




Office of the City Manager

INFORMATION CALENDAR

December 13, 2005

To: Honorable Mayor and
Members of the City Council

From:  Phil Kamlarz, City Manager

Submitted by: Dan Marks, Director, Planning and Development Department

Subject: Comments on Notice of Preparation for Southeast Campus Integrated Projects

INTRODUCTION

On November 14, 2005, the University of California issued a Notice of Preparation for a “Tiered, Focused Environmental Impact Report” on the Southeast Campus Integrated Projects. The Southeast Campus Integrated Projects (SCIP) include additions, modifications and rehabilitation to Memorial Stadium, a new “Law and Business Connection Building” located between Boalt Hall School of Law and the Haas Business School (largely on the parking lot between the two structures), a parking structure with 845 spaces in the current location of Maxwell Family (formerly Kleeberger) field, renovation of several Piedmont Avenue houses (currently uses for various different programs), and other activities. A Notice of Preparation is the first step in the Environmental Impact Report (EIR) process, providing the public and other public agencies with an opportunity to provide comments on the scope of the analysis to be undertaken. Also included is an Initial Study of environmental effects, providing an indication to the public as to what the University believes are the key issues. A Notice of Preparation (NOP)/Initial Study (IS) is issued for 30 days; comments are due on December 14, 2005. Staff has prepared the enclosed draft letter to send to the University on December 14. The NOP is also enclosed. Unfortunately, due to the very tight time frame and the competing demand for staff attention to respond to another University-related project (Bevatron EIR), there was insufficient time to give the Council a preview of the NOP letter. Some changes to the letter can still be made based on Council comments, but to meet the deadline for comment, no further opportunity exists for Council review. It should be noted that the more critical review opportunity will come when the Draft EIR is released. The University has indicated that it intends to release the DEIR in April, 2006.

CURRENT SITUATION AND ITS EFFECTS

The campus has long planned improvements to Memorial Stadium, an 83-year-old facility astride the Hayward fault. With recent partial financing commitments, planning for those improvements has become active. At the same time, other fundraising efforts have led to a proposal to develop an academic building shared jointly by the Business and Law Schools. The site for this building is located between the two schools and would displace existing parking, Calvin Hall and the two historic Cheney Houses, among other structures. The University proposes to replace 545 displaced parking spaces from the Stadium and Law/Business School

sites, and increase the overall supply of parking in this quadrant of campus by 300 spaces with an 845 space parking structure to be located on the site of the existing Maxwell Family field (the field would be replaced on top). Other elements of the project include renovation and restoration of historic houses on Piedmont Avenue that have been converted to other uses.

The campus completed and the Regents adopted a Long Range Development Plan in 2005. The City of Berkeley filed a lawsuit challenging the adequacy of the environmental impact report for the LRDP, but settled the matter with the University with its agreement to provide money for public safety, transportation and infrastructure, and to participate in and fund a Downtown Area Plan, among other items. As a result, the EIR for the LRDP stands and can be used as the basis for the environmental analysis of projects consistent with the LRDP (i.e., projects can “tier” off of the LRDP EIR). However the City specifically reserved the right in the settlement to challenge the Memorial Stadium project. The settlement agreement also does not preclude the City from commenting on the adequacy of any environmental documents.

BACKGROUND

The attached letter sets forth the City’s concerns with the NOP/IS. Foremost among those concerns at this stage in the CEQA process is the poorly defined project description. While the project entails significant changes to the Stadium and campus environs, the project contains almost none of the usual information that is typical for a project-level CEQA document. For example, there are no conceptual plans and no information on the scope of some key elements of the project. The University indicates that it intends to expand the use of Memorial Stadium, but provides no parameters for the proposed use.

POSSIBLE FUTURE ACTION

This letter is due on December 14, 2005. While Councilmember comments can still be included in the letter, there is no time for significant revisions. The NOP is the first step in the environmental review process. The University has indicated that it intends to issue a Draft Environmental Impact Report in April, 2006 and expects adoption by the Regents in November, 2006. The City will comment on the completeness and adequacy of the DEIR when it is released.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The response to the NOP and eventual response to the DEIR require a substantial commitment of staff time, but no other direct costs.

CONTACT PERSON

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Attachments:

1: Comments on Notice of Preparation for the Southeast Campus Integrated Projects

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Office of the City Manager

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RE: Notice of Preparation, Southeast Campus Integrated Projects EIR

Dear Ms. Lawrence,

This letter is the City of Berkeley's response to the University's Notice of Preparation (NOP) and Draft Initial Study for the Southeast Campus Integrated Projects (hereafter referred to as the SCIP NOP). We concur with the University's conclusion that these significant projects will require preparation of a full Environmental Impact Report (EIR). Unfortunately, based on our review of the NOP and Initial Study, we must express our disappointment regarding the adequacy of this effort.

The proposed EIR will be the first one that the University prepares for major projects to implement the 2020 Long Range Development Plan. As such, this document offers a unique opportunity for the University to demonstrate its stated commitment to prepare project-level EIRs that fully assess and mitigate the substantial impacts that these individual actions will have on the surrounding community. Regretfully, the Initial Study fails to achieve this objective. Instead, the NOP offers only vague descriptions of the projects the EIR will evaluate and their potential environmental impacts raising serious questions about the adequacy of the assessment to follow.

The NOP fails to include even conceptual plans for the proposed projects, is unclear about the nature of several key aspects of the projects, and provides little or no detail as to the specific scope of the development. It is the type of NOP that we would expect for a program-level analysis and fails to present the detail that is typically provided in the project-level NOP that it purports to be. Due to the overly broad nature of the project description, it is extremely difficult to make any specific comments on the scope of the analysis of potential impacts in the EIR for this project.

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In light of the construction-phasing plan in Tables 3 and 4, it is difficult to believe that the University does not have more specific information about at least some of the projects this EIR is intended to assess including, in particular, the proposed Student Athlete High Performance Center and the Law and Business School projects. The most ethical and legally defensible approach would be for the University to prepare an EIR that fully evaluates the impacts of these specific projects and a set of policies for future development of the Southeast Campus postponing assessment of the remaining projects until such time they are more fully planned. Regretfully, based on past practice, the City of Berkeley expects the University will proceed with this ill-defined project description. Nevertheless, this letter presents the comments that we are able to provide in hopes that the University will use them to produce an EIR that responds to the issues of concern to the City.

The City has a number of over-arching concerns as well as issues regarding specific impact areas.

1. The specificity of the project descriptions in the NOP is not sufficient to allow for reasonable comments for a project-level EIR. The NOP does not even provide a conceptual site plan showing the footprints of the new projects. The only descriptive graphic in the NOP is nothing more than a blown-up version of Figure 3.1-3A from the 2020 LRDP DEIR. In fact, DEIR Figure 3.1-3B, which showed existing, approved and potential campus projects provides more detail than the NOP because it depicts the footprint of buildings that might replace the Calvin Laboratory and 2241 and 2243 College Avenue. The City is aware that University consultants have prepared conceptual illustrations of the Student Athlete High Performance Center, the new law and business building across the street from the Memorial Stadium and the open space improvements for the southeast corner of campus because the Chancellor unveiled these plans at a recent press conference, and further detail was presented at the December 8, 2005 public scoping session. In order to create these illustrations the University's architects and planners must have had more information available to them than what is presented in the NOP, and we fail to understand why they were not included in the NOP.
2. The information that the NOP does include about the size of the proposed facilities is an inappropriate basis for assessing some of the most significant impacts of the proposed projects. The project's impacts on public services, traffic, noise, and increased exposure to seismic hazards cannot be evaluated without knowing how intensely the new spaces will be used. The project description indicates, for example, that there may be "some expansion of Stadium use beyond football for major public-interest events" and that the joint business-law school project would include "a multi-level destination venue for public speakers in government, law, and business." (p. 11) What is the average number of persons who can be expected for how many hours on how many days each

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year? For example, does expansion of the Stadium use mean that approximately 62,000 seats will be filled 10 times a year or 40 times a year? The DEIR will not be legally adequate if it fails to quantify the anticipated intensity of use.

3. In addition to the mitigation measures proposed in the 2020 LRDP DEIR, the University intends to rely on a series of so-called “continuing best practices” to mitigate the impacts of the Southeast Campus integrated projects. As the City stated in its response to the DEIR for the 2020 LRDP, the University has failed to provide evidence that these measures have been effective in reducing the impacts they were intended to mitigate.

The balance of our comments deals with specific items in the NOP and the Initial Study and include page and paragraph references.

Page 2

Paragraph 2:

The list of items upon which the EIR will tier does not include Transportation and Traffic, although on page 36, the Initial Study states that the SCIP EIR will rely on analysis prepared and presented in the 2020 LRDP EIR for much of this analysis. Transportation and traffic are critical issues to the City and although the LRDP EIR does address this issue on a macro-scale, the proposed parking structure, changes to Memorial Stadium pedestrian access and other undefined transportation improvements will have direct site-specific impacts. As noted below (see Transportation), there is also new transportation information that may require some re-visiting of the assumptions used in the LRDP, including the Southside Plan EIR to be issued early next year, and the Bus Rapid Transit EIR to be issued sometime next year.

Page 9

Paragraph 2

The Project Description indicates that the LRDP identifies 2241 College Avenue and 2243 College for replacement. On page 14, the project description further notes that the buildings could be demolished. These two structures, the Warren Cheney Houses, were designated City Landmarks in 1985 and are described on page 160 of Berkeley *Landmarks* by Susan D. Cerny (Berkeley Architectural and Heritage Association, 2001). The City urges that the University find an appropriate location on-campus location so it can preserve and reuse these historic resources.

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Paragraph 3

The project description states that “Event access and traffic management would be further enhanced through physical improvements” but the NOP does not identify or describe these improvements.

Paragraph 4:

The project description indicates that “Integrated Projects may include some expansion of Stadium use beyond football for major public-interest events” but fails to describe the number, type and character of such events. Does this statement mean there will be three more major events a year, or one hundred? Clearly, without more information, it is virtually impossible to comment on what impacts this change may have.

Paragraph 4:

The project description indicates that the joint school “would develop a multi-level destination venue for public speakers in government, law, and business.” How large will this venue be? How many times per year will it be used? At what times of day will it be used? While one of the University’s functions is to provide such venues, the impacts of such a facility will vary depending on its size, character and use parameters.

Page 12

Paragraph 1:

The NOP indicates, “Planning for the projects would address public and shuttle bus access, drop off and pick up, pedestrian and vehicular flow.” Again, there is no information in the project description to indicate how the project would address these issues. Will there be new shuttle routes (with potential impacts)? How will cars and pedestrians access these sites? Without any description, one can only speculate about whether these measures would be able to accommodate project traffic or make effective comments about the potential impacts of these changes.

Paragraph 1

The NOP makes passing reference to the fact that Piedmont Avenue is a historic resource designed by Frederic Law Olmstead, the most influential landscape architect of the 20th century. It states SCIP will “provide an opportunity for restoration and enhancement of this resource”. While the City welcomes this opportunity, there is nothing in the project description that would indicate the University’s intentions regarding this resource, which, as the NOP does recognize, is owned by the City of Berkeley. Moreover, it is also possible that the proposed changes would degrade this resource as the Initial Study notes on page 21. Again, it is difficult to comment on a phantom project description.

Paragraph 3

The NOP indicates that the project is in “pre-schematic” design, but that “program parameters” plus design guidelines for the area will be the basis of the EIR. As this document repeatedly states, in the view of the City, a project-level NOP should, at minimum, have conceptual plans and some better description of the project.

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Furthermore, as noted below, the program parameters themselves are so vague as to be inadequate.

Paragraph 5:

The Project Description states that the Student Athlete High Performance Center would provide “135,000 gross square feet of new program space; *currently* [emphasis added], this is proposed as a 2-story land form building . . .” If it is *currently* proposed in this form, how much can it change? If so, what could it be later? At minimum, a project description should include a plan showing the building in conceptual form. Based on the limited description provided as well as recent press reports, it appears that such a conceptual plan already exists. It is very difficult to say anything about the potential impacts that such a structure could have on an acknowledged historic resource that has been nominated for listing on the National Register of Historic Places without a more detailed description. It should be noted that the designation includes the landscape setting that is very much a part of the overall character of the Stadium and is also a critical element of the overall street environment that Olmsted designed.

The NOP goes on to state that the plan would “rationalize service delivery and pedestrian access to the Stadium.” While these would probably be welcome modifications, it is not possible to comment on the potential impacts to the building or to the historic character of Piedmont Avenue and historic landscape, or the visual impacts of these improvements without further description.

Page 13

Paragraph 2

As noted, a High Performance Center is the first phase at the Stadium. Later phases include “seismic, code and program improvements”. Among the items listed in an off-handed manner with no further detail provided, are “permanent lighting,” “expansion and permanent replacement of the temporary press box at the west Stadium rim” and “new additions to house spectator amenities *above* [emphasis added] the east Stadium rim.” The NOP indicates that all of these “*may be among the improvements proposed for the Stadium*” [emphasis added]. The lack of information on the character and extent of these potential projects makes comment very difficult. What other improvements may be proposed? What is the character and extent of the permanent lighting? The potential press box modifications and new spectator amenities above the eastern rim could have substantial impacts that are impossible to comment on without more information on the design, character and height. This type of general description is much more suitable to a program-level analysis than the project-level assessment that this DEIR is intended to provide.

Paragraph 3

The Project Description states that the Stadium would be returned to historically intended use as “public-interest” space. Regardless of what may have been intended many years ago, the Stadium has very rarely been used for major events except football. Definition

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of the actual uses expected for the Stadium, their duration and frequency is an essential requirement for determining its impacts. Again, the description is so vague as to make reasonable comment on the scope of an EIR very difficult.

Paragraph 4

Close reading of the description of the proposed development at Maxwell Family Field appears to indicate that the University intends to construct an 845-space parking garage with a rooftop sports field at this location. (Replacement of 399 spaces at the Stadium and Law and Business Connection Building sites plus 146 existing spaces in the Kleiberger surface parking lot plus 300 additional spaces to “expand the parking supply the southeast campus area...in accordance with projections in the 2020 Long Range Development Plan.”) If this is indeed what the University is proposing for this site this will be one of the largest parking structures on the campus and will probably require considerable excavation to create subterranean parking levels. (The Lower Hearst Garage, for example, has 699 spaces, according to Table 4.12-4 in the 2020 LRDP DEIR.) The NOP glosses over this project only hinting at the potentially significant impact of a project of this magnitude at a location with very poor access that is virtually on top of the Hayward Fault. Assuming 300 to 400 gross square feet of floor area per parking space, an 845-space garage could include more than 300,000 square feet of floor area, which would double the net new gross floor area created by the Southeast Campus projects. Nevertheless, the NOP neglects to mention the size of the parking structure and does not list its floor area in Table 1

Page 14

Paragraph 2

The NOP states that “The Southeast Campus and Piedmont Landscape Improvements would address the movement of people, bicycles and vehicles . . .” but includes no plan or further description of such improvements. While the goal is laudable, the vague generalities about enhancing views and “opportunities for interaction in the landscape at and between activity nodes” provide no basis whatsoever for making comments on the scope of potential impacts on this historic resource, and transportation corridor. This is particularly troublesome given that approximately one-half of the road system immediately adjacent to the project area consists of City-owned roads, i.e. Piedmont from Bancroft north to the end of the median strip, and Rim Road between Canyon Road and Bancroft Way. The City is a Responsible Agency for any projects that would require an encroachment permit on these road sections. Pursuant to Section 15082 of the CEQA Guidelines, in order for the City to identify the significant environmental issues and reasonable alternatives and mitigations that it needs to have explored in the DEIR, the University “shall provide responsible agencies with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response.” The NOP fails to meet this standard.

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Page 2 and 17

Based on an inadequate description, the NOP seeks to define out of the scope of the future EIR certain potential environmental impacts that it claims are addressed in the LRDP EIR. The City does not agree with this assessment. In particular, because of new information on traffic impacts, the City believes that the Air Quality analysis cannot rely on the LRDP EIR. The new DEIR also needs to evaluate impacts on all Public Services (not just Emergency Access) and Utilities and Service Systems. The University seeks to limit the impacts on Public Services to Emergency Access, but emergency response to the Stadium involves considerably more than physical access and could affect the Berkeley Fire Department (first responder to emergencies) and also the Police Department, depending on the frequency of use. Other public services and utility services (e.g., solid waste) may also be affected depending on the intensity and frequency of use of the various facilities, and especially the Stadium. Based on the vague description in the NOP, the Stadium could be used every day, and the proposed Law and Business Connection Building “venue” could be large and also used every day. The City recognizes that this is not the University’s intention, but until the University better defines its intent regarding the Stadium and other uses, it cannot assume the impacts on public facilities are addressed in the LRDP.

Alternatives

The NOP’s scanty reference to Alternatives (page 17) seems more like an after-thought to simply meet the requirements of CEQA, rather than the type of description that reflects thoughtful consideration of this issue by the University. As the Initial Study makes clear, there will be significant impacts from the proposed project, including traffic, seismic safety, emergency access and aesthetic/cultural impacts. Under those circumstances, it would have been prudent for a large institution such as the University to have considered and evaluated a range of alternatives for the various elements of the project in advance of proceeding with the more detailed conceptual design that has been presented in public meetings (although none of those conceptual designs are included in the NOP). The NOP provides little evidence as to what might have been considered. If any analysis of alternatives has already been performed, it would have been useful to include that information in the NOP. Absent that information, it is very difficult for outside agencies and the public to understand the University’s programmatic needs (given the lack of detail about the program) or the alternative site or design options that might accomplish these objectives while mitigating some of the key environmental impacts of the project as currently proposed.

The Stadium provides perhaps the most complex analytical questions. It is located literally over a major high-risk fault and is in a relatively isolated location from a vehicular access point of view. The City and the University have managed to work out arrangements to accommodate its very limited past use, despite the impacts on the community. However, the University is now indicating that the Stadium may need to be used for an undefined range of other uses in the future. We assume that this expansion of

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use is partially driven by the need to make more efficient use of a facility that will cost a great deal to renovate and make safe. The Stadium is also an historical resource and has significant symbolic and emotional value in its current location that cannot be duplicated with an off-site location. This presents a fundamental conflict between the costs of upgrading and maintaining the existing facility, the value of the Stadium to the University community, and its impacts on the remainder of the community due to increased use, relative to locating it elsewhere. We assume that the University will indicate what other options it considered besides retaining the Stadium in its current location, and fully analyze the trade-offs between investing in the current location and those other options.

It seems that a sports training facility could be located almost anywhere on campus. Why was the particular location selected? Why build a large new facility very close to the Hayward Fault and expose even more students and other persons to very real seismic hazards? (See below for additional comments on this point.) The training facility as currently proposed (based on conceptual plans) will have a significant impact on the historic landscape on the west side of the Stadium, and could significantly alter the relationship of the Stadium to its surroundings. What other alternatives were considered that might have avoided these impacts? What other on-campus locations were considered? If for various symbolic and programmatic reasons the football program needs to be close to the Stadium and the University has concluded that the costs of putting it closer to the Stadium and the fault are worth the extra engineering costs, did the University consider placing it on the adjacent existing parking lot to the north, an already disturbed area where it could be set back farther from Piedmont Avenue? This alternative would at least avoid the impacts of the project on the historic landscape, while perhaps meeting other programmatic goals.

As we also discuss below, the City also fails to understand why the University would insist on replacing existing parking and *increasing* the parking supply in one of the least accessible places in the City of Berkeley. The existing access to the east side is on a two-lane historic street that cannot be changed (and is not proposed for change). The City urges the University to examine other alternatives for locating its parking supply. For example, the University has been a strong advocate of the Bus Rapid Transit System. Why not locate more parking along the BRT south of campus, near freeways and roads with greater capacity that would be five or 10 minutes from campus by BRT and where construction costs are considerably less? This is one of many parking location options that would not exacerbate an already unacceptable congestion problem along Piedmont Avenue and elsewhere on the east side of campus.

We fully expect the University to consider real alternatives, not alternatives that are infeasible or obviously fail to meet reasonable programmatic objectives and are put forward in the EIR as “straw-men,” solely as a means of going through the motions of CEQA, but avoiding the clear intent of an alternatives analysis.

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Aesthetics

Scenic Vistas. Given the lack of any specific project description, it is difficult to know how to comment on the scope of analysis of potential impacts on scenic vistas. As noted, the key scenic vistas are those of the Stadium, from the Stadium, and from the surrounding neighborhoods, especially those above the Stadium. The vague proposals could clearly have significant adverse impacts and must be addressed, with appropriate modeling and view-impact studies – once a specific worst-case design has been developed. Vistas are not only affected by being modified, but by what may go into an existing vista. The character and design of a structure and lighting can significantly affect a vista, so vague descriptions, poorly defined bulk studies and undefined lighting designs are generally not sufficient for addressing the impacts on existing vistas (see below for further comments on this subject).

Lighting

As has been noted throughout this report, lighting will have impacts not only in regard to how it is designed but also the frequency of its use. The lack of a description of the use of the Stadium continues to hamper comments on the scope of impacts. Lighting used eight times per year for games would have very different impacts from lighting used almost every day for practice and other activities. Moreover, the design, location and type of lighting also has potentially significant impacts and the continuing lack of information on a specific proposal makes it very difficult to provide comments on the scope of an EIR.

Page 22

The section of the Initial Study regarding the potential of substantial degradation of the visual character of the site and its surroundings reads more like an advocacy document than an objective assessment of potential impacts. This is a problem throughout this document, but perhaps most evident here. For example, the Initial Study indicates that “the Integrated Projects would significantly improve the image and experience of the campus for thousands of Stadium patrons and daily users who currently experience broken asphalt, steep-sloped paths . . . rows of temporary trailers . . .” While there are certainly many aspects of the existing area that need improvement, the existing NOP provides no basis for the statement that the proposed projects would improve this environment, as it provides almost no information on the actual projects being assessed.

Based on the information available, it is clear that the Integrated Projects could as easily significantly, permanently, and negatively alter an historic resource that is eligible for listing on the National Register, permanently and inappropriately alter an historic street landscape; and destroy significant trees and landscape that are part of the setting of a possible National Register building. The very large proposed parking structure could also have significant negative impacts on the aesthetic character of the area. Lighting and other modifications to Memorial Stadium could significantly affect the aesthetic and

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historic character of not only the Stadium, but also vistas to and from the surrounding Panoramic Hill National Register Historic District. In other words, based on the lack of information available on the project, it could as easily replace an existing poor but clearly temporary situation, with projects that permanently deface and degrade this historic environment. The Initial Study provides no basis whatsoever for stating that the project will “significant improve the image and experience”. While this is a noble goal, the lack of information as to how the University intends to realize this goal makes this a hollow statement unsupported by any evidence and inappropriate for inclusion in an Initial Study.

Pages 23-24

Air Quality

As stated above, the City does not agree that Air Quality impacts are adequately addressed in the LRDP EIR. The frequency of use of the Stadium could have significant implications for traffic impacts. Since neither the LRDP nor the NOP include any information on how frequently and how intensively the Stadium will be used, there is no basis for assuming that it will remain within whatever parameters were established within the LRDP. Moreover, the LRDP DEIR excluded any specific analysis of the Stadium projects and their impacts. There are changed conditions and new information that may affect the LRDP traffic analysis that in turn affects air quality assessment. For example, it is not clear how the LRDP addressed the potential loss of traffic lanes on Telegraph Avenue for the proposed Bus Rapid Transit in its previous traffic analysis. While the BRT should increase transit use, it may also increase congestion on alternative routes, thereby increasing air quality impacts. Although the BRT EIR is not yet available, it will almost certainly be released in time for DEIR to address this issue. The analysis arising from the Southside Plan EIR, likely to be released in late January 2006, may also provide new information that should be reconsidered in the context of the Stadium EIR.

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Cultural Resources

As noted in the Initial Study, there are many historical resources that will be affected by the proposed project, including the Cheney houses, the homes on Piedmont Avenue, the Piedmont Avenue streetscape, and Memorial Stadium and its surrounding landscape. While not very much is clear in the project description, it is obvious that the various projects will have significant affects on all of these resources: the Cheney houses will either be moved or demolished; some number of homes on Piedmont Avenue are to be rehabilitated; the Piedmont Avenue streetscape is to be “enhanced” in some undefined fashion; the historic landscape around Memorial Stadium will contain a new building and may be modified in other undefined ways; a very large parking structure (height and character undefined) will replace a playfield in a critical location in front of Bowles Hall

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(another designated historic resource); and Memorial Stadium could be modified to add new press boxes and new “luxury boxes” over the rim, new permanent lighting, and a variety of other undefined features.

The City strongly recommends that the University carefully consider both mitigations for any potential significant adverse impacts on these historic resources, and an appropriate range of alternatives to the various project elements that would avoid those adverse impacts. As noted above, a National Register nomination has been filed for Memorial Stadium, and a critical part of that nomination is the importance of its setting. While some of that setting has been spoiled by parking lots and temporary structures, much of the landscape setting is intact and adds immeasurably to both the experience of the Stadium, and of the Piedmont Avenue historic street/landscape. The glimpses the University has shown of the conceptual plans for the sports facility (but not included in the NOP) show that much of the historic terraced landscape and many mature oaks, redwoods, pines and other trees will be destroyed by the project as proposed. The project justification is unclear about why such a facility needs to be located in this particular location, and what alternatives to this location were considered.

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Geology/Seismicity

The proximity of the Hayward fault is obviously a critical issue for projects in this location. Of particular concern is the relationship between seismic safety improvements and the historic character of the Stadium and its surroundings. Because even the best engineering cannot fully account for the variables of a major earthquake, the adequacy of access to and egress from the Stadium in the event of a significant seismic event is also a major concern.

While moving existing practice and other facilities out of the Stadium is certainly necessary, rather than decanting facilities away from the fault, the University is proposing to concentrate and put millions of dollars into facilities very close to the fault. Some measures of the intensity of an earthquake (speed of earth movement) increases significantly closer to the actual fault; a distance of a few hundred yards can make a significant difference in intensity. Under those circumstances, it is unclear why the University has chosen to place the sports facility in the location it has selected. An analysis of the differential impacts between placing the facility in its proposed location, and alternative locations at more distance from the fault should be included in the EIR analysis. Moreover, an analysis of how the intensity changes based on distance to the fault should also be included in the EIR.

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Hydrology and Water Quality

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Because the number of events at the Stadium is not identified, the City does not agree that the project is necessarily addressed in the 2020 LRDP EIR. An increase in the number of large events could significantly increase the wastewater discharge from this portion of campus. Existing drainage patterns could be disrupted or significantly modified. The amount of new impervious surface and degree of surface drainage alteration cannot be determined to any degree from existing project information and therefore cannot be assumed to be insignificant.

UC sewage flows into the City's system at various points. While the City has been actively working to improve capacity in its system, and reduce inflow, from, we cannot agree that this issue is addressed in the LRDP because the City has not reviewed the specific lines which would be affected by the proposed project. An hydraulic analysis should be performed of the sanitary sewer system.

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This NOP indicates that this issue will be addressed in the SCIP EIR and that this is the early stage of design and that additional details will be included in the EIR to address this consideration. The NOP cites HYD-3 in the LRDP (Page 47 of this NOP), which seems to revolve around limiting pollutants and infiltration as much as possible. However, the SCIP a major parking facility. As noted earlier, although no information is available on the structure, it may be largely below grade, thereby facing significant groundwater concerns. This has certainly been the case at the Underhill site to the southwest of the SCIP. The EIR will need to address this issue.

In regard to drainage patterns, as previously mentioned, the project may significantly alter and modify existing drainage patterns and this will need to be fully addressed in the EIR.

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As noted above, there is too little information to make further comments on the potential effects of the projects on the capacity of existing or planned stormwater drainage systems, or on the potential of the project to degrade water quality.

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Noise

Because the number and type of events that may be accommodated at the Stadium are not identified, it is difficult to comment on potential noise impacts. A highly amplified concert held at the Stadium in the 1990's had a significant detrimental impact on surrounding residential neighbors. The crowd and traffic noise associated with any large

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event is also a detrimental impact that could be significantly increased by an increase in the number of events.

The statement that “Best practices incorporated in the Southeast Campus Integrated Projects . . . so that permanent ambient noise levels would not exceed local limits” cannot be supported by the information in the NOP. Without more information on the location, design and type of uses to be expected, there is no basis for assuming that permanent increases in ambient noise will not occur. Unless the Stadium will be enclosed, the noise from expanded use of the Stadium itself could have a significant semi-permanent impact. No information is provided as to the type of equipment that may be incorporated into the Stadium design (cooling, heating, large fans, etc.) that could affect the ambient noise.

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Public Services

The NOP’s inadequate project description does not support the Initial Study’s conclusion that the project will not have a significant negative impact on police and fire services within the City of Berkeley. Because the University fails to identify a limit on the number or type of activities to occur in the Stadium, it is possible that there could be a significant increase in calls for police service and for assistance during major events. The Berkeley Police Department (BPD) has sometimes had difficulty staffing football games in the Stadium. A large number of officers and Parking Enforcement Officers are needed to manage the parking, traffic and crowds. The City’s Fire Department has also routinely put extra companies on duty during games to account for calls to the Stadium. It might not be possible for the BPD or BFD to provide sufficient staffing if there were increased usage of the Stadium.

Stadium events not only require police, fire and medical response, but also affect the City’s ability to provide emergency and routine service to the neighborhoods in close proximity to the Stadium. For example, some streets near the Stadium are routinely closed during football games, leading to potential delays in providing service to Tilden Park, LBNL and the Lawrence Hall of Science, Panoramic Hill and other areas near the Stadium, many of which are located in or near wildland fire areas. Although the City has cooperated with the University in addressing the limited past use of the Stadium, there is a significant difference between meeting police and fire needs for major events eight or nine times a year, and 30 or 40 or more times a year. The addition of lights to the Stadium is also significant since meeting police needs during afternoon football games, which occur at non-peak calls for service periods, is different than meeting police needs during nighttime high call volume periods.

The NOP acknowledges that the Stadium is located over an active trace of the Hayward fault. While the new and rehabilitated buildings in the area may be better able to respond to the seismic risk, no amount of engineering can fully account for the variables of a major earthquake. The project description does not describe the number of person-hours

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(or days) the facility is currently used, and the number of person-hours the facility will be used in the future. Because the City is a first responder to any disaster on campus, any significant increase in the number of people located in close proximity to the fault increases the potential risk level. While it is true that a future properly engineered building will reduce the level of risk for current users compared to today, the existing risk is already very high, and the trade-off between having a safer building and an overall increase in the use of facilities immediately adjacent to the fault trace is not clear. Ground movement significantly increases closer to the actual fault. The City expects the University to undertake a careful risk assessment that fully evaluates the risks and programmatic requirements that place students this close to the fault.

In addition to the fault, as past Oakland and Berkeley hills fires have amply demonstrated, wildland fires can easily spread into relatively built up areas adjacent to the hills, such as the Stadium area.

The City of Berkeley takes its responsibility to the campus population very seriously, and increased use of the Stadium and buildings in the vicinity could require an increase in Fire and Police Department staffing and equipment. While the recent agreement with the University provides some funds for the City's public safety services, the City never agreed that those funds addressed the full cost of providing public safety services to the University, and the Stadium project was specifically excluded from the agreement, at least in part, due to City concerns with public safety impacts.

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Transportation and Traffic

Project-level analysis of transportation and traffic issues is critical, given the confines of roads in the area and the proposed new parking for additional uses within the project area. The City recognizes that the LRDP covered the macro-traffic issues and certainly will accept a considerably smaller study area. The Initial Study recognizes that the LRDP concluded that significant impacts would result at the intersections of Piedmont/Bancroft and Piedmont/Durant. As the actual location of project can and almost certainly will differ somewhat from the assumptions in the LRDP, it is important to examine all intersections within a reasonable distance from the project area to confirm the timing for these improvement and identify any additional impacts. Also, project-level analysis almost certainly will find significant impacts that could not be adequately analyzed until at least conceptual plans were developed.

The study area, we believe, should extend to the adjacent traffic signals to the north (Hearst/Gayley), the south (Dwight/Piedmont), and the west (Telegraph/Bancroft). Included in this study area would be three all-way stop intersections (Gayley/Rim Road, Bancroft/Piedmont, and Durant/Piedmont) as well as the intersections of Rim Road at Bancroft Way and Piedmont at Channing and adjacent streets in the Prospect and Channing area.

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Concerning level of service analysis, the City has recently prepared guidelines for the preparation of traffic impact reports. It recognizes that determination of significant impacts as well as level of service analysis depend upon the distribution of traffic on approaches at an intersection more than the overall amount of traffic added. Thus, the SCIP EIR should focus on changes in average delay rather than on the percentage of added traffic, which was the measure used in the LRDP.

As with all project-level studies, the traffic analysis should include four scenarios, as follows: baseline (existing conditions with approved projects), baseline + project, cumulative, and cumulative + project. The cumulative analyses should be consistent with this level of analyses in the LRDP. Baseline conditions should be based on the time period when the projects are scheduled to be completed, i.e. summer of 2010. Baseline conditions should include the net increase in parking at the Underhill facility based on the time when existing counts are made (the net increase would depend upon the number of spaces being provided at the site when the counts were done but would be at least 600 spaces). Given a time period of four years into the future, an incremental growth rate should also be included. The project should at a minimum include the net increase in parking supply within the project area (300 spaces).

Even though most of the facilities are located on Piedmont/Gayley, the potential impacts on Rim Road should be analyzed, given its substandard design features and lack of amenities for pedestrians or bicyclists. A very low threshold for establishing significant impacts exists when current facilities are already recognized as being substandard.

Traffic analyses must occur for the following times: weekday AM and PM peak hours during the school year for all scenarios, and a separate scenario for a Saturday home football game. The City recognizes that the seating capacity of the Stadium is being reduced, but traffic conditions should not change as the proposed capacity has generally is exceeded only once a year.

The study scope should include a thorough analysis of the impacts of the project on all modes of traffic, including access and parking for Tour and special event busees. Special emphasis needs to be given to improving pedestrian facilities in the area, including disabled person access, given the concentration of pedestrians that will occur with construction of the new garage and the already substandard facilities on Rim Road adjacent to the Stadium. Also, there is considerable bicyclist traffic in the area. There are three AC Transit routes that travel on Piedmont, with four existing bus stops in the project area.

Environmental review of projects should consider not only consistency of the project with the LRDP, but with the City's transportation planning documents, especially considering the impacts the project will have on City streets. In addition to the City's General Plan, the following documents should be mentioned: Southside Specific Plan (to be adopted in 2006), City of Berkeley Bicycle Plan, and the Telegraph BRT project

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(assuming that the Draft EIR has been completed and available to the public before the Draft SCIP EIR is released).

In assessing impacts, the EIR should, of course, include mitigations that have already been identified in the LRDP but, as noted, the City feels that other mitigation measures will be required based on the more focused project-level analysis. Although the City appreciates the fact that UC has agreed to adopt “best practices,” in this case the inherent constraints of performing several major construction activities concurrently within the project area almost certainly could exceed mitigations that such practices can provide. Based on the construction schedule in the NOP and the recently issued DEIR for the LBNL Bevatron/Building 51 demolition, for example, it is likely that the LBNL demolition project will occur during the same time period when the Student Athlete High-Performance Center and, possibly, the Law and Business Connection Building as well, will be under construction.

The City plans to reconstruct Piedmont from Dwight north to the end of its right-of-way within the Berkeley campus in the near future. In light of the proposed project, the City will likely defer reconstruction of the segment north of Bancroft until 2010. Text in the EIR suggests that the project will include major revisions within the public right-of-way. Significant impacts could result if the City does not obtain detailed information regarding any proposed changes in driveway locations (apparently some or all of the existing driveways will be removed), utility modifications requiring street trenching, and any proposed changes in the streetscape. Coordination is necessary so that the City can review and approve these changes. The absence of an overall plan in the Initial Study for changes within the right-of-way is, in itself, a potentially significant impact. The need exists to develop an overall streetscape plan early in the design process that identifies all potential modifications to the public right-of-way over the next four years. The need also exists for the City to review detailed plans that would impact the public right-of-way, either directly or indirectly.

The City is very concerned about construction impacts because of the long time period for carrying out the project (3 years, 6 months) and severe limitations that exist for providing workspace within the right-of-way. Even though the long implementation period might reduce overall impacts it might, in itself, be considered a long-term impact. The focused EIR does not have to include detailed traffic management plans but must identify the potential for any lane closures because a lane closure would, in effect, close Gayley/Piedmont in one direction. The only available detour, Rim Road, has major limitations on the size and capacity of vehicles that can be handled and the use of this road as a detour should be considered a potentially significant impact. This impact would be compounded by the cumulative impact of the LBNL Bevatron demolition project mentioned above.

Given the unique characteristics of the transportation facilities serving the study area, potential impacts must be analyzed in detail, and references to “best practices” should not be considered sufficient. As with the overall traffic analysis, construction impacts should

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analyze all modes of traffic, given the considerable pedestrian traffic and bus service. The potential need for the closing of any sidewalks on Gayley/Piedmont should be identified. Also important is the potential impact on the delivery of public transit services, given the absences of any adequate detours.

The movement of trucks to and from the work site is also a major issue and needs to be addressed. The description and analysis of truck routes should extend beyond the study to include any streets that are not designated as major truck routes, e.g. Shattuck, University, and Ashby. Of special concern is the protection of the Piedmont-Warring-Derby-Belrose-Claremont corridor from truck traffic.

Available parking could present a problem early in project construction. Based on current estimates, parking spaces in the new Underhill Parking garage will not be available until January 2007, which is approximately when construction will begin in the project area. It is important that the loss of parking spaces in the project area not occur until the opening of the Underhill facility. Also, construction contracts should include provisions for minimizing worker trips to the area.

Pages 39-41

Utilities and Service Systems

While the City recognizes that it is unlikely that a small increase in use of the Stadium would have a significant impact on the utilities provided to campus, the lack of any limits to the use of the Stadium means that the Initial Study cannot scope out this issue at this time. Regular use of the Stadium for large events has the potential to have an impact on utilities. Aside from the impact on the City's wastewater collection system of changing from portable toilets to permanent ones, the EIR also needs to consider impacts on other systems including solid waste, energy (lighting and heating), and stormwater (see previous comments on stormwater and sewers in regard to pages 29-32).

Even if the main systems have been sized adequately, the new facilities almost certainly will require upgraded laterals. This would be particularly true for the upgraded athletic facilities. The estimated need for such facilities should be included in the EIR.

Pages 41-42

Mandatory Findings of Significance

The Initial Study concludes that the Southeast Campus Integrated Projects do not have the potential to degrade the quality of the environment, substantially reduce habitat, or have other impacts that require a mandatory finding of significance without making any reference to sources to support this assertion. We concur with the University's decision

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to assess the project's impact on important examples of major periods of California history.

Cumulative Impacts

The proposed Southeast Campus Integrated Projects combines several projects into a single project for CEQA purposes in order to package a series of largely unrelated UC development projects that are expected to happen over the next few years in the same general vicinity. While the SCIP is being circulated, the University has issued another RFQ for a project likely to be located immediately adjacent to the SCIP project yet, for undefined reasons, not included in the SCIP. Although the exact location of the proposed business education/conference facility is not yet determined, it is our understanding that one of the options under consideration is conversion of Bowles Hall, immediately adjacent to the SCIP project.. This project should be combined with the others as part of the SCIP. If not, specific issues related to parking and traffic, and potential impacts on yet another historic building should be considered in the SCIP EIR. Other cumulative issues relate to how the Southside Plan and BRT will be addressed in the SCIP EIR, as already mentioned.

Adverse Impacts

As the NOP notes, the most significant issue is the exposure to seismic risk. The EIR must also consider any issues related to wildland fires that could easily spread down from the canyons to the east of the Stadium.

Request for Presentation

As discussed at the scoping meeting on December 9, 2005, the City of Berkeley requests that the University make presentations on the proposed projects to the Landmarks Preservation Commission, the Planning Commission, the Design Review Committee and the Transportation Commission as soon as possible. Although the "best practice" that the University adopted in the LRDP stipulates that such meetings will be held prior to presentation of schematic design to the University Design Review Committee, the City has previously commented and continues to believe that public presentations after schematic design has been largely completed are too late in the process to influence some of the major design decisions. While City staff participates in UC Design Review Committee reviews and has some opportunity to comment at an earlier stage, as you have concurred as part of our agreement to participate in the DRC, staff does not and cannot represent the City. In order to give the community and responsible City commissions an opportunity to have any effective commenting role, it is important to give public presentations while plans are still conceptual. We can arrange for a joint presentation to appropriate commissions if multiple presentations are a concern.

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In conclusion, the City urges the University to better define its projects, provide a clear project description and then issue an appropriate NOP before proceeding with this EIR. This would allow the public and the City as a responsible agency sufficient opportunity to provide comment. As the project is currently described, the City does not believe it can make adequate comment.

Please contact Dan Marks, Planning and Development Director, if you have any questions. He can be reached at 981-7400 or dmarks@ci.berkeley.ca.us.

Sincerely yours,

Phil Kamlarz
City Manager

cc: Honorable Mayor and Members of the City Council
Dan Marks, Planning and Development Director
Manuela Albuquerque, City Attorney
Arrietta Chakos, Assistant City Manager