage, and facilities office in the former Contra Costa Florist building and recommends that the building be used as a museum. Converting the building into a museum would not reduce any impacts identified for the project. No response is required.

Unnamed member of the public

The comment states the building will be retained, but the story of the building won’t be told. Based on the Historic Resources Evaluation Addendum prepared for the project by VerPlanck Historic Resources Consulting and Donna Graves, components included in the project for documenting past use of the site, including HABS Level 1 Documentation, on-site interpretive display, and landscaping to reflect the Japanese association of the site, would adequately mitigate for any potential impacts to the property.

Garland Ellis

The comments included questions about the noticing requirements for the meeting, impacts related to blocked views and shadows from the proposed building, and a statement that parking is inadequate for the site based on surrounding uses. The Notice of Availability for the Draft EIR, which included a notice of the meeting time and date, were posted in the West County Times newspaper on August 26, 2013, consistent with CEQA Guidelines Section 15087(a)(1).
Regarding impacts related to views and shadows, the thresholds for aesthetics are provided on Draft EIR page 3.0-13. While these thresholds are protective of scenic views, based on the thresholds, there would be no impact related to impeding views in an urban area. Consequently, the analysis on Draft EIR pages 3.0-24 and 3.0-25 adequately assesses the impacts of the project related to views. The Draft EIR also analyzes the change in character of the area, taking into consideration the height of the building, which found that the building stepbacks would provide a more gradual transition to the proposed building’s ultimate height, and that minimizing the building façade along the property frontage would help the proposed project blend with the scale of existing development in the area. Like general views, neither the City nor CEQA provides thresholds related to shadows. The project application package includes depictions of shadows for the proposed building (available for review at the City Planning Division). However, absent a threshold for shadows, their inclusion in the Draft EIR is unwarranted.

The comment also noted there is inadequate on-street parking for the project, based on the surrounding uses. However, as discussed on Draft EIR page 3.0-42, Kittleson and Associates performed on-street parking occupancy surveys during three time periods on March 7, 2013, which found that on-street parking was generally available throughout the day. The period of highest demand occurred during the morning period with an overall occupancy ratio of 59 percent or 47 occupied spaces out of 80 provided. The segment with the highest occupancy was on the east side of Kearney Street and reached 89 percent during this period, which may primarily be attributed to patrons of the Department of Motor Vehicles. In the late afternoon period, the overall occupancy was at 54 percent, with the east side of Kearney Street experiencing the highest demand at 60 percent during this period. Therefore, the commenter’s observations are not consistent with surveys performed for the project.

Flora Ninomiya

The commenter stated that her family is in the cut flower business, but provided no comments on the Draft EIR.

Davis Todd Hunter

The commenter stated that 0.5 parking spaces per unit is not adequate, but provided no documentation as to why more parking would be required. As discussed on Draft EIR page 3.0-42 Kittelson and Associates conducted parking surveys in the late evening/early morning period on March 7, 2013, at three senior housing properties in the East Bay, which found that demand ranged from 0.20 spaces per occupied dwelling unit to 0.42 spaces per occupied dwelling unit. Based on the survey results of similar types of uses, the parking provided by the project would exceed demand.

The comment also recommends moving the building at 10848 San Pablo Avenue, along with two other buildings in the city, to develop a historic park. As noted above, the potential effects on the building at 10848 San Pablo Avenue are reduced to less than significant with components included as part of the project. It should also be noted that the construction of a historic park at an off-site location would result in additional impacts from moving the buildings and constructing and operating the park. Therefore, this would not reduce any impacts of the project and would increase impacts compared to the project.

Commissioner Lisa Motoyama

During discussion of the project, Commissioner Motoyama questioned use of the terms used in the Draft EIR to describe landscaping: “Japanese-inspired,” “Japanese-American-inspired,” and
“Bay-friendly.” The reference to Bay-friendly landscaping is not part of the project, but is from the City’s Climate Action Plan (CAP), which is intended to promote planting of species that are adapted to the Bay Area climate and do not require substantial irrigation. The project proponent proposes Japanese-inspired landscaping, which is intended to reflect a plant selection and design of a Japanese landscape. Bay-friendly and Japanese-inspired are not, however, mutually exclusive, as there are Japanese plants that are adapted to the climate of the Bay Area. However, the reference to Japanese-American-inspired landscaping was in error. Therefore, the text on Draft EIR pages 3.0-31 and 3.0-32 is amended as follows:

The Historic American Building Survey (HABS) and the Historic American Engineering Record (HAER) are United States government agencies that are part of the National Park Service with a mission to identify and document properties that are important to local, state, and national history. HABS/HAER documentation provides rigorous, archival means of recording buildings, sites, structures, and landscapes. HABS Level I documentation is frequently used in California to mitigate significant adverse impacts to California Register–eligible properties. The HRE found that, aside from Rehabilitation Standard 2, the proposed project appears to comply with the Secretary of the Interior’s Standards for Rehabilitation, and the retention and rehabilitation of the former Contra Costa Florist shop, combined with the components included in the project to reduce effects on the former Mabuchi property, including HABS Level 1 documentation, rehabilitation of the florist shop façade, an interpretive display, and Japanese-American-inspired landscaping, would reduce the project’s adverse impacts to a less than significant level. A comment on the Notice of Preparation suggested salvage of materials from the Mabuchi house as additional mitigation. However, while some portions of the house may be salvaged for reuse on site, salvage of materials is not required to reduce the impact to less than significant (VerPlanck 2013b). Because the proposed project has included a number of components as part of the project to reduce effects on the property (i.e., HABS 1 documentation, rehabilitation of the florist shop façade, an interpretive display, and Japanese-American-inspired landscaping), additional mitigation would not be required. This would be a less than significant impact.