

Office of the City Manager

SUPPLEMENTAL REPORT
ACTION CALENDAR
December 10, 2002

To: Honorable Mayor and
Members of the City Council

From: Weldon Rucker, City Manager

Subject: New Fire Station At 3000 Shasta Road-- Supplemental Information Regarding
Environmental Review

RECOMMENDATION:

This report does not change any of the recommendations in the report that has been included in the Council packet.

CURRENT SITUATION AND ITS EFFECTS

N/A

BACKGROUND:

The Council has before it a staff report and various implementing resolutions and ordinances related to acquisition of property for, and construction of, the Hills Fire Station.

This supplemental report addresses a single issue: whether the Environmental Impact Report (EIR) certified in July adequately addresses the potential impacts of exchanging the City's "Virginia Street extension" (the City right of way extending west from Frontage Road to the Berkeley Marina) for the Shasta Road right of way.

As explained in the staff report, staff discovered after project review was well underway that, contrary to historical understanding, the part of the Shasta Road right of way where the fire station is to be built is not owned by the City but by the East Bay Regional Park District (EBRPD). Accordingly staff has negotiated the acquisition of this part of Shasta Road from the

EBRPD in exchange for the "Virginia Street extension". The Board of Directors of EBRPD approved this exchange on October 1, 2002.

The question has been raised whether the transfer of the Virginia Street extension may result in potentially significant impacts that were not analyzed in the Environmental Impact Report (EIR) prepared on the project. As explained below, it does not.

RATIONALE FOR RECOMMENDATION

The right of way to be transferred to the EBRPD should not be confused with the dirt road occasionally used for egress from the Berkeley Marina and Cesar Chavez Park. For the most part, the dirt road is actually south of the right of way, on property already owned by the EBRPD. Rather, the Virginia Street extension actually covers an area that is largely water and riprap, along the northern edge of the EBRPD property. Nevertheless, EBRPD has agreed to permit continued use of the dirt road until the East Shore State Park is developed.

While development of the East Shore State Park, with its proposed elimination of the occasional public vehicular access on the existing dirt road, will likely affect traffic patterns to some extent, this will occur regardless of the proposed exchange. Thus, the proposed exchange would not affect traffic patterns.

Moreover, according to the EBRPD, the City's rights to the right of way have lapsed as a matter of law because they were never exercised, as was required by the original documents by which the right of way was granted to the City. But even if this were not the case, development of the Virginia Street extension would require a substantial amount of new fill in San Francisco Bay, and all of the significant environmental impacts associated with such fill. There are no plans to undertake this project, and it is extremely unlikely that such a project would ever be undertaken.

For these reasons, exchanging the Virginia Street extension-- essentially a "paper street"-- for the Shasta Road right of way will have no impact on the environment because it will result in no change in the environment.

Accordingly, Staff continues to recommend that the City Council take all of the implementing actions described in the staff report on this item.

ALTERNATIVE ACTIONS CONSIDERED

N/A


FINANCIAL IMPLICATIONS:

The exchange of property with the EBRPD will have no financial implications.


CONTACT PERSONS:

Rene Cardinaux, Director of Public Works 981-6300
John Rosenbrock, Manager of Capital Projects 981-6331
Carmella Rejwan, Architect 981-6341

Approved By:



John Rosenbrock, Manager of Capital Projects



Rene Cardinaux, Director of Public Works