

M E M O R A N D U M

DATE: October 15, 2009

TO: Ann Chaney, City of Albany

FROM: Theresa Bravo and David Clore

SUBJECT: Response to Comments on Pierce Street Pavement Rehabilitation and Bicycle/Pedestrian Path Project Initial Study/Draft Mitigated Negative Declaration

This memorandum provides responses to the written and verbal comments received on the Pierce Street Pavement Rehabilitation and Bicycle/Pedestrian Path Project Initial Study/Draft Mitigated Negative Declaration (Draft IS/MND). Comment letters on the Draft IS/MND were received from the following:

- Letter A: State of California, Department of Transportation (September 28, 2009)
- Letter B: East Bay Municipal Utility District (September 23, 2009)
- Letter C: Sol Strand (September 28, 2009)
- Letter D: Traffic and Safety Commission Hearing Comments (September 24, 2009)

The comments in each of these letters are enumerated and discussed below. Comments are numbered in the margin of each letter (attached to this memorandum). For instance, response A-2 refers to the second enumerated comment on the California Department of Transportation's letter.

Corrections to the Draft IS/MND necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft IS/MND, are included in the responses. Underlined text represents language that has been added to the Draft IS/MND; text with ~~strikeout~~ has been deleted from the Draft IS/MND.

**Letter A: State of California, Department of Transportation
September 28, 2009**

Response A-1: This introductory comment is noted. The Draft IS/MND identifies appropriate mitigation for each impact identified. As both the Lead Agency and project proponent, the City of Albany will be required to implement and monitor completion of the recommended mitigations. Payment of traffic mitigation fees is not required.

Response A-2: The City will apply for an encroachment permit for work conducted within the State Right of Way, as needed. This comment does not address the adequacy of the Draft IS/MND and no further response is required.

Response A-3: As stated on page 8 of the Draft IS/MND, the City of Albany would secure an easement from Caltrans prior to development of Segment II of the proposed pathway.

Response A-4: In response to this comment, Mitigated Measure AES-1 is modified as follows:

Mitigation Measure AES-1: The City shall develop a lighting plan for the proposed project that demonstrates that the project's light and glare impacts on adjacent freeway and residential uses are less than significant. The City shall finalize and approve the lighting plan prior to approving final construction drawings for the project.

Response A-5: Please refer to Response to Comment A-2.

**Letter B: East Bay Municipal Utility District
September 23, 2009**

Response B-1: This comment is noted. The City would coordinate with the East Bay Municipal Utility District prior to and during construction of the proposed project to ensure that the existing pipeline system would not be adversely affected by construction activities.

Response B-2: This comment is noted. As noted on page 59 of the Draft IS/MND, existing water entitlements would be sufficient to supply water for landscape irrigation.

**Letter C: Sol Strand
September 28, 2009**

Response C-1: As stated on page 56 of the Draft IS/MND, although the proposed project would narrow Pierce Street travel lanes to 12 feet in each direction, this conforms to the City's standard lane width. The Draft IS/MND does not identify any impacts associated with the narrowed lanes on Pierce Street. Rather, the Draft IS/MND concludes that overall vehicle and pedestrian safety and site distance would be improved with the proposed project.

Response C-2: This comment addresses the merits of the proposed project and suggests alternative design options. This comment does not address the adequacy of the Draft IS/MND and no further response is required.

Response C-3: This comment, which partially addresses the merits of the proposed project, is noted. Existing sidewalks in the area, particularly along the east side of Pierce Street, provide a continuous pedestrian connection between the planned configuration of the Cerrito Creek Trail and the existing Buchanan Street overcrossing, which provides access to the Bay Trail. As noted on page 56 of the Draft IS/MND, the interim terminus of the Class I facility (prior to completion of Segment II) would not pose a safety hazard to pedestrians, cyclists, or motorists using Segment I of the pathway.

Response C-4: As stated on page 52 of the Draft IS/MND, development of the project would increase connections between existing recreational facilities and parks in the vicinity of the site. While access to these facilities would be improved, it is not anticipated that usage of these facilities would increase such that physical deterioration or overuse of existing parks and recreational facilities would occur.

**Letter D: Traffic and Safety Commission Hearing Comments
September 24, 2009**

Response D-1: Mitigation Measure AES-1 (refer to page 17 of the Draft IS/MND) requires that the City develop a lighting plan for the proposed project that demonstrates that the project's light and glare impacts on adjacent residential uses would be less than significant.

Response D-2: The California Natural Diversity Database lists two monarch occurrences: one in the 1990s on the east side of Albany Hill and the other from 1910 to 1940 on the west side of the hill. The habitat on the west side of the hill has been largely altered and probably no longer supports roosting monarchs. The monarch butterfly prefers roost sites in groves of trees that are sheltered from the wind. Trees affected by the project are situated in relatively narrow strips and are highly exposed to the wind. Therefore, the narrow strips of acacia and eucalyptus trees along Pierce Street likely do not provide enough shelter for roosting monarch butterflies. Monarchs may pass through the site during migration, but are not expected to roost in any of the trees for more than a day or two. Therefore, tree removal and/or trimming within the project site, particularly at the corner of Albany Hill, would not adversely affect monarch butterflies or their habitat.

DEPARTMENT OF TRANSPORTATION

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*Flex your power!
Be energy efficient!*

September 28, 2009

ALA080153
ALA-80-7.5
SCH#2009082076

Ms. Ann Chaney
Community Development Department
City of Albany
979 San Pablo Avenue
Albany, CA 94706

Dear Ms. Chaney:

Pierce Street Pavement Rehabilitation and Bicycle/Pedestrian Path Project – Mitigated Negative Declaration

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Pierce Street Pavement Rehabilitation and Bicycle/Pedestrian Path Project. The following comments are based on the Mitigated Negative Declaration. As lead agency, the City of Albany is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the project involves work in the State's right of way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's California Environmental Quality Act (CEQA) concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

1

2

Right of Way

The City of Albany will need to acquire the required property rights from the Department prior to the initiation of construction.

3

Lighting Plans

The lighting plans will need to be reviewed as to potential impact on the adjacent freeway.

4

Ms. Ann Chaney/City of Albany
September 28, 2009
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Encroachment Permit

Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,



LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

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CITY OF ALBANY

SEP 25 2009
COMMUNITY DEVELOPMENT
DEPARTMENT

September 23, 2009

Ann Chaney, Director
City of Albany
Community Development Department
979 San Pablo Avenue
Albany, CA 94706

Re: Notice of Availability of the Draft Initial Study / Mitigated Negative Declaration – Pierce Street Pavement Rehabilitation and Bicycle and Pedestrian Path Project, Albany

Dear Ms. Chaney

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration for the Pierce Street Pavement Rehabilitation and Bicycle and Pedestrian Path Project in the City of Albany. EBMUD has the following comments.

GENERAL

EBMUD owns and operates distribution pipelines in Pierce Street, Washington Avenue, and Cleveland Avenue that provide continuous service to EBMUD customers in the area. The integrity of these pipelines needs to be maintained at all times. EBMUD also owns and operates a 30-inch wastewater pipeline (North Interceptor) in Cleveland Avenue. Any proposed construction activity in these streets should be coordinated with EBMUD to ensure there are no impacts to EBMUD’s pipelines during the construction of the proposed project.

|

1

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. The project sponsor shall comply with Assembly Bill 325, Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD’s Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor’s expense.

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Ann Chaney, Director
September 23, 2009
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If you have any questions concerning this response, please contact David J. Rehnstrom,
Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:ELE:sb
sb09_205.doc

From: Sol Strand [mailto:s_strand@sbcglobal.net]
Sent: Monday, September 28, 2009 12:11 PM
To: Ann Chaney
Cc: s_strand@sbcglobal.net
Subject: RE: Bicycle / Pedestrian Path Project (Negative Declaration)

Ann Chaney,

The Class 1 path on Pierce street will shift traffic lanes towards the 825 homes of high density housing, all on the East side of the street, all on the 500 block of Pierce. Successful mitigation is very uncertain for slowing traffic and maintaining adequate line of sight for safe, left turns from garage exits.

1

The strip of land between a temporary slate fence and the freeway guard rail must be utilized for part of the width of the proposed Bicycle / Pedestrian Path. Extend the existing sound wall to the South, while maintaining the same distance from the freeway guard rail. All that is required is for Caltrans and Albany to both grant exclusive land easements for the use of the proposed path. Who cares about where the right-of-way boundary runs. The goal should be to minimize the angle and distance the traffic lanes shift to the East, until traffic is past the two garage exits used by residents of 487 Gateview homes (550 parking spaces).

2

The above solution would transition nicely to Phase 2. The former Pierce street freeway exit has been a proposed park since the 1980's (again Caltrans and Albany can not resolve issues). The Pedestrian Path, part of the proposal, is worthless unless there is a walking destination such as the long proposed park where the freeway exit used to be. The narrow entrance(by Gateview) to the proposed Park, gradually widens and would provide the only high-ground with a view of the Bay and Golden Gate Bridge. The small hill South of Gateview provides the only views as most of the 4 acres are on low ground and look directly into freeway ramps. There is no pedestrian connectivity between existing trails; the Bay trail is a full mile from the South end of the Class 1 path and at the North end connects to the Cerrito Creek trail which is in a state of disrepair (dug up for gas lines, July 2009).

3

I do not understand the Negative Declaration stating that there would be no burden on parks by the proposed path. The area is under served (no parks) and the goal should be to dramatically increase park usage. A Pedestrian path has no purpose unless it is specifically designed to provide safe access to destinations like parks (within walking distance). What is merely nice to have for a bicyclist, really is a necessity for a Pedestrian.

4

Sol Strand
555 Pierce street #522
Albany, CA 94706

**6-1 Pierce Street Rehabilitation and Bicycle/Pedestrian Path
Environmental Document—Presentation by LSA and Associates**

Chaney introduced the item and said that no decision was expected at this meeting. Theresa Bravo of LSA and Associates, the firm that is conducting the environmental work said that the purpose of the meeting was to receive oral and written comments. Bravo explained what a Mitigated Negative Declaration was conducted because it was determined that the project was not going to have a significant impact on the environment and that all the impacts could be mitigated at less than significant level. She mentioned that LSA would provide written responses to any written comments, including those comments that would be received at this meeting. Topics for which known environmental impacts were identified include parking, traffic safety hazard and noise.

Parking: The project reduces parking on the west side of the 500 block of Pierce Street by a total of three diagonal parking spaces. Because these parking spaces are not designated to any residential development in particular, their removal is not considered to have a significant environmental impact.

Traffic safety hazard: The project would not increase safety hazards. On the contrary, the introduction of raised crosswalks and reduced travel lanes would encourage the reduction of traffic speeds.

Noise: The initial study did not identify any noise impacts resulting from the project.

She continued with the environmental process schedule stating that according to CEQA guidelines, a 30-day comment period is mandated, which would end on Monday, September 28. She encouraged members of the public who wished to comment to do so by writing to the City of Albany attention to Ann Chaney or Aleida Andrino-Chavez. Comments received and responses to the comments would be published as part of the final Initial Study Mitigated Negative Declaration (ISMND).

The final ISMND would be brought to the commission for consideration on October 22, when a recommendation to the Council would be expected. The City Council is scheduled to consider this item at its November 2nd meeting. Bravo concluded her report.

Anderson asked if there were clarifying questions from the Commission. Being none he opened the discussion to the public.

Bob Uhrhammer resident of the 700 block of Pierce Street said that he was concerned about light pollution in the sense that the path illumination would pollute the vision of the drivers on the freeway. He asked if there had been consideration to implement lighting that is not visible above the horizontal to avoid light pollution.

Mazur said that looking at the list of trees, it seemed as if they were planted with a plan in mind. Occasionally there is a native tree like the Coastal Oak and the Sequoia, which would grow relatively fast. One of them has a diameter of 2 inches. In that stretch there are 75 trees including eucalyptus and almost none of them is a native species. She wondered if those trees could be replaced elsewhere if they were to be removed. She is also concerned about light pollution, but because the freeway is elevated, she did not think that the bicyclists would get any glare from the freeway. She suggested that the lights be kept low to the ground and not very bright because the brighter the light the more it encourages crime due to more contrast between bright light and darker shadows.

Anderson said that he was concerned about this project because if the park were not going to materialize, it would be difficult to implement the path. Mazur said that it was not impossible for the path to continue along Pierce up to Calhoun Street and then to Cleveland St.

Chaney said that currently, Pierce Street is a Class III bike path, which is a “Share the Road” facility. In 2004, Alta Planning Consulting recommended that one way to close the gap between Ohlone Greenway and the Bay Trail was to implement a Class I bike facility along the west side of the 500 block of Pierce Street and through the Caltrans property and along Cleveland Avenue. Caltrans in turn, said it was fine to explore the possibility of the bike path through its property, but to align it to the west of the parcel of land as much as possible. Anderson said that he remembered when the relocation of the ramp project came about, Caltrans agreed to give the surplus land to the City in order to develop a park. Chaney said that when the issue was discussed with the Right of Way Department staff at Caltrans, the focus of the discussions changed to developing the land and selling it at market value. The City is still in conversation with Caltrans, and while they have not opposed the idea of the bike path, they have not committed to anything yet.

Mazur commended the work of the consultants in regard to their ability to preserve most of the parking along the 500 block of Pierce by only eliminating 3 parking spaces. She also asked about the improvements to the access ramps at 555 Pierce Street and whether the City would be working on private property. Chaney said the according to the City Engineer, the City had a slope easement in that area. David Clore of LSA said that the project involved trimming down some trees and shrubbery because they block visibility.

Mazur asked if the removal of the trees would impact the insulation that the butterflies on Albany Hill get from the wind and noise.

To close the discussion, Chaney added that the Parks and Recreation Commission would be looking at the impacts on the trees located along the segment of Cleveland Avenue. Chaney asked the Commission to be prepared to make a recommendation at the next meeting.