

C. PUBLIC HEARING COMMENTS

The City of Albany, Planning and Zoning Commission, convened a public hearing to solicit comments and questions on the Draft EIR on July 28, 2009. Notes from that public hearing, compiled by members of the EIR consultant team and City staff, are provided below.

City of Albany, Planning and Zoning Commission
Notes on the Draft EIR Public Hearing
July 28, 2009

Ray Anderson (C1)

- Member of the Traffic and Safety Commission.
- The Traffic and Safety Commission (Commission) supports the installation of a traffic signal at the Dartmouth Street/San Pablo Avenue intersection.
- The Commission would like to see an opening for pedestrians and bikes where 10th Street crosses Codornices Creek.
- The Commission also supports the extension of back-in parking for the length of Monroe Street.

Jackie Hermes-Fletcher (C2)

- She is speaking in support of the letter to the Planning and Zoning Commission (please see Letter B7 of the Response to Comments Document).
- She would like the Planning and Zoning Commission to suspend consideration of the EIR until the following documents have been updated/adopted: Albany General Plan 2010-2030; Albany's Climate Action Plan (CAP); Albany's Voices to Vision: Waterfront Planning Process & General Plan Information Acquisition; and the State of California's pending CEQA greenhouse gas regulatory amendments. She would like these documents to be used as guidelines for the project.
- Greenhouse gas emissions within the City of Albany will rise with this project.
- She would like approval of the project to be subject to a City-wide vote.

Nick Pollacek (C3)

- Traffic associated with the project may impact "human scale" transportation.
- He is concerned about the pedestrian/bike crossing of San Pablo Avenue – this component of the project needs everyone's support.
- He supports the crossing options in the order in which they are presented in the EIR – Option 1 is most preferable. Option 4, which is unsignalized, is unacceptable.
- He supports back-in parking along Monroe Street.
- He applauds the inclusion of a Class 1 bike path along 10th Street and the Creek.
- The EIR doesn't adequately address traffic along Jackson Street as it doesn't include mitigation measures.
- He supports opening up 10th Street to bike/pedestrian traffic.
- Signage, such as sharrows, should be included on Jackson Street and Monroe Street.
- A separated bike path is called for on Monroe Street.
- The East Bay Bike Coalition will also be submitting a letter, and that the group supports the crossing of San Pablo Avenue and would like a signal at Codornices Creek.

- The Draft EIR didn't include a discussion of bike/pedestrian crossing of Buchanan Street at Taylor Street, and at Pierce Street.
- The Draft EIR failed to address bike safety on Buchanan

Signe Mattson (C4)

- Speaking in support of the letter to the Planning and Zoning Commission (please see Letter B7 of the Response to Comments Document).

Mara Duncan (C5)

- There is no opportunity to review the Draft EIR due to summer vacation.
- She would like the Planning and Zoning Commission to understand that climate change is important, and that productive soils being removed could grow food.
- The EIR does not look at the Gill Tract as a whole, just looks at 2 parcels.
- While the project site is University property, California residents are actually the owners of the property; feels she has a duty to hold the UC accountable.

Sandy Sanders (C6)

- Whole Foods should be allowed to develop on land used for urban gardening, but should locate in an existing development.
- Land should be available for gardening.

Kim Linden (C7)

- The EIR is built on a "house of cards".
- New policy documents that are being developed would not allow this project.
- Why is this project being pushed now?
- She doesn't want to talk about how impacts will be mitigated.
- This project is an insult to the people who care about the land.
- She cares about what is going on.
- Would like full scale urban farm at Gill Tract.
- Would like to grow food on Gill Tract and have a small store with produce onsite.
- Gill Tract is 14.6 acres – please correct in the EIR.
- Traffic study is based on Berkeley Whole Foods – feels that it is false reasoning and that the demographics at the Berkeley store don't compare to this site. It would be better to use El Cerrito Plaza for the traffic modeling as opposed to the Berkeley Whole Foods.
- Feels she could support a Whole Foods store if the rest of the Gill Tract was given to "us".
- She is committed to food security and building a farm on the site.

Wendy Bloom (C8)

- Would like to know when she can comment on the merits of the project.

Amy Smolens (C9)

- Would like to know why a copy of the Draft EIR was not available for public review at the hearing.

Miley Albasse (C10)

- Secretary/treasurer for the student association at University Village.
- Would like the comment period extended to 90 days.
- All of University Village would be impacted by the project, and that it will take time to alert the residents of the public review period for the Draft EIR.
- She would like a meeting on the Draft EIR to be held at University Village.
- Buchanan Street/Jackson Street intersection should be included in the analysis.
- She is concerned about traffic impact of the project on children in the village.
- She supports a signalized crossing of San Pablo Avenue at Dartmouth Street.

Bob LaLanne (C11)

- Cumulative traffic impact analysis includes the development of the University Village Master Plan.
- The Gill Tract agricultural fields are not a part of this project.
- He will talk to Kevin Hufferd about a meeting at University Village.
- Project is meeting many of the LEED requirements.
- Does not feel an extension of the comment period should exceed 15 days.

Commissioner Philip Moss (C12)

- Asked for clarification regarding the Rollers and Strollers group preferred San Pablo Avenue crossing.

Commissioner Andrea Gardner (C13)

- Feels that the no project alternative would actually be the “zoning alternative”, per Section 15126 of the CEQA Guidelines.
- The traffic analysis uses a rate for pass-by trips from ITE. She feels that this source may not be accurate for a store like Whole Foods, in this location, and that the rate of pass-by tips would likely be lower than the ITE rate. The Oakland Whole Foods may have information about this.

- Analysis of unsignalized intersections uses signal warrant 3. It doesn't seem like the most appropriate signal warrant to use. Feels there may be better warrants to use, and that different warrants may be used at different intersections.
- Is there something that the City can do to approach Caltrans regarding changes to San Pablo Avenue?
- Would like to see an Integrated Alternative Transportation Plan incorporated into the project. Such a plan could assemble the following and make them into a mitigation measure: bike lockers, discounts for taking transit, employee showers, employee programs to use transit.
- Would like Mitigation Measure TRANS-13 revised to say no construction traffic on Jackson Street.
- Local global climate change policies should be incorporated into the discussion and integrated into the project.
- Adherence to Green Building Standards would affect global climate change.
- The net loss of trees, and the impact of their removal on greenhouse gas emissions, should be included.
- Refrigerant use by the proposed Whole Foods store should be described, and emissions and mitigation measures should be included to address this.
- As currently drafted, the Global Climate Change mitigation measures are not enforceable. The language should be changed to make them enforceable.

Commissioner Peter Maass (C14)

- Doesn't feel that the demographics of the Whole Foods patrons Albany will be the same as those at the Berkeley store. He feels that the Albany Whole Foods, as near to I-80 as it is, would draw customers from a regional market area.
- Appreciates that global climate change was looked at.
- Would like a copy of the Draft EIR to be available at the library.

Response C1

Ray Anderson, Chairperson, Traffic and Safety Commission

Comments were offered that summarize those that were provided in written comment letter (A6) which is addressed above in Responses to Comments A6-1 through A6-4.

Response C2

Jackie Hermes-Fletcher

A request was made to extend the review process until several other City of Albany planning processes were completed. The CEQA-mandated 45-day public comment period for the Draft EIR would have ended on August 17, 2009 (20 days after the date of this public hearing). However, upon request by members of the public who were reviewing the Draft EIR, the City extended the public comment period for an extra 49 days to October 5, 2009.

Response C3

Nick Pollacek, Albany Strollers and Rollers

Several comments on the Draft EIR were offered including (1) general agreement about the Draft EIR's identification of impacts to pedestrian and bicycle circulation and access (presumably impacts TRANS-12 and TRANS-13), (2) support for the pedestrian and bicycle access improvements across San Pablo Avenue, in roughly the order in which the four options are presented in the Draft EIR, (3) support for the recommended back-in angled parking along Monroe Street, (4) a belief that Monroe Street will be subject to more traffic than the Draft EIR forecasts, (5) a request for bicycle circulation signage in the vicinity of the project site, (6) a request for a Class I bike path on the north side of Monroe Street, and (7) agreement with the concern expressed in comment letter B4 regarding impacts along the Buchanan Street corridor.

Comments 1 through 3 do not pose questions or relate to the adequacy of the Draft EIR; no further response is necessary.

Comment 4 is responded to above in Responses to Comments A5-1 and A5-4.

Comment 5 does not relate to a specific impact of the proposed project, but may be considered by the City of Albany during review of the project; no further response is necessary.

Comment 6 does not relate to a specific impact of the proposed project, but may be considered by the City of Albany during review of the project; no further response is necessary.

Comment 7 is responded to above in Responses to Comments B1-14 and B4-5 through B4-9.

Response C4 **Signe Mattson**

Comment voicing agreement with the remarks from a letter provided by local Albany residents (presumably comment letter B7, for which Ms. Mattson was a so-signer). See Responses to Comments B7-1 through B7-48.

Response C5 **Mara Duncan**

A request was made to extend the review process until several other City of Albany planning processes were completed. The CEQA-mandated 45-day public comment period for the Draft EIR would have ended on August 17, 2009 (20 days after the date of this public hearing). However, upon request by members of the public who were reviewing the Draft EIR, the City extended the public comment period for an extra 49 days to October 5, 2009.

Ms. Duncan also pointed out that climate change would be exacerbated by any removal of crops on the Gill Tract. As noted in Response to Comment B7-6, neither the University nor the City believe that development of the proposed project would involve relocation of existing land uses in the developed portion of the greater University Village area (e.g., ball fields, community center, or childcare center) to locations on the off-site Gill Tract. Nothing about the project as proposed would preclude the University from going forward with the Master Plan as evaluated in its EIR or approved by the Regents.

The last comment was that “the law” (presumably the CEQA statute and/or *CEQA Guidelines*) suggests that the EIR should have examined the landowner’s adjacent properties. It is possible that the comment refers to an EIR’s obligation to consider the potential cumulative impacts of all other relevant reasonably foreseeable projects. The Draft EIR does this in Chapter VI.E, Cumulative Impacts (Draft EIR, pp. 241-244).

Response C6 **Sandy Sanders**

The comment was that a Whole Foods Market should not be allowed to develop on agricultural land. As noted in Response to Comment B7-8, the Initial Study/Environmental Checklist (Appendix A to the Draft EIR), explains in Section II, Agricultural Resources (pp. 13-14), that the project site is not designated by the Farmland Mapping and Monitoring Program as prime farmland, unique farmland, or farmland of statewide importance. The project site does not include land in agricultural production, and the project site is designated as “Urban and Built-Up Land”. Construction of the proposed project would have no effect on farmland or agricultural production.

Response C7
Kim Linden

Several comments on the Draft EIR were offered including (1) a request that the review process be extended until several other City of Albany planning processes were completed, (2) concern that the proposed project is located in close proximity to agricultural lands, and (3) concern that the traffic study is based on the specific impacts of a Whole Foods Market.

Comment 1 in regard to an extension of the review period is responded to in Response to Comment C2 above.

Comment 2 in regard to potential impacts to agricultural land or productivity is addressed in Response to Comment C6 above.

Comment 3 is technically correct, that the Draft EIR analyzes the potential adverse effects of the proposed project which, in addition to housing and other retail uses, includes a Whole Foods Market. However, all of the technical environmental analyses undertaken (and impacts found and mitigation measures developed) for the Draft EIR could be applied to a similar type of grocery outlet in the event that Whole Foods were to decide not to operate a store at the project site. A decision as to whether subsequent analysis would be needed (in order to comply with the California Environmental Quality Act) would rest with City staff, should such a change in the project come to pass. Please see Chapter IV.A, Transportation, Circulation and Parking in the Draft EIR (pp. 88-90) in regard to the trip generation estimates and distribution/assignment of those trips to the local and regional roadway system.

Response C8
Wendy Bloom

The question raised was when the discussion of the proposed project's merits would occur. The answer is that the Final EIR (comprised of both the Draft EIR and this Responses to Comments document) must first be certified. Once that has been accomplished, consideration of the project's merits and requests for various approvals (See Draft EIR, p. 46) could take place.

Response C9
Amy Smolens

While staff did not provide a separate copy of the Draft EIR for attendees to review during the meeting, the various locations of public copies (including the City's website) were noted for the audience. Please also see Response to Comment B12-7 regarding extension of the Draft EIR public review period.

Response C10
Miley Abasse

Several comments on the Draft EIR were offered including (1) please extend the comment period for the Draft EIR, (2) please convene a meeting on the project somewhere within the greater University Village area, (3) supports including 10th Street and Jackson Street in the traffic analysis, and (4) supports having a signalized crossing of San Pablo Avenue in the vicinity of Dartmouth Street.

Please see Response to Comment C2 in regard to an extension of the review period. The usefulness of holding a meeting on the proposed project with the University Village area is noted, but does not relate to the adequacy of the Draft EIR. Several intersections along both 10th and Jackson Streets were included in the traffic analysis. The commenter's support for a signalized crossing of San Pablo Avenue at Dartmouth Street (recommended in the Draft EIR) is noted, but does not require further response.

Response C11
Bob LaLanne, Project Applicant

The applicant offered several comments including (1) a reminder that development consistent with completion of the University Village Master Plan (including development of a pair of parcels to the west of the project site) was considered in terms of its potential cumulative effects, (2) a reminder that there would be no effects on the currently undeveloped Gill Tract by the proposed project, (3) a reminder that the City of Albany is addressing global climate change issues through its own local process, and (4) a request that the comment period on the Draft not be extended for more that 15 extra days.

These comments do not relate to the adequacy of the Draft EIR and no further response is necessary. As noted above in Response C2, the City extended the review period for an extra 49 days.

Response C12
Commissioner Philip Moss

Please see Response to Comment B1-13.

Response C13
Commissioner Andrea Gardner

Please see Responses to Comments B17-1 through B17-38.

Response C14
Commissioner Peter Maass

Please see Responses to Comments B15-17 and B15-21 regarding the expected relative similarity between customers of the existing Whole Foods store in Berkeley and the proposed Whole Foods store on San Pablo, and the assumptions underlying trip generation rate estimates (which seems to be the underlying basis of Commissioner Maass' comment).

Copies of the Draft EIR were made available at the local library and on the City's web site.

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It should be noted that members of the Planning Commission, before whom the public hearing on the Draft EIR was convened, engaged in informal questions and discussion with City staff and the EIR consultants. Primarily factual and procedural answers were provided on-the-spot and Commission members were invited to submit written comments as well. Comments from one Commissioner (comment letter B17 from Commissioner Gardner) were received and are responded to in this document.