

Exhibit 2: Mitigated Negative Declaration

**CODORNICES CREEK
IMPROVEMENTS PLAN**

DRAFT INITIAL STUDY AND
PROPOSED MITIGATED NEGATIVE
DECLARATION

CITY OF ALBANY

MARCH 4, 2004



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CITY OF ALBANY
CODORNICES CREEK IMPROVEMENTS PLAN
INITIAL STUDY
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I INTRODUCTION

This document is an Initial Study and Mitigated Negative Declaration of the Lower Codornices Creek Improvements Plan prepared in accordance with Section 15701 of the California Environmental Quality Act (CEQA) Statutes and Guidelines. The Improvements Plan is a collaborative effort between the cities of Albany and Berkeley and the University of California, Berkeley, and calls for the restoration of Codornices Creek between San Pablo Avenue (State Route 123) on the east and the Union Pacific railroad (UPRR) tracks on the west. The Improvements Plan, also referred to in this document as “the project,” is intended to restore Codornices Creek to a more natural state. The project also includes a pedestrian/bicycle path along alternating sides of the creek. The proposed project is located primarily in University Village, in the southwest corner of the City of Albany. The City of Albany is the lead agency for this project under CEQA.

Most of the proposed project site is currently owned by the University of California, Berkeley. Other affected property owners include the City of Berkeley and the US Postal Service. Required permits and approvals include Environmental Review, Grading and Building Permits. The project would also require a 401 Water Quality Certification and a Stormwater Pollution Prevention Permit from the San Francisco Regional Water Quality Control Board (RWQCB). The proposed project would be subject to an incidental take permit from the National Marine Fisheries Service, a Streambed Alteration Agreement from the California Department of Fish and Game, and a Section 404 permit from the US Army Corps of Engineers under the Clean Water Act. The project may also require approval by the California Department of Transportation (Caltrans) and the Federal High Way Administration (FHWA).

A. *Report Contents*

This document contains the following sections:

Part 1 is this introduction.

Part 2: Initial Study. This portion of the document contains the Initial Study, which is organized into the following major sections:

- 2.1 *Project Description*, which provides a detailed description of the proposed project.
- 2.2 *Environmental Checklist*, which summarizes anticipated impacts from the proposed project and determines that a Mitigated Negative Declaration is appropriate for the project.
- 2.3 *Explanation of Checklist Findings*, which provides explanations of the environmental checklist responses. Each item in the checklist is discussed at a level of detail appropriate to the potential for significant adverse effects.

Appendices, which contain the technical analyses used to develop this Initial Study.

- A Biological Assessment
- B Wetlands Assessment and Delineation Report
- C Cultural Resources Evaluation
- D Hydraulic Modeling of Water Levels

The information contained in this report is based on the investigations by the cities of Albany and Berkeley, the University of California, planning consultants and environmental specialists.

2 INITIAL STUDY

This Initial Study and Mitigated Negative Declaration has been prepared by Design, Community & Environment for the City of Albany to assess the potential environmental effects of the proposed Lower Codornices Creek Improvements Plan. The analysis is intended to satisfy the requirements of CEQA and to provide the City with adequate information for project review. This initial study includes a project description, environmental checklist and discussion focused upon issues identified in the checklist.

The Initial Study and Mitigated Negative Declaration was prepared by reviewing the cities of Albany and Berkeley General Plans and Zoning Ordinances, the University of California, Berkeley *Master Plan for the University Village and Albany/Northwest Berkeley Properties*, and other city documents (including environmental documents), and the CEQA statutes and Guidelines. Field reviews, community meetings, and comments from the Cities of Albany and Berkeley and the University of California were also used in preparation of this study.

1. Project Title

Lower Codornices Creek Improvements Plan

2. Lead Agency Name and Address

City of Albany
Community Development Department
1000 San Pablo Avenue
Albany, CA 94706

3. Contact Person and Phone Number

Ann Chaney, Community Development Director
(510) 528-5760

4. Project Location

University Village in the City of Albany and portions of the City of Berkeley adjacent to Codornices Creek
Albany/Berkeley, CA 94710

5. Project Sponsors

City of Albany
University of California
City of Berkeley

6. City of Albany General Plan Designation

Institutional Residential/Recreational
Institutional Residential/Commercial
Commercial Service/Light Industrial
Creek Conservation Zone

7. City of Albany Zoning

Residential, Moderate Density in a Watercourse Combining District
Public Facility in a Watercourse Combining District
Commercial/Service/Light Industrial in a Watercourse Combining District
Residential, Moderate Density
Commercial/Service/Light Industrial

8. City of Berkeley General Plan Designation

Mixed Use/Light Industrial
Avenue Commercial
Open Space

9. City of Berkeley Zoning

Mixed Use-Light Industrial
West Berkeley Commercial

10. Other Public Agencies that may be part of the Approval Process

Federal Highway Administration
National Marine Fisheries Service
U.S. Army Corps of Engineers
U.S. Environmental Protection Agency (Region 9)
U.S. Fish and Wildlife Service
California Department of Fish & Game
California Department of Transportation
San Francisco Bay Regional Water Quality Control Board
University of California, Berkeley
City of Berkeley

CITY OF ALBANY
CODORNICES CREEK IMPROVEMENTS PLAN
INITIAL STUDY

2.1 PROJECT DESCRIPTION

A. Local Setting

The subject property is located in the cities of Albany and Berkeley, primarily on land owned by the University of California as part of the University Village student housing complex. The centerline of Codornices Creek forms the boundary between the Cities of Albany and Berkeley, and restoration work proposed for the creek therefore occurs in both cities. The site is bounded by San Pablo Avenue on the east and the UPRR right-of-way on the west. The regional and local location of the proposed project site are shown in Figures 1 and 2.

The surrounding land uses are:

- ◆ North: University Village student family housing and various related community and retail facilities, including playing fields, a child care facility and a proposed commercial development.
- ◆ South: mixed uses including commercial, residential, recreation and industrial uses within the City of Berkeley
- ◆ East: commercial uses along San Pablo Avenue
- ◆ West: the Union Pacific railroad tracks, commercial uses and undeveloped land along Interstate 80 (I-80) slated for commercial development.

B. Site Characteristics

The area that would be affected by the proposed project runs along both sides of the southern border of the University Village property, and includes areas in both Berkeley and Albany. The topography of the site is relatively flat. The north side of the creek abuts residential units of University Village, as well as community facilities including childcare, a laundry and the ballfields comprising the Fielding Fields. The south side of the creek abuts residential, commercial, recreational and industrial uses in West Berkeley. Existing conditions on the site are shown in Figure 3.

The Fielding Fields, located on the north side of the creek, west of the UPRR tracks and east of Fifth Street, include “Fielding East,” a girl’s softball field which includes a 165 foot by 245 foot practice soccer field in the outfield, and “Fielding West,” an approximately 200 foot by 305 foot soccer field.

Codornices Creek is an urbanized creek with limited habitat value due to the lack of consistent cover and proximity of existing development. Vegetation along the creek varies by reach from a dense overhanging canopy of trees and shrubs, mostly willows, and an understory of predominantly weedy herbaceous plants. Some areas of dense tree and shrub cover provide nesting and roosting opportunities for a variety of birds common in riparian and suburban habitats, such as white-crowned sparrow, scrub jay, bushtit, and mourning dove. The areas of emergent marsh along segments of the drainages support a high number of invertebrates, which in turn provide foraging habitat for herons, egrets, ducks, and other waterfowl. In addition, there are an estimated 0.39 acres of wetlands along the creek.

Due to its location near both a freshwater source and the coast, as well as the documentation of several prehistoric/protohistoric sites within a 1-mile radius, the proposed project area could be considered to have a high possibility of containing prehistoric resources. However, cultural resources investigations of the Codornices Creek area revealed that the project area has been extensively developed and topographically modified over the past 100 years. Possibly as a result of this activity, neither detailed archival research nor intensive surface reconnaissance has revealed any cultural resources within the project area.

C. Policy Setting

Several policy documents are applicable to the site, including the University of California, Berkeley *Master Plan for the University Village and Albany/Northwest Berkeley Properties* and the City of Albany and City of Berkeley General Plans.

**1. University of California, Berkeley University Village and Albany/
Northwest Berkeley Properties Master Plan**

This plan, approved by the UC Regents in 1998, covers the 77 acres of the University Village property, plus an additional 13 acres that has since been sold to the City of Berkeley and the USPS. The site currently contains 956 units of student family housing and related facilities, including a community center, a child care center, and recreational facilities. The Master Plan was intended to guide redevelopment of this property, which was spurred by the need to replace 420 units of housing built in the 1940s and 500 units of 1960s housing. The redevelopment was planned in three steps, the first of which is completed. Step 2 will include replacement of 1960s housing. Step 3, described in the proposed amendments to the Master Plan, will replace 1940s housing with a mixed-use commercial, residential and recreational development on 26 acres along San Pablo Avenue, north of the creek. The commercial development included in Step 3 is intended to subsidize residential components of the project. The Master Plan includes policies to preserve open space and recreation uses along the western edge of the property, and to restore adjacent creeks as flood control measures. Implementation of the Codornices Creek Improvements Plan would be contingent upon the University's implementation of proposed Master Plan amendments that would affect the restored creek right-of-way.

2. City of Albany General Plan 1990-2010

The General Plan Land Use map shows all of University Village as an "Institutional" use and divides the property into several land use categories. The areas of the site that would be affected by the proposed project are designated Residential/Recreational and Residential/Commercial. These uses allow medium residential density and recreational facilities. The southwestern corner of the site is designated Commercial/Service/Light Industrial. In addition, a 100-foot-wide corridor along Codornices Creek is designated as a Creek Conservation Zone.

3. City of Albany Municipal Zoning Code

The City's Zoning Map shows several different designations for the proposed project area. These include Residential, Moderate Density, Commercial/Service/Light Industrial, and Public Facility. Within 75 feet of the cen-

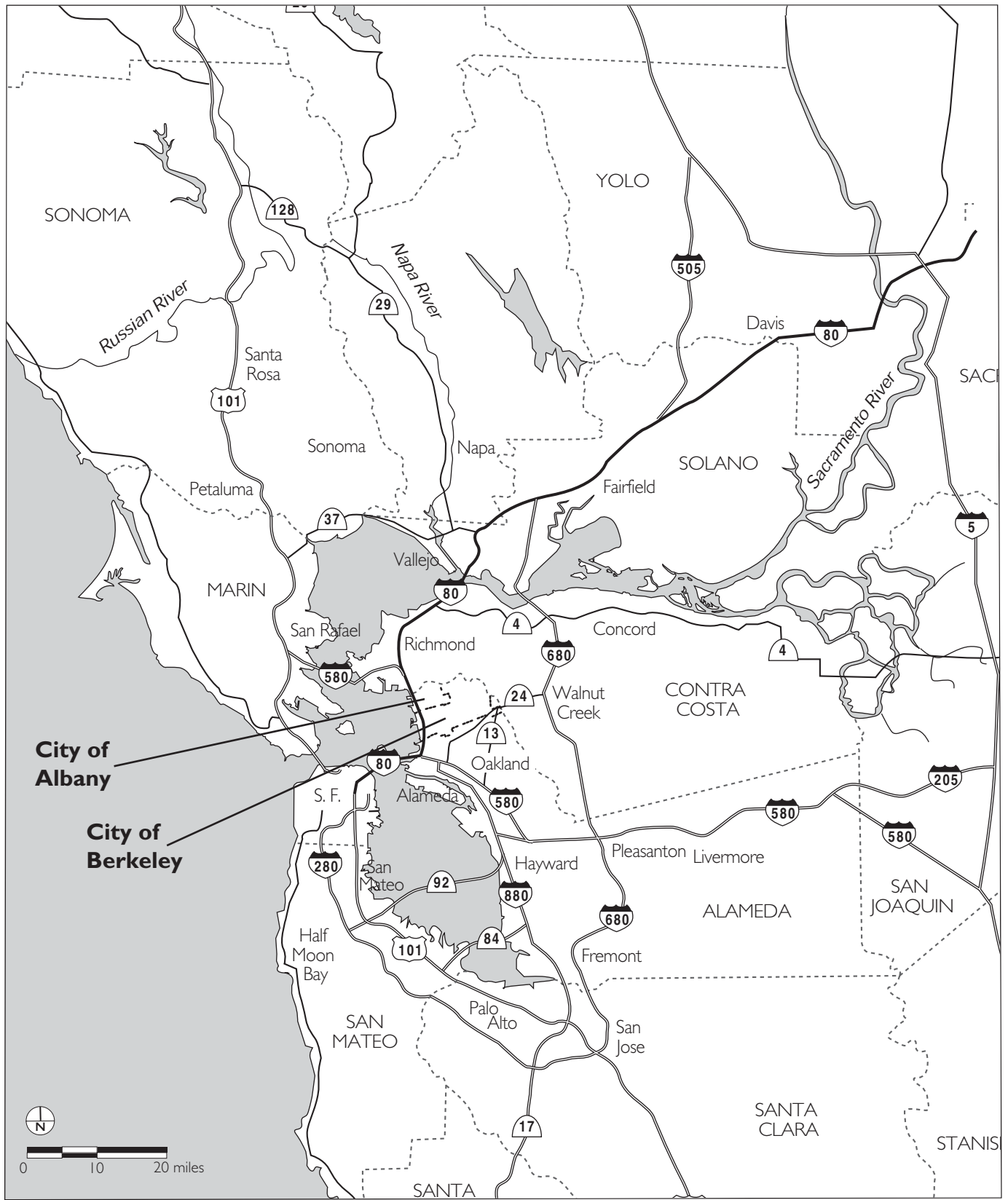


FIGURE 1

REGIONAL LOCATION

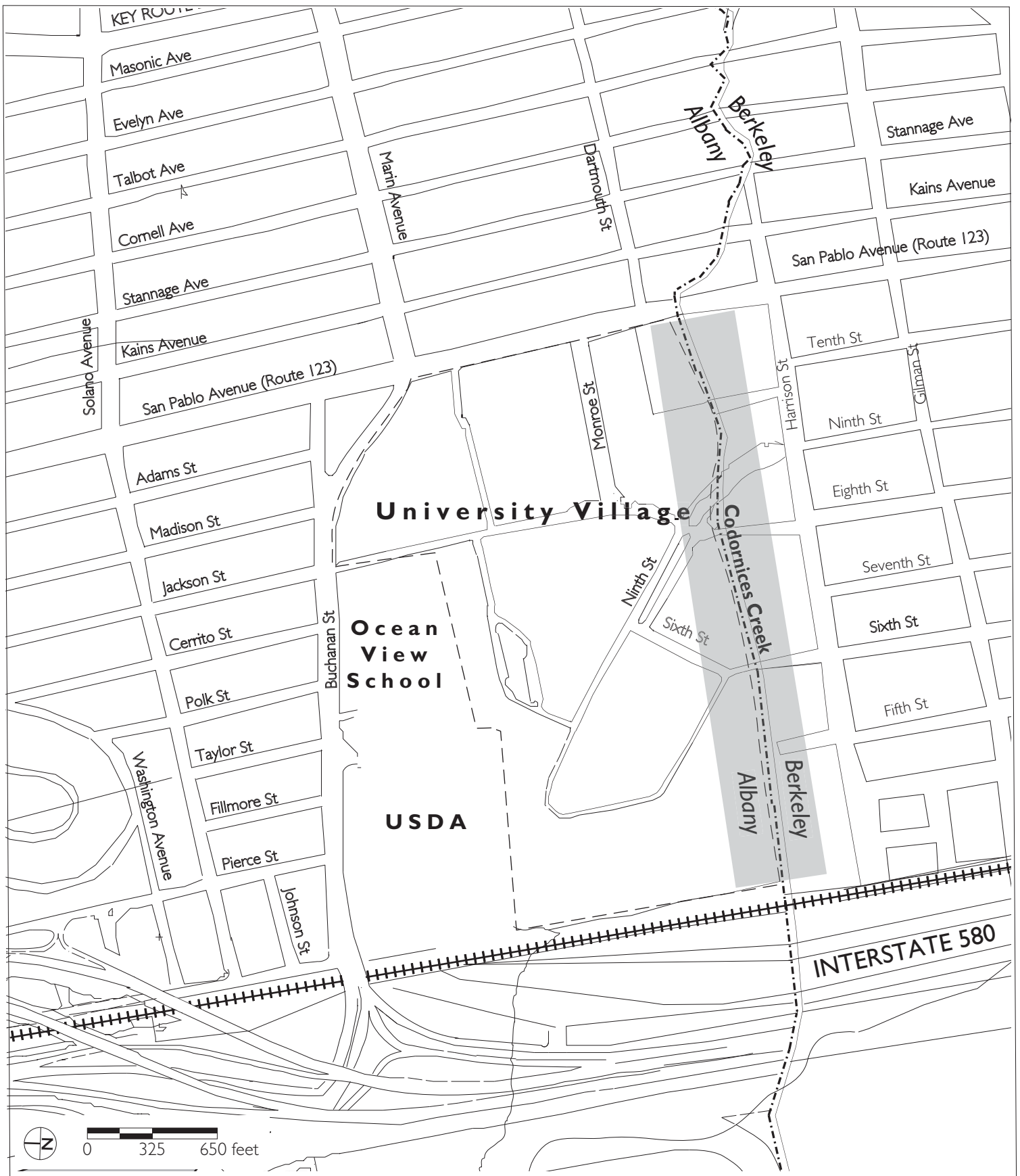


FIGURE 2

- Proposed Project Area
- University Village Boundaries
- Albany/Berkeley City Limits
- Union Pacific Railroad

LOCAL LOCATION

terline of Codornices Creek, these zones are combined with a Watercourse Combining District intended to promote the preservation and restoration of the creek.

4. City of Albany Watershed Management Plan

This plan, adopted in October 1998, analyzes the existing conditions of the City's drainage systems, including both natural creek channels and storm water infrastructure. The Plan also recommends specific locations where improvements or restorations could be made and prioritizes those improvements from most to least crucial. The plan covers the five watersheds within and at the edges of the city, including the Codornices Creek watershed. Within the proposed project site, the Watershed Management Plan recommends three separate improvement projects to Codornices Creek within the project area: CR-1, CR-3, and CR-6. The numbering of these projects indicates their order of priority on a list of 19 separate projects. The projects on Codornices Creek were assigned a high priority in the plan since they offer a high potential for flood control, opportunities for habitat enhancement, and are considered to be reasonably feasible. The recommendations in this document are intended as a guideline for future improvements.

5. City of Albany San Pablo Streetscape Master Plan

This plan, adopted in February 2001, details streetscape improvements to be made along San Pablo Avenue within the City of Albany. This includes specifications for the location, style and color of streetlights, street trees, bike racks, trash receptacles, benches and tree grates. In addition, the plan provides gateway treatments for both Codornices Creek and Cerrito Creek, which form the southern and northern boundaries of the City, respectively. The gateway on San Pablo Avenue at Codornices Creek proposes concrete paving in the street to represent the path of the water flowing under the street, as well as a wrought-iron "City of Albany" entry sculpture integrated into a streetlight. On the west side of San Pablo Avenue where it crosses Codornices Creek, the plan proposes an overlook with a bench, trellis and platform offering views over the creek to the west.

6. City of Albany San Pablo Vision Plan

The Vision Plan includes policies, actions and improvements that will contribute to making San Pablo Avenue a unique, high-quality retail, office and residential corridor. The plan concentrates on the area from Marin Avenue on the south to Washington Avenue in the north. Although this focus area is outside the Codornices Creek project area, the plan does include policies specifying the use of landscape architectural treatments along San Pablo Avenue to denote Codornices Creek as a gateway to the city. In addition, the City is to encourage the redevelopment of University Village.

7. City of Albany San Pablo Avenue Design Guidelines

These design guidelines provide direction to property owners for building massing, lighting, signage, and colors with the goal of creating a vibrant and unique environment along the street. One of the three major objectives of the design guidelines is to “encourage private development to create special locations and features along the street.” In particular, the design guidelines encourage quality design on the University Village site along the San Pablo Avenue frontage. The guidelines specify that buildings should be close to the street, in keeping with the existing development along San Pablo. In addition, the guidelines note that a main entrance to University Village should be located directly on San Pablo Avenue. The design guidelines do not specifically address any treatments for Codornices Creek.

8. City of Albany Bicycle Master Plan

In the project area vicinity, the City of Albany Bicycle Master Plan recommends a Class I bicycle path along Codornices Creek with a Class III bike route crossing San Pablo Avenue and connecting with Dartmouth Street. A Class II bike lane is proposed along Jackson Street, which becomes Eighth Street in Berkeley. Finally, a Class II bicycle lane is proposed for Marin Avenue and Buchanan Street.

9. City of Berkeley General Plan: A Guide for Public Decision-Making

The Berkeley General Plan Land Use Diagram designates the west side of San Pablo Avenue as Avenue Commercial. Appropriate uses within this designa-

tion are local- and regional-serving commercial, residential, office, community service and institutional uses. The Land Use Diagram designates the blocks from the east side of Tenth Street west to Fifth Street as Manufacturing, which is further described in the City of Berkeley's *West Berkeley Plan*. In the *West Berkeley Plan*, these blocks are designated as part of the Mixed Use/Light Industrial District. Allowed uses in the Mixed Use/Light Industrial District include light industrial and limited office uses. Residential uses are not allowed. Outdoor recreational uses are permitted only in areas designated as Outdoor Recreational Subzones. Harrison Park, which is bounded by Codornices Creek on the north, Fifth Street on the east, Harrison Street on the south and the UPRR tracks on the west, is designated as Open Space on the Berkeley General Plan Land Use Diagram, and as an Outdoor Recreational Subzone in the West Berkeley Plan.

10. City of Berkeley Zoning Code

The blocks between San Pablo Avenue and the UPRR tracks are zoned as Mixed Use-Light Industrial (MU-LI), except for the west side of San Pablo Avenue, which is zoned West Berkeley Commercial (C-W). The MU-LI district encourages development and preservation of a light-industrial area with few incompatible uses. It also allows laboratory, retail and office uses to the extent they are compatible with light industrial uses. Dwelling units, child care centers, schools and religious assemblies are not permitted. The C-W district is intended to provide increased commercial services for local residents.

11. City of Berkeley Municipal Code

Chapter 17.08 of the Berkeley Municipal Code addresses "Preservation and Restoration of Natural Watercourses." This ordinance states the City's position that streams that are as close to a natural system as possible are best able to carry stream flows and provide the greatest amenities to the community and riparian owners. Therefore, the ordinance prohibits the filling or obstruction of a creek; the installation of culverts or riprap; or construction of a structure with a roof within 30 feet of the centerline of any creek.

12. City of Berkeley Bicycle Plan

In the project area vicinity, the City of Berkeley Bicycle Plan Recommended Bikeway Network shows a Bicycle Boulevard along Eighth Street, Bicycle Lanes along Gilman Street and Marin Avenue, and a Class 1 Bike Path along the Bay Trail, west of the UPRR tracks. The Plan also includes a policy to “coordinate the bikeway network plan with adjacent governmental entities,” such as the City of Albany and the University of California.

13. Joint Watershed Goals Statement

This statement was signed in 1995 by the cities of Albany, Berkeley, El Cerrito and Richmond and by the University of California, Berkeley and the East Bay Regional Parks District. The document is a formal agreement between these agencies that they will cooperate closely to restore the watersheds within their joint jurisdictions. The specific goals of the statement include removing culverts and other obstructions; daylighting creeks; providing creekside greenways, pedestrian and bicycle paths that traverse I-80; eliminating stormwater pollution and encouraging groundwater recharge; and promoting public awareness of creeks and watersheds.

D. Project Characteristics

This joint project, sponsored by the cities of Albany and Berkeley, and the University of California, proposes the restoration of Codornices Creek between San Pablo Avenue and the Union Pacific Railroad (UPRR) tracks, and the construction of a pedestrian/bicycle path linking to Berkeley, Albany and regional trail networks. This project would be based on the Lower Codornices Creek Improvements Plan submitted by the Waterways Restoration Institute (WRI) on May 1, 2001. The project area is shown in Figure 4.

1. Codornices Creek Restoration

The central component of this project is the restoration of the half-mile reach of Codornices Creek between San Pablo Avenue and the UPRR tracks. This restoration is intended to return the creek to a more natural, less channelized

state and includes specific measures to decrease flooding in this reach of the creek, provide healthier and more diverse aquatic and riparian habitat, increase public access along the creek and improve overall creek appearance.

The Codornices Creek Improvements Plan divides the creek into five sections in order to describe the restoration more clearly. In addition to the specific reach-by-reach improvements described below, some elements of the project would apply to all restored reaches. For example, signs would be placed along the creek to discourage fishing by informing visitors of the sensitivity of the creek habitat and the protected status of the steelhead inhabiting the creek. In addition, in order to provide enhanced steelhead habitat, the final project design would create pools at several locations based on the final meander pattern of the restored creek.

a. San Pablo Avenue to Ninth Street

In this reach of the creek, the restoration would take advantage of the wider right-of-way provided by the proposed removal of the 1940s housing in University Village north of the Creek, under Step 3 of the *Master Plan for University Village and Albany/Northwest Berkeley Properties*, and the relocation of the University Village Little League Fields proposed under the University Village Master Plan amendments. The creek channel would shift slightly to the north. The existing banks, which are relatively steep, would be graded down to produce a flat, vegetated floodplain varying from 50 to 70 feet wide within a right-of-way roughly 80 feet wide. Mature trees on the banks of the creek would be incorporated into the restored floodplain in order to maintain a shade canopy where possible. Trees located within the area to be graded may have to be removed and replaced. The large elms at Tenth Street are dead or dying and would be removed. As a part of Step 3 of the University Village redevelopment, the existing culvert underneath Tenth Street would be removed and replaced with a vehicular bridge crossing. The creek would flow uninterrupted from the culvert under San Pablo Avenue to the culvert at Eighth Street.

b. Ninth Street to Eighth Street

This reach of Codornices Creek has been the subject of volunteer restoration efforts over the past decade. The project recognizes the efforts that volunteers have made in restoring this section of Codornices Creek and does not call for further changes in the creek channel itself. The culvert underneath Eighth Street would remain. A large floodplain area will be created at Ninth Street.

c. Eighth Street to Sixth Street

From Eighth Street to Sixth Street, the existing creek channel is virtually straight. The proposed project would create a meandering channel over a vegetated floodplain, within a right-of-way approximately 100 feet wide. To achieve this right-of-way, the USPS facility parking lot wall would be relocated twelve feet to the south. This is necessary in order to accommodate the meandering channel, restored floodplain, and pedestrian/bicycle path. The USPS has agreed to this relocation. Non-native vegetation along the creek bank would be removed and replaced by native species. In addition, the proposed project would include one- to two-foot landscaping berms or walls to be placed between the Eighth Street culvert and the street.

d. Sixth Street to Fifth Street

This reach of Codornices Creek is the most constricted in the project area. Because of the constriction, this reach does not meet optimal meander conditions as the other sections of the creek do. The University will remove the existing housing along the northern bank of the creek as part of the implementation of Step 2 of the proposed amended *Master Plan for University Village*. This would provide an increased right-of-way of 50 to 70 feet. The culvert at Sixth Street would remain. One- to two-foot landscaping berms or walls would be placed between Fifth and Sixth Streets. The culvert at Fifth Street would be removed and replaced with a pedestrian bridge. The bridge would be of sufficient capacity to accommodate ball field maintenance equipment.

The existing bypass channel intake is located in this reach. Because right-of-way is increased in this reach, a new bypass intake headwall may be constructed. However, the available right-of-way for a trail is limited, and a 6-foot pedestrian-only trail may be the only possibility in this section.

e. Fifth Street to UPRR Tracks

This reach provides sufficient space for significant restoration. The culverts at Fifth and Fourth Streets would be removed. The culvert at Fifth Street would be replaced by a pedestrian bridge, which would also be large enough to accommodate lawnmowers and other maintenance equipment for the ball-fields. This bridge would also meet all requirements for compliance with the Americans with Disabilities Act (ADA). The Codornices Creek right-of-way would expand in an elongated triangle from the bridge at Fifth Street to its widest point of approximately 150 feet at the eastern edge of the UPRR property. This right-of-way would be graded to create a vegetated floodplain, which would be planted with a variety of native trees, shrubs and groundcovers. A construction access road would be provided along the northern bank of the creek, which could later be used to accommodate pedestrian access.

2. Pedestrian/Bicycle Path

The proposed project includes the construction of a pedestrian/bicycle path along the banks of the restored creek. This path would meet Caltrans requirements for a Class I facility up to Sixth Street, which require a paved path eight feet wide, with two feet of unpaved shoulder on each side. The width may be reduced in short segments to accommodate physical constraints, as needed. The path would create a segment of the link between the City of Albany's bikeway network and both the Bay Trail and the City of Berkeley pedestrian/bicycle paths. It would also be wide enough to provide access to the creek for maintenance and emergency vehicles.

As shown in Figure 4, the pedestrian/bicycle path would connect with Monroe Street via sidewalks and a bicycle lane on Tenth Street through the redeveloped University Village. From Tenth Street to Eighth Street, the path would follow the northern bank of Codornices Creek. At Eighth Street, the

path would cross to the southern bank of the creek. From Eighth Street to Sixth Street, the path would follow the southern bank in a straight route along the wall and fence forming the northern edge of the USPS parking lot. As noted above, this wall will be relocated twelve feet to the south of its current location in order to accommodate the restored floodplain and pedestrian/bicycle path. The construction of the pedestrian/bicycle path along the south side of the creek would allow access to this reach, which is currently closed to the public. Due to physical constraints, the bicycle portion of the path may terminate at Sixth Street and would then connect with the City of Berkeley's bikeway system and the Bay Trail via Gilman Street.

The portions of the pedestrian/bicycle path adjacent to the creek would be constructed at the top of the creek bank, three to eight feet higher than the floodplain. Unlike the creek channel, the pedestrian/bicycle path would follow a relatively straight route. Depending on the locations of the meanders, the pedestrian/bicycle path could be less than ten feet from the edge of the creek channel in some places, and as far as 60 feet away in others.

As noted above, due to potentially insufficient right-of-way from Sixth Street to Fifth Street, a 6-foot-wide pedestrian-only trail would be constructed on the north side of this section of the creek.

3. Reconfigured Ballfields

The third component of the project is the reconfiguration of some elements of the Fielding Fields facilities on the north side of the Creek, between Fifth Street and the UPRR tracks in order to allow sufficient space for a larger floodplain for the restored creek. The reconfiguration would include the re-orientation of the practice soccer field located at "Fielding East," in the outfield of the girls' softball field, the relocation of a storage shed, and a decrease in the apron on the south side of the soccer field, "Fielding West." The proposed changes are shown in Figures 5 and 6.

The proposed reorientation of the practice soccer field for 10-and-under youth would take advantage of additional space provided on the east side of

the field when the University removes an existing utility pole as part of the University Village redevelopment. The practice soccer field would be reoriented along a north-south axis, with the northern goal located along the left-field line of the softball field and the southern edge of the apron directly abutting the restored creek right-of-way. The west side of the soccer field would be aligned with the east side of the softball infield. The practice soccer field would maintain its current size of 240 feet by 165 feet, which meets the requirements for a 10-and-under youth soccer field. In addition, the field would maintain a minimum 15-foot apron on all sides to provide space for players and spectators along the sidelines.

The existing storage shed, measuring approximately 19 feet by 50 feet, would be relocated from its current location on the south side of the ballfields, roughly north of the end of Fourth Street, to the north side of the ballfields. The final location of the shed has not yet been determined. One possible location would be immediately northwest of the backstop of the softball field. The University has agreed that the shed could be located over the existing Codornices Creek bypass and swale if necessary, as long as it does not compromise swale drainage. If this location were selected, the relocated shed would include culverts for the swale to convey water beneath it. The shed would also continue to house the irrigation controls for the Fielding Fields.

Finally, at Fielding West, the existing culvert at Fourth Street would be removed. The realigned creek right-of-way would infringe somewhat on the existing apron along the south side of the field. The apron on this side of the field would vary from a minimum of five feet near the railroad tracks to 20 feet at the midfield and 25 feet at the location where Fielding East and West meet. The existing 8-foot apron to the east, north, and south of the field would be maintained. The location and length of the field would not change, but the width of the field on its southern edge would be increased from the existing 193 feet to 200 feet. However, if the proposed width of the field was narrowed from 200 feet to a consistent 195 feet, additional space could be provided for spectators along the southern apron of the field. The proposed

195-foot width is a standard minimum for soccer fields for players in the age groups that currently use Fielding West.

E. Required Permits and Approvals

- ◆ Streambed Alteration Agreement from the California Department of Fish & Game
- ◆ Clean Water Act Section 404 permit from the US Army Corps of Engineers (USACE)
- ◆ Clean Water Act Section 401 Water Quality Certification from the San Francisco Bay Regional Water Quality Control Board

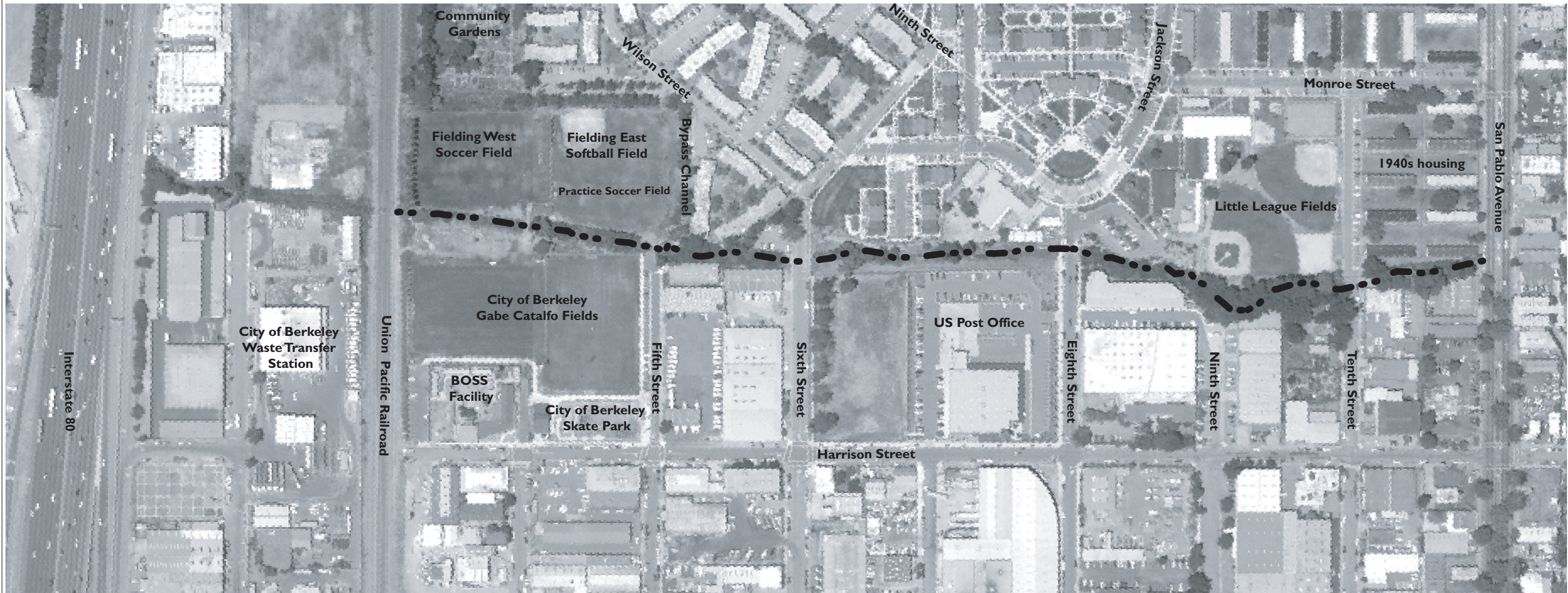
For all construction sites over 1 acre, the following permit is required:

- ◆ Construction Activities Storm Water General Permit and approved Storm Water Pollution Prevention Plan from the San Francisco Bay Regional Water Quality Control Board

In addition, the project would require:

- ◆ An incidental take permit from the National Marine Fisheries service
- ◆ Berkeley Municipal Code 17.08 Creek Permit from the City of Berkeley
- ◆ Various grading and building permits from the cities of Albany and Berkeley
- ◆ Various approvals for easements and design components from the University of California Regents.

CITY OF ALBANY
CODORNICES CREEK IMPROVEMENTS PLAN
INITIAL STUDY
PROJECT DESCRIPTION



●● — Codornices Creek centerline



FIGURE 3

EXISTING CONDITIONS



FIGURE 4



-  Proposed Channel Alignment
-  Proposed Pedestrian/Bicycle Path

**PROPOSED PROJECT
AS SHOWN ON UNIVERSITY VILLAGE PROPOSED DEVELOPMENT PLAN**

2.2 ENVIRONMENTAL CHECKLIST

This chapter contains the Environmental Checklist used by the City of Albany to evaluate impacts of the proposed projects. An explanation of each checklist item is presented in Chapter 2.3.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Aesthetics				
Would the project:				
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
2. Agriculture Resources.				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
3. Air Quality.				
Where available, the significance of criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct the applicable air quality plan?				X
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d. Expose sensitive receptors to substantial pollutant concentrations?				X
e. Create objectionable odors affecting a substantial number of people?			X	
4. Biological Resources.				
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the Department of Fish and Game or US Fish and Wildlife Service?		X		
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
5. Cultural Resources.				
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?				X
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?		X		
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d. Disturb any human remains, including those interred outside of formal cemeteries?		X		
6. Geology and Soils.				
Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii. Strong seismic ground shaking?			X	

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
iii. Seismic-related ground failure, including liquefaction?			X	
iv. Landslides, mudslides or other similar hazards?				X
b. Result in substantial erosion or loss of topsoil?			X	
c. Be located on a geologic unit or soil that is unstable as a result of on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
7. Hazards and Hazardous Materials				
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		X		

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
8. Hydrology and Water Quality.				
Would the project:				
a. Violate any water quality standards or waste discharge requirements?				X
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d. Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface water runoff in a manner which would result in flooding on- or off-site?		X		

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f. Otherwise substantially degrade water quality?				X
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h. Place within a 100-year flood hazard area structures which would impede or redirect flows?				X
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?			X	
9. Land Use.				
Would the project:				
a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
10. Mineral Resources.				
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
11. Noise.				
Would the project:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
12. Population and Housing.				
Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
13. Public Services. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a. Fire protection?				X
b. Police protection?			X	
c. Schools?				X
d. Parks?				X
e. Other public facilities?				X
14. Recreation.				
Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
15. Transportation/Traffic.				
Would the project:				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e. Result in inadequate emergency access?				X
f. Result in inadequate parking capacity?			X	
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turn-outs, bicycle racks)?				X
16. Utilities and Services.				
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g. Comply with federal, state, and local statutes and regulations related to solid waste?				X

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
17. Mandatory Findings of Significance.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

DETERMINATION

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.
- X 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.
- _____ I find that the proposed project **MAY** have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated". An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- _____ 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 all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Signature

Date

Printed Name

Title

CITY OF ALBANY
CODORNICES CREEK IMPROVEMENTS PLAN INITIAL STUDY
ENVIRONMENTAL CHECKLIST

2.3 EXPLANATIONS OF CHECKLIST FINDINGS

1. AESTHETICS. Would the project:

a. Have a substantial adverse effect on a scenic vista?

No Impact. There are no officially recognized scenic vistas in the proposed project area, therefore there would be no impact.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, historic buildings and views within a state scenic highway?

Less Than Significant Impact. The proposed project is not located in the vicinity of a state scenic highway. The project could require the removal of some mature trees along the banks of Codornices Creek as a result of the grading necessary to achieve a stable channel. However, the current Improvements Plan has attempted to incorporate mature, native trees into the design of the creek restoration as much as possible. The Plan also includes planting recommendations for native species that would replace those trees removed and create the shade canopy needed for a healthy riparian corridor. Since the number of native trees to be removed would be minimized, and new trees would be planted, the impact to scenic resources would be less than significant.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. The proposed project involves grading, landscaping and construction of a bicycle/pedestrian path along a reach of Codornices Creek which is currently channelized. With the completion of the creek restoration project the overall appearance will be softened by a more natural channel and riparian vegetation. Although different reaches of the creek have varying visual characteristics, much of the creek corridor within the proposed project area is currently screened from view by heavy, non-native vegetation. At this time, final grading and planting plans have not been developed, so the appearance of the completed project can only be described in general terms.

The most immediate and obvious changes in the site's appearance would be the lowering of the current ground level along the creek to create a floodplain and meander zone, and the coincident removal of much of the existing vegetation along the creek's banks. The Codornices Creek Improvements Plan also calls for the removal of invasive, non-native plants along the creek channel, and the preservation, where feasible, of mature trees and native plant species. The tall trees dominating the views of certain reaches would remain. The restored vegetation below would appear more diverse in size and type than the existing vegetation, and would also be distributed over a larger area, since the restoration would widen the right-of-way for Codornices Creek. Therefore, the restored creek channel would be more open and less overgrown in its overall appearance.

Overall, the visual character of the project area would be expected to be improved by the restoration process. The widening of the Codornices Creek corridor to create a floodplain and construction of the bicycle and pedestrian paths would both improve the visual character of Codornices Creek and increase visual access to it, as would the removal of non-native species which now crowd the banks. The overall visual impact of the proposed project would therefore be less than significant.

d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact. Development of the proposed project would not include significant sources of light or glare. The bicycle/pedestrian path is proposed to have low-level lighting for safety reasons, but this would not be directed at any residences and would not be a source of substantial light or glare. Therefore, there would be no impact.

2. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept.

of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a. **Convert Prime Farmland, Unique Farmland, or Farmland of State-wide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No Impact. The project site has not been designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the Farmland Mapping and Monitoring Program of the California Resources Agency, so there would be no impact.

- b. **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

No Impact. The project site is not subject to a Williamson Act contract, nor is it zoned for agricultural use, so no impact would occur.

- c. **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?**

No Impact. The proposed project does not include any changes that would result in the conversion of farmland to non-agricultural use. Therefore no impacts would occur.

3. **AIR. Where available, the significance of criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:**

- a. **Conflict with or obstruct the applicable air quality plan?**

No Impact. The San Francisco Bay Area Air Basin is currently in non-attainment for both State and federal ambient ozone and particulate matter standards. The *Draft San Francisco Bay Area 2001 Ozone Attainment Plan for the 1-Hour National Ozone Standard* is the current ozone air qual-

ity plan required under the federal Clean Air Act.¹ The State-mandated regional air quality plan is the *Bay Area 2000 Clean Air Plan*.² These plans contain mobile source controls, stationary source controls and transportation control measures to be implemented in the region to attain the State and federal ozone standards within the Bay Area Air Basin.

The proposed project would not conflict with any of the growth assumptions made in the preparation of these plans, nor would it obstruct implementation of any of their proposed control measures. Hence, no impact would result.

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impact With Mitigation Incorporated. The entire San Francisco Bay Area is in “non-attainment” for both particulate matter (PM₁₀) and ozone.

Construction-related emissions would be temporary in duration, but would have the potential to adversely affect air quality. Fine particulate matter, usually in the form of fugitive dust, is the pollutant of greatest concern. Emissions of particulate matter can result from removal of pavement, excavation, grading, vehicle travel on unpaved surfaces and diesel equipment exhausts. The construction of the proposed project would involve grading.

Construction emissions of particulate matter would vary greatly depending on the level of activity, the specific activity taking place, the equipment being operated, local soils, weather conditions and other factors.

¹ Bay Area Air Quality Management District, Draft San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard, adopted October 24, 2001.

² Bay Area Air Quality Management District, Bay Area 2000 Clean Air Plan and Triennial Assessment, adopted December 20, 2000.

Particulate emissions from construction, if uncontrolled, could lead to adverse health effects as well as nuisance complaints.

The construction phase of the project would have temporary impacts on PM₁₀ levels. Therefore the following mitigation measure shall be incorporated:

Mitigation Measure AIR-1: The following dust control practices shall be followed during the construction phase of the project:

- ◆ Water all active construction areas at least twice daily and more often during windy periods. Watering is the single-most effective measure to control dust emissions from construction sites. Proper watering could reduce dust emissions by over 75 percent. Use of reclaimed water is preferred.
- ◆ Cover all hauling trucks or maintain at least 0.6 meters (2 feet) of freeboard. Dust-proof chutes would be used as appropriate to load debris onto trucks during any demolition.
- ◆ Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. Use of reclaimed water is preferred.
- ◆ Sweep (with water sweepers) all paved access roads, parking areas, staging areas and affected streets with water sweepers daily if visible soil material is deposited onto the adjacent roads.
- ◆ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles.
- ◆ Limit traffic speeds on any unpaved roads to 15 mph (25 kilometers per hour).
- ◆ Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- ◆ Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

- ◆ If necessary, install windbreaks, or plant trees/vegetative windbreaks at the windward side(s) of construction areas.
- ◆ Suspend excavation and grading activity when sustained winds exceed 25 mph (40 kilometers per hour) and visible dust emission cannot be prevented from leaving the construction site(s).
- ◆ Limit areas subject to disturbance during excavation, grading, and other construction activity at any one time.
- ◆ Do not allow equipment to idle; shut off equipment when not in use.

The inclusion of mitigation measure AIR-1 would reduce the impact to a less-than-significant level.

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

No Impact. The Bay Area Air Quality Management District has established thresholds of significance for regional pollutants. A project is considered to have a significant regional air quality impact if it would result in an increase in emissions of 80 pounds per day for reactive organic gases (ROG) or nitrogen oxides (NO_x), both of which are ozone precursors, or PM₁₀.³ The proposed bicycle/pedestrian path would help link two major regional bicycle routes, the Ohlone and Bay Trails, potentially decreasing the number of vehicle trips in the area, thereby decreasing emissions. Since the proposed project would not result in emissions of ozone precursors or PM₁₀ exceeding de minimus levels of 80 pounds per day, there would be no impact.

³ Bay Area Air Quality Management District, BAAQMD CEQA Guidelines, 1999.

d. Expose sensitive receptors to substantial pollutant concentrations?

No Impact. The only new use included in the proposed project would be the pedestrian/bicycle path, which, as discussed above, would not be expected to increase air pollutant concentrations. Therefore, the project would not expose sensitive receptors, either residents of University Village, users of the athletic fields, or visitors to Codornices Creek to substantial pollutant concentrations. No impact would occur.

e. Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. During construction the various diesel-powered vehicles and equipment in use on the site could create odors for the residents of University Village. These odors are not likely to be noticeable beyond the project boundaries. Therefore, this impact would be less than significant.

The operation of the project would not create odors. However, the City of Berkeley's waste transfer facility is located immediately southwest of Codornices Creek. Due to prevailing westerly winds from the Bay, creek visitors or pedestrian/bicycle trail users may occasionally be exposed to offensive odors from the transfer station and other nearby industries. However, this impact would be less than significant.

4. BIOLOGICAL RESOURCES. Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?

Less than Significant with Mitigation Incorporated. Wildlife habitat along Codornices Creek is limited by the lack of cover and proximity of existing development. Areas of dense tree and shrub cover do provide nesting and roosting opportunities for a variety of birds common in riparian and suburban habitats, such as white-crowned sparrow, scrub jay, bushtit,

and mourning dove. The areas of emergent marsh along segments of the drainages support a high number of invertebrates, which in turn provide foraging habitat for herons, egrets, ducks, and other waterfowl. Common species observed in the riparian corridors and surrounding areas during the field surveys included: house finch, English sparrow, European starling, rock dove, American gold finch, Bottae pocket gopher, house mouse, Norway rat, and feral cat.

Special-status species⁴ are plants and animals that are legally protected under the state and/or federal Endangered Species Acts⁵ or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts and other essential habitat. Species with legal protection under the Endangered Species Acts often represent major constraints to development, particularly when they are wide rang-

⁴ Special-status species include: designated rare, threatened, or endangered and candidate species for listing by the California Department of Fish and Game (CDFG); designated threatened or endangered and candidate species for listing by the U.S. Fish and Wildlife Service (USFWS); species considered rare or endangered under the conditions of Section 15380 of the California Environmental Quality Act Guidelines, such as those plant species identified on lists 1A, 1B and 2 in the Inventory of Rare and Endangered Vascular Plants of California; and possibly other species which are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing or rejection for state or federal status, such as those included on list 3 in the California Native Plant Society Inventory or identified as animal “Special Concern Species” by the CDFG.

⁵ The federal Endangered Species Act (FESA) of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The California Endangered Species Act (CESA) of 1984 parallels the policies of FESA and pertains to native California species.

ing or highly sensitive to habitat disturbance and where proposed development would result in a “take” of these species.⁶

Several special-status plant species are known from the surrounding area of western Alameda and southwestern Contra Costa counties, but only two, Santa Cruz tarplant and Point Reyes bird's-beak, have been reported from the immediate vicinity of the site, and none were detected during a systematic survey conducted in May 2001.

Suitable habitat and essential breeding habitat for most special-status animal species known from the surrounding area of western Alameda and southwestern Contra Costa counties is absent from the site. Of those known from the vicinity, several special-status bird species may occasionally forage in the remaining open fields and existing creek corridors. However, essential nesting or roosting habitat for bird species of concern, which include white-tailed kite, northern harrier, Cooper's hawk and sharp-shinned hawk, is absent from the site, although the proposed creek restoration would improve opportunities for nesting.

Steelhead have been observed in Codornices Creek and western pond turtle may occasionally disperse along creeks. Therefore, the following discussion provides information on three special-status animal species of greatest concern in the vicinity: steelhead, western pond turtle, and California red-legged frog. Detailed surveys were conducted along the Codornices Creek corridor for each of these species. These surveys are included as Appendix A of this document.

⁶ “Take” as defined by the FESA means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect” a threatened or endangered species. “Harm” is further defined by the USFWS to include the killing or harming of wildlife due to significant obstruction of essential behavior patterns (i.e., breeding, feeding, or sheltering) through significant habitat modification or degradation. The CDFG also considers the loss of listed species habitat as take, although this policy lacks statutory authority and case law support under the CESA.

i. *Steelhead*

As noted above, detailed surveys were conducted for steelhead on seven separate occasions in July, August and September 2001. Steelhead (*Oncorhynchus mykiss*) from the Central California Coast Evolutionarily Significant Unit (which includes the San Francisco and San Pablo Bay basins) is listed as threatened by the National Marine Fisheries Service (NMFS). This anadromous species spawns in gravel beds of creeks and rivers, with young eventually migrating to the ocean. An estimated 150 juvenile steelhead were observed in the reach of the main channel of Codornices Creek within the study area. Fish were present in each section of the main channel of Codornices Creek, but because of limited visual observations an accurate count of the number of individual fish was not possible.

Codornices Creek appeared to have no barriers to upstream fish movement between the UPRR tracks and San Pablo Avenue. Except for a few small stretches, the entire Creek was largely shaded with vegetation and man-made structures. Juvenile steelhead seem to be doing well in Codornices Creek despite the high amount of debris in and adjacent to the channel, the non-point source pollutants, and potential take by humans. Numerous juvenile threespine stickleback were also observed along the creek corridor during the detailed surveys. While this species is not of special-status, it does contribute to the fishery resource value of the creek.

ii. *California Red-Legged Frog*

California red-legged frog (*Rana aurora draytonii*) is a federally-threatened species, is fully protected by the CDFG code, and is recognized as a Special Concern Species by the CDFG. It inhabits marshes and ponds, and pools of streams and creeks. The closest reported occurrences of this species are from the Orinda vicinity and from historic records in the Berkeley Hills.

No California red-legged frogs were observed during the protocol surveys conducted along the drainages in the study area. The habitat along the drainages is not considered suitable for this species due to a number of factors, including lack of deep pools, variable water regimes, extent of development along the top of bank, and intensive predation in this urban location.

iii. Western Pond Turtle

Western pond turtle (*Clemmys marmorata*) has no legal protective status under the Endangered Species Acts, but is recognized as a Special Concern Species by the CDFG. It occurs in ponds and marshes, and along creeks and streams where pool and retreat habitat is present. No turtles were observed during the detailed surveys for California red-legged frog or steelhead. There is a possibility that individuals may occasionally disperse into the study area drainages, but the absence of any deep pools makes it unlikely that individuals would remain for any length of time.

iv. Impacts of the Proposed Project

The proposed project would affect suitable habitat for steelhead, and could result in a take of juvenile fish unless adequate preconstruction measures were implemented. This would include securing each segment of Codornices Creek where grading is proposed, catching fish within the affected segment, and transporting them to an alternative protected location. An incidental take permit from the NMFS would be required to permit this activity, and to further define conditions for its authorization under Section 7 of the Endangered Species Act.

Following construction activities, the Improvements Plan would provide enhanced habitat for steelhead. The final design will include pools created both actively and passively throughout the restored reach of the creek, spaced roughly 25 to 50 feet apart, based on the final meander pattern of the creek. These pools would be designed in consultation with a fisheries biologist. In addition, the restored vegetation along the creek would prevent water temperatures from exceeding 65 degrees Fahrenheit.

Furthermore, the City Councils of both Albany and Berkeley have requested by resolution that CDFG designate Codornices Creek as a “no fishing creek.” These design elements and policies would ensure that suitable habitat for steelhead is created and protected in reaches to be improved.

Construction activities could temporarily disrupt possible occasional foraging activity of several bird species of concern, but the restoration of Codornices Creek would eventually provide replacement foraging opportunities and no significant adverse impacts on these species are anticipated. There is a remote potential that raptors may establish new nests along segments of the creek channels to be restored before construction is initiated. Potential loss of any newly established raptor nests could be avoided through conduct of preconstruction surveys and adherence to temporary construction restrictions until any young have fledged.

Similarly, there is a remote possibility that western pond turtle could disperse into the affected drainages and could be lost as a result of construction activities. Preconstruction surveys and relocation of any individuals encountered would ensure that take of individual turtles would be avoided.

No other special-status animal species nor any special-status plant species would be affected by the proposed project.

The following measures are recommended to mitigate potential impacts on special-status species to less-than-significant levels:

Mitigation Measure BIO-1: Participating agencies shall be encouraged to support a voluntary “adopt a stream” program to regularly patrol Codornices Creek and discourage illegal fishing, harassment, and take of steelhead. Patrols on a frequent basis would serve to further educate visitors and discourage illegal activities.

Mitigation Measure BIO-2: An incidental take permit must be secured through consultation with the National Marine Fisheries Service (NMFS) for impacts on steelhead. As a condition to the biological opinion for the incidental take permit, all juvenile steelhead and as many of the threespine stickleback as possible shall be collected by a service-approved fisheries biologist and transported out of the construction area for each phase of the creek improvement project. As fish are moved from an area of the stream, it shall be blocked off with nets to prevent fish from entering the work areas until construction has been completed. Details of the capture and translocation effort shall be documented in a Relocation Plan to be submitted to the NMFS for approval. The Relocation Plan shall employ the best available methods to ensure successful collection and minimize any inadvertent loss of steelhead or threespine stickleback.

Mitigation Measure BIO-3: Preconstruction surveys for individual western pond turtle shall be conducted by a qualified biologist before initiation of any channel modifications and after installation of the recommended construction barriers designed to prevent movement of fish into the construction zone. The construction barriers shall prevent passage of both fish and turtles into the construction zone, with exclusionary fencing extending up the channel banks. The exclusionary fencing shall be buried at least six inches below and extend at least two feet above grade. It shall remain in place throughout the construction phase for each segment affected by the project. Any turtles found within the creek segment where construction is proposed shall be relocated by the qualified biologist to a secure stretch of the creek with adequate pool habitat and protective cover.

Mitigation Measure BIO-4: Preconstruction surveys for possible raptor nests shall be conducted by qualified biologists no more than 30 days prior to initiation of construction along any of the drainage segments in the study area. If any active nests are encountered, appropriate construction restrictions shall be developed in consultation

with the CDFG to prevent take or abandonment of the active nest until young have fledged.

The implementation of these mitigation measures would reduce the impact of the proposed project on special-status species to a less-than-significant level.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the Department of Fish and Game or US Fish and Wildlife Service?

Less Than Significant With Mitigation Incorporated. Project implementation would affect the riparian habitat along Codornices Creek within the study area. This would result in the removal of existing vegetation along this drainage, consisting of a mixture of native and non-native cover. Most of the riparian cover has been severely degraded by past modifications, including culverting, filling, and vegetation removal. Although the current habitat value of the creek channel is low due to the extent of past disturbance, lack of consistent protective vegetative cover, absence of retreat pools, and limited diversity of native vegetation, the proposed improvements would result in short-term loss and disruption of the existing habitat along Codornices Creek. Specifically, the proposed project would temporarily remove objects such as chunks of concrete and overgrown vegetation that may currently be used as shelter by juvenile fish. Therefore, the proposed project shall mitigate this temporary loss of habitat to a less-than-significant level.

Mitigation Measure BIO-5: In-stream rootwads shall be provided in the restored channel. Prior to grading, existing trees that are a minimum of 12 inches in diameter shall be selected and clearly marked. Selected trees will be salvaged as rootwads a minimum of 15 inches long in order to provide immediate habitat replacement.

In addition, the temporary loss of habitat would be further mitigated by the implementation of mitigation measures AIR-1, BIO-3, BIO-4, BIO-6, GEO-1 and HYDRO-1.

Following construction, the proposed Improvements Plan would eventually serve to greatly expand the value and extent of native riparian vegetation along Codornices Creek. While the extent of riparian natural community established along the restored Codornices Creek channel is not estimated in the Improvements Plan, it is assumed that the total acreage of riparian woodland and scrub would be increased beyond the total removed as part of the project. No other sensitive natural community types are located within the study area or would be affected by the proposed project, so the overall impact would be less than significant.

- c. **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Less Than Significant Impact with Mitigation Incorporated. Wetlands are defined as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (§404 Clean Water Act). Indicators of all three wetland parameters (hydric soils, hydrophytic vegetation, wetland hydrology) must be present for a site to be classified as a wetland (Environmental Laboratory 1987).

A routine wetland delineation was conducted during field surveys of the site on September 5, 2001. The delineation was performed in accordance with the procedures outlined in the U. S. Army Corps of Engineers’ (COE) Wetlands Delineation Manual (Environmental Laboratory 1987). The site was surveyed on foot and a total of seven data points were sampled to determine the presence or absence of wetland vegetation, hydrol-

ogy, and hydric soils at transitional features. Field data forms completed during the delineation are contained in Appendix B.

Based on the preliminary wetland delineation, jurisdictional wetlands on the site include the areas within the Ordinary High Water Mark (OHWM) of the creeks where obligate wetland plants such as cattails, bulrush, water bentgrass, watercress, and water parsley are dominant. Two small adjacent wetland areas that occur outside of the OHWM of the creeks were also identified. One of the adjacent wetland sites is on the south bank of Codornices Creek between San Pablo Avenue and Tenth Street. The second area is on the north bank of Codornices Creek, just above the box culvert at Fifth Street.

The Codornices Creek Improvements Plan proposes to restore Codornices Creek within the study area. This would require alteration of the creek and associated vegetation. A total of 0.39 acres of jurisdictional waters would be affected by the project in the form of modified wetlands along Codornices Creek.

The impacts of the creek improvement project on jurisdictional waters would be potentially significant. However, measures would be required by the lead agencies during construction to prevent sedimentation and possible water quality degradation downstream of the project site. This would be achieved through use of Best Management Practices and preparation of a Storm Water Pollution Prevention Plan as part of the construction planning phase.

Due to the expanded channel width, natural meander, and riparian plantings with native trees, shrubs, and groundcovers of Codornices Creek, the constructed project would result in improved and expanded wetlands habitat. Overall, the proposed restoration and enhancement of wetlands along Codornices Creek would most likely result in a net increase in jurisdictional waters, serving to fully mitigate potential impacts on jurisdictional wetlands and waters. However, authorization would be required

by the US Army Corps, Regional Water Quality Control Board, and the CDFG pursuant to the authority of these agencies under Sections 404 and 401 of the Clean Water Act, and Section 1601 of the Fish and Game Code, respectively.

Mitigation Measure BIO-6: Proposed improvements shall be coordinated with representatives of the Corps, Regional Water Quality Control Board, and CDFG, and required authorization obtained prior to any modification to jurisdictional wetlands and waters. Conditions may be required by jurisdictional agencies to protect sensitive wetland resources and provide appropriate mitigation. These include implementation of proposed restoration and enhancement plans, implementation of adequate erosion and sedimentation control measures, and possibly other measures.

The implementation of this mitigation measure would reduce impacts on wetlands to a less-than-significant level.

- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Less Than Significant With Mitigation Incorporated. Implementation of the Codornices Improvement Plan would ultimately provide improved habitat for fish and wildlife along Codornices Creek from San Pablo Avenue to the UPRR undercrossing. This would include an increase in diversity of native trees, shrubs, and groundcovers and an improved functioning of the creek channel and the aquatic habitat it provides to fish and wildlife. Details defined in the Draft Plan include channel cross-section design on a segment by segment basis, phasing plan, and description of the riparian corridor design and restoration. Native species would be planted in appropriate zones along the corridor, and monitored to ensure successful establishment.

During construction, the project could disrupt resident steelhead, western pond turtle, or raptors. These impacts would be reduced to a less-than-significant level by mitigation measures BIO-2, BIO-3, BIO-4, BIO-5 and BIO-6.

Following construction, the proposed restoration and enhancement plantings would further mitigate impact to habitat. These measures would reduce impacts to habitat and fish and wildlife movement to a less-than-significant level.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. Development of the proposed project site would include removal of some native and non-native trees along the Codornices Creek channel. Tree removal policies in the City of Albany pertain only to street trees, park trees and trees in the Hillside District. The City of Berkeley Trees and Shrubs Ordinance protects trees along streets and in parking strips, public squares, parks or playgrounds. Neither of these policies applies to the trees in the proposed project area. However, the City of Berkeley's Coast Live Oak Tree Removal Ordinance prohibits the removal of any single stem Coast Live Oak tree of a circumference of 18 inches or more, and any multi-stemmed Coast Live Oak tree with an aggregate circumference of 26 inches or more at a distance of four feet up from the ground. Site surveys have indicated that it is unlikely that there are any mature Coast Live Oak along the south side of Codornices Creek, which is the portion of the project area that lies within the City of Berkeley city limits. However, it is possible that Coast Live Oak could be encountered during construction of the project. The removal of any Coast Live Oak within the City of Berkeley protected by the Coast Live Oak Tree Removal Ordinance would be considered a significant impact. Therefore, the following mitigation measure is included:

Mitigation Measure BIO-7: If a previously unknown Coast Live Oak, with a single-stem circumference of 18 inches or more, or an aggre-

gate trunk circumference of 26 inches or more, at a distance of four feet up from the ground, are encountered within the construction zone on the south side of Codornices Creek during construction, work in the area surrounding the tree shall stop and the grading and construction plans for the creek restoration shall be revised to include the preservation the tree.

The implementation of this mitigation measure would reduce the impact to a less-than-significant level.

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plans?

No Impact. The Codornices Creek restoration project would not conflict with any adopted Natural Community Conservation Plan or other approved conservation plan. The City of Albany’s Watershed Management Plan specifically identifies restoration of Codornices Creek as a planning element, and the actions proposed by this project are consistent with this plan. Therefore, no impact would occur.

5. CULTURAL RESOURCES. Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in 915064.5?

No Impact. The proposed project would not affect any historical resources, therefore no impact would occur.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to 915064.5?

Less Than Significant with Mitigation Incorporated. An archival literature review and several previous archaeological evaluations have determined that there are no known archaeological resources within or adjacent to the project site. However, the area of the proposed project is known to have been an attractive environment for numerous Native American in-

habitants during prehistoric times. Archival research indicates that a relatively large number of prehistoric/proto-historic archaeological sites have been recorded within a one-mile radius of the site. It is thus impossible to be sure that there are no undiscovered archaeological resources buried on the site, and the project area shall be considered a zone of archaeological sensitivity. If these resources exist and are encountered during construction, their disturbance would constitute a significant impact. The following mitigation measure is included to address the possibility of encountering previously undiscovered archaeological resources during construction:

Mitigation Measure CUL-1: If previously unknown archaeological resources or suspected archaeological resources (including human remains) are encountered during construction, all work on the site shall be stopped and an archaeologist approved by the City shall be called to inspect the finds. The recommendations of this archaeologist with regard to on-site preservation, recovery and/or documentation of the resources shall be implemented before construction recommenced.

The implementation of this mitigation measure would reduce impacts on archaeological resources to a less-than-significant level.

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant with Mitigation Incorporated. The site does not contain any unique geologic features or known paleontological resources. If paleontological resources are encountered during construction, their disturbance would constitute a significant impact.

Mitigation Measure CUL-2: If paleontological resources are encountered during construction, all work in the immediate vicinity of the find shall be halted and the proper authorities shall be notified.

The implementation of this mitigation measure would reduce impacts on paleontological resources to a less-than-significant level.

d. Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant with Mitigation Incorporated. There are no known human remains interred on or adjacent to the project site. However, if remains were encountered within the soils during construction, their disturbance would constitute a significant impact.

Mitigation Measure CUL-3: If previously unknown human remains are encountered during construction, an appropriate representative of Native American groups and the County Coroner shall be informed and consulted, as required by State law.

The implementation of this mitigation measure would reduce impacts on human remains to a less-than-significant level.

6. GEOLOGY AND SOILS. Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less Than Significant Impact. The closest active fault is the Hayward Fault, which passes approximately one mile east of the project site. The site would not be subject to rupture from the fault at this distance, and the impact would be less than significant.

ii. Strong seismic ground shaking?

Less Than Significant Impact. The proposed project site is located in the San Francisco Bay Area, which is subject to seismic activity dominated by the active San Andreas fault system. The project site and its vicinity would also be subject to shaking from the Hayward Fault, as mentioned above. However, there are no existing structures on or near the proposed bicycle/pedestrian path that would pose a threat during a seismic event. The proposed project does not include construction of any habitable structures. The proposed Fifth Street pedestrian bridge would be constructed in accordance with current seismic codes. Therefore, this is considered a less-than-significant impact.

iii. Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Liquefaction is the transformation of loose saturated silts and sands from a solid state to a semi-liquid state. This occurs under vibratory conditions such as those induced by seismic events. The soils in the proposed project area and the surrounding vicinity consist of heterogeneous fill and Clear Lake clay near the surface, underlain by clayey gravel of the Temescal formation and alluvial material of moderate permeability. The possibility of ground failure caused by liquefaction is considered to be very low because these clayey soils are highly cohesive. Because the risk of liquefaction is low, and because the project would not include any habitable structures, the potential impact of seismic-related ground failure is considered less than significant.⁷

iv. Landslides, mudslides or other similar hazards?

No Impact. The flat topography of the site precludes the risk of landslides or mudslides in the proposed project area. No impact would occur.

⁷ *University Village Draft Master Plan Initial Study*, July 1997, p. 2-16, Radbruch, D.H., *Aerial and Engineering Geology of the Oakland West Quadrangle, California*, U.S.G.S., and Welch, L.E., *Soil Survey of Alameda County, California, Western Part*, U.S.D.A.

b. Result in substantial erosion or loss of topsoil?

Less Than Significant Impact with Mitigation Incorporated. The proposed project would require some grading and excavation as part of the restoration of Codornices Creek, the removal of culverts and the construction of the bicycle/pedestrian path. The following mitigation measure would also reduce erosion impacts:

Mitigation Measure GEO-1: Throughout project construction, the applicant shall follow up to date erosion control measures appropriate to this site. These measures derive from the California Stormwater Best Management Practice Handbooks (Camp, Dresser, and McKee, March 1993) and the Erosion and Sediment Control Field Manual (California Regional Water Quality Control Board, July 1999).

The implementation of this mitigation measure, along with mitigation measures BIO-4, BIO-6 and AIR-1 would help reduce the impacts from construction period erosion to a less-than-significant level.

During the restoration process, the banks of Codornices Creek could be subject to erosion before plantings have become established. However, the Codornices Creek Improvements Plan calls for the installation of erosion control fabrics immediately after construction that will serve to reduce erosion for the first one to two years after the construction is complete. The creek banks and all areas where grading would occur would become vegetated during this time. Therefore, erosion impacts after construction would be less than significant.

c. Be located on a geologic unit or soil that is unstable as a result of on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact. As discussed above, the proposed project area is situated on soil that is generally considered cohesive and relatively

stable. Therefore the risk of landslide, lateral spreading, subsidence, liquefaction or collapse represents a less-than-significant impact.

- d. **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Less Than Significant Impact. Since the proposed project does not include construction of habitable facilities, it would not create substantial risks to life or property. The impact would be less than significant.

- e. **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

No Impact. The proposed project site does not include restrooms or any other source of wastewater. Thus no impacts relative to septic tanks or alternative wastewater disposal systems would occur.

7. **HAZARDS AND HAZARDOUS MATERIALS. Would the project:**

The discussion of hazardous materials in this section is based on review of the following documents:

- ◆ *Soil Investigation Report, Albany Village Redevelopment Study*, Jonas & Associates, Inc., May 31, 1994
- ◆ *Soil and Ground-Water Investigation Report for Fourth and Harrison Streets Site, Berkeley, California*. Ogden Environmental and Energy Services Co., Inc., July 9, 1997
- ◆ *Phase I Environmental Site Assessment of Dowling Park and Fielding Fields, Albany, California*, Clayton Environmental Consultants, January 31, 2000.
- ◆ *Additional Soil and Ground-Water Investigation Report for Fourth and Harrison Streets Site, Berkeley, California*. Ogden Environmental and Energy Services Co., Inc., August 1, 2000.
- ◆ *Memorandum Re: Codornices Creek Soil Results*. Jim Gribi, GRIBI Associates, August 28, 2003.

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact. The proposed project would not involve the transport, use or disposal of hazardous materials, and no impact would occur.

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact with Mitigation Incorporated. The operation of the proposed project would not involve the use or handling of hazardous materials. Therefore the operation of project would not pose the risk of release of hazardous materials into the environment, and no impact would occur.

During construction of the proposed project, grading would necessitate the removal and transport of approximately 5,000 to 7,000 cubic yards of soil.⁸ Final grading plans have not yet been completed for the project, so it is not possible to determine the exact locations and amounts of grading and the characteristics of the excavated soil. However, based on a review of the existing soil analyses listed above, and a single instance of elevated levels of lead in soil samples from the project site, it is possible that soil on the project site may require disposal in a Class I or Class II landfill. Landfill disposal requirements will be determined based on further testing of the excavated soil. Regardless of the type of facility at which the soil is disposed, risk from the removal and transport of the contaminated soil would be minimized by observation of standard Best Management Practices and the implementation of Mitigation Measures AIR-1 and BIO-6 to minimize dust migration and erosion. The implementation of these mitigation measures would reduce the impact to a less-than-significant level.

⁸ Gribi, p.3.

- c. **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

No Impact. The proposed project would not emit hazardous emissions or handle hazardous materials, therefore no impacts would occur.

- d. **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Less Than Significant Impact with Mitigation Incorporated. The proposed project site has not been included on a list of hazardous materials sites pursuant to Government Code Section 65962.5. However, the Fielding Fields area and the reach of Codornices Creek from Fifth Street to the UPRR tracks have a history of industrial uses including likely use and storage of hazardous materials and petroleum products from at least 1929 to 1973. These uses include an electric welding shop, an erecting shop, a pipe dipping plant and pipe testing machine, a machine shop, a blacksmith shop, and a train car repair and plate storage building. At one time, Codornices Creek was routed through a steel factory located on the south bank of the creek.⁹

Several recent investigations were performed in and around the proposed project area to determine levels of contamination, if any. A 1994 Soils Investigation Report by Jonas & Associates, Inc., which included the Fielding Fields and both the north and south sides of the creek between Fifth Street and the UPRR tracks, did not detect significant levels of contamination.

Soil and Ground-Water Evaluation Reports completed by Ogden Environmental and Energy Services Co., Inc. in July 1997 and August 2000 analyzed the block on the south side of Codornices Creek bounded by

⁹ *Lower Codornices Creek Improvements Plan*, May 2001, p. 24.

the creek on the north, Fifth Street on the east, Harrison Street on the south, and the UPRR tracks on the west. The 1997 Ogden report concluded that although limited contamination of soil, creek sediment and ground water was present in the area, the study area did not pose a significant risk to human health or the environment. The 2000 Ogden report reached the same conclusion. However, due to elevated levels of lead in shallow soils on the site, the report recommended that residential uses on the site be prohibited and that deed restrictions prohibit gardening unless done in a raised bed with clean, imported soil.

Clayton Environmental Consultants completed a Phase I Environmental Site Assessment (ESA) of Fielding Fields, the University Village community gardens, and Dowling Park in January 2000.¹⁰ This Phase I ESA concluded additional assessment of the project area is warranted due to the history of industrial uses and the contamination detected by the 1997 Ogden investigation. The Phase I ESA also determined that the analysis performed for the 1994 Jonas report, which did not find any contamination, was too limited and may not have addressed all potential hazardous materials in the area. In addition, the Phase I ESA stated that the origin of the 27,000 cubic yards of soil used to fill and level Fielding Fields is unknown. Due to the industrial history of the area and the absence of a more thorough analysis, the Phase I report concluded by recommending that a Phase II Environmental Site Assessment be conducted for Fielding Fields.¹¹ This recommended Phase II analysis has not yet been performed.

While the continued use of the project area as playing fields is unlikely to expose the public to hazardous materials, the grading necessary to implement the Codornices Creek Improvements Plan could uncover previ-

¹⁰ Clayton Environmental Consultants, *Phase I Environmental Site Assessment of Dowling Park and Fielding Fields*, January 31, 2000.

¹¹ Clayton Environmental Consultants, *Phase I Environmental Site Assessment of Dowling Park and Fielding Fields, Albany, California*, January 31, 2000, p. 18.

ously unknown sources of contamination. Exposure of construction workers or members of the public to unexpected sources of contamination would be a potentially significant impact. The following mitigation measures would reduce this impact to a less-than-significant level.

Mitigation Measure HAZ-1: Conduct a Phase II Environmental Site Assessment consistent with the Clayton Environmental Consultants' Phase I report.

Mitigation Measure HAZ-2: If the grading and excavation of the proposed project uncovers soils that appear to be non-native or consist of industrial debris, work shall cease. These soils shall be stored safely until they can be tested by a qualified individual. Any contaminated soil uncovered during the construction of the project shall be removed and disposed of in accordance with all applicable laws and regulations.

Mitigation Measure HAZ-3: A contingency plan shall be formulated for construction and grading activities to require testing of any materials encountered during grading and digging operations that are suspected to be hazardous. An onsite, specified contractor shall observe excavated materials at all times during excavation and grading of sites which may contain hazardous waste. Observation practices would serve to ensure that in the event hazardous waste is unexpectedly encountered, it is recognized as hazardous waste and handled properly. The plans shall include sampling and assessment of results by a qualified individual to determine if suspicious materials are of concern.

- e. **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

No Impact. The proposed project site is not located within two miles of a public airport. The closest airport is the Oakland International Airport,

located approximately eleven miles south of the site. Therefore, no impact would occur.

- f. **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

No Impact. The project is not located in the vicinity of a private airstrip. The closest non-commercial airstrip is located at the now-closed Alameda Naval Air Station approximately six miles south of the site. Therefore, no impact would occur.

- g. **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

No Impact. The proposed project site is not included in any emergency response or emergency evacuation plans for the City of Albany. However, once completed, the ball fields could be used as facilities during such an emergency. The City may wish to consider incorporating the project site into its emergency response plan. No impact to existing plans would occur.

- h. **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

No Impact. No wildlands are located at or adjacent to the site, and there would be no impact.

8. **HYDROLOGY AND WATER QUALITY. Would the project:**

- a. **Violate any water quality standards or waste discharge requirements?**

No Impact. The proposed project does not include any new uses that would violate water quality standards or waste discharge requirements. Therefore, no impact would occur.

- b. **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)**

No Impact. The proposed project would not utilize groundwater supplies. In addition, under the proposed project the increased floodplain for Codornices Creek would increase groundwater recharge, which would be a positive rather than a negative impact.

- c. **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

Less than Significant with Mitigation Incorporated. The discussion of hydrology in this section is based on the *Hydraulic Modeling of Water Levels, Lower Codornices Creek Proposed Restoration Plan*, prepared by Northwest Hydraulic Consultants and FarWest Restoration Engineering and completed September 12, 2003. This report is attached as Appendix D of this Initial Study. As described in detail in this hydrology report, the proposed project would reduce channel velocities, as well as reducing the dramatic change in velocity from section to section that occurs under the existing conditions. In general, the channel velocities would be less than 6 feet per second (fps) within the proposed channel, which is less than the USACE suggested maximum mean channel velocity of 6 to 8 fps. This lower velocity would decrease shear stress and potential channel erosion, and increase the stability of the creek channel within the project area.

However, even after the proposed improvements, sections of the creek below Eighth Street and from Fifth to Sixth Street would be likely to experience shear stresses (the force exerted by flowing water on the bed or banks of the creek) that could cause bank erosion during high flows. Im-

plementation of the following mitigation measure would reduce the potential erosion impacts to less-than-significant levels:

Mitigation Measure HYDRO-1: In order to prevent erosion, bioengineering or other methods shall be implemented. Appropriate techniques would include rock toe reinforcement, vegetated geogrids, brush mattresses and live fascines that would revegetate quickly and compensate for excessive stream energy.

This measure would reduce bank erosion to a less-than-significant level.

The proposed restoration plan, especially the removal of culverts at Fifth and Tenth Streets, would substantially improve sediment transport along the reach of Codornices Creek within the project area. However, sedimentation would be expected to continue behind remaining culverts, which would reduce the capacity of the culverts. Problems of sediment deposition can be anticipated while culverts are in place at Sixth and Eighth Streets, and especially at the UPRR tracks. The problem could be reduced through a regular maintenance program to excavate and remove sediment buildup. Implementation of the following mitigation measure would reduce the potential sedimentation impacts to less-than-significant levels:

Mitigation Measure HYDRO-2: WRI shall develop a sediment removal plan to address sedimentation impacting creek function behind the Eighth Street, Sixth Street, and UPRR culverts. The City of Albany shall then work with the City of Berkeley, the University of California and regulatory agencies to determine the most effective way to implement the sediment removal plan.

- d. **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface water runoff in a manner which would result in flooding on- or off-site?**

Less than Significant with Mitigation Incorporated. The hydraulic modeling prepared for the Improvements Plan considered two scenarios for flood flows in Codornices Creek: 600 cubic feet per second (cfs), which is the estimated capacity of the San Pablo Avenue culvert; and 1000 cfs, which was selected as a representative mid-point between two previous professional estimates of the 100-year storm event for the creek.

The hydraulic modeling of the water surface levels at 600 cfs and 1000 cfs flows before and after the Improvements Plan showed a significant reduction in water surface elevations for three-quarters of the creek's length within the project area as a result of the restoration work. In the remaining one-quarter of the creek's length, water levels remained approximately constant before and after the project. In two small areas, immediately upstream of the Eighth Street culvert and immediately upstream of the Sixth Street culvert, the modeling indicated that water surface levels would be 1.2 to 4 inches higher after the project at both a 600 cfs flow and a 1000 cfs flow. Therefore, the Improvements Plan calls for landscaping berms or walls to be placed between Fifth and Sixth Streets and between the Eighth Street culvert and the street. Specifics for the berm or wall design are to be developed after the concept Improvements Plan is approved. If the barrier were inadequately sized, there could be a significant flooding impact. In order to reduce the potential for overbank flow behind these culverts to less-than-significant levels, the following mitigation measure shall be implemented:

Mitigation Measure HYDRO-3: The minimum height of the berms or walls behind the Sixth and Eighth Street culverts shall be designed to minimize the risk of flooding during a 100-year event.

Compared to existing conditions, the proposed project would increase the amount of water Codornices Creek can contain without overtopping its banks, and would also convey this flow more efficiently downstream. While this would reduce water surface elevations at flood flows in almost all reaches of the creek, water surface elevations at the UPRR culvert and the Interstate 80 (I-80) culvert will likely increase as a result of the proposed project. The hydraulic modeling concluded that the proposed project would increase water surface levels near I-80 by approximately 4 inches during peak flood conditions. This represents a conservative potential increase of approximately 10 percent as a result of the proposed project. The calculated increase in depth of flooding, 0.3 feet or 4 inches, is within the margin of error for hydraulic evaluations of this type and therefore, the actual increase in flood depths may be much lower. Due to the minimal increase in flooding, it is unlikely that the proposed project would result in significant additional damage to buildings in this area. Furthermore, an evaluation of the existing topography of the area between the UPRR tracks and I-80, based on the elevations contained in the *City of Albany Watershed Management Plan*, concluded that the footprint of the flood area would likely not increase significantly as a result of the proposed project.¹² Therefore, flooding impacts in this area would be less than significant.

- e. **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

Less Than Significant Impact. The proposed project would not create or contribute any additional runoff to existing or planned stormwater drainage systems. Therefore, the impact of increased runoff would be less than significant.

¹² *Memorandum Re: Additional Codornices Creek Flooding Analysis.*
Roger Leventhal, WRI, October 21, 2003.

f. Otherwise substantially degrade water quality?

No Impact. The proposed project would not substantially degrade water quality in any way not discussed above, and no impact would occur.

g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Less Than Significant Impact. The proposed project does not include the placement of new housing. Existing housing in the surrounding area includes a few existing residences on the south side of Codornices Creek between San Pablo Avenue and Ninth Street, the University Village housing, and the BOSS facility. It is anticipated that the proposed improvements to Codornices Creek would better protect both the University Village housing units and the BOSS facility from flooding. The hydraulic modeling of the proposed project showed a lowering of water levels at the BOSS facility of approximately one foot under flood conditions, due to the increased floodplain and storage capacity of the proposed project. The modeling results showed that the potential for minor flooding of the shelter under flood conditions would continue to exist. However, the magnitude and extent of flooding would be decreased by the proposed creek restoration plan. Therefore, flood impacts to housing would be less than significant.

h. Place within a 100-year flood hazard area structures which would impede or redirect flows?

No Impact. The only new structures associated with the proposed project would be the Fifth Street pedestrian bridge. As a replacement of the Fifth Street culvert, this bridge would facilitate rather than impede the flow of water. In addition, the approximately 50-foot by 20-foot storage shed located on the south side of Fielding Fields may be relocated or replaced along the north side of the reconfigured field, over a portion of the culverted Codornices Creek bypass. The relocated shed would be placed in a way that would not compromise swale drainage. Neither the Fifth Street pedestrian bridge or the relocated storage shed would impede or

redirect flows in a way that would increase flood hazards. Therefore, there would be no impact.

- i. **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

No Impact. There would be no levees or dams associated with the proposed project. Therefore, no impact would occur.

- j. **Inundation by seiche, tsunami, or mudflow?**

Less Than Significant Impact. The potential for inundation by tsunami or mudflow is very low because the project site is not bordered by the ocean, nor is there evidence of on- or off-site mudflow activity or potential. The potential for inundation by seiche is slightly higher because the geographic and geological conditions required for a seiche to occur are met on the project site. The project site is close to the San Francisco Bay, which is a partially enclosed body of water. Additionally, the entire San Francisco Bay Area is subject to occasional seismic activity. The combination of these conditions means that inundation by seiche could occur on the site. However, the probability of inundation by seiche as a result of seismic activity is no more likely to occur on this site than on any other site which borders the San Francisco Bay, and construction on low-lying sites around the Bay is commonplace. Consequently, the impact from potential seiche is considered less than significant.

9. **LAND USE. Would the project:**

- a. **Physically divide an established community?**

No Impact. Codornices Creek currently forms the southern border of University Village and is also the border between the cities of Albany and Berkeley. No new barriers between these communities would be erected as part of the proposed project. Therefore, no impact would occur.

- b. **Be inconsistent with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

Less Than Significant Impact. The proposed project would be subject to the following policies:

- ◆ *City of Albany General Plan 1990-2019:* The General Plan land use designation for the project area is a mix of Institutional Residential/Recreational, Institutional Residential/Commercial and Commercial/Service/Light Industrial. The restoration of the creek and the construction of a bicycle/pedestrian path would not conflict with these uses. The Codornices Creek corridor is designated as a Creek Conservation Zone. Policy LU 7.2B of the Land Use Element states that the City should work to “[p]rotect and enhance the creeks running through and adjacent to the U.C. Village property.”¹³ Additionally, Goal CROS 1 of the Conservation, Recreation and Open Space Element encourages the City to “[e]nhance the natural features of the City’s creeks and increase public access to them.”¹⁴ The restoration of Codornices Creek is consistent with both of these statements.

The Land Use map also designates the southwestern corner of University Village as Commercial/Service/Light Industrial. Approved uses in this area are retail, repair, manufacturing, and live/work studios.¹⁵ Recreational uses such as the bicycle/pedestrian path and soccer field, which would be located in this area, are not consistent with the current designation. However, since this property belonged to the University of California when the General Plan was created, the City of Albany did not, and does not, have land-use authority over this property. Therefore the

¹³ *City of Albany General Plan, 1990-2010*, p.32.

¹⁴ *City of Albany General Plan, 1990-2010*, p.83.

¹⁵ *City of Albany General Plan, 1990-2010*, p.30.

impact of the conflict between the land-use designations and the elements of the proposed project would be less than significant.

- ◆ *City of Albany Zoning Code:* According to the Zoning Map of the City of Albany Zoning Code, the project area contains the following zoning designations:
 - Residential, Moderate Density with a Watercourse Combining District
 - Public Facility with a Watercourse Combining District
 - Commercial/Service/Light Industrial with a Watercourse Combining District
 - Residential, Moderate Density
 - Commercial/Service/Light Industrial

A Watercourse Combining District covers all areas within 75 feet of the centerline of Codornices and Cerrito Creeks, and is intended to promote the preservation and restoration of these creeks. The proposed project would be consistent with all zoning designations except the Commercial/Service/Light Industrial zoning in the southwestern corner of the site. Recreational uses such as sports fields are not specifically permitted under this zoning. However, since this property belonged to the University of California when the General Plan was created, the City of Albany did not, and does not, have zoning authority over this property. Therefore the impact of the conflict between the zoning designations and the recreation elements of the proposed project would be less than significant.

- ◆ *City of Albany Watershed Management Plan:* The Watershed Management Plan specifically recommends the restoration of Codornices Creek within the University Village boundaries. The proposed restoration of Codornices Creek would be consistent with this plan.
- ◆ *City of Albany Codornices Creek Schematic Master Plan:* The proposed project would be consistent with the goals of the Codornices Creek Sche-

matic Master Plan, which are to maximize the number and size of youth athletic fields; to improve the condition of [Codornices] Creek so that it is stable and functions as naturally as possible; and to provide safe and efficient bicycle and pedestrian routes to and through the study area.

- ◆ *City of Berkeley West Berkeley Plan:* Goal 9 of this Plan states the City’s desire to “provide an accessible, aesthetically-pleasing network of green spaces and corridors -- that is functional for varied types of users -- to visually and physically link parks, creeks, and shoreline to residential and commercial, and light industrial areas.” Policy 9.11 of this plan is to “improve the usability of and access to Codornices Creek and explore opportunities for uncovering other creeks in the area.” The proposed project is consistent with this plan.

- ◆ *University of California at Berkeley University Village and Albany/Northwest Berkeley Properties Draft Master Plan:* This plan calls for creeks within the Village to be restored for flood control and to maximize the beneficial use of the site. Open Space and Recreation Policy 4-15 states that the University should “[u]se creeks as an important landscape element,”¹⁶ and the Open Space and Recreation Concept further states that “[t]he potential to restore the creeks to their natural state as feasible would be preserved. Where practical, significant areas of vegetation would be maintained.”¹⁷ The restoration of Codornices Creek would be consistent with these policies.

- ◆ *Joint Watershed Goals Statement.* This statement is an agreement by the cities of Albany, Berkeley, El Cerrito and Richmond and by the University of California, Berkeley and the East Bay Regional Parks District to protect, restore and enhance creeks. The proposed project would meet several of the goals of the statement, including “restoring... creeks by re-

¹⁶ University of California at Berkeley, *Albany and Northwest Berkeley Properties Draft Master Plan*, January 1997, p. 22.

¹⁷ University of California at Berkeley, *Albany and Northwest Berkeley Properties Draft Master Plan*, January 1997, p. 31.

moving culverts, underground pipes, and obstructions to fish and animal migration, putting creeks in restored channels up in the sunshine..., [providing] pedestrian and bicycle paths along creekside greenways;” and “using creekside greenways to connect neighborhoods and commercial districts east of the Interstate 80 freeway to the shoreline of the San Francisco Bay and the San Francisco Bay Trail.” The project would be consistent with the goals agreed to in this joint statement.

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The only applicable conservation plan is the City of Albany’s Watershed Management Plan. As stated above, the restoration of Codornices Creek as part of the proposed project would be consistent with the recommendations of the Watershed Management Plan, and no impact would occur.

Overall conflicts to land use plans and policies would be less than significant.

10. MINERAL RESOURCES. Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. There are no known mineral resources on the site, therefore no impact would occur.

b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. There are no known mineral resources in the area of the proposed project site, and no impact would occur.

11. NOISE. Would the project result in:

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

No Impact. The proposed project does not include any elements that would be expected to generate excessive noise impacts. Although increased visitation to the restored creek area and use of the proposed bicycle/pedestrian trail would be expected to increase ambient noise levels, this shift would not be great enough to cause a significant increase in the existing noise levels in the project vicinity. No impact would occur.

- b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?**

Less Than Significant Impact. The proposed project would require some grading and excavation. Once construction was complete, ground borne vibration would cease. Therefore, the impact would be less than significant.

- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Less Than Significant Impact. The restoration of Codornices Creek would improve an existing use rather than add a new use, and so would not increase ambient noise levels in the area. The only new use included in the proposed project would be the bicycle/pedestrian path, which would not be expected to cause a substantial increase in ambient noise levels. The impact would be less than significant.

- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Less Than Significant Impact with Mitigation Incorporated. The proposed project would create a temporary increase in ambient noise due to construction activities such as grading and excavation, and construction vehi-

cle traffic. Due to the sensitive receptors in the adjacent housing, the following mitigation measures shall be implemented:

Mitigation Measure NOISE-1a: Limit construction activities to day-time hours (8:00 a.m. to 6:00 p.m. on Monday through Saturday and 10 a.m. to 6 p.m. on Sundays and holidays).

Mitigation Measure NOISE-1b: Use available noise suppression devices and properly maintain and muffle loud construction equipment.

Mitigation Measure NOISE-1c: Avoid staging of construction equipment and unnecessary idling of equipment within 200 feet of noise-sensitive land uses.

These mitigation measures would reduce the impacts from temporary construction noise to a less-than-significant level.

- e. **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. The proposed project site is not located within an airport land use plan or within two miles of a public airport. Therefore there would be no impact.

- f. **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. The project site is not within the vicinity of a private airstrip, and no impact would occur.

12. POPULATION AND HOUSING. Would the project:

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

No Impact. No component of the proposed project would induce population growth. No impact would occur.

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

No Impact. No housing would be displaced by the proposed project, and no impact would occur.

- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

No Impact. The proposed project would not displace any people or housing. Therefore, no impact would occur.

13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a. Fire protection**

No Impact. The City of Albany has its own fire department, which is, and would continue to be, the first responder to the project site. The project would not add potential for fire hazards to humans since it would not include any habitable structures and only two non-habitable structures. The project would include the replacement of the Fifth Street culvert with a pedestrian overcrossing. Therefore, emergency vehicle access to the existing playing fields would occur via internal roads in University Village rather than via City of Berkeley streets. After completion of the

project, the City Albany Fire Department would be able to access the fields directly from the Albany side of Codornices Creek.. Therefore, no impact would occur.

b. Police protection

Less Than Significant Impact. Both the Cities of Albany and Berkeley and the University of California maintain their own police departments. Responsibility for patrolling the bicycle/pedestrian path and sports fields would be borne by the University. The University police serves as the primary responder for any incident with the Albany police department serving as the secondary responder. The City of Berkeley police would continue to respond to calls within Berkeley’s city limits.

The modifications to the ballfields would not require an increase in personnel. The new bicycle/pedestrian path would be subject to police patrols, but would not necessitate sufficient additional patrols to require additional personnel. The lighting and landscaping of the bicycle/pedestrian path would be designed with safety and visibility in mind, and the path would be constructed so that it could be seen and patrolled by a police car.¹⁸ Therefore, the impact would be less than significant.

c. Schools

No Impact. The proposed project would not cause an increase in population in the area, and so would not result in an increase in public school attendance. No impact would occur.

d. Parks

No Impact. The construction of the proposed bicycle/pedestrian path and the restoration of Codornices Creek would increase the possible recreational uses of the project area. The modifications to the ballfields

¹⁸ City of Berkeley, *Draft Initial Study for the Codornices Creek Schematic Plan and Harrison Street Playing Fields and Codornices Creek Improvement Project*, August 1999, p. 38.

would not have an impact on the fields' use. Therefore, the proposed project would have no impact on the recreational facilities of the City.

e. Other public facilities

No Impact. No other public facilities would be impacted by the proposed project, and no impact would occur.

14. RECREATION. Would the project:

a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than Significant Impact. The ballfield modifications would not result in increased use such that substantial physical deterioration of the facilities would result. The number and location of the fields would remain generally the same and the field of play would continue to be available for use. The modifications proposed would have a less-than-significant impact on the existing recreational facility.

The proposed bicycle/pedestrian path from San Pablo to Sixth Street would help connect the Ohlone Trail to the Bay Trail, which could increase the use of that facility. Since encouraging use of the Bay Trail as an alternative to I-80 is an explicit goal of the Circulation Element of the City of Albany's General Plan, the increased use of the Bay Trail would be a positive rather than a negative impact. Therefore no impact would occur. Overall impacts on recreational facilities would be less than significant.

b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The proposed project includes the addition of a dugout at the backstop of the girls' softball field. The dugout would be placed on decking over the existing drainage swale. The University has agreed that the

structure could be located over the existing swale if necessary. The proposed dugout would be a relatively small structure and would not have adverse physical effects on the environment. The dugout would not have solid walls meeting the floor, therefore water would be allowed to flow over the floor of the dugout under flood conditions, and drainage would not be compromised.

The proposed pedestrian/bicycle path would be a new recreational facility that would be expected to have a positive effect on the environment, for example, through the reduction of vehicle trips. Therefore, no impact would occur.

15. TRANSPORTATION/TRAFFIC. Would the project:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?**

Less Than Significant Impact. The only new use included in the proposed project is the pedestrian/bicycle path. This path is intended to reduce rather than increase vehicle trips, and would not cause a substantial increase in traffic. The restoration of the creek and the shifting of the soccer field to the north would not affect local traffic loads. Therefore, the impact would be less than significant.

- b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

No Impact. The only designated road or highway in the proposed project area is San Pablo Avenue, State Highway 123. As mentioned above, the proposed project would not have a significant impact on San Pablo Avenue or other local roads, so no impact would occur.

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The site is not located within close proximity to an airport. Therefore no air traffic patterns would be affected as a result of this project, and no impact would occur.

d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The proposed project would not include any hazardous design features or incompatible uses. Therefore, no impact would occur.

e. Result in inadequate emergency access?

No Impact. The new bicycle/pedestrian trail would provide emergency access to the creek between San Pablo Avenue and Sixth Street, which is currently inaccessible for much of its length. This would be a positive rather than a negative impact of the project.

Following the removal of the Fifth Street culvert as part of the creek restoration, emergency access to the ballfields on the north side of the creek would be provided via internal streets in University Village rather than via City of Berkeley streets on the south side of the creek. Responsibility for emergency response would remain with the City of Albany and would remain at their current service levels, and no impact would occur.

f. Result in inadequate parking capacity?

Less Than Significant Impact. The proposed project would not include any new uses that would dramatically increase the need for parking in the project area. Adequate on-street parking exists to serve the existing sports fields. The bicycle/pedestrian path would not be expected to increase the need for parking since it is intended for cyclists and pedestrians.

The Codornices Creek Improvements Plan proposes to move the north wall of the USPS facility, located along the creek between Eighth and Seventh Streets, 12 feet south to provide the right-of-way needed for flood space, bank stability, and the pedestrian/bicycle trail. There are currently 167 parking spaces at this facility. All of these spaces would be retained through a reconfiguration of the parking lot after the wall relocation was completed. There may be some loss of parking spaces during the relocation process, but this loss would be temporary. Therefore, the impact would be less than significant.

g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No Impact. The proposed project would not conflict with plans or policies for alternative transportation. The construction of a Class I bicycle/pedestrian path along Codornices Creek would further Goal 6 of the Circulation Element of Albany's General Plan, which states that the City should improve and enhance the City's bicycle route and path system. Therefore, no impact would occur.

16. UTILITIES AND SERVICES. Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact. The proposed project does not include restrooms or any other source of wastewater. Therefore, no impact would occur.

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact. The proposed project would not necessitate the construction or expansion of water or wastewater facilities. Therefore, no impact would occur.

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

No Impact. The proposed project would not require the construction of new storm water drainage facilities, and no impact would occur.

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

No Impact. The proposed project area is served by the East Bay Municipal Utility District (EBMUD). The project would require a small amount of water for the temporary irrigation system that would be installed along Codornices Creek. This irrigation system would utilize an infrequent watering regime and would be removed after three to five years. This small increase in water demand would not create an impact on available water supplies, and no impact would occur.

- e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

No Impact. Wastewater service to the proposed project would be provided by EBMUD. However, the proposed project would not create a need for any new wastewater services. Therefore no impact would occur.

- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

No Impact. The proposed project would not generate significant amounts of solid waste, and no impact would occur.

- g. Comply with federal, state, and local statutes and regulations related to solid waste?**

No Impact. The proposed project would comply with all statutes and regulations related to solid waste, and no impact would occur.

17. MANDATORY FINDINGS OF SIGNIFICANCE

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant with Mitigation Incorporated. During the construction phase of the project, the grading and excavation necessary to create a meandering channel and floodplain for Codornices Creek would cause disruption to the plant and animal populations living in and along the creek. This includes juvenile steelhead, a special-status species in California. The implementation of mitigation measures BIO-3 through BIO-6 would lower the threat to special-status animal species to a less-than-significant level. Once the restoration was completed, the quantity and quality of the habitat for both plant and animal species in and along Codornices Creek would be improved. Therefore, the impact would be less than significant.

Construction of the proposed project could affect examples of major periods of California prehistory. Mitigation measures CUL-1 through CUL-3 would prevent any damage to cultural resources. Therefore, the impact would be less than significant.

- b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less Than Significant with Mitigation Incorporated. The construction phase of the proposed project, if combined with the demolition and construction phase of the University Village redevelopment project, could have a cumulatively considerable impact on the air quality and noise in

the project area. However, these cumulative impacts would be temporary, and would be alleviated by the implementation of mitigation measures AIR-1 and NOISE-1a through NOISE-1c to a less-than-significant level.

The construction of the proposed project, combined with the construction of the approved Target store immediately west of the project area across the UPRR tracks, could have the potential to increase flooding. The Target store, as currently proposed, would be constructed on an elevated pad of land, which could potentially alter existing Codornices Creek drainage patterns downstream of the proposed project. However, the Target store site is located in the 500-year rather than the 100-year floodplain. Moreover, almost all of the Target site will drain to Village Creek, on the north side of the site, and will not contribute additional runoff to Codornices Creek. The Target project will be required to treat all stormwater on-site. Finally, the Target project includes measures to restore both Codornices and Village Creeks within the Target project site. Therefore, cumulative hydrologic impacts would be less than significant.

- c. **Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**
No Impact. The project would improve creek habitat and provide passive and active recreational amenities. No significant impacts would occur with the proposed mitigation measures incorporated into the project.

Appendices to the *Initial Study Mitigated Negative Declaration of the Lower Codornices Creek Improvements Plan* were distributed to Board members only and are available at the Conservancy office by request of:

Brenda Buxton
State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612
Phone: 510.286.1015
bbuxton@scc.ca.gov
Hrs: 8:00am – 5:00pm

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

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CITY OF ALBANY

APR 27 2004

COMMUNITY DEVELOPMENT
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April 23, 2004

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SCH2004032051

Ms. Ann Chaney
Community Development Director
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

Dear Ms. Chaney:

CODORNICES CREEK IMPROVEMENT PLAN – NEGATIVE DECLARATION

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Codornices Creek Improvement Plan Project. The comments presented below are based on the Negative Declaration (ND).

Hydrology Analysis

Given the magnitude of the increased peak flow rate that the project will deliver to downstream systems, the Department is concerned that the proposed project will increase the frequency and level of flooding downstream of the United Pacific Railroad (UPRR) bridge. Therefore, a comprehensive study of these impacts should be completed before upstream improvements are implemented. Tidal effects on these downstream facilities, as well as impacts to the existing Buchanan Street Marsh associated with the increased volume of fresh water inundation, should be appropriately addressed. The limits of the study should extend from the United Pacific Railroad UPRR bridge to the creek's outfall into the Albany Mudflats at Buchanan Street.

The document should discuss what modifications, if any, are proposed for the Codornices Creek bypass channel, including any work being done by other proposed projects within the watershed of Codornices and Village Creeks that could impact these waterways. The document should include a map showing the alignment of the bypass system in relation to proposed structures and facilities.

The ND refers to the study prepared by Northwest Hydraulic Consultants, dated September 12, 2003, regarding potential impacts to facilities downstream of the improvements. That study, however, did not perform a detailed analysis of downstream facilities or the resultant impacts to those facilities. Page one of the study states that, "At the UPRR tracks, the project's downstream boundary, the project's affect on flooding (downstream) was qualitatively assessed using approximate methods." The Study also states that "Discharges exceeding the culvert and/or channel capacities will overtop the channel and may flow into the adjacent properties

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration

Ms. Ann Chaney
April 23, 2004
Page 2

along the project reach." Nevertheless, the extent, depth, and duration of flooding due to channel overtopping were not computed and were not included in the scope of this analysis.

Right of Way

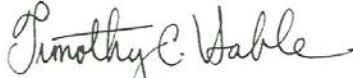
Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, must be submitted to the address below. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link 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 for more information, or with any questions regarding this letter.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Ms. Terry Roberts, State Clearinghouse

"Caltrans improves mobility across California"

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration

Responses to each comment posed in the Caltrans letter of April 23, 2004. Response to comments prepared by Design, Community & Environment:

1. Northwest Hydraulic Consultants completed a hydraulic modeling of the proposed project and evaluated the project's potential impacts on flooding relative to existing conditions at the UPRR tracks and I-80. The results of this analysis were discussed on page 71 of the IS/MND, and the report was included in its entirety as Appendix D of the IS/MND. Due to the inadequate size of the existing culvert under I-80, flooding already occurs east of I-80. As stated on page 71, the hydraulic modeling concluded that existing water surface levels near I-80 may increase as much as 4 inches during flooding as a result of the proposed project, but the report also concluded that this conservative estimate is within the margin of error for the model. Therefore, IS/MND concluded that, while flooding will continue to occur between the UPRR tracks and I-80 until the I-80 culvert is replaced, the elevation and footprint of this flooding would not increase significantly as a result of the proposed project. In addition, the project would not add additional water to the creek drainage, as it is not increasing impervious surfaces within the project study area.

2. The downstream impacts of the proposed projects will be limited by the fact that the culverts underneath both the UPRR tracks and I-80 will remain in place. Therefore the proposed project would not be expected to have any impact on the current functioning of the Buchanan Street Marsh. Tidal effects on downstream facilities are outside the scope of the environmental review of the Codornices Creek Improvements Plan.

3. Please see response to comment 3-1, above. The hydraulic modeling of the proposed project was based on a combination of all available data on channel and floodplain geometry and topographical information. This analysis concluded that any increases in flood levels would be minimal. Since the proposed project would have a less-than-significant impact, a more detailed analysis is not warranted as part of this environmental review.

4. The proposed project does not include encroachments onto any State right-of-way. No response is required.

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration



Office of the City Manager

April 9, 2004

Ms. Ann Chaney
Community Development Director
City of Albany
1000 San Pablo Ave.
Albany, CA 94706-2295

Subject: Lower Codornices Creek Project – Mitigated Negative Declaration

Dear Ms. Chaney:

We appreciated the opportunity to meet with you and Judy Lieberman last week to discuss the Lower Codornices Creek project, its funding and project schedule. In anticipation of your plans to bring a request to approve the final Mitigated Negative Declaration (MND) and authorization to bid to your City Council on May 3, 2004, we want to ensure that you take into consideration these additional concerns shown below.

Specifically, we would like the MND to clarify the following points:

1. 10th STREET BRIDGE: That the construction of the 10th Street bridge should not have been part of this project.
2. LAND USE (page 74) - The list of relevant policy documents should include the City of Berkeley 2002 General Plan and the City of Berkeley Creeks Ordinance.
3. TRANSPORTATION/TRAFFIC ((page 84) – If, as we believe, the project area includes the new playing fields, then the statement that there would be no dramatic increase for parking in the project area is questionable.
4. HYDROLOGY/DRAINAGE - We want to reaffirm that the restoration project will not add any new flows into Codornices Creek, but also (per 3/16 letter to Caltrans) is not intended to resolve the existing flooding problem caused by inadequate capacity of the I-80 culvert. It may be appropriate for the Albany City Council to acknowledge this point and reaffirm concern that Caltrans and Union Pacific should be responsible for actions to resolve flooding.
5. 4th STREET BRIDGE: The bridge shown in the 65% design review submittal is not shown or described in this Mitigated Negative Declaration.
6. 9th STREET – At 9th Street bank stabilization should be added to the large floodplain creation.

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7000 TDD: 510.981.6903 Fax: 510.981-7099
E-mail: manager@ci.berkeley.ca.us

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration

Ann Chaney, City of Albany
Lower Codornices Creek - Mitigated Negative Declaration
Page 2 of 2

Also, as we discussed at our meeting, the City will call U.C. Berkeley to discuss the creek restoration funding that had been set aside as part of the playing fields land purchase. We'll share the outcome of that meeting with you.

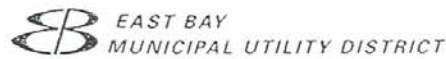
Please contact me when the final MND is ready for one last review by City staff prior to going to your City Council for approval.

Sincerely,


Deborah Chernin
Senior Planner

cc: Dan Marks, Director of Planning
Lorin Jensen, Supervising Civil Engineer
Arrietta Chakos, Acting Asst. City Manager
Grace Maguire, Asst. to the City Manager
Vivian Kahn, Consultant
Janet Homrighausen, Senior Planner
Peter Eakland, Associate Traffic Engineer

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration



CITY OF ALBANY

MAR 31 2004

COMMUNITY DEVELOPMENT
DEPARTMENT

March 25, 2004

Ann Chaney
Community Development Director, City of Albany
1000 San Pablo Avenue
Albany, CA 94706

Dear Ms. Chaney:

Re: Draft Initial Study and Proposed Mitigated Negative Declaration –
Lower Codornices Creek Improvements Plan, Albany

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Initial Study and Proposed Mitigated Negative Declaration for the Lower Codornices Creek Improvements Plan in Albany. EBMUD has the following comment on the project.

WATER DISTRIBUTION PIPELINES

EBMUD owns and operates pipelines that cross the Codornices Creek alignment at San Pablo Avenue and Sixth Street. At both locations, the pipes are located above the existing culverts. The Draft Initial Study states that these culverts are to remain in place. The Draft Initial Study also states that the reach to the east of Sixth Street (Reach C) will be modified to include a 100-foot wide floodplain. At the eastern edge of the Sixth Street culvert, there is an EBMUD 8-inch pipeline that crosses into and serves University property. This pipeline must be protected or relocated. All costs for any necessary relocations will be at the project sponsor's expense. The engineering and relocation of pipelines require substantial lead-time, which should be accounted for in the project sponsor's development schedule.

If you have any questions, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

A handwritten signature in black ink, appearing to read 'W.R. Kirkpatrick', is written over a horizontal line.

WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning

WRK:JBH:sb
sb04_082.doc

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration

Document Details Report
State Clearinghouse Data Base

SCH# 2004032051
Project Title Lower Codornices Creek Improvements Plan
Lead Agency Albany, City of

Type Neg Negative Declaration
Description Public Works implementation. The project consists of the restoration of a half-mile segment of Codornices Creek between San Pablo Avenue and the Union Pacific Railroad (UPRR) tracks: the construction of pedestrian/bicycle path along the restored creek and the reconfiguration of existing ball fields located in the Fielding Fields facility.

Lead Agency Contact

Name Ann Chaney
Agency City of Albany
Phone 510-528-5760 **Fax**
email
Address 1000 San Pablo Avenue
City Albany **State** CA **Zip** 94706

Project Location

County Alameda
City Albany, Berkeley
Region
Cross Streets San Pablo Avenue / 5th Street
Parcel No. Numerous
Township **Range** **Section** **Base**

Proximity to:

Highways 123 & I-80/I-580
Airports
Railways Union Pacific
Waterways Codornices Creek / S.F. Bay
Schools Albany H.S., M.S., 3-Elem., SMCHS
Land Use University of California, Berkeley -- Student Housing/Recreational & Ballfield Facilities.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Noise; Recreation/Parks; Soil Erosion/Compaction/Grading; Water Quality; Wildlife; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Boating and Waterways; California Coastal Commission; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 03/08/2004 **Start of Review** 03/08/2004 **End of Review** 04/06/2004

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Deputy
Director

April 7, 2004

CITY OF ALBANY

APR 09 2004

COMMUNITY DEVELOPMENT
DEPARTMENT

Ann Chaney
City of Albany
1000 San Pablo Avenue
Albany, CA 94706

Subject: Lower Codornices Creek Improvements Plan
SCH#: 2004032051

Dear Ann Chaney:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 6, 2004, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration



State of California - The Resources Agency

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500



March 29, 2004

Ms. Ann Chaney, Director
Community Development Department
City of Albany
1000 San Pablo Avenue
Albany, California 94706

CITY OF ALBANY

MAR 30 2004

COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Ms. Chaney:

Codornices Creek Improvements Plan
City of Albany, Alameda County
Draft Initial Study and Proposed
Mitigated Negative Declaration
SCH 2004032051



FAXED

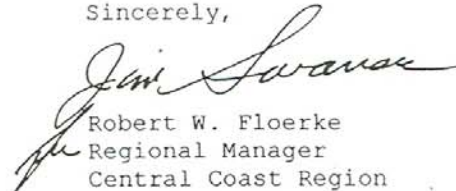
3/31/04
to Chandler Lee
& Steve Noack

The Department of Fish and Game has reviewed the document for the subject project. Please be advised this project may result in changes to fish and wildlife resources and therefore a de minimus finding is not appropriate. The environmental filing fee required under Fish and Game Code Section 711.4(d) of \$1,250 for a Negative Declaration should be paid to the Alameda County Clerk on or before filing of the Notice of Determination for this project.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, the Department may require a Streambed Alteration Agreement (SAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of SAAs is subject to the California Environmental Quality Act (CEQA). The Department, as a responsible agency under CEQA, will consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the SAA.

If you have any questions, please contact Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

Sincerely,


Robert W. Floerke
Regional Manager
Central Coast Region

cc: State Clearinghouse

Conserving California's Wildlife Since 1870



Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration

Ann Chaney

From: Judy Lieberman
Sent: Monday, April 12, 2004 9:39 AM
To: Joanna Jansen (E-mail); Stephen Noack (E-mail)
Cc: Ann Chaney
Subject: FW: Codornices Project

Comments on MND from Doug Fielding

-----Original Message-----

From: Doug Fielding [mailto:doug.fielding@companion-group.com]
Sent: Wednesday, March 03, 2004 1:01 PM
To: JLieberman@albanyca.org
Subject: Codornices Project

Dear Judy,

I have looked over the environmental documents for the Codornices Creek Project and there is no bridge at 4th Street. As you are aware there is already a crossing at this point and by removing this crossing there will be a significant negative impact on the field users. We have about 125,000 people who use the facility every year and this bridge is in the center of it all. In addition, simple things, like a ball going over a fence or taking a child to the bathroom will now require a walk of almost a quarter of a mile. In order to address this significant problem, the city really needs to take a serious look at putting a bridge across the 4th street area.

Our organization represents almost 30,000 players and this matter was brought before our board of directors who all agreed that the bridge is essential. If for some reason the bridge cannot be put into the project, please contact me immediately. Thanks.

Doug Fielding
Chairperson
Association of Sports Field Users

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration

Judy Lieberman

From: Dan Brotsky [dan@brotsky.com]
Sent: Wednesday, March 03, 2004 4:03 PM
To: <JLieberman@albanyca.org> <JLieberman@albanyca.org>
Cc: Dan Brotsky; <Guypetra@aol.com>; <abiud@hotmail.com>; Doug Fielding
Subject: Re: Codornices Project

Judy,

Just wanted you to know that ABGSL (about 400 families over 6 months of the year) is another organization that relies critically on the 4th Street crossing. We have many younger players on Fielding East who need direct access to the restrooms at the Blue Barn.

Our board also wants to go on record with you as requesting that the 4th Street crossing be added to the environmental reports and built with the rest of the project. We're delighted that the Albany council saw the wisdom of this and voted to fund the project including the 4th St. crossing.

Thanks!

Dan Brotsky
ABGSL President

On Mar 3, 2004, at 13:04, Doug Fielding wrote:

> Dear Judy,
>
> I have looked over the environmental documents for the Codornices Creek
> Project and there is no bridge at 4th Street. As you are aware there is
> already a crossing at this point and by removing this crossing there
> will be a significant negative impact on the field users. We have about
> 125,000 people who use the facility every year and this bridge is in
> the
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> fence or taking a child to the bathroom will now require a walk of
> almost a quarter of a mile. In order to address this significant
> problem, the city really needs to take a serious look at putting a
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>
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> brought before our board of directors who all agreed that the bridge is
> essential. If for some reason the bridge cannot be put into the
> project,
> please contact me immediately. Thanks.
>
> Doug Fielding

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration



Friends of Five Creeks

*Preserving and restoring watersheds of
North Berkeley, Albany, Kensington, south El Cerrito and Richmond*
1236 Oxford St., Berkeley, CA 94709 510 848 9358
f5creeks@aol.com www.fivecreeks.org

March 8, 2004

Ms. Ann Chaney, Director of Community Development
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

Dear Ann:

Thank you for the opportunity to comment on the Draft Mitigated Negative Declaration for the Lower Codornices Creek Improvements Plan. I have the following minor comments:

Initial Study, p. 50 and Biological Assessment, p. 13: The California Fish and Game Commission voted in December 2003 to close Codornices Creek to trout fishing (superceding the requests of Albany and Berkeley). This makes it possible to post "no fishing" signs on the creek. The text should be updated, and posting of "no fishing" signs should be included as an additional mitigation measure to be taken if needed. (Signs are recommended in the Biological Assessment but not the Initial Study).

Biological Assessment p. 12, and elsewhere, e.g. Wetland Assessment and Delineation: The project no longer includes culverting of the bypass and lower segment of Village Creek. These references should be eliminated or a note added indicating that these have been deleted.

Biological Assessment p. 14: There also are sculpins in the creek (I have a dead one in my freezer, found in the pool above 9th Street) and probably California roach as well. They are not special-status, but if folks are going to try to save three-spined sticklebacks, they may as well try to rescue these fish, too. I would rephrase to say that efforts will be made to save as many native fish as possible, or practical, in addition to steelhead.

Biological Assessment, Appendix A, Plant Species List: Although there are no native plant species of concern, restorationists are increasingly attempting to preserve genetic diversity and locally adapted genotypes. Plants growing along riparian lowlands in the East Bay may be useful in this respect - for example, the plant list mentions *Fraxinus*; I don't know of another ash along nearby creeks. It would be useful and gracious to make some attempt to preserve or salvage natives that might be eliminated by the project, and/or to preserve large native trees (such as the box elder at 10th Street Alley) if no costly alteration in plans is required. For example, the project might contact Native Here Nursery, the California Native Plant Society East Bay Restoration Team, and/or Friends of Five Creeks about possible salvage just before construction begins.

Cultural Resources p. 8. One further cultural resource probably should be mentioned. Codornices Village (today's University Village) was historically important in providing housing for WWII shipyard and other civilian workers. It pioneered in racial integration. During World War II, the Shipyard Railway, taking workers from Oakland, Berkeley, and Codornices Village to the Kaiser shipyards in Oakland was cobbled together from old pilings of ferry piers and discarded street railways and transit cars. This rather amazing railroad ran a frequent schedule, crossing the creek at 9th Street and getting through nearby lowlands on an impressive S-shaped curve on pilings. In working on the creek at 9th Street, Friends of Five Creeks found and kept spikes from these rails, with the idea of someday commemorating this achievement, preferably with an interpretive

Comments on the Codornices Creek Improvement Plan Draft Initial Study and Proposed Mitigated Negative Declaration

sign on the creek. Information on the railway and Codornices Village may be found in *A Selective History of the Codornices-University Village, the City of Albany and Environs*, Warren F. Lee and Catherine T. Lee, published by Belvidere Delaware Railroad Co Enterprises, Ltd., 2000. Copies may be found at the Berkeley Historical Society and Albany Public Library.

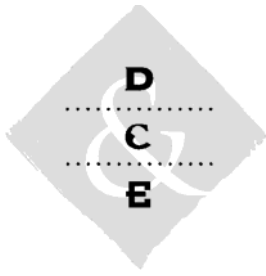
Historic trivia: Although the the present railroad right-of-way appears on the 1872 map showing tidelands to be sold, and the Transcontinental Railroad was built to Oakland in the 1869, these rails ran by way of Niles Canyon. Railroad experts inform me that rails along the present Union Pacific right of way (shown on some old maps as the Northern Railway, a subsidiary of the Central Pacific) did not reach Delaware Street until 1876-7, and didn't connect farther north, i.e. through Albany and today's Richmond, until 1877 (construction) or 1878 (first train Jan 1, 1878). I welcome any further information on this point.

Thank you for considering these points.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Schwartz", with a large, stylized flourish extending to the right.

Susan Schwartz, President



MEMORANDUM

1600 SHATTUCK AVENUE
SUITE 222
BERKELEY, CA 94709
TEL: 510 848 3815
FAX: 510 848 4315

DATE May 5, 2004
TO Ann Chaney
City of Albany
FROM Steve Noack
RE **Responses to Comments on Codornices Creek Improvements Plan
Draft Initial Study and Proposed Mitigated Negative Declaration**

This memo responds to comments received on the Codornices Creek Improvements Plan Draft Initial Study and Proposed Mitigated Negative Declaration (IS/MND) from public agencies and members of the public. The IS/MND was published on March 4, 2004 and the 30-day comment period on the document closed on April 6, 2004.

All comments received on the document are attached to this memo in their entirety. Each comment and response is numbered for ease of reference. The comments are arranged by type of commentor, with State and regional agencies first, City departments second, and private individuals and organizations third. Within each category, comments are arranged by date.

Comments were received from the following agencies, individuals and organizations:

1. Robert Floerke, Regional Manager, Central Coast Region, State of California Department of Fish and Game. March 29, 2004.
2. Terry Roberts, Director, State Clearinghouse. State of California, Governor's Office of Planning and Research, April 7, 2004.
3. Timothy Sable, District Branch Chief, California Department of Transportation, April 23, 2004.
4. William R. Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District, March 25, 2004.
5. Deborah Chemin, Senior Planner, City of Berkeley Office of the City Manager, April 9, 2004.
6. Dan Brotsky, President, Albany Berkeley Girls Softball League, March 3, 2004.
7. Doug Fielding, Chairperson, Association of Sports Fields Users, March 3, 2004.
8. Susan Schwartz, President, Friends of Five Creeks, March 8, 2004.

Although several of these comments were received after the closure of the comment period on the IS/MND, the City has elected to respond to all comments received in order to demonstrate a good faith effort to work with project sponsors and regulatory agencies to complete a thorough and accurate environmental review process.

- 1-1 CDFG disagrees with the *de minimus* finding of the IS/MND that the project will not result in a cumulative loss of habitat. The IS/MND concluded that the project would have short-term impacts on fish and wildlife habitat during the construction period and that these impacts could be mitigated. The IS/MND also concludes that the project will provide beneficial impacts to fish and wildlife habitat by removing culverts and trash from the creek, restoring the natural channel, adding native riparian and shade plants and creating in-stream rootwads and other shelter. Therefore, despite temporary and mitigable construction impacts, the project overall will have a positive rather than a negative impact on fish and wildlife resources.
- 1-2 The proposed project will require a Streambed Alteration Agreement from CDFG. Comment noted. No response is required.
- 1-3 The IS/MND identifies impacts to stream and riparian resources, as well as mitigation measures for these impacts, in the discussion of Biological Resources on pages 45 through 57, the discussion of Hydrology and Water Quality on pages 67 through 73, the and Mandatory Findings of Significance on page 87. Monitoring and reporting commitments to implement the mitigations included in the IS/MND will be contained in the Mitigation Monitoring Plan (MMP) for the project. The MMP will be reviewed and approved by the City concurrent with the certification of the IS/MND and approval of the Improvements Plan.
- 2-1 This comment acknowledges that the State Clearinghouse has received the IS/MND and has circulated copies of the document to selected State agencies for review. The letter further states that the City of Albany has complied with State Clearinghouse review requirements for environmental documents, pursuant to CEQA. No response is necessary.
- 3-1 Northwest Hydraulic Consultants completed a hydraulic modeling of the proposed project and evaluated the project's potential impacts on flooding relative to existing conditions at the UPRR tracks and I-80. The results of this analysis were discussed on page 71 of the IS/MND, and the report was included in its entirety as Appendix D of the IS/MND.

Due to the inadequate size of the existing culvert under I-80, flooding already occurs east of I-80. As stated on page 71, the hydraulic modeling concluded that existing water surface levels near I-80 may increase as much as 4 inches during flooding as a result of the proposed project, but the report also concluded that this conservative estimate is within the margin of error for the model. Therefore, IS/MND concluded that, while flooding will continue to

occur between the UPRR tracks and I-80 until the I-80 culvert is replaced, the elevation and footprint of this flooding would not increase significantly as a result of the proposed project. In addition, the project would not add additional water to the creek drainage as it is not increasing impervious surfaces within the project study area.

- 3-2 The downstream impacts of the proposed projects will be limited by the fact that the culverts underneath both the UPRR tracks and I-80 will remain in place. Therefore the proposed project would not be expected to have any impact on the current functioning of the Buchanan Street Marsh. Tidal effects on downstream facilities are outside the scope of the environmental review of the Codornices Creek Improvements Plan.
- 3-3 Please see response to comment 3-1, above. The hydraulic modeling of the proposed project was based on a combination of all available data on channel and floodplain geometry and topographical information. This analysis concluded that any increases in flood levels would be minimal. Since the proposed project would have a less-than-significant impact, a more detailed analysis is not warranted as part of this environmental review.
- 3-4 The proposed project does not include encroachments onto any State right-of-way. No response is required.
- 4-1 This comment describes existing EBMUD facilities in the project area. It is not a comment on the adequacy of the IS/MND. The comment is noted, and no response is required.
- 5-1 Page 21 of the IS/MND states that the Tenth Street bridge would be completed “[a]s part of Step 3 of the University Village redevelopment.” The bridge was not stated to be part of the Codornices Creek Improvements Plan and was not analyzed in the IS/MND. The Tenth Street bridge was analyzed as part of the *Subsequent Focused Draft Environmental Impact Report for University Village Master Plan Amendments*, which was published February 2, 2004.
- 5-2 The project's consistency with the City of Berkeley General Plan is discussed on pages 15 and 16 of the IS/MND. The City of Berkeley Creek Protection Ordinance is also discussed on page 16. No further response is required.
- 5-3 The proposed project does not include new playing fields. It does include modifications to the existing soccer and softball fields located at Fielding Fields. However, these modifications would not affect the use of the fields or the amount of traffic currently traveling to the project vicinity. Therefore, no impacts to parking would occur.
- 5-4 It is correct that the proposed project would not add any additional water into the Codornices Creek channel. It is also correct that the proposed project

alone cannot eliminate existing flooding problems caused by the inadequate capacity of culverts at the UPRR tracks or I-80. The replacement of these culverts is outside the jurisdiction of the City of Albany or any of the project sponsors.

- 5-5 The conceptual plans included in the IS/MND do not represent final construction drawings of the proposed project. Since completion of the Codomices Creek Improvements Plan in May 2001, detailed plans for the restoration of the creek and modifications to the Fielding Fields facilities were developed. These 65% design review drawings were reviewed by the Cities of Albany and Berkeley and other interested parties, and do include the Fourth Street pedestrian bridge. The Fourth Street bridge would be pedestrian only, would not include the placement of any structures in the creek channel, and would not be expected to have any environmental impacts. This bridge would be similar to the proposed Fifth Street, bridge, which was analyzed in the IS/MND. Although this bridge was not included in the project description presented in the IS/MND, the City of Albany has determined that the bridge would be feasible and the Albany City Council has approved the inclusion of a bridge at Fourth Street pending a report back from staff on cost.
- 5-6 The Codomices Creek Improvements Plan calls for bank stabilization in this reach of the creek using basic soil bioengineering planting systems. No further response is required.
- 6-1 Please see the response to comment 5-5, above.
- 7-1 Please see the response to comment 5-5, above.
- 8-1 The project description included in the IS/MND states on page 18 that "signs would be placed along the creek to discourage fishing by informing visitors of the sensitivity of the creek habitat and the protected status of the steelhead inhabiting the creek." Since "no fishing" signs are included as part of the project, they do not need to be required as a mitigation measure.
- 8-2 The commentor is correct that alterations to Village Creek are no longer proposed as part of the project. However, the evaluation of the impacts of the proposed project on biological resources, included in Appendix A of the IS/MND, is still valid and accurate. Therefore, the City does not propose to amend the September 2001 Biological Assessment Report as part of the approval of the IS/MND or the proposed project. No further response is required.
- 8-3 Mitigation Measure BIO-2, which addresses impacts on steelhead, has been revised to replace references to threespine stickleback with "native fish." The mitigation measure now states that "all juvenile steelhead and as many of the *native fish* as possible shall be collected by a service-approved fisheries biologist

and transported out of the construction area...” This revised mitigation measure is included in the Mitigation Monitoring Program for the proposed project.

- 8-4 Comment noted. This is not a comment on the adequacy of the environmental document. No further response is required.
- 8-5 Comment noted. As stated on page 18 of the IS/MND, the removal of the former housing for shipyard workers will occur as part of the University Village Master Plan, not as part of the proposed project. The removal of this housing was analyzed as part of the *Subsequent Focused Draft Environmental Impact Report for University Village Master Plan Amendments*, which was published February 2, 2004. Any evidence of historic railways uncovered during work on the Codornices Creek Improvements Plan would be protected and preserved under Mitigation Measure CUL-1. No further response is necessary.