



Office of the City Manager

ACTION CALENDAR

June 13, 2006

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

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

Subject: Update: Review of U.C. Berkeley Southeast Campus Integrated Projects Draft Environmental Impact Report

RECOMMENDATION

That the City Council give staff input on the University of California's May 8, 2006 Draft Environmental Impact Report for the Southeast Campus Integrated Projects (SCIP) including the California Memorial Stadium Seismic Corrections, other modifications to the stadium and a new Student Athlete High Performance Center, the 911-space parking garage below a modified Maxwell Family Field, and the School of Law/Haas Business school joint building.

FISCAL IMPACTS OF RECOMMENDATION

Preparation of the response to the DEIR requires a substantial commitment of staff time, as well as direct costs for consultant assistance.

CURRENT SITUATION AND ITS EFFECTS

On May 8, 2006, the University of California issued a Draft EIR for the Southeast Campus Integrated Projects and established a 60-day public review period that ends on July 7, 2006. City staff and consultants are analyzing the document and preparing comments that the City will submit to meet the deadline. Staff electronically transmitted the DEIR to all City Boards and Commissions (via the staff secretaries) in order to elicit any comments on the interest or concerns from the advisory groups about the UC Berkeley proposals. Attached to this memorandum are Board and Commission comments and recommendations received as of this writing. City staff and consultants also attended a public hearing on the DEIR that UC Berkeley held on June 5, 2006 at the Haas School of Business. The comments staff is preparing will incorporate some of the issues that members of the public raised at that hearing, as well as input from Boards and Commissions. Because the time for reviewing the DEIR is relatively short and given the complexity of the document, staff cannot present a full set of comments tonight. We will, however, be prepared to respond to questions at the Council meeting and will seek to address in the final comment letter any issues raised by the Council at this meeting or at upcoming meetings on June 20 and/or June 27 where this may be discussed. Alternatively, Councilmembers may submit written comments to staff to incorporate in the City's letter or submit their comments directly to the University as individuals. Staff will do its best to

incorporate into its comments any additions we receive either at this meeting or in subsequent communications we receive in the next two weeks.

Because the Council is not scheduled to meet between June 27 and July 7, the date comments are due, it is unlikely that staff will be able to present a draft comment letter to the Council for any further review. Staff will provide the Mayor and Council with the City's complete response to the DEIR off-agenda before the July 7th deadline. The comments will also be uploaded to the City Manager's website and copies will be distributed to the Main Library and branches.

Following the close of the 60-day public review period, UC Berkeley will prepare a Final EIR that includes all of the comments received and responses to the comments as well as any revisions that are deemed necessary. UC staff anticipates issuing a Final EIR in November, 2006. Assuming that there are no changes to the document that would require recirculation for additional public review, UC Staff plans to present the Final EIR and the projects to the Board of Regents for approval at the Board's meeting in Los Angeles on November 15-16, 2006.

BACKGROUND

The University completed and the Regents adopted a Long Range Development Plan (LRDP) for UCB in January 2005. This SCIP DEIR is the first that UCB has prepared for projects implementing the 2020 Long Range Development Plan. The University characterizes the document as a "Tiered, Focused Environmental Impact Report" because it relies on analysis and information in the EIR for the Long Range Development Plan that the Board of Regents certified in January 2005 when it adopted the LRDP. The "project" that is the subject of the DEIR is, in fact, comprised of seven individual projects that the DEIR says would be developed over a six-year period beginning at the end of 2006:

- California Memorial Stadium rehabilitation, seismic upgrades, and other modifications and additions including development of a new student athletic training facility;
- A 911-space parking structure and sports field at the current site of Maxwell Family (formerly Kleeberger) Field;
- A new Law and Business Connection Building between Boalt Hall School of Law and the Haas Business School (largely on the parking lot between the two structures);
- Improvements and alterations to the Haas School of Business including changes to accommodate program and enrollment growth;
- Renovation and improvements to Boalt Hall School of Law School;
- Piedmont Avenue and southeast Campus landscape and site improvements;
- Renovation of residential structures at 2222-2240 Piedmont Avenue that house a variety of UC Berkeley programs and activities.

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 subject to an agreement that UC Berkeley would provide money for public safety, transportation and infrastructure; participate in and fund a Downtown Area Plan; and other items. Because the EIR for the LRDP is final and certified, it can be used as the basis for the environmental analysis of projects that are consistent with the LRDP (i.e., projects can “tier” off of the LRDP EIR). The City also agreed not to pursue legal challenges to the Southeast Quadrant Academic Commons or any LRDP projects on the Campus Park, such as the proposed Law and Business School Connection building, provided they are consistent with the 2020 LRDP and the LRDP EIR. The agreement specifically reserves the City’s right to challenge the Memorial Stadium project. In addition to the Stadium improvements and the Student Athletic Training Facility, other SCIP projects that are outside the Campus Park include the Maxwell Field Parking Garage and the Piedmont Avenue landscape improvements—essentially all of the projects in the Integrated Projects East area. Moreover, the settlement agreement in no way prevents the City from commenting on the adequacy of any environmental documents.

This DEIR is the first that UC Berkeley has prepared for major projects under the 2020 Long Range Development Plan and therefore offered 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. Regrettably, the subject DEIR fails to achieve this objective.

Last December, the City responded to the Notice of Preparation (NOP) for this DEIR with a detailed list of comments and concerns. In reviewing the DEIR, staff will determine whether and how well UC Berkeley has responded to the concerns that letter identified including the inadequacy of project description, its reliance on untested “continuing best practices” to mitigate project impacts, as well as comments about specific areas of impact such as traffic. Staff is, in particular, reviewing the DEIR to find out:

- Does the DEIR use appropriate analytical methods for evaluating impacts?
- Are the standards of significance that the DEIR uses to identify impacts appropriate? If not, what should be changed or added?
- Does the DEIR accurately describe the applicable regulatory framework?
- Does the DEIR accurately describe the Berkeley General Plan policies and regulations that would apply if the City had jurisdiction over these projects?
- Does the DEIR show that UC is carrying out mitigation measures to which it committed in the EIR for the Long Range Development Plan?
- Does the DEIR identify additional feasible measures that could reduce the project’s significant impacts? Can the proposed measures be enforced can they be monitored to see if they’ve been implemented and are having the intended effect?

- Does the DEIR accurately identify and evaluate impacts that would be created by the component projects together with other projects that will have related impacts such as the demolition of the Bevatron at the Lawrence Berkeley National Laboratory, new projects pending before the City, and ventures such as development of an executive education facility at the Bowles Hall site?

The balance of this memorandum identifies the major concerns that staff reviewers as well as some Boards and Commissions have identified. The letter that the City will submit at the close of the public review period will provide additional detail that documents the basis for our concerns.

1. Inadequate Project Level Information. Despite concerns expressed in the City's comment letter on the Notice of Preparation regarding the vague and inadequate project-level descriptions, the DEIR continues to fail to provide sufficient information for adequate analysis, especially of such components as the proposed parking structure. If projects cannot be defined and described to an extent that would allow conscientious evaluation pursuant to UCB's previous commitments and the requirements of State law, it is inappropriate and possibly contrary to State law to assess their environmental impacts at this time. The City's NOP comment letter also indicated concern with the lack of information regarding the frequency and intensity of use of facilities. While some additional information is provided in the DEIR, the document continues to fail to provide the information needed to assess the impacts of the overall project.
2. Organization and structure of document thwarts the purposes of CEQA. In an unsuccessful attempt to convey the "integrated" character of the seven component projects, instead of offering a full description of each project in one place, the DEIR divides the description of each undertaking into seven sections and further divides each topic by geographic area (Integrated Projects East and Integrated Projects West). This organization is very confusing and compounds the difficulty of obtaining clear and consistent information about each of the component projects.
3. Continuing lack of evidence to support that "Best Practices" mitigates impacts. 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.
4. Seismic safety and traffic impacts are poorly evaluated and generally underestimated. The DEIR concludes that the SCIP projects would have 14 significant impacts that cannot be avoided or reduced to less than significant levels through the implementation of mitigation measures. The most monumental of these impacts are related to two factors—the Stadium's location over the Hayward Fault, which has a 27 percent probability of a magnitude 6.7 quake before 2032, and the capacity of an already congested street system that was designed almost a century ago to serve a primarily residential area. The DEIR's analysis of these crucial impact

areas is highly deficient. Claims made by the University regarding the applicability of the Ahlquist-Priolo act (related to seismic safety) are also highly questionable.

5. Inadequate Alternatives Analysis. The California Environmental Quality Act requires an EIR to describe a range of reasonable alternatives that would attain most of the project's basic objectives but have the potential to lessen or avoid one or more significant impacts. In its NOP comment letter, the City requested that the University not identify self-serving "straw man" alternatives that were clearly infeasible or did not meet project objectives. The City believes that for the most part, the alternatives selected in fact are exactly what we feared: "straw man" alternatives selected and dismissed without adequate analysis.

As the above initial summary of issues indicates, the City is extremely disappointed in the adequacy of this first project DEIR after adoption of the LRDP. The University has prepared a DEIR that seeks to justify actions it seems to have already determined it will take long before the DEIR was prepared and without sufficient analysis of attendant environmental affects or of alternatives.

RATIONALE FOR RECOMMENDATION

The deadline for the City to submit comments on the DEIR is July 7, 2006. Because of the time needed to assemble an adequate and complete comment letter, staff does not expect to be able to complete a draft in time to allow for public review and comment prior to the Council's meeting on June 27. Accordingly, in order to incorporate the Council's concerns in the City's comments it is important for Staff to obtain input tonight or at a subsequent meeting on June 20 or June 27. Comments received by staff after June 27 cannot be accommodated within the schedule, but can be submitted directly to the University until the July 7 deadline.

CONTACT PERSON

Dan Marks, Director of Planning and Development, 981-7400
Arrietta Chakos, Assistant City Manager, 981-7000

Attachments:

1. Downtown Area Plan Advisory Committee Comments dated 6/1/06
2. Disaster and Fire Safety Commission Comments dated 6/12/06
3. Commission on Labor Comments dated 5/30/06
4. Landmarks Preservation Commission Comments dated 5/2/06
5. Planning Commission Recommendation dated 5/31/06

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5. Planning Commission Recommendation dated 5/31/06



Downtown Area Plan Advisory Committee

Will Travis, Chair; Matthew Taecker, Secretary
c/o Department of Planning & Development, 2120 Milvia Street, Berkeley, CA 94704
Tel: 510.981.7487 Fax: 510.981.7470 Email: mtaecker@ci.berkeley.ca.us

MEMORANDUM

To: Arietta Chakos, Assistant City Manager
From: Matt Taecker, Secretary to DAPAC
Date: June 1, 2006
Re: DAPAC Comment on UCB SCIP Draft EIR
Cc: Dan Marks, Mark Rhoades, Vivian Kahn, DAPAC members

Last night, DAPAC resolved to submit the following comment to the City Manager for inclusion in the City's response to the UC Berkeley's Southeast Campus Improvement Plan Draft EIR.

DAPAC has serious reservations about UC's plan to put 911 parking spaces at the Maxwell Field site. DAPAC intends to explore alternatives that will most benefit all citizens and visitors to the City of Berkeley.

DAPAC expressed its intention to identify specific ways that planning in the Downtown Area might allow transportation issues relating to the Southeast Campus Improvement Plan to be dealt with more comprehensively and with fewer neighborhood impacts.

Of the 18 voting DAPAC members, 16 voted to adopt this language and 2 opposed.



Disaster and Fire Safety Commission

June 12, 2006

To: Honorable Mayor and
Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Jesse Townley, Commission Chair, Disaster and Fire Safety Commission

Subject: Comments on the University of California Berkeley's Draft Environmental
Impact Report (DEIR) of the Southeast Campus Integrated Plan

Below are the comments of the Disaster and Fire Safety Commission to the University of California Berkeley's Draft Environmental Impact Report (DEIR) of the Southeast Campus Integrated Projects Plan. We have identified the following five areas of concern:

1. Traffic choke point at Canyon Road/Panoramic Way
2. Panoramic Hill emergency access
3. UC Berkeley event planning
4. Independent Evaluation of DEIR
5. Alternative Location of Football Stadium

Thank you for the opportunity to contribute to this important and possibly life-saving review of the DEIR.

The Commission's concerns about the DEIR derive primarily from the increase in traffic and usage of the Southeast Campus contemplated by the DEIR, an increase which is integral to the plan. The part of the city adjacent to the stadium and thus most directly affected by these increases has a long history of inadequate road capacity. It is considered especially vulnerable in an earthquake or fire, when the narrowness of the roads and the lack of a secondary route for emergency vehicle ingress or resident egress could leave people trapped and helpless. The Commission considers the mitigations proposed in the DEIR to be inadequate, given the location directly over the fault and directly adjacent to the wildland/urban interface so vulnerable to fire, and given how directly an increased public presence at the stadium and surrounding spaces would, in an emergency, add to an already acute problem. The Commission also believes that the City needs to work with the University to develop appropriate mitigating measures that reduce these vulnerabilities or press for an alternative location for the stadium. What follows are our

specific proposals for mitigation.

1. Traffic choke point at Canyon Road/Panoramic Way

Canyon Road runs along the southeast edge of Memorial Stadium between the intersection of Panoramic/Bancroft and Stadium Rim Road. It is a two way street which is about 1 1/2 lanes wide, plus room for parking. There is no sidewalk on either side of the street. The East side of the street is bordered by private property (private homes) and the West side of the street is bordered by a row of trees and a series of UC Berkeley property currently used as Stadium parking. Normal traffic flow is greatly impeded by the limited width of the road, and it presents an incredibly vulnerable choke point for traffic along the entire south and east sides of the stadium.

An evacuation of the area in response to a major disaster would almost certainly block the street, rendering passage impossible to emergency vehicles. The alternate route from, for instance, a BFD fire truck in reserve on Centennial, to access a fire at Bancroft and Panoramic is around the entire stadium north on Stadium Rim Road, left on Piedmont Avenue past the International House, left on Channing, left on Prospect, and right on Bancroft.

We propose the following solution to this dangerous choke point:

Currently, the UC parking lot directly adjacent to Canyon runs parallel straight down the hill in two levels. The level closest to Canyon is about 1-2 feet below Canyon. We propose that the City use 10-12 feet of the adjacent UC property to create a one-way lane (downhill) for Canyon. The existing Canyon would become a one-way lane (uphill). There may be room to add a sidewalk adjacent to the homes on the east side of Canyon. The current median of medium age trees could largely be preserved, and a downhill left hand turn lane into Panoramic could be created in the median where Panoramic, Bancroft, and Canyon meet.

A land swap, a land sale, or other negotiated remuneration between the City and UC could resolve this crucial choke point for the safety of the entire community. During the UC's presentation to the Disaster and Fire Safety Commission (D&FSC) on the DEIR, UC representatives acknowledged the problem but pointed out that the street was City property. They indicated they were open to proposals from the City on this safety issue.

2. Panoramic Hill emergency access

Disaster preparedness on Panoramic Hill can be greatly improved with little expense to the City if we act by June 15.

Panoramic Hill, with about 230 dwellings, has a single loop road that begins and ends

DEIR of the Southeast Campus Integrated Plan

just south of the Cal football stadium. In the event of a disaster on the Hill, this narrow road with numerous hairpin turns will slow access of fire engines and hinder egress of residents. Studies sponsored by the City of Berkeley in the 1950's and 1970s (see "Panoramic Hill Area: Development and Environmental Resources Study", Berkeley Planning Department, June 1974) examined four potential routes. They recommended a paved road from Smyth-Fernwald to Dwight Way, a road that would be about 400 feet long. The current Disaster and Fire Safety Commission concurs with their recommendation.

Funding to study and do an initial design of this road is available using money from U.C. The recently announced Chancellor's Community Partnership Fund is offering competitive grants of up to \$50,000 for one or two years for neighborhood improvement projects. However, some resources should be contributed by the City because the rules for the competition state that priority will be given to projects that indicate some outside funding. Short of money, perhaps the City could provide in-kind support in the form of engineering assistance with the study and design.

U.C.'s Manager of the Office of Emergency Preparedness, Tom Klatt, recently commented to the D&FSC:

"Secondary roads into the Panoramic Hill area have been discussed, but there does not appear to be any imperative from the City, at this time, on this issue. I would welcome further discussion and would be a cooperative and enthusiastic partner if the City wishes to take this up in a more formal way."

Please note that the deadline for receipt of proposals is June 15. It appears that U.C. wants the City to show that it believes this project is important and offers some kind of contribution. We strongly urge the City Council to do so.

3. UC Berkeley event planning

The DEIR currently calls for events at Memorial Stadium and the Greek Theater to be staggered so that the East Campus area does not have multiple capacity events.

The D&FSC recommends adding Maxwell Family Field to this list of facilities whose events should be staggered along with Memorial Stadium and the Greek Theater. According to BFD personnel, capacity sports events at the current Maxwell Family Field seem to have at least 1,000 fans filling the bleachers.

The D&FSC did not have an opportunity to evaluate similar capacity events at the Wittier Rugby Field on Centennial Drive directly east of Memorial Stadium.

4. Independent Evaluation of DEIR

It must be understood by the City Council that the accuracy of the DEIR has been verified by the same organization that wrote it. While this may be appropriate in some circumstances, the described projects are so complex and wide-reaching that additional, independent expert review may be warranted. In our opinion, the disaster and fire safety-related portions of the DEIR need an independent, expert review.

5. Alternative Location of Football Stadium

The DEIR evaluates an alternative location for Memorial Stadium at the Golden Gate Fields (GGF) racetrack at the Bay, straddling Berkeley and Albany (Section 5.5).

The D&FSC feels that this alternative location is too quickly dismissed by the DEIR, as the GGF location is not located directly on the Hayward Fault like the current Memorial Stadium. GGF is at least partially on rock, although much of the surrounding area may be subject to liquefaction. According to the DEIR, a relocated Memorial stadium (not including parking) would only have a 12 acre footprint, which is much smaller than the current 138 acre track, stable, and parking footprint of GGF (Section 5.5, Land Use). Berkeley's possible loss of revenue from Memorial Stadium ticket charges could be offset by locating the stadium partially or completely within Berkeley's city boundaries at the site, or through other negotiations with the UC and Albany. Parking and freeway access for capacity events would be greatly enhanced, although shuttle buses would be needed from the campus to the new site.

This option deserves much more study by UC, the City, and the community, especially because it does not directly straddle the Hayward Fault.

Conclusion

The only way to adequately mitigate the increased hazard posed by increased concentrations of people in the Southeast Campus area during an emergency will require the City's involvement in planning the road improvements discussed as items 1) and 2), as well as the scheduling mitigation of item 3). If such improvements cannot be made, then the Commission believes that the stadium portion of the plan should immediately be shifted to GGF. Regardless of the status of these proposed mitigations, the GGF location demands serious consideration.

The Commission proposes that, given the critical role of the City in developing an appropriate mitigation plan that involves its roads, the City should request two things from the University:

First, that the City be named a "responsible agency" for purposes of developing a Supplemental DEIR on these issues, and

DEIR of the Southeast Campus Integrated Plan

Second, that the City perform a joint investigation with the University into developing such mitigation proposals for inclusion in a Supplemental DEIR.

Thank you for the opportunity to comment on this project.



Commission on Labor

May 30, 2006

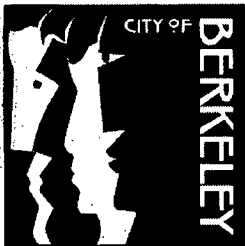
TO: Honorable Mayor and
Members of the City Council

From: Nicholas Smith, Chairperson, Commission on Labor

RE: Comments on the UC Berkeley Draft EIR for the South Campus
Integrated Projects

Upon reviewing the Draft Environmental Impact Report for the South Campus Improvement Projects, the Commission on Labor, at their May 17, 2006 meeting, M/S/C (Hicks-Kilday, Gilbert, passed unanimously), noted that any impacts on local hiring are not addressed in the report. The Commission would like to emphasize that local jobseekers should be given priority for new jobs created by this project (both construction and non-construction). The City's First Source Employment Program should be utilized by the University and its' contractors for outreach and recruitment of qualified, local applicants.

The University should also 1) provide an estimate of projected new jobs for the SCIP, and 2) report back to the Commission on Labor and the First Source Employment Program as to numbers of new hires and the numbers of Berkeley residents hired for those new jobs (whether or not it was accomplished through First Source).



Planning and Development Department
Land Use Planning Division

ATTACHMENT 4

May 2, 2006

Emily Marthinsen
Interim Assistant Vice Chancellor
A & E Building , Room 1
University of California
Berkeley, CA 94720

Dear Ms. Marthinsen,

Thank you for your presentation to the Landmarks Preservation Commission at the April 6, 2006 meeting on the Southeast Campus Integrated Projects (SCIP).

As you may recall, the Commission offered to provide you written comments for your consideration as you prepare your draft environmental impact report (EIR). A summary of the Commission's comments follows:

- Alternatives analysis is extremely important, as the development appears to be driven by funding concerns, not overall design and planning. Specific alternatives must consider other locations for *each* of the project components.
- The Athletic High Performance Center is so significant that it must be analyzed as a separate project so that questions can pointedly be asked and answered and alternatives specifically examined.
- The project context must be included in the EIR and all other presentations. For example, elevations of the garage structure must be prepared, with views from and towards both Bowles Hall and Piedmont Way, as such representations will help illustrate impacts on historic resources.
- The EIR must consider the impacts on surrounding historic resources, including the Panoramic Hill Historic District, the District's Canyon Road feature, Bowles Hall, Memorial Stadium, the Cheney Houses, and Olmsted's Piedmont Way.
- Piedmont Way belongs to the City of Berkeley and is a State Historic Landmark. LPC must be involved in any future changes to Piedmont Way.
- Piedmont Way is eligible to be listed on the National Register and has a neighborhood advocacy organization called Friends of Piedmont Way, with specific ideas and requests for analysis and study. This organization should be consulted.



Planning and Development Department

Land Use Planning Division

May 31, 2006

To: Honorable Mayor and
Members of the City Council

From: Carli Paine
Planning Commission Secretary, City of Berkeley

Subject: Planning Commission's Recommendations Regarding UC Berkeley SCIP DEIR

The Planning Commission discussed the University's Draft Environmental Impact report on the Southeast Campus Integrated Projects at its May 24 meeting. The Commission wishes to forward to the Council the following:

- The Planning Commission recommends that the City and UC vigorously pursue a second means of access for Panoramic Hill. The Planning Commission is supportive of a grant proposal to develop a secondary access route to Panoramic Hill and recommends that the Council adopt a resolution of support for the grant proposal developed by Dick White.
- The Planning Commission supports further consideration and analysis of the option to locate the stadium in Albany, at the current Golden Gate Fields site.
- The Planning Commission is concerned about the localized and broader impacts of the proposed parking garage at the proposed location and supports consideration of dispersing the 900 spaces in publicly-accessible lots throughout the University and Downtown areas.
- The Planning Commission encourages additional consideration of alternative transportation to meet the access needs of the SCIP projects.