4. PROJECT PHASING

Currently, funding from an Urban Parks Act Grant in the amount of $3,000,000 has been secured for the project. The East Bay Regional Parks District, in cooperation with the parties to the JPA, has also applied for a California Youth Soccer grant, a Healthy Communities Grant and a Land and Water Conservation Grant, all of which are pending, but have not been awarded. Therefore, since not all of the capital funds needed for the full project are currently available, the project has been designed so that it can be built in two phases. Phase I would involve the construction of the two soccer fields and parking lot adjacent to Gilman Street as well as the installation of the basic drainage and utility systems needed for the full project. See Figure 9.

Phase II would involve the construction of the grass fields, the irrigation systems, the remaining parking lot, the tot-lot, the field house and the rest of the lighting systems. The Phasing Plan has been designed so that the soccer fields could be placed in use after completion, whether or not construction funds are available for the Phase II facilities.

As noted above, the grading work would be phased, beginning with the base for the soccer fields, drainage spine and Gilman Street parking area. Final grading for the remainder of the project could be postponed for months or years, depending on the availability of funds for development of Phase II. As noted, the grading plan anticipates that as much as 14,000 cubic yards of soil will have to be stockpiled on site between and second phases of construction. If the soil has to be stockpiled over one or more rainy seasons, erosion control measures would be implemented to minimize erosion of the stockpile and increased silt loads in runoff water.

5. OTHER APPROVALS

- Construction of the tot-lot and associated facilities in the southwest corner of the site would require a permit from the Bay Conservation and Development Commission (BCDC).
- Work along the boundary lines may require encroachment permits from Caltrans and the State Department of Parks and Recreation.
- Approvals from the Regional Water Quality Control Board may be required for soil remediation work and Storm Water Pollution Prevention.
- The City of Berkeley would have to formally authorize modifications to Gilman Street.
PHASING PLAN

FIGURE 9

Source: Dillingham Associates

Parking Count Total = 203 Cars
Gilman Street = 38 Cars
On-site = 165 Cars (incl. HC stalls)

Phase I Improvements
Note: Construction staging, soil stockpiling, and utility work would extend the Phase I work area onto other portions of the site and into the Gilman Street right-of-way.

Gilman Street Sports Fields
City of Berkeley
January 10, 2005
F. RELATIONSHIP TO PLANS

1. BERKELEY GENERAL PLAN

On April 23, 2002, the City of Berkeley adopted a new Berkeley General Plan.1 The Berkeley General Plan is the basic guide for land use in the City and contains 10 Elements. The Land Use Element provides general direction for the physical development of the City, including the waterfront area. Specifically, the General Plan states that the “sixth and final objective of the Land Use Element is to establish the waterfront area west of the freeway as a recreational and open space resource.”2

The description of the waterfront area in the General Plan notes that the only remaining privately owned waterfront land is located north of a line extending west from Virginia Street and the Eastshore State Park boundary to the Albany border. This changed in December 2003 with the purchase of the project site by the EBRPD so that today all of the Berkeley waterfront land south of Gilman Street is publicly owned. The Land Use Element’s policy for the waterfront is:

Policy LU-43 Waterfront Plan

Implement the Waterfront Plan3 and take actions to achieve the five goals of the Plan:

1. Establish the waterfront as an area primarily for recreational, open space, and environmental uses, with preservation and enhancement of beaches, marshes and other natural habitats.
2. Develop the waterfront as part of a continuous Eastbay shoreline open space system.


2Ibid., p. LU-10.

3The relationship of the project with applicable policies of the adopted Waterfront Plan is addressed below.
3. Provide for an appropriate amount and type of private development to make the waterfront part of Berkeley’s vibrant urban community, attractive to and useable by Berkeleyans, neighboring bay area residents, and other visitors.

4. Establish uses and activities that reflect and enhance the unique character of the waterfront and foster the community’s relationship with the shoreline.

**Analysis:** Development of the Playing Fields project is consistent with Policy LU-43. It would expand recreational opportunities for Berkelyans and neighboring Bay Area residents (see Goals 1 and 3) without compromising the goals that call for preserving and enhancing the beaches, marshes, other natural habitats and the shoreline. Because the site has been transferred from private to public ownership, the potential amount of private development on the Berkeley waterfront has been reduced by about 16 acres. Goal 3, however, remains relevant and applicable to the 29 acre stables sub-area of the Golden Gate Fields complex.

The Open Space and Recreation Element establishes a policy framework and action program for the maintenance, improvement and expansion of Berkeley’s open space and recreational facilities.

**Policy OS-6, New Open Space and Recreational Resources** states:

Create new open space and recreational resources throughout Berkeley.

Action item C under Policy OS-6 calls for the City to:

C. Develop joint-use agreements with other agencies such as the University of California, the Berkeley Unified School District, the Bay Area Rapid Transit District, and regional open space agencies to increase public access to public lands.

Action item D calls for the City to:

D. Increase the supply of playing fields for youth sports.

**Analysis:** The Joint Powers Agreement represents a formal city action that implements Policy OS-6, Action Item C in that it formalizes an action plan involving five cities and the Park District for the development of the Gilman Street Playing Fields project. The project would add
over 12 acres (net) to the supply of playing fields for youth sports, and would, if completed, implement Action Item D.

2. BERKELEY WATERFRONT PLAN

The Berkeley Waterfront Plan\(^1\) is a Specific Area Plan that addresses land use, circulation, community design and utility issues for the 170-acre area that lies between I-80 and the Berkeley Marina. The Plan was prepared in the mid-1980s to establish specific policies for development of the Waterfront area, consistent with the 1977 Master Plan. The Goals set forth in the Waterfront Plan have been carried forward to the new Berkeley General Plan. (See Policy LU-43, above.)

The Waterfront Plan allows up to 565,000 square feet of clustered commercial development included lodging, conference center, retail and restaurant development at locations near I-80 generally north and south of Gilman Street and opposite Virginia and Cedar Streets (the East Meadow area). In 1997, approximately 115 of the 170 acres covered by the Waterfront Specific Plan were purchased by the State of California for the Eastshore State Park (the Brickyard, the Meadow and the portion of North Basin Strip south of the subject parcel), foreclosing the possibility of private development in these areas.\(^2\) Accordingly, the new Berkeley General Plan recognizes that the planning context for the Waterfront Plan has shifted — in Open Space Policy 13 (OS-13) it states:

Implement the 1986 Waterfront Plan policies to establish the waterfront as an area primarily for recreational, open space, and environmental uses, with preservation and enhancement of beaches, marshes and other natural habitats.

The Gilman Street Playing Fields site covers about two-thirds of the North Basin Strip area, as defined in the Waterfront Specific Plan. In this area, the Specific Plan would have permitted up

\(^1\)City of Berkeley, Berkeley Waterfront Plan, October 7, 1986. 79 pps. plus Appendices. It is also referred to as the Waterfront Specific Plan.

\(^2\)The Plan permitted a hotel and conference center development in the East Meadow and North Basin Strip south of Virginia Street (extended).
to 50,000 square feet of waterfront oriented retail and restaurant space. It also called for a youth hostel to be developed here. The dedication and improvement of a 100-foot wide shoreline band for public access would have been required and parking for about 200 cars would have been permitted.

Because 141 of the 170-acres of the Waterfront Specific Plan area have been transferred from private ownership to public agencies for State and Regional Park purposes, many of the Plan’s Objectives and Policies, which focused on regulating private development, are inapplicable or irrelevant. Furthermore, some policies have been superseded by changes in laws and regulations adopted over the past 19 years. Nevertheless, as confirmed in Policy LU-43 of the 2002 Berkeley General Plan, the Waterfront Specific Plan remains in effect. Accordingly, relevant goals, objectives and policies of the Waterfront Specific Plan are presented and evaluated below:

**Goals**

The Master Plan amendment for the Berkeley waterfront sets forth the following goals:

1. Establish the Waterfront as an area primarily for recreation, open space, and environmental uses, with preservation and enhancement of beaches, marshes, and other natural habitats.
2. Develop the Waterfront as part of a continuous East Bay shoreline open space system.
3. Provide for an appropriate amount of private development, to make the Waterfront part of Berkeley’s vibrant urban community, attractive to and useable by Berkeleyans, neighboring Bay Area residents and other visitors.
4. In all types of development meet the needs of unemployed and under-employed Berkeley residents, in both construction and permanent jobs.
5. Establish uses and activities that reflect and enhance the unique character of the waterfront location.

**Analysis:** In the period since the Waterfront Plan was adopted about 83% of the area it covers has been transferred out of private ownership to the State Parks Department and Regional Park District. The ownership interests, planning policies and management objectives of these agencies work to ensure optimal implementation of Policies 1, 2 and 5, while the level of private development (Policy 3) will be much lower that was anticipated in the Plan. For example, approval of the playing fields project would commit 16 acres of land to recreational use in place of 50,000 square feet of planned retail and restaurant development. Goal 4, regarding local
employment, remains applicable, although fewer construction and permanent jobs would be created by the Playing Fields project than would have been created by retail and restaurant development.

**Objectives and Policies:** The conformance of the proposed project with applicable Objectives and Policies from the Waterfront Specific Plan is addressed below:

2. **Specific Plan Objectives and Policies**
   2.1 **Land Use/Open Space Configuration**
   2.1.4 Require dedication of a 100-foot band along the shoreline for public access purposes, with additional building setback of up to 100 feet wherever possible.

**Analysis:** Public access would be available along the shoreline adjacent to the site. The 100-foot band is shown on the project plans. Most of it is within the Eastshore State Park “Promenade.” Area, although a portion of the tot lot at the southwest corner of the site would fall within the 100-foot shoreline band. The tot lot would have public access.

2.2 **Environmental Protection**
   2.2.2 **Hydrology**
   2.2.2.2 Do not connect on-site storm drain systems to the existing storm drain infrastructure and outfalls. Establish an adequately sized on-site system of catch basins and pipes to convey storm runoff directly to the Bay via new outfalls.

**Analysis:** The proposed project would be built to conform to this policy. See III (Checklist) H, *Hydrology and Water Quality*, below.

2.2.3 **Water Quality**
   2.2.3.1 Establish the following on-site measures to control pollutants dispersed to the Bay:
   - Regular sweeping and cleaning of streets, parking areas and catch basins;
   - Public education to minimize littering and encourage proper disposal of animal wastes;
   - Landscaping with native vegetation requiring minimum maintenance and application of fertilizers and pesticides;
- Porous pavement designed to promote a high rate of infiltration and biodegradation; and
- Greenbelt areas to catch runoff and encourage percolation and biodegradation.

**Analysis:** The project would be required to conform to current water quality regulations, requirements and Best Management Practices promulgated under the NPDES Non-Point Source Rules as implemented by the City. In addition, Integrated Pest Management would be utilized to minimize the application of pesticides, in accordance with the City’s current Pest Management Policies. These requirements will meet or exceed the items described in Policy 2.2.3.1. The amount of porous surfaces and greenbelt land on the site would be greater than currently exists or would have been possible had the site been developed with retail and restaurant spaces and accompanying parking. See, also III (Checklist)H, Hydrology and Water Quality, below.

### 2.3 Phasing of Development

**2.3.1** Allow only the amount and type of development that will not exceed traffic level of service “D” on the waterfront and at the intersections of Gilman, University, Ashby, Sixth and San Pablo in Berkeley.

**Analysis:** The age of the Waterfront Specific Plan is reflected in Policy 2.3.1 because the Gilman, University and Ashby intersections with West Frontage Road (on the waterfront) exceeded LOS D over 10 years ago due to increases in regional traffic, increases in car ownership and other factors. Interstate 80 between Berkeley and the Bay Bridge is one of the most congested travel corridors in the nation, and spill over traffic regularly results in LOS F peak hour operations at these local intersections.

The proposed project would add peak hour trips to intersections on Gilman Street and University Avenue, although the proportionate increases would be lower than the City’s currently adopted impact thresholds. With completion of the proposed Gilman Street Interchange (double roundabout) Project, the peak hour service levels would be greatly improved. See Section III, O Transportation and Traffic, below. The traffic analysis addresses several project phasing scenarios including existing traffic plus Phase I of the project, Phase I and II in 2010, but without the proposed roundabouts, and 2025 traffic with Phases I and II and the proposed roundabouts.
2.4 Social and Economic Policies

2.4.1 Target construction and permanent jobs generated by development on the waterfront to Berkeley residents, especially the unemployed and underemployed, through first source hiring agreements between the landowner and the City.

*Analysis:* Policy 2.4.1 would be implemented by the City of Berkeley. Although the landowner is now the East Bay Regional Park District, the City, as leaseholder, would have a real property interest, and more importantly, the City would be directly responsible for construction and operation of the facility, and would require first source hiring of its contractors.

2.5 Safety Requirements

2.5.1 Geology and Soils

1. Require a site-specific geotechnical engineering investigation of each proposed project as a condition of issuance of Master Development Plans, or Zoning Permits. Each investigation should contain adequate subsurface exploration and analysis to determine short and long magnitudes and characteristics, and potential for seismic ground failure (including liquefaction). Each investigation should contain detailed foundation recommendations and should be subject to review by the City or a consultant retained by the City.

2. Require developers to contract with an expert in earthquake engineering to review independently seismic design of fills, foundations, and structures, and to monitor construction to ensure that the project employs the best seismic methods currently available. Project structures should be designed to withstand seismic shaking from the largest reasonably expected event on the San Andreas or Hayward Faults.

*Analysis:* Policy 2.5.1 was written to address the assumed construction of large buildings in the Waterfront Specific Plan area. Instead of up to 50,000 square feet of multi-story structures, the current project would have open playing fields and a small field house (one story, 1,700 square feet). Geotechnical input would be sought for the design of the field house, lighting tower foundations and fencing systems. See III (Checklist) F, Geology and Soils (Mitigation GEO-1), below.
2.5.2 Police and Fire Protection

1. Require all new development plans to be reviewed with the City of Berkeley Police Department’s Crime Prevention Office to ensure that building, lighting, design and landscape are designed to reduce crime potential.

2. Require all new developments in the Waterfront areas to be reviewed by the Fire Department, and incorporate fire and safety equipment and design measures into each project as deemed necessary by Fire Department fire protection personnel.

Analysis: The final design plans will be reviewed by the City of Berkeley Police Department, and EBRPD Security staff for crime prevention recommendations and by the Berkeley Fire Department for fire protection concerns, and to ensure that access by emergency medical personnel and equipment will be adequate.

3. Land Use/Open Space

3.5 North Basin Strip

3.5.1. Require public dedication by the property owner of the 100-foot shore land band for public access purposes.

Analysis: All of the North Basin Strip is now in public ownership. A 100-foot shoreline band is noted on the Playing Fields Plan and would be publicly accessible.

All of the remaining policies in this sub-chapter (3.5.2 – 3.5.11) address the planning of commercial development on the North Basin Strip (type, amount, height, location, parking, and related bicycle/pedestrian access). Because all of the land is now publicly owned, and is being planned for recreational uses, none of these policies are relevant or applicable. In order to reflect this major change in circumstances and in the plans for use of the North Basin Strip, the City is proposing the add the following new policy (3.5.12) to section 3.5 as part of the project approval process:

3.5.12. Allow public or commercial recreational sports facilities and ancillary facilities, such as field houses, restrooms, play equipment, fences, screening, outdoor lighting, and parking. These uses shall be permitted as a matter of right and shall not require Master Development Plans or Use Permits.
The addition of the proposed new Policy 3.5.12 would update the Specific Plan to acknowledge that the uses proposed in conjunction with the current project are appropriate, and desirable, in the North Basin Strip area of the Waterfront.

4. Circulation
(The Circulation chapter of the Waterfront Specific Plan addresses changes to I-80 along the Berkeley frontage, modifications to the interchanges at Ashby, University and Gilman Streets, bicycle pedestrian improvements. It proposes a new waterfront road between the horse barns and University Avenue.)

Analysis: The circulation chapter has been superseded by events, primarily the public acquisition of most of the planning area by the State Parks Department and EBRPD. The policies it establishes are no longer relevant or applicable. The potential transportation impacts of the Playing Fields project are evaluated independently in Section III, O. Traffic and Transportation, of this Initial Study. It should be noted that the current double roundabout Interchange Project had not been conceived when the Waterfront Specific Plan was adopted. As part of its approval process, the new design may require an amendment to the Waterfront Specific Plan. The roundabout plan is considered a better option for addressing the intersection’s congestion problems, largely because no feasible signalization option has been found that would be able to handle the traffic volumes of the four closely spaced intersections. Also, the roundabout option can accommodate bicycle and pedestrian access to the waterfront, (as called for in General Plan, Policy T-29, F). The design incorporated into the Specific Plan did not specifically address pedestrian and bicycle access issues.

5. Utilities
(The Utilities chapter of the Specific Plan describes improvements to the water distribution systems, sanitary sewer system, storm drain system, and electric, telephone and gas services needed to accommodate the development of up to 565,000 square feet of clustered commercial development.)

Analysis: The utility improvements necessary to support the proposed Playing Fields project are less than would be required for 50,000 square feet of development on the site, as anticipated in the Specific Plan. Accordingly, the Specific Plan policies regarding Utilities are generally not
Related Projects

32 relevant or applicable to the proposed project. The utility modifications necessary to support the project are evaluated in Section III, M. Public Services and P, Water and Wastewater, below.

6. Community Design
   6.1 Maintaining and Enhancing View Corridors
   6.2 Building and Parking Siting
   6.3 Street Facades
   6.4 Landscaping and Open Space

(The underlying assumption in this chapter is that buildings would be erected between I-80 and the North Basin, blocking views. Polices 6.1.1 to 6.1.4 focus on maintaining view corridors along Gilman, Cedar and Virginia Streets and minimizing the visual impacts of the buildings. Other policies focus on the design of parking facilities, auto entrances, signs, accessory buildings, night lighting, walls and fences, landscaping, etc.).

Analysis: The project would not block views along the Gilman Street (nor Cedar or Virginia) corridors. It would have much more open space and public area than would have been possible with privately developed, commercial buildings. Because the nature of the proposed development is entirely different than what is anticipated for the site in the Specific Plan, the Community Design policies are not relevant or applicable. The visual, parking and other design impacts of the project are assessed independently in this Initial Study (See Chapter III, Environmental Checklist, below).

7. Plan Implementation
   7.1 Site Improvements. The City of Berkeley, or other appropriate public agency, will fund, develop and maintain all site improvements needed for areas that become publicly owned. The private developer will fund, develop, and maintain all site improvements for areas designated for private use, transportation improvements needed to allow the amount of development proposed before completion of Interstate 80 improvements by Caltrans, and all mitigations determined through the project review process.

Analysis: Generally, the implementation responsibilities set forth in Policy 7.1 are unchanged. What has changed is the amount of land affected. Currently only 29 of the 170 acres covered by the Waterfront Specific Plan are privately owned. Most of the land is owned by the State Department of Parks, while the 16-acre project site is owned by the EBRPD. The City and
EBRPD, in conjunction with the Joint Powers Authority, would be responsible for developing and maintaining the proposed Sports Field complex, consistent with Policy 7.1.

7.3 Permit Applications: Master Development Plan

7.3.1 Purpose. Before proceeding with any construction, development, rehabilitation, land subdivision, grading or landscaping on the Waterfront, a property owner must apply for and receive approval of a Master Development Plan (MDP) in accordance with the following procedures. (Which are set forth in the subsequent sections of the chapter.)

Analysis: The requirements for the filing and processing of an MDP establishes a process by which the City can review, revise and regulate anticipated private development in the Specific Plan area, which was all privately owned land in 1986 when the Specific Plan was written. The project site is now publicly owned and the City of Berkeley is the project sponsor and lead agency for the proposed Sports Fields project. To clarify that the Master Development Plan process is not applicable, and that the City will not have to file a MDP application with itself to develop the Sports Fields, the Specific Plan is proposed to be amended with the following language:

“7.3.1.1. Recreational developments exempted. Consistent with Open Space Policy 13 (OS-13) of the 2002 Berkeley General Plan, projects involving recreational, open space and environmental uses are encouraged in the Waterfront area. Projects proposed by public agencies and for public purposes involving recreational, open space and environmental uses shall not require a Master Development Plan (MDP) or Use Permit.”

Assuming that the proposed Section 7.3.1.1 is approved by the Berkeley City Council, no MDP or Use Permit will be required for the Gilman Street Playing Fields Project.

Measures Q and M.

After the Waterfront Specific Plan was approved in 1986, ballot Measure Q was placed on the ballot and approved in the November election. Measure Q required “zoning to limit development on the entire waterfront and protect its ecology and open space in accordance

1November 4, 1986
with the community planning process of 1984-86.” The Measure’s purpose statement contains several provisions that are relevant to the proposed Gilman Streets Playing Field project including:

b) protect the open space and enhance the recreational uses and low density character of the entire waterfront area;

c) protect and preserve views from the waterfront to the rest of the City, and from the rest of the City to the waterfront;

d) guarantee and maximize access to the shoreline area by citizens of Berkeley and the State of California and guarantee that a continuous shoreline corridor or esplanade at least 100 feet wide shall be dedicated to the public for access by pedestrians, the disabled, and bicyclists; provided, however, that such access shall not damage the delicate ecology of the area.

The policies section of Measure Q set development policies for a) the Meadow, b) the Brickyard and the Beach and c) North Basin Strip and Horse Barns. The North Basin Strip and the Horse Barns were designated for development. The specified development limits were a maximum of 565,000 square feet, with a height limit of two stories (25 feet), except that 50,000 square feet could go up to three stories (35 feet).

Measure Q also included a provision to minimize development south of Virginia Street (extended westward) by requiring that the developer demonstrate that it would be “economically and legally infeasible to place all the development allowed north of Virginia Street”. Measure Q also included a provision stating that it could not be amended, except by a vote of the people.

In 1997 all but 45 acres of the 170-acres of land addressed in the Waterfront Specific Plan and Measure Q were transferred from private to public ownership as part of the State of California’s purchase of land for the Eastshore State Park. The only remaining privately-owned parcels in Berkeley subject to the Waterfront Specific Plan and Measure Q were the 29-acre horse barn parcel and 16-acre subject parcel.
Related Projects

In 2002, the Berkeley City Council placed Measure M on the November ballot. Measure M modified the language of Measure Q to allow the City Council to amend the Waterfront Specific Plan and Measure Q to address changed circumstances so long as the development potential is not increased. It also required that such amendments be placed before the voters for confirmation.

Measure M passed in November 2002 and shortly thereafter, Magna Corporation, the owner of the Golden Gate Fields complex, agreed to sell the 16-acre subject parcel to the East Bay Regional Park District at below appraised value for cash and a tax deduction.

**Analysis:** The proposed Gilman Street Playing Fields project would be consistent with the noted purposes of Measure Q because it would enhance recreational uses on the waterfront in a way that would not involve high-density development. The restroom/field house structure proposed, as part of the project, would be much smaller than the structures anticipated in the Waterfront Specific Plan. Views across the site between the water and the City would not be blocked with two or three story buildings. Finally, the requirement for a 100-foot shoreline band for public use is being incorporated into the project design, as called for in the Waterfront Specific Plan.

With respect to Measure M, the City Council will consider the above-noted amendments to the Waterfront Specific Plan, adding a new Section 3.5.12 to allow recreational and sports facilities as a matter of right and a new Section 7.3.1.1, to exempt recreational developments, such as the proposed Playing Fields project, from the Master Development Plan process set forth in the Specific Plan.

Approval of these modifications to the Specific Plan would allow the Playing Fields project to proceed expeditiously. In approving these amendments to the Specific Plan, the City Council could find that they are consistent with Measure M because a) changed circumstances are present and b) development potential is not increased. A finding of changed circumstances would be supported due to the land transfers that occurred in 1997 and 2002 which have shifted all but 29 acres of the planning area from private to public ownership, plus the 2002 approval of the Eastshore State Park Plan which supersedes the Waterfront Specific Plan’s land use designations and policies for much of the waterfront. A finding that the development potential
has not increased would also be supported because less than 20% of the Specific Plan’s land area is now in private ownership and has commercial development potential.

3. BERKELEY ZONING ORDINANCE

The Berkeley Zoning Ordinance is found in Title 23 of the Berkeley Municipal Code. Chapter 23E.88 addresses zoning regulations in SP (Specific Plan) Districts. The project site is entirely within the Waterfront Specific Plan area, so the regulations set forth in Chapter 23E.88 apply.

Section 23E.88.030, Uses Permitted, requires that the uses be consistent with the applicable adopted Specific Plan, subject to obtaining a Master Development Permit or a Use Permit if the Specific Plan is silent as to a particular proposed use.

Analysis: The Master Development Plan process establishes a way for the City to actively participate in the development of land use plans for privately owned land in a sensitive area, such as the Waterfront. Since the Waterfront Specific Plan was adopted in 1986 almost 80% of the land, including the project site, has passed from private to public ownership. As noted in the previous discussions, many of the Specific Plan’s provisions regarding the project area are unrealistic and out-of-date in that they are based on the assumption that private owners will develop the site with commercial uses.

The City’s current goals for the site, as enunciated in Policies LU 43 and OS-13 of the new (2002) General Plan call for primarily recreational, open space, and environmental uses on the Waterfront. As noted, the proposed project would be consistent with these policies and amendments to the Waterfront Specific Plan to allow sports facilities and exempt them from the Master Development Plan and Use Permit requirements are proposed to be adopted in conjunction with approval of the project. Since Section 23E.8.030 does not specify an approval procedure in the event that neither a MDP nor a Use Permit is required, the City is proposing to add a new subsection D to Section 23E.88.030, as follows:

23E.88.030 Uses Permitted
D. Where a Specific Plan exempts a permitted use from the requirements of a Master Development Plan and a Use Permit, the use shall be subject to Zoning Conformance procedures as set forth in Section 23B.20.
With this proposed addition the Zoning Ordinance would be amended to establish a Zoning approval process for the Gilman Street Playing Fields project that would be consistent with the concurrent amendments to the Waterfront Specific Plan needed to reflect changes in circumstances and revisions in priorities and policies for the Waterfront, as reflected in Policies LU-43 and OS-13 of the 2002 General Plan.

4. EASTSHORE STATE PARK PLAN

The boundaries of the planning area were established in 1997 when the State and East Bay Regional Park District completed negotiations to acquire the lands to create the Park from private landowners, while the General Plan for Eastshore State Park1 was adopted in December 2002. Figure 10 shows the Eastshore State Plan map for the project area. In Berkeley, the Eastshore State Park consists of approximately 115 acres out of the 170 acres that are covered in the Waterfront Plan, plus 797 acres of tidelands along the waterfront, including all of the North Basin, to the west of the project site. The 16-acre project site, however, is not a part of the Eastshore State Park.

Along the Berkeley waterfront, the General Plan for Eastshore State Park proposes primarily open space and environmental uses, with the development of modest informal recreational opportunities primarily focused on walking and sightseeing. North of University Avenue, the General Plan for Eastshore State Park calls for the Berkeley Meadow area to be a conservation area. Park trails would be constructed around the perimeter of the Meadow, the north shoreline would be regraded, and a constructed wetland would be developed and Schoolhouse Creek would be opened up west of the West Frontage Road. The Bay Trail would be extended along the shoreline band (“promenade”) between Schoolhouse Creek and Gilman Street with a bridge across the newly daylighted Schoolhouse Creek. Visitor parking and a “facility” (perhaps a hostel) would be developed in the North Basin Strip area, immediately south of the project site, which is planned for recreational uses.

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The General Plan for Eastshore State Park also calls for a Gateway Facility at the foot of Gilman Street, and a Bay Trail connection along Gilman Street to connect with the existing Bay Trail adjacent to West Frontage Road. In addition a “Park Trail” is proposed along the waterfront west of the project site (in the “promenade” area).

Finally, in Albany, the General Plan for Eastshore State Park identifies the Plateau area as a location for the development of sports fields, and associated parking, restrooms and maintenance facilities.

**Analysis:**

The Gilman Street Playing Fields project site is not within the Eastshore State Park, although it is bounded by the park on the west and south sides. The project’s design would not appear to compromise the ability of the State Park planners to develop the Bay Trail and related public access amenities along
Related Projects

the shoreline band west of the project site, nor would it constrain development of the Bay Trail cross-connection between the West Frontage Road bike path and the shoreline area. The nature of the Gateway development at the foot of Gilman Street is not specified in the General Plan for Eastshore State Park, although it is not expected that the Playing Fields project would interfere, and there would be opportunities to design and construct them in a complementary manner.

The most significant relationship between the proposed project and the Eastshore State Park Plan is that development of the project would mean that sports fields designation would no longer be appropriate at the Albany Plateau, in which case the Plateau area would be used for informal recreation and/or conservation purposes, as indicated in the Plan’s text.

The Plan indicates that State law does not allow the State Parks Department to build and operate “urban formalized recreational activities,” such as sports fields, and specifies that the fields proposed for the Plateau would have to be developed under formal agreement with an appropriate operator such as a local jurisdiction or a joint powers agency. And since the Joint Powers Agreement for the development of the Playing Fields Project specifically recites that it is the intent of the five sponsoring cities that the sports fields designated for the Albany Plateau will not be constructed if the Gilman Street Playing Fields project is developed, it would appear that the conditions that would have permitted sports fields on the Albany Plateau cannot be met. The land use designation for the Plateau will, therefore, revert to “informal recreation and/or conservation”.

G. RELATED PROJECTS

There are several pending or proposed projects involving lands adjacent to the project site and/or access to the project site. They are described briefly below:

Eastshore State Park

As noted above, Eastshore State Park lands abut the Playing Fields site on the south and west sides. The General Plan for the Eastshore State Park was approved in December 2002 and an

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1 Ibid. p. III-80, 81.
Environmental Impact Report on the project was certified. Planning for implementation of the General Plan is underway, and a CEQA Initial Study has been prepared for Berkeley Meadow and Brickyard Area. Implementation actions, including hazardous materials studies, debris removal, habitat enhancements, trail construction and other park development actions are expected to occur over the next several years. However, the timetable could be affected by the State budget shortfalls.

Planning has not progressed as far for the North Basin Strip or the Promenade along the North Basin shoreline, both of which lie adjacent to the proposed Project Site.

**Rancho San Antonio**

In May 2002, Magna Corporation, the owner of the Golden Gate Fields complex, submitted an application to the City of Albany for a Specific Plan to develop retail, theater, commercial, and race-track related simulcast and event facilities on Fleming Point in Albany and hotel and conference center facilities on the Berkeley parcels, including the 29-acre stables parcel and the 16 acre North Basin Strip II parcel (now the proposed Playing Fields project site). Albany initiated a community visioning process for the Golden Gate Fields area of the Albany waterfront, which concluded in February 2004. It is expected that Magna Corporation will respond with a new and/or modified Specific Plan proposal, although the timing of that response is not known. If an application were filed, the project review process would require many months, including time to prepare and review an Environmental Impact Report. If any changes to Albany’s waterfront zoning are required, they would have to be submitted to the voters for approval.

With respect to the Berkeley property owned by Magna, Measure M, approved on the November 2003 ballot, allows the City Council to amend the Waterfront Specific Plan to address changed circumstances, so long as the level of development is not increased. Amendments to the Plan would also require environmental review and they would have to be placed before the voters for confirmation.

In December 2003, following the passage of Measure M on the Berkeley ballot, Magna Corporation agreed to sell the proposed project parcel (North Basin Strip II) to the East Bay
Regional Park District. Accordingly, Magna will not include this parcel in any future plans for modifications to the Golden Gate Fields complex.

Gilman Street Interchange

The Gilman Street interchange with I-80 includes four stop-sign controlled intersections within 400 feet. It carries heavy traffic and is difficult to navigate. As shown in Table 1, the I-80 off-ramps at the Gilman Interchange are heavily congested during the AM and PM peak hours on weekdays, with westbound off-ramp approach at Level of Service F in the AM peak and both off-ramp approaches and the eastbound left-turn at the off-ramp intersection at LOS F in a PM peak hour.\(^1\) Likewise, the northbound and southbound approaches on the Eastshore Highway (east frontage road) are at LOS F during the PM peak and LOS E and F in the morning peak. The northbound approach on the West Frontage Road is the only stop-controlled approach that does not operate at LOS F in at least one peak period.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>AM Peak</th>
<th>PM Peak</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Gilman St/West Frontage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northbound Approach</td>
<td>B (11.3)</td>
<td>C (16.7)</td>
</tr>
<tr>
<td><strong>2. Gilman St/I-80 WB Ramps</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southbound Approach</td>
<td>F (&gt;180)</td>
<td>F (&gt;180)</td>
</tr>
<tr>
<td><strong>3. Gilman St/I-80 EB Ramps</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northbound Approach</td>
<td>C (21.0)</td>
<td>F (&gt;180)</td>
</tr>
<tr>
<td>Eastbound Left</td>
<td>A (2.1)</td>
<td>F (64.6)</td>
</tr>
<tr>
<td><strong>4. Gilman St/Eastshore Hwy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northbound Approach</td>
<td>F (&gt;180)</td>
<td>F (&gt;180)</td>
</tr>
<tr>
<td>Southbound Approach</td>
<td>E (39.1)</td>
<td>F (141.3)</td>
</tr>
</tbody>
</table>

Results are shown as LOS (Delay)
Delay = average seconds of delay per vehicle
LOS = Level of Service

After reviewing numerous alternatives, the City of Berkeley has selected a Two Roundabout Intersection Alternative, which is depicted in Figure 11, as the preferred alternative for reducing congestion at the interchange. The modifications would create a roundabout intersection on each side of the freeway. Each roundabout would combine movements from Gilman Street, the I-80 ramps and the associated frontage road into one intersection. The project would also

\(^1\) See III, O, Traffic and Transportation, below, for a description of all Level of Service (LOS) categories.
Related Projects

include metering of the northbound West Frontage Road approach to Gilman Street in order to limit bypass traffic using the frontage road and allow acceptable operating conditions at the roundabout. Other traffic calming and bypass discouragement measures have been assumed which would limit southbound West Frontage Road bypass traffic during peak hours.

**GILMAN STREET ROUNDBOUT**

A conceptual design has been prepared based on future volumes. For 2025 forecast volumes, the approaches for both the eastern and western roundabouts would operate at LOS D or better during the AM peak hour, but at least one approach at each roundabout would operate at LOS F in the PM peak hour. See III, *Traffic and Transportation*, below for details. The current status is that the report containing justification for the recommended design is nearing completion, and the City is attempting to procure funding for final design and construction.
Ferry Terminal

The Regional Ferry Plan\(^1\) considers a potential ferry terminal near the foot of Gilman with service between San Francisco and Berkeley/Albany. This is one of 17 potential new ferry routes considered in the Plan. The Rancho San Antonio proposal included an optional ferry pier extending several hundred feet into the Bay at the foot of Gilman Street. The terminal building would have been located on the proposed project site. Currently no site for the ferry terminal has been selected; the environmental documents will analyze both the University Avenue and Gilman Street sites in Berkeley as well as a site in Albany.

The Ferry Plan anticipates a public-private partnership with Golden Gate Fields, as racetrack patrons would use the ferries. The ferry travel time between Berkeley/Albany and San Francisco was estimated at about 20 minutes and patronage was estimated at 1,200 on racing days and 800-860 on non-racing days. Capital investments would have included a terminal, pier, float, dredging and a vessel. The Ferry Terminal was not included in the General Plan for the Eastshore State Park.

In 2003, the San Francisco Bay Water Transit Authority was created by the legislature. This agency is responsible for implementing improved ferry service on San Francisco Bay. Ferry service between Berkeley and San Francisco is one of the Authority’s priorities. Initial planning studies are underway, environmental review is expected in 2006 and 2007, and design and construction is scheduled to occur in 2008 and 2009.\(^2\) At this time, the exact location of the terminal on the Berkeley side of the Bay is subject to further study, and its effects, if any, on the proposed Playing Fields project cannot be known.

\(^1\)MTC, Regional Ferry Plan, San Francisco Bay Area, September 1992, p. IV-20.

H. ENVIRONMENTAL SETTING

1. VISUAL SETTING

The waterfront area is visible from many points in Berkeley. Views from the Berkeley Hills, to the east, show the waterfront, Berkeley Marina, and Golden Gate Fields with the backdrop of San Francisco Bay, the Golden Gate Bridge, the San Francisco skyline, the Marin headlands, Angel Island and Mt. Tamalpais. Views of the shoreline are available along I-80 and West Frontage Road south of University Avenue, but north of University the vacant, unimproved lands of the North Basin Strip dominate views from the freeway and West Frontage Road while the low hills in the Marina and Cesar Chavez Park fill the middle distance. In recent years, highly visible temporary businesses (pumpkin and Christmas tree vendors and the Cavalia horse show, which was on the project site) have occupied space along the Frontage Road for several months a year, while currently, grading work, soil stockpiling and several Eastshore State Park signs hint of changes to come, although most of the area has the visual appeal of a large, untended vacant lot.

Closer to Gilman Street, the paved parking lot that occupies the northern half of the project site is visible. It looks (and is) mostly unused, with clusters of parked cars, horse trailers, semi-trailers and stacks of hay bales all visible from the Frontage Road and the Freeway. The waters of the North Basin and San Francisco Bay are barely visible from these locations, and in the middle distance, Cesar Chavez Park obscures views of all but the tops of the towers on the Golden Gate Bridge. Views from the freeway and frontage road are filtered through the chain link fences along the edges of the freeway and the Bay Trail, beyond. The best overview of the site from the freeway is obtained in the westbound, outside lane as a traveler descends from the Gilman Street overcrossing. See Figures 4 and 5, for examples of typical views to and from the site.

The paved parking lot is illuminated at night, with flood lights on six poles. The level of illumination is not especially high but it covers almost all of the parking lot area and the lights are clearly visible from the freeway. City street lights can also be seen along Gilman Street, and additional security lights illuminate the Golden Gate Fields horse barn areas immediately to the
Environmental Setting

north. From the freeway, the Golden Gate Fields display sign dominants the nighttime scene in the area.

2. GEOLOGICAL SETTING

The project site is part of a reclaimed landform, constructed primarily in the 1930's from dredged material excavated from the Bay. The fill is generally 10 to 15 feet thick, primarily composed of a fine grain layer, approximately 3 to 8 feet in thickness, above a coarse grained layer that extends to the underlying Bay Mud. Debris, including wood chips, metal, glass and brick and occasional pieces of plastic, was found in both fill layers. The amount of debris in the fill did not generally exceed 5% of the total volume; however, it was higher in a few of the near-surface soil samples. The groundwater table is approximately 3 to 7 feet below ground surface; and is shallower in the northern area than in the southern area. The direction of flow is toward the Bay. The site surface is relatively flat, with a topographic variation of less than 5 feet. On the unpaved portion, there are several small depressions, mounds and berms.

Over the years, the Berkeley waterfront area, including the project site, has experienced extensive differential settlement. (This is readily apparent in the wavy roadbed of the University Avenue, west of I-80, and by the ponding of water in shallow depressions on paved areas of the site during the rainy season.) Settlement can be expected to continue due to the properties of the fill and the underlying unconsolidated Bay mud. Bedrock underlies the waterfront area at depths of 100 to 200 feet. This bedrock is overlain with sediments that have eroded and washed down from the Berkeley Hills. This alluvial material is known as the Temescal Formation and is overlain with younger Bay Mud consisting of fine silt, sand and clay that have been deposited more recently. The Bay mud is from 3 to 40 feet thick and is the foundation for the artificial fill that was placed during the past 60 years. The greater depths of Bay mud appear to lie in topographic troughs representing ancient drainage channels to the Bay.

The site lies approximately 16 miles east of the San Andreas Fault, and about 2.5 miles west of the Hayward Fault. The largest earthquake likely to occur on the San Andreas Fault is estimated at a magnitude of 8.3 on the Richter Scale, while the Hayward Fault is believed to be capable of a 7.2 magnitude earthquake. Overall, there is a 70% probability that an earthquake with a magnitude of 6.7 will occur in the Bay region between 2002 and 2030. Such earthquakes would
cause very strong to violent ground shaking at the site, and additional secondary hazards from soil liquefaction are likely. No known faults underlie the site.

3. BIOLOGICAL SETTING

While the Berkeley waterfront contains both aquatic and terrestrial habitat types, the project site is set back from the shoreline and contains only terrestrial habitats. Terrestrial habitats include ruderal (weedy) areas, seasonal ponds, landscaped areas and existing developed areas. The southern half of the site is generally a ruderal area while the northern half is developed as a paved parking lot. None of the site has been formally landscaped and the only trees on the property are the mature, 20- to 35-foot tall, Monterey Cypress at the northwest corner (end of Gilman Street). It appears that two or three of the four trees in this location are within the property boundaries.

Aquatic habitats include rip-rapped shoreline, sandy beach, mudflats and deep water areas. The rip-rapped shoreline lies a short distance west of the site. Beyond the shoreline, mudflats are exposed at low tide in some locations, and deep-water areas are found in the North Basin.

Wildlife at the site consists primarily of birds and small mammals. The weedy upland fill area provides protective habitats for a variety of small mammals including rabbits, ground squirrels, skunks, gophers and mice voles. Feral cats have also been seen on the site.

The nearby shoreline and intertidal zone provides habitat for fish, shellfish and many species of water birds. Water bird populations are generally highest in early winter, the peak migratory period. These levels remain high through winter and early spring. There is a gradual decline through spring and early summer, but the arrival of migrant shorebirds in late summer increases the population.

The mudflats exposed to the daily tide cycle are rich in invertebrate life, including algae that replenishes oxygen in the water and serves as the first link in the food chain. Other species found in the mudflats include polychaete worm, clams, oysters and mussels.

Several “special-status” wildlife species have been observed in the waterfront area and on the project site. Four species, the California brown pelican, California least tern, Peregrine Falcon
and the California Clapper Rail are listed as endangered species under the State and/or Federal Endangered Species Acts. The brown pelican and least tern feed in offshore areas along the Berkeley waterfront; the Peregrine falcon preys in the skies along the East Bay shoreline and may also roost occasionally in the area. The Clapper Rail is a very secretive bird that habituates tidal marshes. Clapper Rails are present in the Emeryville Crescent and Richmond marshes. The project site does not provide nesting opportunities for any of these special-status birds and is not considered a critical habitat for any of them.

The Burrowing Owl is a California Species of Special Concern. Burrowing owls are a ground dwelling species and commonly nest in ground squirrel burrows or similar cavities dug by other animals. Burrowing owls have been seen in rip-rapped areas along Cesar Chavez Park and on the eastern side of the North Basin in the vicinity of, and on the project site. A formal, protocol compliant survey of the site area for burrowing owls or evidence of burrowing owls was conducted in the spring of 2004. See Appendix A. None were seen and no evidence of nesting owls was found. However, because there have been credible, recorded sightings of burrowing owls on the site within the past three years, it is assumed that the habitat is suitable and that the animals may be present.

4. HAZARDOUS MATERIALS

Several soil and groundwater investigations of all or portions of the project site have been completed in the past and site remediation work has been completed where required. The most comprehensive site investigations were conducted by Erler and Kalinowsksi, Inc. (EKI) in 2003 to facilitate the East Bay Regional Park District’s planned acquisition of the 16-acre parcel. The EKI investigations included sampling and analysis of 184 soil samples from 178 locations, 8 groundwater samples and 6 soil gas samples. Areas of concern identified included:

- four areas with metals (primarily lead) in the soil
- a generalized area with measurable concentrations of petroleum hydrocarbons randomly detected in shallow soil
Environmental Setting

- the potential site-wide presence of methane gas, particularly below paving in the northern portion of the site

A Remediation and Risk Management Plan was prepared and implemented. The objective of the remediation work was to prepare the site for recreational and other park purposes, and the remedial action levels that have been developed and approved for the Eastshore State Park were applied to this site.

Remediation activities were completed in four areas on the site where hazardous materials were found in the soil at concentrations above action levels adopted by the Regional Water Quality Control Board. The associated excavation, and soil removal and replacement work was completed in late 2003 and necessary repaving work was completed in early 2004.

5. TRAFFIC SETTING

Access to the project site is provided from Gilman Street with connections to I-80, West Frontage Road, East Frontage Road and Eastshore Highway.

Gilman Street is a major lane east-west arterial that provides direct access to the site. It ends adjacent to the northwest corner of the site, although the pavement turns and merges into the private street on the Golden Gate Fields site that provides access to the grandstand. Gilman Street is signal controlled at Sixth and Eighth Streets and at San Pablo Avenue, but not at the freeway ramp/frontage road intersection complex. It carries over 15,000 vehicles a day, about 1,370 in the morning peak hour and 1,780 in the afternoon peak. As noted previously, the existing stop-sign controlled intersections with Gilman Street at the I-80 ramps and associated frontage road intersections currently operate at very poor levels of service. See Table 1, above. The City has considered

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2 San Francisco Regional Water Quality Control Board, Order 98-072, Site Cleanup Requirements, Catellus Development Corp. - East Shore Properties, Table 1, “Upland Soil All” and “Groundwater Non-buffer” criteria were applicable.
Environmental Setting

multiple options for improving the intersection, and has settled on the double roundabout option shown in Figure 11 as the preferred project.

I-80/580 is an ten-lane freeway located a short distance from the east boundary of the site. Average daily traffic (ADT) volumes on I-80/580 in Berkeley exceed 250,000 vehicles. I-80/580 provides regional access via four interchanges: Buchanan Street in Albany and Gilman Street; University Avenue; and Ashby Avenue in Berkeley. While traffic approaching the project site from the north and central areas of Berkeley would be expected to use Gilman Street to access the site, traffic from south Berkeley and Emeryville would probably use I-80/580, exiting at the north bound Gilman Street off-ramp and traffic from Albany, El Cerrito and Richmond is also likely to use I-80/580, exiting at the southbound Gilman Street off-ramp.

West Frontage Road is a north-south roadway that runs parallel to I-80/580 between Gilman Street and Ashby Avenue. There is one lane in each direction. West Frontage Road often functions as an alternate roadway for commuters trying to avoid traffic congestion on I-80/580. The Bay Trail is located along the west side of West Frontage Road, and its fence line effectively marks the eastern boundary of the project site.

Eastshore Highway is the north-south roadway that parallels I-80/580 on the east side of the freeway. The road also has one lane in each direction and provides access to the areas just north and south of the University Avenue interchange.
III. ENVIRONMENTAL CHECKLIST

The environmental factors checked below would be potentially affected by this project, involving at least one impact as indicated by the checklist on the following pages.

| ☒ Aesthetics       | ☐ Agriculture Resources | ☒ Air Quality          |
|                   | ☐ Cultural Resources    | ☒ Geology / Soils      |
| ☒ Biological Resources | ☐ Hydrology / Water Quality | ☐ Land Use          |
| ☒ Hazards & Hazardous Materials | ☒ Hydrology / Water Quality | ☐ Land Use          |
| ☐ Noise           | ☐ Population / Housing | ☒ Public Services     |
| ☐ Resources / Recreation | ☒ Transportation / Traffic | ☒ Utilities / Service Systems |
| ☐ Mandatory Findings of Significance |

DETERMINATION: (TO BE COMPLETED BY THE LEAD AGENCY)
ON THE BASIS OF THIS INITIAL EVALUATION:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find 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.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.