COASTAL CONSERVANCY

Staff Recommendation
May 05, 2020

Codornices Creek Restoration Phase V Planning Project

Project No. 04-108-03
Project Manager: Laura Cholodenko

RECOMMENDED ACTION: Authorization to disburse up to $271,357 to the City of Albany for preparation of engineering designs and environmental review documents for Phase V of the Codornices Creek Restoration Project

LOCATION: City of Albany, County of Alameda

PROGRAM CATEGORY: San Francisco Bay Program

EXHIBITS

Exhibit 1: Project Location Map

Exhibit 2: Maps, Designs, and Photos

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Section 4.5 of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred seventy one thousand three hundred and fifty-seven dollars ($271,357) to the City of Albany ("the grantee") to prepare engineering designs and environmental review documents for Phase V of the Codornices Creek Restoration Project."

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding and Proposition 1 as the source of that funding.

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding San Francisco Bay.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of $271,357 to the City of Albany to prepare designs and environmental review documents for Phase V of the Codornices Creek Restoration Project; Phase V is the restoration of 350-linear feet of lower Codornices Creek which forms the boundary between the cities of Albany and Berkeley (Exhibit 1). Codornices Creek is a significant local natural resource. It is one of the most open creeks in the central East Bay and it provides opportunities for restoration of riparian habitat. The planned restoration has the potential to improve natural creek processes and flood protection for adjacent properties by expanding the floodplain to increase flow capacity and allow for a more sinuous and meandering creek channel. These improvements, in addition to reintroduction of native vegetation, could result in more diverse and higher quality riparian habitat that will benefit a variety of fish, bird, invertebrate and mammal species.

Specific restoration activities that are part of planning include removal of a roadway and culvert at 10th Street and installation of a bike and pedestrian bridge that will connect to an existing trail that runs along the north bank of Codornices creek. The new bridge at 10th Street would encourage more use of the trail by replacing a roadway that currently has vehicle barriers. Removal of the culvert would improve fish passage, allow for more natural in-stream habitat, and reduce flooding.

The planning project also includes excavation and grading of soil in the channel to improve channel geometry and creation of a series of step pool structures that will address channel incision and ensure fish passage through a culvert that passes under San Pablo Avenue. After regrading, the project area will be revegetated with native shrubs and trees to cool and shade the creek, while still allowing for some light penetration through the canopy. Plantings are expected to include those native to the region including white alder, California live oak, California poppy, and lupine in the riparian and upland parts of the project area. An illustration of the proposed improvements is shown in Exhibit 2.

Phase V will be the final phase of the Codornices Creek Restoration Project, a multi-phase effort to restore lower Codornices Creek. Phase V builds upon previously successful efforts that have addressed habitat degradation due to urban runoff, channel straightening, erosion, and sedimentation in the creek. Most recently, the creek was impacted on April 3, 2019 when a recycling truck near the creek caught fire and firefighting foam from the incident reached the creek, leading to a significant number of fish deaths. Implementation of the Phase V restoration

should include monitoring for recovery of the fish population and if necessary, remediation of the habitat to help impacted steelhead recover. As part of the planning project, the City will prepare a management plan to address long-term monitoring and maintenance of the restoration effort.

Site Description: The Phase V project site begins at San Pablo Avenue and extends 350 feet west to 10th Street. Most of the project area is owned by the University of California, a close partner in the project. The University of California also leases the area directly north of the project area to Belmont Village, a newly constructed, privately-owned senior living facility. In between the senior facility and creek is a multi-use trail that extends along lower Codornices Creek, connecting two soccer fields, a youth softball field, a highly used Skateboard Park run by the City of Berkeley, and a transitional and emergency family housing facility.

The southern portion of the project area, along the southside of the creek channel and bank, is owned by two private businesses that have buildings along the creek bank. All three property owners have expressed support for restoration of the creek and are expected to cooperate with the City in implementation.

Grantee Qualifications: The City has conducted extensive planning and design work for all phases of the restoration effort. The City led implementation of the first four phases of Codornices Creek restoration, raising and overseeing over $2 Million for that work. The City has received multiple Coastal Conservancy grants to support these restoration efforts. City staff are experienced at managing state grants and overseeing contractors to carry projects through to completion.

Project History: Planning for the restoration of lower Codornices Creek began in the late 1990s. Involved parties included the City of Albany, the City of Berkeley, and the University of California. Community-based creek advocacy organizations also were involved in the early planning.

The original master plan, called the Lower Codornices Creek Improvement Plan, was prepared in 2001 and three phases of restoration, from 8th Street downstream to the railroad tracks, have been completed. Phase IV, from 8th Street to 10th Street, is scheduled for construction in 2020 and consists of construction of a segment of the Codornices Creek trail and vegetation management along the banks of the creek.

The Conservancy provided funding to support design and implementation of the first four phases of the restoration effort (Exhibit 2). In April 2000, the Conservancy authorized $100,000 for final engineering and planning for restoration between the railroad tracks and 8th street and in March 2005, the Conservancy authorized $815,000 for restoration of the creek between 5th and 9th street. In 2012, the Conservancy provided $129,000 for development of final engineering designs for creek restoration and the Codornices Creek trail between 8th and 10th streets.

PROJECT FINANCING

Coastal Conservancy	**$271,357**
City of Albany	**$10,000**
Project Total	**$281,357**

The expected source of Conservancy funds for this project is the fiscal year 2019 appropriation to the Conservancy from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1, Water Code § 79700 et seq.). Funds appropriated to the Conservancy derive from Chapter 6 (commencing with § 79730) and may be used "for multi-benefit water quality, water supply, and watershed protection and restoration projects for the watersheds of the state" (Section 79731). Section 79732 identifies specific purposes of Chapter 6 and includes: protect and restore aquatic, wetland and migratory bird ecosystems, including fish and wildlife corridors(79732(a)(4)); protect and restore coastal watersheds, including, but not limited to bays, marine estuaries, and nearshore ecosystems (79732(a)(10)); and assist in the recovery of endangered, threatened or migratory species by improving watershed health, instream flows, fish passage and coastal or inland wetland restoration(79732(a)(12)). The proposed project will help achieve these purposes of Proposition 1 by planning for restoration of aquatic habitat that benefits native fish, birds, invertebrates, and other wildlife.

As required by Proposition 1, the proposed project provides multiple benefits including planning to expand floodplain capacity that will help protect adjacent properties from flooding during extreme storm and weather events. The planned removal of invasive plants and introduction of native trees will provide shade and enhance the natural landscape which will encourage more active transportation along the creek trail. Removing the culvert and replacing it with a pedestrian bridge will improve creek habitat and public access.

The proposed project was selected through a competitive grant process under the Conservancy's Proposition 1 Grant Program Guidelines adopted in June 2015 ("Prop 1 Guidelines"). (See § 79706(a)). The proposed project meets each of the evaluation criteria in the Prop 1 Guidelines as described in further detail in this "Project Financing" section, the "Project Summary" section and the "Consistency with Conservancy's Project Selection Criteria & Guidelines" section of this report.

The City has secured over $900,000 in local tax measure funding for final design and implementation of the Phase V restoration effort. However, they have not secured enough funding to complete the planning work and have therefore requested Conservancy support.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code (PRC) Sections 31160-31165, to address resource goals in the San Francisco Bay Area. Pursuant to PRC Section 31162, the Conservancy may award grants in the nine-county San Francisco Bay Area to help achieve goals of the San Francisco Bay Area

Conservancy Program. The proposed Project is located in Alameda County within the nine-county Bay Area and will help achieve goals of the Bay Area Conservancy Program, as described below in "Consistency with The Conservancy's Strategic Plan Goals and Objectives."

Pursuant to PRC Section 31162(b), the Conservancy may award grants to enhance natural habitats of regional importance. Located next to a heavily used trail and a regional sports facility, the proposed project will enhance freshwater and anadromous fish habitat which has been significantly reduced and impacted due to channelization and burial of creeks as well as degradation from runoff, erosion, and sedimentation.

Pursuant to PRC Section 31162(c), the Conservancy may award grants to assist in implementation of the policies and programs of the San Francisco Bay Plan and the adopted plans of local governments and special districts. Consistent with this section, the proposed project will assist in implementing both the City of Albany and City of Berkeley's Watershed management plan. Those plans include goals for mitigating potential flood hazard and improving instream habitat. The proposed project also helps implement Action #7 identified in the Comprehensive Conservation and Management Plan for San Francisco Bay (S.F. Estuary Partnership 2016) which calls for conserving and enhancing riparian and in-stream habitats throughout the Estuary's watersheds.

This project is appropriate for prioritization under the selection criteria set forth in Section 31163(c) in that: (1) it is supported by adopted local or regional plans, as described above; (2) it will include multi-jurisdictional participation by both the Cities of Berkeley and Albany as well as the University of California; (3) The City is ready to commence work immediately upon award of Conservancy funding; (4) it will provide opportunities for benefits that would be lost if not implemented quickly because the City has implementation funds that need to be spent; and (5) the City has secured almost half of the funding needed for implementation of the restoration project.

CONSISTENCY WITH CONSERVANCY'S 2018-2022 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 12, Objective E** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will develop plans and designs for the enhancement of riparian and riverine habitat for the benefit of fish and wildlife, including improvements to fish passage barriers.

Consistent with **Goal 8, Objective B** the strategic plan, the proposed project will develop plans to increase resilience to climate change by enhancing capacity of the creek channel to transport increased flows due to more extreme rain events.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:**
   - *California Water Action Plan (2016)*. Consistent with Action 4 to Protect and Restore Important Ecosystems, the Project will plan for fish and wildlife habitat and passage improvements along Codornices Creek.
   - *California State Wildlife Action Plan (2016)*. Central California steelhead is identified as a Species of Greatest Conservation Need (Table 5.3-3, pp. 5.3-16). This project addresses improving the habitat for steelhead by designing habitat enhancements that reduce flood flow velocities and create more complex in-stream and bankside habitat.
   - *California @ 50 Million*: Pillar number five call for stewardship of natural resources including forests, working lands, and wetlands, to ensure that they store carbon, are resilient, and enhance other environmental benefits. The proposed project will implement pillar five by planning for creek enhancements that ensure long-term protection of watershed function and ecosystem management in consideration of predicted long-term changes due to climate change.

4. **Support of the public:** The grantee and other project sponsors have discussed the project with a variety of stakeholders including local residents, ballpark users, cyclists, recreational hikers and pedestrians, as well as employees and business owners in Albany and Berkeley. Many stakeholders use the Codornices Creek trail to reach East Shore State Park and the Bay Trail, as well as the Ohlone Greenway, and are supportive of the creek restoration efforts.

   Local organizations involved in on-going maintenance and operations of previously restored areas of the Creek include the Cities of Albany and Berkeley, the maintenance staff at University Village, local volunteer group Friends of Five Creeks, and other volunteer organizations such as Albany Little League.
5. **Location:** The project is located in the cities of Albany and Berkeley. The center line of the creek forms the boundary between the cities.
6. **Need:** Without Conservancy support the creek habitat will remain degraded and the 10th Street culvert will continue to disrupt fish migration and expose the surrounding properties to flood risk.
7. **Greater-than-local interest:** Codornices Creek is one of the only creeks in the cities of Albany and Berkeley that is in an open channel so it provides one of the best opportunities to restore natural creek functions in this part of the East Bay. Enhancing the creek and access with a bridge over 10th Street will increase use of two regional trail networks (the Bay

Trail and Ohlone Greenway) that provide recreation and active transportation opportunities and serve visitors to the regional sports facility.

8. **Sea level rise vulnerability:** Sea level rise of 5 feet by the end of the century is expected to cause saltwater intrusion into Codornices Creek, downstream of the project area where the creek parallels Interstate 80 before entering San Francisco Bay. This may reduce the amount of freshwater habitat for steelhead downstream of the project area and impact their migration cues. Sea level rise is not expected to directly impact creek habitat east of the highway, which includes the project area as well as past restoration efforts.

Additional Criteria

9. **Resolution of more than one issue**: The proposed project will enhance aquatic and terrestrial habitat, reduce flooding, and enhance public access.
10. **Realization of prior Conservancy goals**: This project will help advance completion of a planned multi-phase restoration effort that has received several Coastal Conservancy awards since the effort was initiated almost 20 years ago.
11. **Cooperation**: The project involves the cooperation of three entities: the cities of Berkeley and Albany and the University of California. In July 2004, these three agencies signed an MOU outlining construction responsibilities and long-term operation and maintenance. They continue to meet monthly to discuss maintenance and restoration along the creek.
12. **Vulnerability from climate change impacts other than sea level rise:** The viability of steelhead trout in many tributaries of San Francisco Bay in the future may be threatened by the impacts of climate change, including rising water temperatures and changes in precipitation and hydrology. Planning for habitat enhancement in this watershed will lead to restoration of natural flows and creation of more complex habitat that will improve species resilience.

CEQA COMPLIANCE:

The proposed Project consists of planning and design activities, including data collection and research to develop 35% designs, and as such is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code of Regulations Sections 15262 (which exempts feasibility or planning studies for possible future actions) and categorically exempt pursuant to Section 15306 (which exempts basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource).

Upon Conservancy approval, staff will file a Notice of Exemption.