

Office of the City Manager

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: October 18, 2005

Item Description: **Gilman Street Playing Fields: Waterfront Specific Plan/General Plan/Zoning Ordinance Amendments, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan**

Supplement to the Staff Report: Comments and responses to comments received subsequent to Planning Commission latest action on July 27, 2005 from the California Department of Parks and Recreation and the California Department of Transportation.

SUMMARY

Comments were received from the California Department of Parks and Recreation expressing their support, together with the East Bay Regional Park District, for the Alternative Mitigation BIO-1A included in the MND that would permit the City to immediately obtain agreements for off-site burrowing owl habitat mitigation on the Albany Plateau.

Comments were also received from the California Department of Transportation on Highway Operations, Bay Trail, Hydraulics, Lighting/Glare, Right of Way, encroachment permit requesting a higher fence separating the phase I playing fields, and identifying several coordination requirements necessary to implement the proposed Playing Fields.

Comments from California Department of Parks and Recreation Regarding Off-Site Burrowing Owl Habitat (Exhibit A)

Comments in Support of Alternative BIO-1A: Comments were received on the proposed Gilman Ball Fields Project from the California Department of Parks and Recreation on July 27, 2005. The purpose of the letter is to verify the California Department of Parks and

Recreation and East Bay Regional Park District support for off-site mitigation work to be implemented at Eastshore State Park as part of the Gilman Street Ball Fields Project. This

comment is in response to the Alternative Mitigation BIO-1A that is included in the MND for the proposed project that provides:

The City shall immediately obtain the necessary agreements and approvals for approximately 10 acres of land for burrowing owl mitigation, subject to approval by the California Department of Fish and Game, California Department of Parks and Recreation, and East Bay Regional Park District to formalize institutionalize commitments necessary to permanently protect burrowing owl habitat on the Albany Plateau area of Eastshore State Park, or other approved mitigation site or sites. Upon adoption of the agreements, the protocol surveys called for in Mitigation BIO-1 shall be terminated, and construction of Phase II of the project could be commenced prior to 2008.

The comment notes that with successful implementation of the sports field project at Gilman Street, burrowing owl habitat enhancements at the Albany Plateau are feasible and a desirable asset to Eastshore State Park. The comment further notes: "In discussions with their operating partners, East Bay Regional Park District, on July 13, 2005, it was agreed that State Park and the district are fully supportive of the project to establish this habitat at the Albany Plateau as part of mitigation for the Gilman Street sports field project. All enhancement plans must be approved by both the Department of Parks and Recreation and East Bay Regional Park District before implementation."

The comment clearly identifies the support from State Parks and East Bay Regional Park District for the alternative BIO-A mitigation in the MND. A copy of the letter is attached as Exhibit A

Comments from the California Department of Transportation (Exhibit B)

1. Highway Operations: Staff believes that the traffic scenarios addressed in the Initial Study are appropriate, realistic and feasible. The Gilman Street interchange is currently congested with some movements operating at LOS F in the peak hours, and the City has been working for years to address this problem. The recent passage of reauthorization for Federal transportation funding included \$1.2 million for improvements at the I-80/Gilman Interchange. Caltrans has reviewed the initial draft of the Project Study Report (PSR) that recommended a twin-roundabout and expressed basic agreement that the roundabout solution was the most cost-effective. While design details must be resolved, it is highly likely that the roundabout will be in place by the time that Phase II is completed and it made sense, therefore, to analyze this alternative.

Although it is true that Caltrans and FHWA have not as yet approved the document, indications are that the project will be approved, as no other alternatives studied are feasible. As the available funding is available to fund all or most of the project, the City feels that it is reasonable at this time to assume that the opening of the completed project will coincide with the completion of the project. Clearly, options other than the current design, while less desirable, are available and would be pursued by the City should Caltrans and FHWA reject the twin-roundabouts. If the interchange improvements are delayed or changed in ways that would affect Phase II of the Gilman Street Playing Fields project, additional CEQA review, such as an Addendum or a Subsequent Initial Study/MND, could be triggered by the change of circumstances. In such a case the City would comply with the CEQA law and regulations.

2. Fencing: Comment noted. Our sports fields' designers will review the fencing heights during final design. If it is determined that a 20-foot fence is necessary along the eastern boundary, it will be specified. Replacing the proposed 12-foot fence with a 20-foot fence would not result in

any additional significant visual impacts, although it would, obviously, have a higher profile. As can be seen from the photos in Figure 5 of the Initial Study (page 10), the best views for westbound freeway travelers are from the elevated Gilman Street overpass, where the viewpoints are more than 20 feet above the site, so they would look over the fencing (which is mostly transparent, anyway). Views from the at-grade portion of the westbound freeway are blocked/filtered by the safety barrier and fencing along the outside lanes. Increasing the playing fields fencing height would not significantly affect these (low quality) views. Changing the height of the fence would have little or no effect on eastbound freeway travelers, who have limited visual access to the site under existing conditions.

From the Frontage Road and Bay Trail, which lie beside the site boundary, the views would be filtered through the fence whether it is 12-feet or 20-feet high. From the Bay Trail, the existing 6-foot fence filters views. Accordingly, increasing the fence height would not result in new significant visual impacts for these viewers.

From farther away, at viewpoints from Berkeley neighborhoods, increasing the perimeter fence height from 12- to 20-feet would not have perceptible visual impacts because of the distance and transparency of the fences.

3. No Parking Zone: Comment noted. The City would concur with Caltrans specifications and requirements in this matter.

4. Bay Trail: The City concurs. Every effort will be made to keep the Bay Trail operational during construction.

5. South Parking Lot Entrance: The City recognizes that construction of this parking lot entrance will require an encroachment permit from Caltrans and the City would comply with Caltrans requirements with respect to signage and pavement markings at the trail/driveway intersection.

6. Hydraulics: Mitigation Measure HYDRO-2 accomplishes exactly what Caltrans suggests. See page 80 of the Initial Study.

7. Lighting/Glare: See Mitigation AESTH-1.

8. Right of Way: Boundary surveys were completed by the City as part of the project and were utilized during preliminary design. Staff believes that there will be no encroachment into the State right of way (or easements) with two exceptions: 1) the driveway for the southern parking lot entrance would cross the Caltrans easement where the Bay Trail is located and require a curb cut and related modifications at the Frontage Road; 2) the row of trees proposed for landscaping along eastern side of the site is proposed to go between the perimeter fence and the Bay Trail and would, therefore, be on the Caltrans easement.

9. Encroachment Permit: Comment noted. Staff understands that an encroachment permit will be required for the southern parking lot driveway entrance and for the landscaping located on the east side of the perimeter fence.

Exhibits

A: Stephen R. Lehman, Deputy Director, Acquisition and Development Division, California Department of Parks and Recreation, letter to Phil Kamlarz, City Manager, July 27, 2005.

B: Timothy C. Sable, District Branch Chief, IGR/CEQA, California Department of Transportation letter to Allan Gatzke, August 30, 2005.

DEPARTMENT OF TRANSPORTATION

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August 30, 2005

ALA080140
SCH#2005062056

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

Dear Mr. Gatzke:

GILMAN STREET PLAYING FIELDS – NEGATIVE DECLARATION

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Gilman Playing Fields project. The comments presented below are based on the Negative Declaration (ND); additional comments may be forthcoming pending final review of the ND. As lead agency, the City of Berkeley is responsible for all project mitigation, including any needed improvements to state highways. Financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. Any required roadway improvements should be completed prior to issuance of the project's building permit. While an encroachment permit is only required when the project involves work in the State Right of Way (ROW), the Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore we strongly recommend that the lead agency ensure resolution of the Department's CEQA concerns prior to submittal of the encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding the encroachment permit process.

Highway Operations

1. Future Year 2025 traffic analysis should be revised with analysis that eliminates the assumed roundabouts at the Gilman ramp termini. Since the required special approval from Departmental Headquarters has not yet been granted, and the Federal Highway Administration may also need to approve the roundabouts if they change access conditions at Interstate (I) 80, it is premature to assume operational roundabouts. Since the studies for the proposed roundabouts have not yet been completed and submitted to the Department for review, approval of the roundabouts cannot be assumed yet.

2. The proposed 12-foot high fencing should be a minimum of 20 feet high to prevent errant balls from impacting the frontage road, I-80, or the on-ramp. Section II.E.3, Fencing and Planting.
3. The "No Parking Zone" may need to be longer than 100 feet from the proposed roundabout entry. Please note that approval of the roundabouts may be contingent on sufficient length of the "No Parking Zone". Section O, Environmental Checklist.

Bay Trail

1. Since the Bay Trail is a heavily used non-motorized facility, every effort should be made to ensure that it remains open during construction. Traffic control measures to address potential conflicts between trail users and construction traffic should include deployment of appropriate signage and traffic control personnel.
2. Potential conflicts between trail users and vehicles entering and exiting the southern parking lot should be addressed in the ND.

Hydraulics

The preliminary drainage plan should be revised to reflect the policy stipulated in the Berkeley Waterfront Specific Plan. The drainage plan is currently not in compliance with drainage policy set forth in the Waterfront Plan which contradicts the statement that the project will conform to that policy. The Waterfront Plan states, "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." Section 2.2, Environmental Protection. Berkeley Waterfront Plan. However, Page 15 of the ND states, "The Preliminary Plan assumes that the on-site storm drains would be connected to existing City of Berkeley storm drains in Gilman Street and in the Frontage Road." This drainage concept is further reflected in the preliminary site plan shown on Page 16 of the ND.

Lighting/Glare

Project lighting should be designed and constructed to minimize lighting/glare impacts to I-80 motorists.

Right of Way

The current project design encroaches in State ROW, which includes the frontage road, in excess of 25 feet along easterly side of the project. Project plans should be revised to clearly show Caltrans ROW as depicted on the enclosed graphics. Please call Bill Newton, Senior Transportation Surveyor, at (510) 286-5303 for any assistance with Caltrans ROW mapping information.

Encroachment Permit

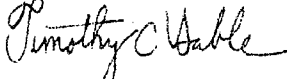
Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process.

See the website link below for more information.
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Sean Nozzari, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or patricia_maurice@dot.ca.gov with any questions regarding this letter.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Ms. Terry Roberts, State Clearinghouse

Enclosures

