



Planning and Development Department  
Redevelopment Division

Date: December 3, 2002

Via Hand Delivery

To: Caltrans District 4- Local Assistance  
Tiep Dang, Project Manager  
Jo Ann Cullom, Environmental Coordinator  
Oakland, CA 94623

From: Iris Starr, AICP, Redevelopment Coordinator

Re: **Summary: Environmental Review for the Rail Stop and Transit Plaza project**

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Dear Mr. Dang and Ms. Cullom,

I want to thank you for all of the assistance you have given in pulling this environmental package together and ushering this project through the necessary review channels.

The following letter is a summary of the reports, process, and anticipated timing for environmental review of the Rail Stop and Transit Plaza project for Berkeley, California. As you are aware, we have obtained Caltrans funding for this project that requires the Redevelopment Agency to maintain aggressive adherence to the project schedule.

Therefore, It is extremely important that the processing of this environmental review by the State occur as quickly as possible. The City faces a September 2003 time limit for receiving State funding for this project. Without rapid negotiation and approval of this environmental document with State and Federal Agencies, the approximately \$920,000 that has been pledged to this project will be lost. Shortly I will need to authorize the preparation of construction drawings so the entire process of sending out a request for bids, selecting a contractor, and beginning construction by September 2003 can occur.

If there are any problems, issues, concerns, or questions, please call me as soon as possible at 510/ 981-7520. I am available to meet with you at any time to expedite and complete this review process!

Attachments: Summary letter  
Mitigated Negative Declaration and Initial Study  
Hazardous Materials Report  
Parking Report  
Historic Architectural Survey and Historic Architectural Resource Report  
Archaeological Survey Report

# Summary: Environmental Review for the Rail Stop & Transit Plaza Project

## Reports Submitted/Required

These reports were specifically developed to evaluate the potential impact of the Rail Stop and Transit Plaza on the environment. Berkeley Redevelopment staff has consulted professionals in the fields of architecture, archaeology, hazardous materials, and parking which are the four areas Caltrans identified as critical to understanding the relationship of the project to the environment. Local interest has been primarily focused on architecture and archaeology. The studies of this project have resulted in the preparation of a Mitigated Negative Declaration and accompanying reports to satisfy the requirements of NEPA/Section 106.

### A. Preliminary Environmental Study

Caltrans conducted a field review of the project site on November 30, 2000. To complete any necessary reports, an Area of Potential Effect had to be identified. On January 30, 2001, Caltrans approved an Area of Potential Effects Map (APE) that identified 13 properties as potentially affected by the development. Upon further review with Federal Highway Administration, Caltrans approved a modified Area of Potential Effects Map on September 12, 2002 that identified the project site and two specific properties (Spenger's Restaurant and the former Southern Pacific Train Station) as potentially affected by the project.

The Preliminary Environmental Study (PES) Form was completed and signed by Caltrans District 4 on December 1, 2000. The PES concluded that the following data / reports were required:

- Phase I Initial Site Assessment Hazardous Waste Study
- Parking Study
- Section 106 Study: Archeological Survey Report
- Section 106 Study: Historical Architectural Survey Report and Historical Property Survey Report

#### 1. Phase I Initial Site Assessment Hazardous Waste Study

A Phase I Environmental Site Assessment (ESA) was conducted for land parcels that included the Union Pacific Railroad right-of-way between Hearts Avenue and Addison Street, and University Avenue east of the railroad right-of-way to 4<sup>th</sup> Street. The purpose of the Phase I ESA was to identify potential onsite and offsite sources or practices that could adversely impact the project site development. Gribi and Associates conducted the Phase I ESA in March 2001, in accordance with the scope and limitations of ASTM Practice E 1527-00.

##### Conclusion:

- The Phase I Hazardous Waste Study has been completed and approved, and no Phase II assessment is required.

#### 2. Parking Study

A parking study on improvements at the Berkeley Rail Stop was submitted for Caltrans' review. The parking area must be redesigned to accommodate two new wheelchair accessible spaces, as required by the Americans with Disabilities Act (ADA). This results in a total of twenty-four (24) parking spaces. Capitol Corridor Joint Powers Authority (CCJPA) reviewed and approved the current design that contains 24 on-site parking spaces.

##### Conclusion:

- The parking study was submitted on 4/03/01, and requires no mitigation.

#### 3. Archaeological/Cultural Resources

A "Section 106 Report" addresses two areas: site archaeology and historic buildings. The first report covered archaeology.

Garcia and Associates, registered archaeologists of San Francisco, worked for almost two years to determine the possible location and extent of Native American shellmound remains within the public right-of-ways near the project. The area of their work extended beyond the boundaries of this specific project area, in the event future streetscapes or other unrelated projects are proposed.

Conclusions:

- That the area where the Ohlone Shellmound was once visible may be “Eligible for the National Register of Historic Places”. (The Shellmound area has already been designated as a City Landmark in 2001).
- In the public right-of-way area along the northern edge (13 feet from the curb) on University Avenue, between the railroad tracks and 4<sup>th</sup> street, the archaeologist found four cultural deposits beginning at three feet below the street surface and extending an additional six inches to a foot-and-one-half in depth (3 - 3.5 ft.; 3 - 4.5ft. and 3 - 4.5ft.) A fourth deposit extended from four and one-half feet to six and one-half feet below the surface (4.5 – 6.5ft.)
- While the specific shell midden characteristics are not known in the area where these cultural deposits were found, the area will nevertheless be protected from potential disturbance by a two-foot limit on the depth of excavation.
- Mitigations should include the retention of a qualified Native American archaeologist or monitor that is retained prior to all grading or digging in the northern section of University Avenue.

#### 4. Historic (Structural) Resources

In a separate study, Carey and Company, Inc. Architects of San Francisco have prepared a Historic Architectural Survey Report (HASR) and Historic Resource Evaluation Report (HRER) to assess the project’s potential impacts on nearby buildings or structures that may be eligible for the National Register of Historic Places.

Conclusion:

- The proposed project will have no adverse impact on our local landmarks: Spenger’s restaurant and the former Southern Pacific Train Station. The consultant’s report does not recommend either of these buildings as eligible for the National Register.

#### Review by State and Federal Agencies

The attached Mitigated Negative Declaration, initial study, and other required supporting material must be sent to these agencies for review because State funds are to be used as part of this project:

State Clearinghouse: responsible for distribution of copies of the mitigated negative declaration and initial study to State and Federal level responsible reviewing agencies, several of which are included below.

Caltrans Local Assistance: responsible for project site field review, approval of the Area of Potential Effects (APE) map, approval of required hazardous waste and parking assessment reports, review of cultural resources reports submitted under Section 106 of the National Historic Preservation Act, and negotiation of memoranda of agreements regarding mitigation of cultural resources impacts.

Caltrans Rail: responsible for review of the design of the station area and administration of the State Highway Operation and Protection Program TEA grant which funds a portion of the project construction costs.

Federal Highway Administration (FHWA): responsible for review of cultural resources (archaeology) reports submitted under Section 106 of the National Historic Preservation Act.

State Historic Preservation Office (SHPO): responsible for review of the cultural resources (both archaeological and historic) reports submitted under Section 106 of the National Historic Preservation Act.

## Local Review Process

The West Berkeley Project Area Committee (PAC) has made intentional efforts to reach out to those who have interest or may be affected by this project. This project has been in development for eight years. Over this past 6 months in particular, focused meetings and public forums have been held with the Landmarks Preservation Commission, Transportation Commission, Public Works Commission, Commission on Disability, and the Commission on Civic Arts. PAC members have assigned themselves responsibility for attending other Commission meetings and for communicating regularly with their City Council/Mayoral appointer. Additionally, the PAC has met with representatives of the Muwekma Ohlone tribe, whose descendants may remain buried within the shell mound, and has worked to establish a proactive agreement on treatment for human remains (should any be found) with possible Most Likely Descendants listed by the California Native American Heritage Commission.

All of these actions have served to raise the level of awareness of this project and its potential impacts, thereby improving the staff and professional archaeological consultant analysis of the potential change to the environment. The Mitigated Negative Declaration that is available for public review reflects this level of professional study, community interaction, questioning, and support.

## Timing

The Initial Study was released in August of 2002. The Mitigated Negative Declaration has now been released (beginning December 3, 2002) for public comment, and a 30-day window of time for responses has been announced via the City's website, posters at the site, and mailed notices to all tenants and property owners within 600 feet of any part of the site. At the conclusion of this 30-day comment period, which is January 3, 2003, Redevelopment staff will gather all written comments and prepare a concluding document that incorporates the public discourse for presentation to the PAC. The PAC may decide to revise the document or proposal, or it may be transmitted directly to the Redevelopment Agency and City Council for public hearing and action.

The Redevelopment Agency and City Council must consider if the report(s) fairly evaluate the potential impacts of the project on the environment. Approval of this environmental report is separate from approval of the project. No public hearing dates have yet been set for the PAC, Redevelopment Agency, or City Council regarding this item.

Concurrently, this summary and all reports have been submitted to Caltrans for Section 106 review and approval by the Federal Highway Administration (FHWA) and the State Historic Preservation Office (SHPO) of California. FHWA is responsible for review and approval of the reports required by Section 106 of the National Historic Preservation Act and for negotiation of any further mitigation of the potential effects of the project on cultural or historic resources. Redevelopment staff is available at any time to participate in meetings or to provide additional information in support of this environmental review, as the deadline for expenditure of State and Federal funds is September of 2003. To enable all of the activities that lead up to construction to occur by that point, State clearance for this package of documents is needed as soon in the New Year as possible.