Item 5-7:
Encroachment Permit for Improvements in the Public Right-of-Way at 1085 Eastshore Highway
From: Friends of Five Creeks <f5creeks@gmail.com>
Sent: Friday, November 15, 2019 4:59 PM
To: Rochelle Nason; Jeff Bond; Nicole Almaguer; citycouncil; Anne Hsu
Subject: Letter re Nov. 18 Council agenda item 5-7, fencing Codornices Creek at Eastshore H'way

[EXTERNAL EMAIL.]

Dear Mayor Nason, Councilmembers Barnes, Maass, McQuaid, and Pilch, City Manager Nicole Almaguer, and Community Development Director Jeff Bond, and cc City Clerk Anne Hsu

Please consider the attached letter raising what we believe to be serious issues regarding the plan to fence off Codornices Creek and the long-established creekside pathway between Second Street and the Eastshore Highway.

We look forward to speaking on this Monday.

Susan Schwartz, President
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Nov. 19, 2019

Mayor Rochelle Nason, Members of the City Council, City of Albany
City Manager Nicole Almaguer, Community Development Director Jeff Bond, City of Albany

Re: Nov. 18 City Council agenda item 5-7, proposal to fence Codornices Creek and path between Eastshore Highway and Second Street

Dear Mayor Nason, Councilmembers, City Manager Almaguer, and Development Director Bond:

Friends of Five Creeks, based on 23 years of experience working with creeks in the City of Albany, opposes fencing Codornices Creek and the adjacent pathway between Eastshore Highway and Second Street as short-sighted and counter-productive. At minimum, no fence should be built without
(a) a written maintenance plan including plans for dealing with floods, with specific responsibilities agreed to by all parties, and
(b) commitment to remove the fence within a set small number of years unless there is compelling evidence that it is still needed.

Flood Risk
It would be irresponsible to not consider the effects of a fence on emergency maintenance and access. The channel above Eastshore Highway is severely undersized compared to the creek above the railroad tracks. The culvert under the freeway is similarly undersized. A serious flood would send much more water downstream than the small channel could accommodate or that the culvert could transport. Albany businesses along Eastshore have the lowest banks and are thus the most vulnerable (right).

Even in an ordinary storm, trash or vegetation washing downstream could easily block the culvert, causing a flood. Berkeley for many years resisted restoration of Codornices below Kains because of the need for quick access to clear just such debris dams, which have caused floods along Kains. Why re-create that problem here? Climate instability is increasing the risk of major floods. Thus, it is crucial to allow for quick emergency maintenance and rescue.
Public Access
Contrary to the draft resolution and staff report, walkers and bicyclists have used the path along the south bank of Codornices Creek from Eastshore Highway to Second Street for at least the 23 years of F5C’s existence, and probably much longer. Closing this path would block them, while maintaining access could engage the public and deter illegal dumping, vandalism, and camping. Blocking this path does not seem congruent with the City of Berkeley’s plans for a rebuilt transfer station with a creekside trail with interpretation from the railroad to 2nd Street – where walkers under the present proposal would encounter a tall, cheap metal fence.

Maintenance
Although the staff report shows sustainability impact as “N/A” and financial impact as none, both are likely to be costly problems in the long run. Our many years of experience working on creeks in Albany suggest that fencing does not deter undesirable behavior, sends a message that an area is unsavory, and leads to neglect of maintenance, ending in costly problems.

Codornices at Ohlone Greenway: Friends of Five Creeks’ first large project, in 1999, removed chain-link fencing at Codornices Creek and the Ohlone Greenway (right, in 1999), where camping and dumping were common in the overgrown creek-side. We removed the fence, built an observation railing, and planted natives. For many years now, the area has been an attractive urban oasis requiring little city or volunteer maintenance.

Cerrito Creek, San Pablo to Adams: History here, too, shows the problems of fencing. After the sewer main along the creek was rebuilt in 1998-9, a chain-link fence failed to deter campers. Weeds hid undesirable behavior, and the fenced-off, neglected street end invited illegal dumping.

The fence also made maintenance difficult. Evergreen thornless blackberry grew up, hid both fence and camps (left, in 2004), and all but blocked the creek, increasing flooding upstream. Friends of Five Creeks took out both fence and blackberry at Adams Street, where dumping and camping are now rare. But the City of Albany is paying thousands of dollars today to control the evergreen thornless blackberry upstream to San Pablo, where in the past, this long-caned invader has led to flooding both upstream and downstream. In a rainy year, big planters from below San Pablo and heavy timbers from the retaining wall at the Albany building at Kains floated downstream to Richmond. If F5C had not pulled them out, they would have become navigation hazards in the Bay.

Codornices Creek, San Pablo to 10th: This reach shows the need for gates and a clear maintenance plan and responsibility. In Albany’s records, you will find plans for a creek overlook on the west side of San Pablo, incorporating a decorative welcome to Albany. The creek downstream was lovely; in those years, UC cut back the vegetation. However, since construction of Belmont Village began, a high chain-link fence down to Tenth Street, with no gate, has cut off maintenance except what our volunteers could manage, going in through a neighbor’s property. A mass of invasive, non-native vegetation (right) hides the creek, chokes and threatens to
topple trees, and increases flood danger, including above San Pablo. This impenetrable mass advanced steadily toward the creekside trail and Belmont Village, with no agency taking responsibility, until our volunteers in recent months spent hundreds of hours cutting it back to the fence. Many more hours will be needed.

**Codornices Creek, 10th to railroad:** We have all just been through what happens when there is no clear plan and responsibility for maintaining a creek. Friends of Five Creeks’ rediscovery of $450,000 in forgotten maintenance funds reserved for this reach, insistence that something be done about trash and vegetation, and more than a dozen recent volunteer work parties, all mean that the creek is currently not “creepy.” However, many years of hard work will be needed to make up for the neglect of this area by Albany, Berkeley, and UC Berkeley after millions of dollars were spent on its restoration.

It is true that heavy-duty fence at the tracks has somewhat deterred campers there. But ask the folks who run the sports fields: Transients continue to cut the field fences, even though UC Berkeley many years ago gave up and built an unlocked gate to let them through.

**Do not forget history by focusing only on the most recent challenge**

History shows the benefits of alternatives to fencing. At Second Street to Eastshore Highway, camping recently became a major problem due to many levels of neglect – from our society’s failure to provide housing to Berkeley’s failure to patrol and police. Since the dense, unsanitary, and dangerous campground was removed, and it was discovered that this portion of the creek is in fact private property in the City of Albany, regular patrol and notice has kept campers out.

Please consider the possible harms of fencing and explore other measures, including continuing the present policy.

Sincerely,

Susan Schwartz, President, Friends of Five Creeks

CC: Albany City Clerk, Berkeley Public Works Commission, Berkeley Public Works