ENVIRONMENTAL INITIAL STUDY FOR THE GILMAN STREET PLAYING FIELDS

CITY OF BERKELEY
PARKS RECREATION AND WATERFRONT DEPARTMENT

July 20, 2005

COMMENTS AND RESPONSES
I. INTRODUCTION

The City of Berkeley circulated the Initial Study and Proposed Negative Declaration on the Gilman Street Playing Fields project for review and comment to all responsible agencies, trustee agencies and the public between June 12, 2005 and July 13, 2005. Review by state agencies was coordinated by the State Clearinghouse, while the review by local agencies and the public review was conducted by the City’s Planning Department. The Initial Study was made available for reading or downloading on the City’s web site.

Three public meetings were held during the review period, during which members of the public were provided with the opportunity to address City decision makers on the project and the Initial Study. These meetings were a joint study session by the Planning Commission and Parks and Recreation on June 22, a Parks and Recreation Commission meeting on June 27 and Planning Commission meeting on July 13, 2005.

II. LETTERS OF COMMENT

Eight letters of comment were received during the public review period. They were from following organizations, agencies and individuals.

1. Association of Sports Field Users
2. Phillip Price, Parks and Recreation Commissioner (e-mail)
3. Department of Fish and Game
4. Norman LaForce, Sierra Club
5. Alameda County Congestion Management Agency
6. Larry Tong, East Bay Regional Park District
7. State Clearinghouse
8. LA Wood
9. State Department of Parks and Recreation

All of these letters are reproduced in the following pages. Comments on the Initial Study are noted in the margins of the letters, which are on the left hand pages, while responses to the relevant comments are found on the right hand pages.
III. RESULTS OF THE PUBLIC REVIEW

Although CEQA does not require agencies to respond to comments received on Initial Studies and proposed Negative Declarations, responses to all written comments are presented in this document.

CEQA requires that the Lead Agency review comments received on Initial Studies to determine whether or not the proposed mitigation measures are adequate, and whether or not the Initial Study’s determination should be modified as a result of the comments.

The preliminary CEQA determination for the Gilman Street Playing Fields project is:

“. . . that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.”

Based on a review of the written comments, and the various comments received at the public commission meetings on the project, the City is not proposing to change the basic CEQA determination --- A Mitigated Negative Declaration will be presented to the Planning Commission and City Council for adoption in conjunction with approval of the required Waterfront Specific Plan amendments, Zoning Ordinance amendments and General Plan amendments.

However, one important modification to the Mitigation Measures is proposed as a result of public comments. A new Supplemental Mitigation Measure (BIO-1A) is being added in order to affirm recent developments regarding the mitigation of potential burrowing owl impacts. The new mitigation measure can be found in Response 13.
IV. LETTERS OF COMMENT AND RESPONSES

In the following pages the letters of comment are reproduced on the left hand side and the corresponding responses are found on the right hand side. Some pages have been intentionally left blank in order to permit each letter and its corresponding responses to begin on facing pages.
June 16, 2005

Roger Miller
City of Berkeley
2180 Milvia
Berkeley, CA
94704

RE: ASFU Response to Gilman Street EIS

Roger,

EIS Comments as follows:

1. There are regular references the to artificial fields as "soccer fields" and other fields referred to as suitable for "soccer" games. The artificial fields are not sport specific soccer fields, rather they are rectangular multipurpose playing fields, suitable for soccer, rugby, lacrosse, Frisbee, football, etc. The grass fields, when not being used by baseball or softball are again not "soccer" fields.

2. P. 15 end of second paragraph. It is stated that the plans call for connecting to existing storm water drains but in meetings and elsewhere it was stated that the existing drains are at capacity and the fields will need to have an alternative drain system. You can't have it both ways. This theme is repeated throughout the document.

3. P. 15 last paragraph. We don't know how many yards of cut and fill will be required. As it is worded, it is very misleading from what we currently know about the site.

4. P. 17 Field Surfaces. This entire section looks like an advertisement for Field Turf, a proprietary brand. I don't think Manuel will look at this very favorably. We have not made this choice. Saying in a public document that we are using Field Turf makes it much more difficult to have Field Turf respond in a competitive fashion, thus increasing costs to the project. This section should be reworded to be more generic and all EIS's in distribution should be recalled and reworded.

5. P. 17 fourth paragraph. Watering of fields is not limited to March-October. Fields are watered on an as needed basis.

6. P. 18 first paragraph. Average illumination levels of 15-20 foot candles is incorrect. The correct number is 25-30 with baseball/softball diamonds receiving 50-foot candles.

7. P. 18 last paragraph. We are not building a 20' wide fire lane/emergency access and maintenance road. Nor are we allowing an additional 6' on the synthetic turf for emergency vehicles. Nor is it clear that this road will be gated.
Response 1:
The Initial Study evaluates the Preliminary Plan and supporting drawings and documents developed by Dillingham Associates for the City of Berkeley. The Preliminary Plan specifically labels these fields as Soccer Fields, and they are dimensioned as soccer fields. The environmental analysis would not have to change if the fields are used for other sports in addition to soccer. It is a management, not an environmental, issue.

Response 2:
Prior to consulting with the City of Berkeley Public Works staff, the Preliminary Plans called for connecting to the Gilman Street storm sewer. Mitigation Measure Hydro-2 changes that aspect of the Plan, based on current information about the Gilman Street Storm Drain being at capacity.

Response 3:
The cut and fill volumes were calculated as part of the Preliminary Plan preparation work. They will be refined during Final Design, and if Alternative Mitigations HAZ-1 and HAZ-2 are selected, the amount of fill would increase by 40,000 cubic yards or more. However, since sources of fill are nearby and the site has direct freeway access for trucks, the importation of large amounts of additional fill would not result in additional traffic impacts. The mitigation measures for dust suppression and erosion control would remain applicable.

Response 4:
The Preliminary Plan calls for Field Turf™ presumably because of the material’s quality and performance characteristics, which are protected, at least in part, by patents. Use of substitute product would not be expected to result in new or different environmental impacts. The Initial Study does not modify the City’s standard procurement policies, which favor competitive bidding.

Response 5:
Comment noted. In this climate, the majority of irrigation on fields is done between March and ends in October, as needed. During the rainy season, (November through February), irrigation is usually not required, but can occur as needed.

Response 6:
The Photometric diagrams supplied by MUSCO show average illumination as described.

Response 7:
The dimensions for the access road, as described in the Initial Study, was taken from the Preliminary Plan drawings and originated from a request from the Berkeley Fire Department.
8. P. 19 paragraph four. Fencing heights are materials are incorrect. A 12’ tall fence along Frontage Road will have quite a few more balls hitting the front windshields of cars driving down Frontage Road than a 20’ fence. Is this what has been decided? We are not committing to portable outfield fences. The 20’ high fence behind the goals will be a mix of chain link and netting.

9. P. 21. The project phasing for the EIS is different than the project phasing for the project as has been discussed in many meetings.

10. P. 59 AIR-2. While the place may be somewhat windy I would not make the planting of trees or a windscreen part of an environmental document. No one has asked field users if this is a problem, so in the best of all worlds this is someone’s perception of what might be somebody else’s problem. If windscreens or trees are desired, we will address this issue in the design of the project.

11. P. 63 paragraph 2 and 5. While ground squirrel burrows may provide potential nesting sites, there have been no burrowing owls sighted during mating season. In 2004 and 2005 observers were sent to the site to survey for burrowing owls and none were found. The EIS proposes additional studies be conducted through 2007 to see if there are burrowing owls in burrows. It bases this requirement on Dept of Fish and Game Regulations, which refer to sightings in burrows and as far as I have been able to determine, say nothing about a four-year observation period. This mitigation will cost the project $150,000 in construction related delays and seems to have no factual reference. If there is a specific factual reference citing the number of observation years required (I could find none in the protocols established by the Burrowing Owl Consortium) and the basis for requiring these specific years, it should be provided. If there is no specific requirement for the number of observation years or that observation is specifically required, this mitigation should be revisied.

12. P. 78 e. create or contribute runoff. The Gilman area has experienced flooding during times of heavy rainfall for as long as I have been involved in this area (12 years). Historically a rather large part of this flooding problem came from Codornices Creek, two blocks north of the Gilman storm drain. The creek regularly overflowed its banks and sent significant floodwater toward Gilman along the railroad tracks. Much of this water entered the storm drains in the area. In fall of 2004, the creek channel was altered and the culverts under the Santa Fe right of way significantly expanded. The result of this was that in the winter rains of 2004 the creek never even left its new channel and the waters exited the area through the expanded culvert and headed out to the San Francisco Bay. Without question, this flood control project should have significantly lessened the amount of water entering the Gilman Street Storm Drain. The mitigation called for here is based on a personal communication from Daniel Akagi, COB. Did Mr. Akagi’s assessment take into consideration the significant reduction in storm water as a result of the recently completed flood control project? If not this mitigation should be reassessed.

Sincerely,

Douglas Fielding
Chairperson

Cc:  L. Caronna
     M. Seleznow
This dimension will be reviewed during the final design. Changing it would not introduce any new environmental impacts to the project.

**Response 8:**
The fencing plans described are from the Preliminary Plan. The dimensions of the fences will be reviewed during final design. Changing them is not likely to result in any environmental impacts.

**Response 9:**
The Project Phasing Plan in the Initial Study was developed by the City of Berkeley, Parks, Recreation and Waterfront Department, which is the Project Sponsor and CEQA Lead Agency. The City can initiate work on Phase II whenever funding and resources are available. However, it must be noted that construction activity could not proceed at he southwest corner of the property in the vicinity of the burrowing owl sighting until the BIO-1 mitigation conditions have been met.

**Response 10:**
The project site is very exposed and very windy. Meteorological data confirms the personal experience of the environmental consultants from field work undertaken in the course of this study.

**Response 11:**
The Department of Fish and Game’s Staff Report on Burrowing Owl Mitigation (October 17, 1995) states, on page 2,

“A site should be assumed occupied if at least one burrowing owl has been observed occupying a burrow there within the last three years.”

Based on this, the Initial Study assumes that the burrowing owl should be presumed present through 2007 because it was seen on the site in 2004. Please note that the surveys could be terminated if Supplemental Measure BIO-1A is implemented.

**Response 12:**
Yes. The engineering study used by the City of Berkeley Public Works engineers took into account a fully functioning drainage system at Codornices Creek. Despite this, the Gilman Street Storm Drain is still calculated to be at capacity and hence a new storm drain system for the Gilman Street site will be needed.
Note:

The following is an e-mail from Phillip Price, a member of the Parks and Recreation Commission to Marc Seleznov, Director of Parks, Recreation and Waterfront on June 28, 2005.

The headers and introductory personal comments have been deleted.

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Yesterday I joined my fellow Parks & Recreation Commissioners in recommending approval of the necessary changes to City ordinances and planning documents in order to proceed with the Gilman Street athletic fields, and also recommending that the proposed mitigated negative declaration should be accepted. I would very much like to see this project proceed and be successful, and this was true of everyone else who has commented on the project, including City staff, field users, and environmental groups. We all want this project to go forward.

Unfortunately, I am afraid that the universal desire to proceed, along with some time pressure for the project, has led to a CEQA process that is not ideal. I think that in two specific areas, discussed below, the mitigated negative declaration document ("the document") is borderline in its acceptability. Hopefully any flaws in the document will never be important because nobody is likely to object, but I still think it is highly desirable to fix the problems, to the extent that that is possible before the Planning Commission makes its recommendation in early July.

The two areas in which I think the document is borderline are: (1) discussion of burrowing owl mitigations that may be required, and (2) discussion of traffic impacts and the mitigations that may be required. These are discussed in detail, below.
1. Burrowing Owl

   The document acknowledges that a burrowing owl has been present on the site as recently as spring 2004, and that the Burrowing Owl is a species of concern whose disruption might require mitigation. The only "mitigation" discussed in detail in the document is a monitoring program to see whether owls are present over the next few years, and a promise to work out further mitigations with the Department of Fish and Game, if owls do return.

   Superficially, this promise seems no different from the promise to perform whatever work is necessary to control site runoff, ensure that buildings are sufficiently safe in an earthquake, etc. However, this superficial impression is false: it is virtually certain that modifications to control runoff and ensure earthquake safety will not require major and expensive modifications to the plan, but this cannot be said about mitigations for the owl.

   As presented at the Parks & Rec Commission meeting on June 27, if owls are present DPG might plausibly require any of several mitigations, including (but not limited to):
   - relocate owls to another location
   - provide new replacement owl habitat
   - in an extreme case, indefinitely delay Phase II of the project

   The first two of these mitigation measures are problematic from the standpoint of the CEQA process, because the City of Berkeley does not control any suitable location for creating new owl habitat or for relocating the owls. However, we heard at the Commission meeting that the Eastshore State Park has expressed willingness to provide mitigation habitat if required. I understand that this commitment is not legally binding, but it is nonetheless important. I suggest including a memo or letter from the State Park in the CEQA documentation, that states a willingness in principle to provide Burrowing Owl habitat (perhaps in return for some modest compensation to be worked out later, such as payment for nesting boxes, or for annual mowing, or some similarly logical contribution). I don't know the extent to which this affects the interpretation of the 'letter of the law," since the City has no direct control over the availability of this option, but I also don't see how it can be bad, and it does address the spirit of the law, which is to give decision-makers adequate information about what mitigations might be required and what possibilities exist for providing them.

   I also think that the third item above --- indefinite delay of Phase II --- should be explicitly mentioned. It is a sort of "nuclear option" that would be catastrophic to all interests involved (except, perhaps, the Burrowing Owls that would trigger it), but I see no advantage to trying to hide this remote possibility. I think it should be mentioned as a worst case.

   It seems clear that if mitigations are required by DPG, they will not be so burdensome as to prevent proceeding with the project, so I have no objection to trying to finesse the questions of who-can-promise-what-to-whom. But the failure to discuss reasonably foreseeable Burrowing Owl mitigations at all is a flaw in the document. Fortunately the document does not have to be perfect, it only has to be adequate. I hope it is there already, but I strongly encourage adding some explicit discussion of owl mitigations to make sure we are safely on the "adequate" side, not in "arguably adequate" territory.

II. Traffic

   The document assumes about 90 car trips during the peak period. As another Parks & Rec commissioner pointed out at the meeting on June 27, this seems very low. If all 5 fields are going to be used, that's 10 teams; with an average of 15 players-coaches-refs per team, that's 150 people. Even if some people carpool and some arrive by bike, it's hard to see how this could correspond to fewer than 100 cars arriving at the site, which, combined with 100 people leaving from the previous set of
Response 13:
The Department of Fish and Game is the Trustee Agency over wildlife in California. While not a listed Endangered Species, the burrowing owl is a Species of Concern and receives special attention from the Department of Fish and Game, which uses an internal Staff Report on Burrowing Owl Mitigation (1995) containing a full range of data and decision protocols for mitigating potential impacts on the species. Since a burrowing owl was observed on the site (near the southwest corner) in March 2004, the Initial Study has assumed the species is present. The protocols call for a series of surveys to determine the number of owls present and the nature of their presence (nesting, foraging, etc.). The first protocol survey for this project was conducted during the 2004 nesting season (June-July), and no owls were seen, nor was there evidence of nests as defined by the protocols.

However, Fish and Game’s Staff Report on Burrowing Owl Mitigation indicates that the site should be assumed occupied for three years if at least one burrowing owl has been observed occupying a burrow within the last three years. Although the Staff Report is neither law, regulation or official guidance, the Initial Study preparers believe that it is the best available opinion, and have concluded that the owl should be presumed present through 2007, and that the only way for the City to rebut this presumption is to conduct protocol level surveys for burrowing owls and occupied burrows in 2005, 2006 and 2007. If the protocol surveys are negative (i. e. no burrowing owls) then the City can safely assume that the species is not present on the site, and the project will not impact the species.

If burrowing owls are found to be occupying the site, then the project will have a potential impact on the species, and avoidance or mitigation to reduce impacts will be required under CEQA. The Staff Report suggests that mitigation measures be formalized in a Memorandum of Understanding between Fish and Game and the Project Sponsor. The Mitigation BIO-1 in the IS, calls for a three party mitigation plan (if owls are present when work on Phase II of the project is ready to begin) involving the City, Fish and Game and the California Department of Parks and Recreation, which owns the lands of Eastshore State Park.

The Staff Report states that Fish and Game has a preference for avoiding impacts to the owl, and that this can best be done by having a minimum of 6.5 acres of permanently protected land (per pair of birds) adjacent to burrowing owl habitat or at a location acceptable to the DF&G. If burrows must be destroyed, new burrows should be created at a ratio of 2:1 on the protected lands site.

The mentor is correct in stating that if the presumption of burrowing owl presence holds, (i.e. if owls are observed at burrows on site in 2005, 2006 or 2007) then expensive mitigation and/or modifications to the plan could be required for habitat protection. Recognizing this, the
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non-governmental project proponents (ASFU, Sierra Club, CESP and Audubon Society) have initiated a major independent effort to develop a preliminary agreement on burrowing owl mitigation. The consensus of this coalition is that a mitigation site of greater than 6.5 acres should be established on the Albany Plateau Area of Eastshore State Park. This area is now designated for playing fields – a designation that is slated to change to Conservation/Recreation if the playing fields are developed at the Gilman Street site as proposed. The burrowing owl habitat could be part of the “conservation” area anticipated for the Plateau.

Recognizing this, the following supplemental mitigation measure is hereby added to the Initial Study:

**Supplemental Mitigation BIO-1A:** The City could immediately initiate the preparation of a Memorandum of Understanding for burrowing owl mitigation with the Department of Fish and Game, California Department of Parks and Recreation and East Bay Regional Park District to formalize the institutional commitments necessary to permanently protect burrowing owl habitat on the Albany Plateau area of Eastshore State Park, or other approved mitigation site adopted by the MOU signatories. Upon adoption of the MOU, the protocol surveys called for in Mitigation BIO-1 could be terminated, and construction of Phase II of the project could be commenced prior to 2008.

This mitigation measure is labeled “Supplemental” because it is not intended to supersede or replace Mitigation BIO-1. The on-going protocol surveys necessary to document presence or demonstrate absence should be continued until an MOU is negotiated and signed by the agencies and any contributing parties. Furthermore, this Supplemental mitigation would not affect Mitigation BIO-2. Pre-construction surveys of areas with potential burrows should still be conducted.

**Response 14:**
The trip generation assumptions for traffic impact analysis are based on actual data collected from similar facilities. It is standard practice to utilize observed data from similarly situated land uses as opposed to hypothetical calculations of project operations. As indicated in Table 7, the analysis predicts 87 new trips in one hour of the highest p.m. peak traffic period. The movement with the highest increases (Gilman St./West Frontage) does not exceed the threshold of significance. The commentor correctly notes that the traffic generation will be affected by game scheduling. Because the analysis did not find any potentially significant traffic impacts, no mitigation requiring staggered games or other trip management was required, although, in actual practice, the games will be staggered. If and when congestion at the approaches or in the parking lots becomes an issue the teams and leagues will make adjustments to the starting times and schedules to reduce the number of inconvenienced players, coaches and parents.
games, means at least 200 trips during the peak period. The document's analysis of about 45 arrivals and 45 departures seems unrealistically low. Moreover, the analyzed traffic load seems inconsistent with the number of parking spaces to be provided: if so few people will be driving to the site, why provide over 200 parking spaces?

Mitigations for any traffic problems that might arise are not hard to imagine:
* require staggering of game times to avoid simultaneous arrival and departure of many people
* monitor parking and provide only a limited number of parking vouchers per team, so that carpooling is required
* modify Gilman Street interchange to improve traffic flow (already planned but not funded)
* indefinitely delay Phase II of the project (the 'nuclear option' again)

It does seem to be clear that Phase I of the project will not generate a significant traffic load. It also seems clear that if the Gilman Street traffic project proceeds, field-related traffic will not be an issue; in essence, the project will be an accidental mitigation for the field project. I am not worried about the potential to mitigate problems that might arise related to traffic, but I am concerned that the discussion of mitigations in the document is in "arguably adequate" territory rather than being clearly adequate. As with the Burrowing Owl situation, I think it is possible to better meet the spirit of CEQA law by doing a better discussion of the issues.

I hope some additional work on the document can resolve these issues before the Planning Commission votes on this issue in early July, so that this very worthwhile project can proceed without impediment.

Please note that these are my personal views and not those of the Parks and Recreation Commission.

Thanks.

Phillip Price
2240 Glen Avenue
Berkeley CA 94720

510-486-7875
With respect to the Gilman Street Interchange Project, the analysis concluded that the impact threshold would not be exceeded even if the full Playing Fields project is in operation before the Gilman Street Roundabout Project. (Interim, 2010 Scenario.) Accordingly, there would be no need to delay the Phase II of the project to wait for completion of the interchange improvements.

The number of parking spaces does not relate directly to peak hour traffic generation, because the parking lots must be sized for times when all five fields are in use. Typically, this would occur on a summer weekend morning or afternoon, not during the weekday afternoon commute hour.
June 29, 2005

Mr. Allan Gatzke  
Mr. Roger Miller  
City of Berkeley  
Parks, Recreation and Waterfront  
2180 Milvia Street, 3rd Floor  
Berkeley, CA 94704  

Dear Sirs:

Gilman Street Playing Fields  
Berkeley, Alameda County  
SCH 2005082056

The Department of Fish and Game (DFG) has reviewed the document for the subject project. We do not have specific comments regarding the proposed project and its effects on biological resources. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G)1. Therefore, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the Alameda County Clerk on or before filing of the Notice of Determination for this project.

If you have any questions, please contact Mr. Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525;

Sincerely,

Cindy Catellano  
Regional Manager  
Central Coast Region

cc: State Clearinghouse

1 http://CCR.ca.gov/. Find California Code of Regulations, Title 14 Natural Resources, Division 1, Section 753

Conserving California’s Wildlife Since 1870
Response 15:
Comments noted. No response necessary other than payment of the required fee.
July 8, 2005

Berkeley Planning Commission
C/o Janet Hornrighausen, Senior Planner
Land Use Planning Division
2118 Milvia Street, Third Floor
Berkeley, CA 94704

Re: Gilman Ball Fields Proposal and Mitigated Negative Declaration

Dear Ms. Hornrighausen:

The Sierra Club makes the following comments on the proposed Gilman ballfields plan and Mitigated Negative Declaration. The Sierra Club supports the construction of the fields and the proposed changes to the zoning and general plan.

The Sierra Club expresses concern about the proposed mitigation for Burrowing Owls which is to monitor the site for another two years. This is inadequate and fails to address the issue of what would happen if the Owl is found at the site in the next two years. Moreover, such action would delay the ballfields construction.

The Sierra Club believes that the City should develop a plan for relocation of the owls or reconstruction of habitat for owls on the Albany Plateau. Such a plan is already being considered by State Parks. Any proposal that would keep the owls on the Gilman property would require large areas of the proposed ballfield site be developed as habitat and buffer. Such a plan would not provide adequate protection and mitigation for the owl. Therefore, relocation to the Plateau is recommended.

Sincerely yours,

[Signature]

Norman La Force, Chair
East Bay Public Lands Committee
Response 16:
The Initial Study preparers disagree that the burrowing owl mitigation is inadequate. It is specific as to what would happen if owls are observed on the site in 2005, 2006 or 2007 --- a mitigation plan acceptable to Fish and Game will have to be prepared and implemented.

Mitigation BIO-1 would not delay the project. Phase I would have no effect on potential burrowing owl habitat, and Phase II, as defined, would not occur prior to 2008. If the protocol surveys are negative, then burrowing owls will no longer be presumed present and the construction of Phase II would not have a potential impact on the species.

See also Supplemental Mitigation BIO-1A in Response 13, above.
July 12, 2005
Planning Commission
UC Joint Use Agency
Land Use Planning Division
1118 Milvia Street, Third Floor
Berkeley, CA 94704

SUBJECT: Comments on the General Plan Amendment and the Initial Study/Mitigated Negative Declaration for the Gilman Street Playing Fields

Dear Mr. Houtzighausen:

Thank you for the opportunity to comment on the General Plan Amendment and the Initial Study/Mitigated Negative Declaration for the Gilman Street Playing Fields. The City of Berkeley, serving as the lead agency for land use approvals under the terms of a Joint Ordinance Powers Agreement executed by the cities of Berkeley, Emeryville, Albany, Richmond, and C. C. C. Central is preparing to approve and collaboratively develop a sports fields complex for recreation use on a 24.76 acre site owned by the East Bay Regional Park District located west of the Claremont Resort and north of Gilman Street. The plan includes development of two artificial soccer fields, two natural turf softball fields, one natural turf baseball field, field house building with restrooms, and a tot lot. Parking for up to 168 cars would be provided in two satellite lots.

Based on our review of the project, it appears that the project does not generate 100 or more p.m. peak hour trips above existing conditions, which would otherwise require the Land Use Analysis Program compliance. This project, therefore, exempts from the Land Use Analysis Program of the CUP.

Once again, thank you for the opportunity to comment. Should you have any questions or require any additional information, please do not hesitate to contact me at (510) 530-3560 ext. 24.

Sincerely,

[Signature]

Savannah Nardozza
Associate Transportation Planner

cc: RCV, CUP, EIR, Environmental Review Opinions, Responses - 2003
Response 17:
Comment noted.
Letter via FAX from East Bay Regional Park District:

July 13, 2005

Ms. Janet Homrighausen, Senior Planner
City of Berkeley
Land Use Planning Division
2118 Milvia Street Third Floor
Berkeley, CA 94704

Re: Gilman Street Sports Fields
Mitigated Negative Declaration

Dear Ms. Homrighausen:

Thank you for providing the East Bay Regional Park District (District) with the opportunity to comment on the Mitigated Negative Declaration (MND) for the proposed Gilman Street Playing Fields project. As you are aware, the District acquired this site for $8.5 million and, as property owner, has offered the site for this project. The District is also the agent for the California Department of Parks and Recreation (State Parks) for the acquisition, planning, development, and management of Eastshore State Park. District staff submits the following General Comments and Page-specific Comments as both property owner and State Parks agent.

General Comments

District staff is supportive of a Gilman Street Sports Field project that effectively meets and advances District and local agency goals and policies. The following General Comments relate to the proposed project and MND.

1. Development Capital and Operation and Maintenance Funding Expectations: The MND states "it is expected that the development capital will come from State or regional park bond funds and that the operation and maintenance costs will be recovered from user fees." The District expects that the local agencies that will derive the most benefits from the sports fields will contribute funds to both the capital improvements and to the operation and maintenance. The District needs assurance of adequate operational and maintenance funding.

2. Local and Regional Objective: The MND states "the primary objective of the Gilman Street Playing Fields project is to develop, maintain and operate additional sports fields for use by youth and adult athletic leagues in Berkeley, Emeryville, Albany, El Cerrito and Richmond." The property is owned by the District and the primary objective must include access by all citizens of the region.

3. Preliminary Grading Plan: The MND states "the project would require about 27,000 cubic yards of cut and 15,000 cubic yards of fill." "At the end of Phase II, about 13,000 cubic yards of excess cut would have to be hauled off-site." During the District's acquisition of the property, over $1 million were spent on remediation of the hazardous materials found near the surface of the site. The District strongly recommends revising the grading plan to avoid or minimize the risk of costly additional remediation. As stated in the MND (Alternative Mitigation Measure HAZ-1 and HAZ-2), the grading plan could be revised to avoid removal of the existing pavement cover and imported clean fill cap.

4. Interim Pedestrian and Bicycle Safety Improvements: The MND states that the Gilman Street interchange area "serves as a primary bike access route to the Bay Trail for residential neighborhoods to the east. Currently there are no enhanced facilities serving pedestrians and bicyclists crossing the study intersections such as curb bulb-outs, special crossing signs, medians or traffic calming features." Further, "construction of new playing fields likely would increase pedestrian movements through the interchange area." The MND indicates that the two proposed roundabouts "should provide adequate..."
Response 18:
Comment noted. This is an operational, not an environmental question.

Response 19:
Comment noted. The project description does not indicate that any potential users will be excluded from the facilities. Presumably, the Park District would allow leagues from the sponsoring cities to have scheduling priority.

Response 20:
Comment noted. As landowner, the District would have an important role in deciding the preferred grading approach.

Response 21:
Biking or walking through the Gilman Street interchange is difficult, although it is done many times every day. Access to the Bay Trail and the site from the east side of the freeway is also available at the University Avenue Bicycle Pedestrian Overcrossing and at the Buchanan Street interchange (via the roads and parking lots on the west side of Golden Gate Fields). The proposed Gilman Street roundabouts is designed to incorporate pedestrian and bicycle access, and would provide new, separated, paths through the interchange. No interim improvements to the interchange are proposed because the new interchange is projected to be built soon and alternative routes are available.
crossing facilities." At this time, the roundabouts have not been approved, funded, and scheduled for construction. Interim pedestrian and bicycle safety improvements are needed at the Gilman Street interchange area to avoid safety hazards for pedestrian and bicyclists attempting to cross the interchange and access the sports fields project.

Page-specific Comments

In addition to the General Comments, the following comments relate to specific pages in the MND.

Page 22; Project Sponsors: The proposed Gilman Street Playing Fields would also be used by citizens of the East Bay Regional Park District region.

Page 23; footnote: The Eastshore State Park General Plan designates an area on the Albany Plateau for sports fields, if, in part, an alternative site is not acquired and approved for sports fields.

Page 24; Existing Site Characteristics: The northwestern area is also used during the daytime by visitors to Eastshore State Park.

Page 25; Surrounding Land Uses; Eastshore State Park: In April 2005, CalTrans constructed a 2 acre pilot eelgrass restoration project just offshore in the North Basin area of Eastshore State Park. This pilot project will be monitored for one year, and if successful, a larger project of up to 13 acres will be constructed in 2006.

Page 26; Overview: Construction of a roundabout on District property would need prior approval from the District.

Page 27; Fencing and Planting: The height of fencing and planting along the western edge of the project site adjacent to Eastshore State Park should be minimized in order to maintain visibility to the promenade and North Basin water areas and to reduce the visual impacts to those areas. Low profile, native shrubs and groundcovers should be used for landscaping.

Page 28; Other Approvals: Approvals from East Bay Regional Park District may be required for work and improvements on District property and Eastshore State Park property.

Page 29; Land Use/Open Space: The potential commercial recreational sports facilities would need to be carefully defined and restricted to uses consistent and compatible with District policies.

Page 30; Site Improvements: The District would not be responsible for developing and maintaining the proposed Sports Field complex.

Page 31; Eastshore State Park General Plan: The boundaries of the planning area were established in December 1998....


Page 33; Eastshore State Park General Plan: In addition, a segment of the Bay Trail is proposed along the waterfront west of the project site (in the "promenade" area).

Page 34; Eastshore State Park General Plan: Finally, in Albany, the General Plan for Eastshore State Park identifies a portion of the Plateau area as a location for the development of sports fields, and associated parking, restrooms and maintenance facilities. Another portion of the Plateau area is
Response 22:
Comment noted.

Response 23:
Correct. Comment noted.

Response 24:
Correct. Comment noted.

Response 25:
Comment noted.

Response 26:
The City understands this and will coordinate with the Park District when considering options for reconciling the overlap between the roundabout design and the playing fields preliminary plan. (Mitigation TRF-1)

Response 27:
The fencing and landscaping plans will evolve and be more fully developed during Final Design. As landowner, the Park District will be actively involved in the Final Design process and will have an opportunity to comment on the final plans and specifications. As can be seen in Figure 5 and as discussed in the evaluation of Mitigation Measure AIR-2, the views across the site from the freeway do not have especially high quality and their modification, through landscaping, would not result in a significant adverse visual impact.

Response 28:
The comment is correct. The EIR authors regret not listing the Park District under “Other Approvals”, recognizing, however, that the Park District is perhaps better characterized as a partner rather than an outside, permitting agency.

Response 29:
Comment noted. The amendment to the Waterfront Specific Plan would no effect on Park District policies, which would apply to the site.

Response 30:
Correct.

Response 31:
Comment noted.
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Response 32:
Comment noted.

Response 33:
Comment noted.

Response 34:
Comment noted.