

# Section 2

## Introduction

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### 2.1 PURPOSE OF THIS ENVIRONMENTAL IMPACT REPORT

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This Draft Environmental Impact Report (EIR) for the Aquatic Park Improvement Program (APIP) has been prepared by the City of Berkeley (City) Department of Parks, Recreation, and Waterfront, which is the lead agency for the Preferred Project, in conformance with the provisions of the California Environmental Quality Act (CEQA) Guidelines, as amended.<sup>1</sup> The lead agency is the public agency that has the principal responsibility for carrying out or approving a project.

This Draft EIR assesses potentially significant impacts that could result from the Preferred Project. As defined in the CEQA Guidelines Section 15382, a “significant effect on the environment” is:

... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

As stated in the CEQA Guidelines, an EIR is an “informational document” intended to inform public agency decision-makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The Berkeley City Council will consider this Draft EIR in reviewing the Preferred Project and making the final decision to certify the Final EIR (responses to comments) and to approve or deny the Preferred Project.

The City must consider the information in the Draft and Final EIR and, particularly, each significant impact resulting from the Preferred Project. The City will use the EIR, along with other information in the public record, to determine whether to approve, modify, or disapprove the Preferred Project, and to specify any applicable environmental conditions or mitigation measures as part of the Preferred Project approvals. The purpose of this Draft EIR is to provide the City, responsible and trustee agencies, other public agencies, and the public with detailed information about the environmental effects of implementing the Preferred Project, to examine and institute methods of mitigating any adverse environmental impacts should the Preferred Project be approved, and to consider feasible alternatives to the Preferred Project.

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<sup>1</sup> California Governor's Office of Planning Research. *CEQA, California Environmental Quality Act, Statutes and Guidelines*, Guidelines as amended January 1, 2012.

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## 2.2 EIR PROCESS

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### Notice of Preparation

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The Notice of Preparation (NOP) was initially released for the Preferred Project on June 24, 2009, for a 35-day public review period. A public scoping meeting was held on July 9, 2009, by the lead agency. The NOP noted that the Preferred Project may have a significant effect on the environment and that an EIR would be prepared for the Preferred Project.

The NOP was then recirculated on October 19, 2011, in order to solicit additional comments that may have arisen since circulation of the initial NOP. The second NOP was released for a 33-day public review period. During the second public review period, two public scoping meetings were held to solicit comments on the scope of the Draft EIR. The first meeting was held on October 24, 2011, before the Parks and Recreation Commission (P&RC), and the second public meeting was held on November 16, 2011. Copies of the initial and recirculated NOP are provided in Appendix A of this Draft EIR.

Both the original and recirculated NOP were posted on the City's website and sent to individuals, local interest groups, adjacent property owners, and responsible and trustee State and local agencies having jurisdiction or interest over environmental resources and/or conditions in the vicinity of the project site. The purpose of the NOP was to allow various private and public entities to transmit their concerns and comments on the scope and content of the Draft EIR, focusing on specific information related to each individual's or group's interest or agency's statutory responsibility early in the environmental review process.

In response to the NOP (original and recirculated), letters were received from the following agencies:

- San Francisco Bay Regional Water Quality Control Board
- California Department of Transportation
- Department of Parks and Recreation – Diablo Vista District
- East Bay Regional Park District
- Association of Bay Area Governments – Bay Trail Project

In addition, six letters were received from individuals and organizations, and nine members of the public made oral comments at the Draft EIR scoping meeting held on July 19, 2009. Twelve letters were received from individuals and organizations were received in response to the recirculated NOP, and a total of 15 members of the public made oral comments at the scoping meetings held on October 24, 2011, and November 16, 2011. Copies of these NOP comment letters are included in Appendix A of this Draft EIR.

## **Scope of Draft EIR**

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The NOP indicated that the following environmental topics would be addressed in detail in the Draft EIR:

- Biological Resources
- Hydrology and Water Quality

The Preferred Project would not result in significant environmental impacts on aesthetics, agriculture and forest resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, mineral resources, noise, population and housing, public services, transportation, and utilities and service systems. A detailed analysis of these topics is, therefore, not included in the Draft EIR; however, these topics are briefly discussed in Section 6, Other CEQA Considerations, under the heading “Impacts Found to Be Less Than Significant.”

## **Draft EIR and Public Review**

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This Draft EIR provides an analysis of physical impacts anticipated to result from the Preferred Project. Where significant impacts are identified, the Draft EIR recommends feasible mitigation measures to reduce or eliminate the significant impacts and identifies which significant impacts are unavoidable. Alternatives to the Preferred Project are also presented (Section 5). This environmental document is considered a draft under CEQA because it must be reviewed and commented upon by public agencies, organizations, and individuals before being finalized.

This Draft EIR is being distributed for a minimum of a 45-day public review and comment period, beginning November 8, 2012, and ending December 28, 2012. Readers are invited to submit written comments on the document (e.g., does this Draft EIR identify and analyze the possible environmental impacts and recommend appropriate mitigation measures? Does it consider and evaluate a reasonable range of alternatives?). Comments are most helpful when they suggest specific alternatives or measures that would better mitigate significant environmental effects. Written comments should be submitted by December 28, 2012, to:

City of Berkeley  
Department of Parks Recreation and Waterfront  
Attention: Deborah Chernin  
1947 Center Street, First Floor  
Berkeley, CA 94704  
DChernin@CityofBerkeley.info

The P&RC will hold two public hearings to take oral comments on the Draft EIR: Monday, December 3, 2012, at its regular meeting at 7:30 p.m. at Frances Albrier Center at San Pablo Park, 2800 Park Street, Berkeley, California; and Wednesday, December 12, 2012, from 7:00 p.m. to 8:30 p.m. at James Kenney Community Center (Community Room, 2nd Floor), 1720 Eighth Street, Berkeley, California. Hearing notices will be mailed to responsible agencies and interested individuals.

## **Final EIR and Project Approval**

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Following the close of the public review period, the City will prepare responses to all relevant comments that relate to potential physical changes to the environment as a result of implementing the Preferred Project. The Draft EIR, along with the responses to the comments on relevant environmental issues received during the review period, will comprise the Final EIR and will be considered by the City Council in making the decision to certify the Final EIR and to approve or deny the Preferred Project.

Certification of the Final EIR by the City Council as complete and adequate in conformance with CEQA does not grant any land use approvals or entitlements for the Preferred Project. The merits of the Preferred Project will be considered by the City Council in tandem with review of the Final EIR. The CEQA Guidelines require that, for one or more significant unavoidable impacts that cannot be substantially mitigated, the lead agency must prepare a Statement of Overriding Considerations in which the lead agency balances the social, economic, technological, and legal benefits of approving a project against the significant and unavoidable environmental impacts which would result from project implementation. This Statement of Overriding Considerations must be approved by the City Council in order for the Preferred Project to be approved.

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### **2.3 USE OF THIS REPORT**

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An EIR is an informational document whose purpose is to make the public and decision-makers aware of the environmental consequences of a project. The surrounding residents and businesses and any other interested individual may review the EIR to evaluate the Preferred Project's effects on baseline conditions, especially water quality, stormwater management, and aquatic habitat, and the proposed mitigation measures to reduce potential environmental consequences. As noted above, the City must consider the information in the Draft and Final EIR and, particularly, each significant impact resulting from the Preferred Project. The City will use the EIR, along with other information in the public record, to determine whether to approve, modify, or disapprove the Preferred Project, and to specify any applicable environmental conditions or mitigation measures as part of the Preferred Project approvals.

Various City departments will also review this EIR to understand the Preferred Project's service demands, permit requirements, and mitigation obligations. For example, the City's Public Works Department will review the project's effect on the City's storm drain system. Section 3.7 of this EIR lists permits that would be needed to implement the Preferred Project.

Other public agencies besides the lead agency also have discretionary approval over the project. These agencies, known as "responsible agencies," will also review the EIR and may comment during the public review period. A list of these agencies is provided in Section 3.8 of this EIR under the heading "Responsible Agencies".

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## 2.4 REPORT ORGANIZATION

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This Draft EIR is organized into the following sections:

- *Section 1 – Summary:* Provides a summary of the Preferred Project and of the impacts that would result from its implementation, describes mitigation measures recommended to reduce or avoid significant impacts, and identifies alternatives to the Preferred Project.
- *Section 2 – Introduction:* Discusses the overall Draft EIR purpose, provides a summary of the Preferred Project and the Draft EIR scope, and summarizes the organization of the Draft EIR.
- *Section 3 – Project Description:* Provides a description of the project site, site development, project objectives, required approval process, and details of the Preferred Project itself.
- *Section 4 – Environmental Analysis:* Describes the existing conditions (setting), environmental impact assessment, and mitigation measures for each environmental technical topic.
- *Section 5 – Alternatives:* Provides an evaluation of two alternatives to the Preferred Project in addition to the No Project alternative.
- *Section 6 – Other CEQA Considerations:* Provides additional specifically-required analyses of the Preferred Project’s effects, significant irreversible changes, cumulative impacts, and effects not found to be significant.
- *Section 7 – List of Preparers:* Provides a list of all individuals and agencies responsible for preparation of the EIR.
- *Section 8 – References:* Provides a list of references cited in the EIR.

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