

DECEMBER 2006 REGENTS ITEM SUPPLEMENT

- #102 CERTIFICATION OF THE SOUTHEAST CAMPUS INTEGRATED PROJECTS ENVIRONMENTAL IMPACT REPORT (State Clearinghouse No. 20050112056) AND APPROVAL OF THE DESIGN, STUDENT ATHLETE HIGH PERFORMANCE CENTER, BERKELEY CAMPUS

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Response to Comments Received After Publication of the Final EIR

After publication of the Southeast Campus Integrated Projects (SCIP) Final Environmental Impact Report on October 31, 2006, the University heard public comment at the November 14, 2006 meeting of The Regents Committee on Grounds and Buildings, received two letters from the City of Berkeley (dated November 2 and November 9, respectively), received letters requesting The Regents postpone their scheduled November consideration of the Integrated Projects EIR from California State Senator Don Perata and California Assemblymember Loni Hancock, and received form letters and postcards from individual members of the community. The University also received a letter from the Panoramic Hill Association (PHA) dated October 27 alleging violations of the Alquist-Priolo Act. These comment letters, emails, and the University's responses are being provided to The Regents for consideration in certification of the Final EIR and approval of the Student Athlete High Performance Center (SAHPC). The University recommends that The Regents adopt Regents Item #102 and this December, 2006, Regents Item Supplement, and approve the Final EIR and the SAHPC.

Issues Raised November 14, 2006

In addition to issues addressed elsewhere in this supplement, two topics were a focus at the Committee meeting on November 14, 2006 in Los Angeles.

"Tightwad Hill": Speakers during public comment suggested that the proposed east seating structure at the CMS would block views of the playing field from Charter Hill, also known as Tightwad Hill. However, views from the Hill currently overlook support structures on the east side of the Stadium and it is certain that some views from the Hill would remain available even after construction of an east seating structure, as explained in response to comment letter 51 in the Final EIR (Volume 3B). Views from the Hill would be among the details examined as the design of the east seating structure proceeds. Further, the area is not universally accessible, and is not a formally sanctioned seating place; individuals who sit in this area risk injury to themselves and to the hillside environs around them.

Value of the SAHPC if the California Memorial Stadium (CMS) is not retrofitted: As addressed by Karl Pister at the meeting of the Committee, the Student Athlete High

Performance Center would be a valuable resource for the University whether or not future components of the Integrated Projects proceed. First and critically, the SAHPC would allow daily occupants of the CMS to be housed in seismically safe space. Further, the results of the SAHPC Fault Rupture Study indicate that there are no faults or unstable materials beneath the west wall of CMS; this significantly reduces the possibility of collapse of the west wall of the Stadium, so that the SAHPC and its plaza is likely to be a valued resource for the campus for many years. Finally, the SAHPC is well located near practice and event field space for many sports. The playing field at the CMS would likely continue as a practice field in any eventuality; the Maxwell Family Field just north of the SAHPC and the Levine-Fricke field east of the CMS are intensively used and the locker and athlete training and support spaces in the SAHPC would well support these activities.

Response to City of Berkeley Letter Received November 9, 2006

The Office of General Counsel received by e-mail on Thursday November 9, 2006, after 4:00 p.m., the attached letter submitted by the City of Berkeley.

The letter and the University's written response, included herein, are being provided to The Regents for consideration in certification of the Berkeley campus' Final Environmental Impact Report and approval of the Student Athlete High Performance Center and as part of the administrative record.

The City asks The Regents to investigate alternatives to the SAHPC and the CMS retrofit, decline to certify the EIR, require the EIR be re-circulated, and require the EIR be amended to re-evaluate emergency services and seismic safety.

Overview: The City's comments should be viewed in light of the following facts:

1. Of the annual \$1.2 million dollar payment the campus makes to the City of Berkeley (exclusive of the considerable campus investment in joint planning for the City's downtown area), \$600,000 are earmarked for fire and emergency services.
2. The City is under considerable political pressure to pursue a lawsuit on improvements to the California Memorial Stadium (CMS). Even before any project moved to environmental review, the City preserved the right to litigate a

project at the CMS: the 2020 LRDP Litigation Settlement Agreement at part VI, subsection D states the following:

“The City agrees not to pursue any legal challenges to the approval or construction of the Southeast Quadrant Academic Commons, provided it is consistent with the 2020 LRDP and 2020 LRDP EIR, or to fund or encourage by official action other organizations to do so. Nothing in this paragraph shall be construed to apply to Memorial Stadium.”

The City’s inclination to litigate a project at the Stadium predates any facts in the record.

3. The California Memorial Stadium is an existing University facility with capacity of more than 70,000 spectators. Use of this facility is not subject to permitting by the City of Berkeley. Nor is scheduling events at an existing public facility, currently in use, necessarily subject to CEQA review. The concert schedule at the campus’ Greek Theatre, for example, is not subject to CEQA review. The campus has addressed anticipated expanded use of the Stadium in our CEQA documentation in order to fully disclose our intentions at a site subject to great scrutiny, but we have exceeded the requirements of CEQA, not violated them.
4. The University has complied with provisions of CEQA and Alquist-Priolo, as addressed below; however, a principal concern of the City is summarized at page 11 of its letter “The issue is whether it is wise to invest hundreds of millions of dollars on a stadium that unfortunately straddles an active earthquake fault...” This is not a question of compliance with law.

The City raises the following concerns:

Nature of the SAHPC under Alquist-Priolo: The City and the PHA contend the SAHPC is an addition to the CMS, and violates Alquist-Priolo because of the proximity of the fault, and assumes project costs would exceed 50% of the value of the CMS.

These contentions are simply not supported by facts in the record. Alquist-Priolo lists five exceptions to its applicability, including pre-May 4, 1975 structures, except for an alteration or addition that exceeds 50% of the value of the structure. Section 1627A of the California Building Code, California Code of Regulations,

Title 24, Part 2, contains definitions for “Earthquake Design”. An “addition” means “any work which increases the floor or roof area or the volume of enclosed space of an existing building and is dependent on the structural elements of that facility for vertical or lateral support.”

The SAHPC has been planned and would be constructed as a separate building, meeting all code requirements as a separate building. Further, if the City’s and the PHA’s contentions were true, the SAHPC itself would trigger code required improvements to the CMS. Facts support the University position that the SAHPC is a separate building. Further, construing the SAHPC as an element of the CMS allows the City to more readily litigate the project even though it is tiered from the 2020 LRDP EIR, over which the City and University have settled their differences in good faith.

Opportunity to comment: The City incorrectly contends that the Final EIR includes the geotechnical report for the SAHPC (see the third full paragraph on page 2 of their letter), and the project should be delayed while the City and other agencies review the report.

The 2006 Geomatrix report is not evidence to support the geology, seismicity and soils analysis in Section 4.3 of the Integrated Projects Draft EIR. That analysis stands alone, and assumes that the University has and will continue to comply with all applicable state laws, including Alquist-Priolo. Nothing in the geology, seismicity and soils analysis in the Draft EIR is altered by the 2006 report. The 2006 Geomatrix report is part of campus due diligence to comply with provisions of Alquist-Priolo. Alquist-Priolo does not require public hearings, circulation of geologic reports, or outside review of geologic reports by state agencies. Further, during the course of the site geotechnical investigation leading to the 2006 Geomatrix report, various peer reviewers and representatives of the California Geological Survey and the United States Geological Survey visited the site on two occasions to view the trenches and discuss the findings of the geologists.

Definition of the project: The City argues that the EIR has been completed too early to permit adequate project-level review. The City argues that the FEIR response regarding alternatives analysis indicates the projects are not integrated.

The Regents are not currently granting design approval for the CMS retrofit, the LBC, or the Maxwell Family Field parking structure. Therefore, the adequacy of the document to support these approvals is not a timely question. While requiring presentation of meaningful information about a project under analysis, CEQA also suggests that documents be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design (see CEQA Guidelines 15004). In accordance with CEQA, if design details or other changes to the projects require major revisions to the Integrated Projects EIR, or if substantial changes occur with respect to the circumstances under which the projects will be undertaken that require major revisions to the EIR, or if availability of new information which was not known and could not have been known at the time the EIR was certified requires changes to the EIR, a subsequent or supplemental EIR would be warranted.

In the Final EIR discussion of alternatives the campus provides amplification and clarification responsive to the City's Draft EIR comments that the alternatives analysis should be broken out by each project element. According to the November 9 letter, our responsive discussion in the Final EIR implies the projects are not truly integrated. But if the projects proceed as proposed, they are geographically and programmatically intertwined and their construction carefully phased. If alternatives to the proposed projects proceed, such as the SAHPC at an alternative site, the components are physically and actually separated.

A number of assertions are made beginning at the bottom of page 4 of the November 9 letter, refuted here. The Final EIR further amplifies and clarifies anticipated use of the Stadium, in response to comments received on the Draft EIR. The design of seating east of Maxwell Family Field would be presented to City commissions and the campus Design Review Committee when it is available and prior to design approval.

In discussion of the parking structure and in discussion of the west wall of the CMS, the City suggests an environmental impact report must include structural engineering details for review and comment. This assertion is not supported by CEQA. Environmental impact reports should be in plain language, need not be

encyclopedic, should reduce emphasis on background materials and are ideally prepared in advance of substantial investment in a project.

Analysis of construction trips associated with the Integrated Projects, including the proposed parking structure, is tiered from the 2020 LRDP EIR and is discussed at page 4.8-56 of the Draft EIR; the truck trips anticipated by the City are well within the envelope anticipated in the 2020 LRDP EIR.

Emergency Response: The City makes a number of arguments regarding emergency response beginning at page 5 of its letter.

The campus regrets that emergency response providers, who are valued and respected partners to the campus, are used by the City in this instance for rhetorical expediency.

Use of the CMS is an existing activity. Under existing conditions the City has made it clear that local emergency response providers do not station response vehicles near the Stadium during scheduled events, yet the City nonetheless argues in its letter that existing scheduled events at the CMS create a grave threat to life and property. Evidence of more than 80 years of events at the CMS indicates its continued use cannot create a new significant hazard. As explained in the Integrated Projects EIR, the proposed projects would only improve upon existing physical conditions for emergency response.

Given that the Stadium is an existing facility currently in use, and that the proposed projects would only improve upon existing physical conditions for emergency response, (reducing spectator capacity, improving seismic safety, deeding property to allow the City to improve its roadway) the EIR does not assume a new significant impact upon emergency response and does not adopt mitigations to address a significant impact upon emergency response.

In its letter at page 6, second full paragraph, the City suggests the campus was dismissive of a mitigation proposed in order “to partially address the impacts on public safety” but fails to include the text of the mitigation measure the City proposed, which is included here for clarity of the record:

Any event with an anticipated attendance of 10,000 or more but less than capacity will be coordinated with Berkeley Public Safety (Police and Fire) - BPS - a minimum of two weeks in advance. Any events held in the Club Box located above the Media Box with an anticipated attendance of 300 or more will be coordinated with BPS a minimum of two weeks in advance. Based on a risk assessment additional requirements may be requested including but not limited to increased security measures like traffic plans and controls, barriers, screening, personnel, police officers and fire/EMT personnel pre-positioned at the stadium to handle a broad range of emergencies. The Club Box shall be secured against unauthorized access at all times. BPS may require additional measures, such as limiting the use of alcohol, requiring the presence of private security, or similar measures should BPS be required to respond to incidents associated with the Club Box regardless of size or authorization.

City Comment 5A-95 (see Volume 3A of the Final EIR) asked the University to use anticipated attendance of 10,000 or greater as a threshold for coordination, and the University agreed. The remainder of this measure addresses use of a facility to be built. Many operational controls on the eventual facility may be appropriate; however, this is not mitigation for an environmental impact and was not incorporated into the Final EIR.

We also dispute the City's version of the consultation process regarding emergency response. The University hired a consultant to conduct environmental review for the Integrated Projects EIR. Using the communication protocol requested by the City, fire department officials individually contacted all referred the consultant to the City planning director. The consultant asked the City planning director to address emergency response planning impacts of doubling event use at the Stadium (see communication from Steve Noack of Design, Community and Environment to Dan Marks, April 20, 2006). No response was received. Further, the anticipated increased use of the Stadium was part of the project as described at page 13 of the Notice of Preparation published in November 2005. In exercise of its responsibilities, the City had ample opportunity to discuss with the campus or its environmental review team public safety concerns that might be new significant environmental impacts under CEQA regarding use of the Stadium.

Structural engineering: The City suggests the need for an assessment “in the FEIR of an analysis of the potential collapse hazard impacts” of the CMS. See pages 7 to 8 of the November 9 letter.

The campus welcomes interest of the City in the structural engineering solutions for the proposed projects, and would be glad to meet with the City’s representatives to describe the anticipated structural solutions in great detail for each of the proposed projects. The level of detail requested, however, is not mandated as part of an environmental impact report to comply with CEQA.

As indicated in the Draft EIR, one of the reasons for constructing the SAHPC as the first of the Integrated Projects is to relocate current occupants of CMS from the seismically poor structure. In response to City comments regarding the increased risk to users of the SAHPC and the rooftop plaza following construction of the SAHPC, the Final EIR indicated that the SAHPC design would withstand impact from a potential collapse of the west wall of CMS. Currently, tens of thousands of pedestrians gather on the western side of CMS on event days. This is an existing condition that would continue following construction of the rooftop plaza. As indicated in the Final EIR, the University is committed to not increasing use of CMS until the seismic retrofit of the western wall and north and south ends of CMS has been completed. Furthermore, the results of the SAHPC Fault Rupture Study prepared by Geomatrix indicate that there are no faults or unstable materials beneath the west wall of CMS; this significantly reduces the possibility of failure.

Public facilities: The City asserts that a significant unmitigated impact on the City’s sewage transport system has been identified by the University.

The City mischaracterizes the facts. The response to a similar comment in the Final EIR is reprinted here (Volume 3A, page 11.2-129): “The University anticipates connecting to the City sewer system only in such a manner as is supported by sound engineering analysis and with the City’s permission. The University would model the system’s capacity to understand its ability to accept loads generated by the proposed projects....Sewer analysis would be completed, including engineering calculations to determine available capacities, and would be presented to the City to support an application to connect to the City system at

Bancroft Way or Durant Street. If a solution connecting to City sewers is unavailable, a solution connecting to campus systems would be pursued.”

Hydrologic analysis: The City’s statements in this discussion are obfuscatory.

The City requested additional evidence regarding determinations of the Draft EIR in its letter on that document; wherever possible, the Final EIR provides clarification and amplification responsive to the City’s request. In its November 9 letter, the City commonly argues that clarification and amplification it requested is “significant new information.” New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement. The Integrated Projects Final EIR does not present significant new information.

In the 2020 Long Range Development Plan EIR, from which the Integrated Projects are tiered, the campus committed to “manage runoff into storm drain systems such that the aggregate effect of projects implementing the 2020 LRDP is no net increase in runoff over existing conditions (CBP HYD-4-e).” All mitigation measures and continuing best practices identified in the 2020 LRDP EIR to reduce or eliminate environmental impacts of 2020 LRDP implementation were adopted by The Regents as conditions of the 2020 LRDP approval. The 2020 LRDP EIR is final and presumptively valid.

In its comment on the Draft EIR, the City sought additional, conservative analysis of the pervious and impervious surface calculations for the Integrated Projects (see comment 5A-77). The campus contracted for additional hydrologic analysis work to address this concern, and as stated at page 11.2-111 of the Final EIR “The analysis also shows that as a whole, the project as described will result in a net reduction in impervious area of approximately 1400 square feet” responding to the City’s specific concern.

In the original Draft EIR hydrology and water quality analysis (Integrated Projects Draft EIR Section 4.4), the campus found potentially significant impacts,

two of which are relevant to this discussion: one regarding potential for runoff to exceed capacity of stormwater drainage systems or become a source of polluted runoff (Impact HYD-IP-4); one noting that the Projects could alter existing drainage patterns or substantially increase the rate or amount of runoff in a manner that would result in substantial erosion, siltation or flooding (Impact HYD-IPE-6).

The expedited Final EIR hydrologic analysis was completed at a gross level and with conservative assumptions, as fully set forth at page 11.2-110 through 11.2-114 of the Final EIR (Vol. 3A). This very conservative analysis determined that the significant impacts previously identified would be less likely to occur in the Derby Creek watershed, and more likely to occur in the Strawberry Creek watershed, a clarification of the previous analysis. The best practice stated in the Final EIR, CBP HYD-IP-4-b, presents a clearer and more precise understanding of the responsibility to ensure no net increase in runoff: for the Integrated Projects, this calculation must ensure no net increase in runoff to either the Strawberry Creek or Derby Creek watersheds.

In review of the final design documents for the SAHPC, as part of implementation of the 2020 LRDP and the best practices included in the Final EIR, should the analysis show that an increase in runoff is expected, changes to the project design will be made to meet the criteria of no net increase in runoff in either the Strawberry Creek or Derby Creek watershed, as required by the 2020 LRDP and project-specific measures and best practices.

Historic/Aesthetic: The City argues that design guidelines are controlling policy and that variation from design guidelines violates the LRDP; the City further writes that “City staff does not recall any finding made by the DRC” regarding non-conformity with the design guidelines.

Unfortunately, the City planning director did not attend the October 2005 meeting of the campus Design Review Committee. This appears to be the major source of the City’s inaccurate accusations with regard to historic and aesthetic impacts. Other staff for the City did attend this meeting where the entirety of the proposed projects was reviewed against the design guidelines for the Southeast Campus. Further, as a member of the Design Review Committee, a city representative may,

but did not in this instance, work with the Committee to suggest timely and rigorous review of design against guidelines.

In its letter on the Draft EIR, as here, the City conflates design guidelines with the 2020 LRDP. But the 2020 LRDP includes provisions for projects to depart from design guidelines, which the campus has followed in evolution of the Integrated Projects. The proposed projects largely conform to the 2020 LRDP: they are sited consistent with the Location Guidelines of the 2020 LRDP, they embody objectives of the 2020 LRDP, and are well within growth parameters of the 2020 LRDP.

Alternatives Analysis: The City contends that the alternatives analysis in the Integrated Projects EIR is insufficient and biased. The City implies that pedestrian visits to the CMS by Cal students and Berkeley residents are insubstantial, and the McAfee Coliseum is more accessible.

Alternatives analysis is governed by a rule of reason, and a lead agency is not required to consider every conceivable alternative to a project proposed by project opponents or members of the public.

Although a survey of attendees is not available, the City's position on pedestrian visits to the CMS is not empirically sensible. Fraternities, sororities, other student housing on the campus southside is within easy walking distance of the CMS; the student rooting section and the Cal Band walk to home games.

Inexplicably, here and in its letter on the Draft EIR the City argues variations on a theme that the aesthetic impacts of the SAHPC west of Edwards Track would be similar to the aesthetic impacts of siting the SAHPC west of the CMS. The Draft EIR and the Final EIR present this same conclusion.

A parking structure at Maxwell Family Field would have a field on top. Understandably, given that Berkeley is an urban environment, the City fails to suggest an alternative site for an underground parking structure. Less understandably, the City seems irritated by the FEIR discussion that an underground parking structure is typically constructed as part of an above ground development.

The City argues that “preservation of even one National Register building” would be a beneficial result of the reduced size alternative at the LBC; however, preservation of a building at the LBC site would not fully mitigate a significant and unavoidable impact upon historic resources and this is appropriately discussed in the alternatives analysis. (We note that the new table 11.1-3 needs revision to accurately reflect the text discussion of this alternative – the table should show that the reduced size alternative for the LBC may be an insubstantial improvement over the proposed project – and this will be corrected before the LBC is presented for design approval.)

Alquist-Priolo Act Conformance: The City suggests another exploratory trench should have been investigated, and charges that the means by which the University will comply with the Act should be disclosed in the environmental review documents. The City argues that “conformance of a project with State law... must be assessed in an EIR...” The City further argues for delay while the USGS and the California Geological Survey review the 2006 Geomatrix report. The City and the PHA argue that the SAHPC “is an integral part of the CMS” subject to improvement limits.

The City retained only the explicit right to litigate a project at the CMS under the Litigation Settlement Agreement on the 2020 LRDP; the City is under considerable political pressure to pursue a lawsuit on improvements in this area. We believe this in part explains why the City ignores all evidence that the SAHPC is a separate building, not an addition to the CMS.

Consistent with the Act, a geological investigation has been conducted for the SAHPC as a separate structure for human occupancy. The City’s suggestion for additional trenching notwithstanding, the University believes that the geologic investigation for the SAHPC conducted by Geomatrix, which was subjected to extensive peer review, meets and exceeds the requirements of Alquist-Priolo. The investigation has cleared the footprint of the SAHPC and has concluded that the University has complied with the Act for the SAHPC. A geological investigation will be conducted by the University prior to any development at the Maxwell Family Field parking structure site.

Alquist-Priolo does not require public hearings, public circulation of geologic reports, and does not necessitate an EIR for projects involving reconstruction of

existing facilities or additions to schools that would be exempt from CEQA review. The City requests that The Regents delay consideration of the design approval of SAHPC so that the U.S. Geological Survey (USGS) and California Geological Survey (CGS) can comment upon the Geomatrix report. As noted in the *Better Alternatives for Neighborhoods* case, the ultimate responsibility to determine whether a project complies with Alquist-Priolo and its implementing regulations lies with the lead agency, in this case The Regents. The *Better Alternatives for Neighborhoods* court also noted that the state agency at issue in that case, the Department of Conservation's Division of Mines and Geology, now known as CGS, did not have direct authority to approve or disapprove geologic investigations, nor to approve or disapprove specific projects which might be built on or near faults. Nonetheless, representatives of USGS and CGS were invited to view the trenches by the University and did so on two occasions. Furthermore, the Draft EIR fully analyzed the environmental impacts of the Integrated Projects in the Geology, Soils and Seismicity chapter and found two significant unavoidable impacts related to rupture of a known earthquake fault and strong seismic ground shaking.

The SAHPC's architect and structural engineers have designed the SAHPC as a separate building under all building and fire code definitions. The University's position is that the SAHPC is a stand-alone structure, and it complies with the Act because Geomatrix Consultants, Inc., whose geologists are registered in the State of California, has conducted an extensive evaluation and concluded that there is no evidence of active faulting beneath the footprint of the SAHPC, as required by the Act. William Lettis Associates, whose geologists are registered in the State of California, evaluated the Geomatrix report and also advised the University.

Value of the CMS: As indicated in the Draft EIR, because CMS is an existing structure built prior to 1975, the Act allows the University to alter or add to CMS, provided the value of the alteration or addition does not exceed 50% of the value of CMS. The Act does not define "value," and the Draft EIR indicated the University's intention to determine the cost to build a new collegiate football stadium of similar size and design, or to replace CMS. The University does not believe that valuation of a unique, special purpose structure such as CMS, which

is eligible for the National Register, should include a deduction for depreciation or obsolescence, as suggested by the City.

The Act is enforced by local building officials, and therefore the University believes that the California Building Code provides the appropriate source of definitions for interpretation of the Act. Chapter 2 of the California Building Code contains definitions to be used in interpreting the Building Code. “Value”... “of a building shall be the estimated cost to replace the building and structure in kind, based on current replacement costs, as determined in Section 107.2.” Section 107.2 provides that the determination of value shall be made by the building official and shall be the total value of all construction work for which a permit is issued. Finally, Section 1640A.2 of the California Building Code, which is part of the section entitled “Earthquake Evaluation and Design for Retrofit of Existing State-Owned Buildings,” bases the percentage value of improvements on replacement costs. This section of the Building Code requires compliance with a series of seismic regulations for retrofits, repairs or modifications of buildings where construction costs exceed 25% of the construction cost for the replacement of the existing building.

The architects for the CMS retrofit and program improvements have prepared a preliminary estimate of \$593 million for the replacement of CMS in 2009 dollars.

Re-circulate due to new information: The City suggests the FEIR includes “significant new information” regarding earthquake faults, lighting, excavation and soil disposal for the parking structure, and must be re-circulated.

In its letter on that document, the City requested additional evidence regarding analysis in the Draft EIR; wherever possible, the Final EIR provides clarification and amplification – “background information” – responsive to the City’s request. In its November 9 letter, the City commonly argues that the background information it requested is “significant new information.” New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents

have declined to implement. The Integrated Projects Final EIR does not present significant new information.

Response to City of Berkeley Letter Received November 2, 2006 and Other Requests for Postponement

Responses to comments on the Draft SCIP EIR were made publicly available to commenting agencies on October 31, 2006, 14 days prior to The Regents meeting which is a longer period than legally required.

The Final EIR consists of four volumes. Volumes 1 and 2 are the Draft EIR as originally published on May 8, 2006, which was subject to a 61-day public review period. Volumes 3(A) and 3(B) contain copies of all of the written comments received during the public review period on the Draft EIR, and hearing transcripts of oral comments made at public hearings, as well as responses to these comments. All substantive changes to the Draft EIR, including those made in response to comments, are described in Volume 3(A) of the Final EIR (46 pages of track changes text in Section 9). Another 54 pages is devoted to the reproduction of the Mitigation Monitoring and Reporting Program, as required by state law (Section 10). The remainder of Volume 3(A) and Volume 3(B) include copies of each of the 65 letters of comment received during the public review period on the Draft EIR, and the University's responses.

In addition to public hearings required by CEQA, the University has involved the City throughout the development of the SCIP by participating in: a "special joint commissions" meeting on February 22, 2006, sponsored by the City on the topic of the Integrated Projects with Planning, Landmarks Preservation, Transportation commissions, City Design Review Committee, and department representatives present to hear a briefing on the projects and ask questions; an open house meeting March 14, 2006, with local residents and community leadership at the CMS site; a meeting sponsored by the City on April 5, 2006, with City of Berkeley staff including Department of Public Works, Transportation, City Engineer, Planning, Police, and Fire, presenting the project including planning to date on utilities and normal and game day access, fire access and police support for the planned facilities; a commission meeting on April 26, 2006, with City of Berkeley Disaster and Fire Safety Commission to discuss project and fire/disaster related subjects including access and egress, preparedness plans generally, etc; a commission meeting on May 24, 2006, with City of Berkeley Planning Commission to

discuss the Southeast Campus Integrated Projects; and commission meetings on April 6, 2006, and on June 1, 2006, with City of Berkeley Landmarks Preservation Commission related to the CMS and SAHPC projects and in multiple campus design review meetings.

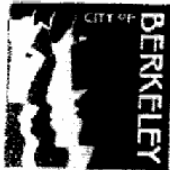
For these reasons, a delay in The Regents' consideration of the SCIP EIR is neither legally required nor would a delay facilitate the City's better understanding of the project.

Response to E-mails from Community

Trees: The University received form letters and postcards from members of the community expressing concern regarding the removal of trees west of California Memorial Stadium in connection with the SAHPC.

The campus completed extensive studies of the landscape west of the CMS. Only four of the existing trees appear to predate construction of the Stadium. The design team for the proposed SAHPC project has gone to great effort to preserve and protect in place some of the identified specimen trees in the project area. The proposed project preserves 27 existing specimen trees in the landscape, and replaces specimen trees lost (totaling 42) on a 3 to 1 basis. Extensive improvements to the landscape surrounding the stadium include replanting trees both on and off site. Additional trees will be incorporated into the design of the rooftop plaza.

Siting the SAHPC immediately west of the CMS begins to address the existing access and circulation problems at the Stadium site, where a narrow interior concourse, along with service and support function provides insufficient circulation for modern sporting facility operations. A wide new plaza above the SAHPC, west of the Stadium, provides a gathering area that can invigorate and better link this site to the campus on a daily basis, as well as on football game days. In its editorial of November 14, 2006, the Daily Californian noted "The benefits brought to the campus through the new athletic center are large and diverse enough to outweigh the historical value of the oak trees."



Office of the City Manager

November 2, 2006

UC Board of Regents

U. C. Board of Regents' Subcommittee on Grounds and Buildings

SUBJECT: U.C. Berkeley Southeast Campus Integrated Projects (SCIP)
Final Environmental Impact Report (FEIR)

Dear Regent Members :

The City of Berkeley respectfully requests that the U.C. Board of Regents postpone certifying the U.C. Berkeley Southeast Campus Integrated Projects FEIR until the Board's meeting in San Francisco in January 2007 at the earliest.

The City and community will not have sufficient time to fully review the two volumes that appear to consist of over one thousand pages (without consecutive pagination), as well as the Fault-Rupture Hazard Investigation report (which appears to hundreds of pages) for the proposed U.C. Berkeley Student Athletic High Performance Center.

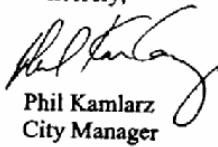
The U.C. Berkeley campus released the document on Tuesday, October 31, just eight working days before the Board's Committee on Grounds and Buildings Subcommittee will act on the matter and recommend certification of the FEIR and the proposed Student Athletic Center project to the full Board of Regents. This truncated period is too short to allow review and comment on the FEIR. Further, the City of Berkeley will not be able to transmit its comments to the Board of Regents and its subcommittee until November 13, at the earliest, leaving little time for the U.C. decision makers to read the City's materials. The FEIR outlines a complex and high-impact set of projects for our small community. It would be appropriate to allow time for the City to review these complicated studies and reports.

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Final Environmental Impact Report (FEIR)
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Again, the City asks that the Board of Regents delay action on the U.C. Berkeley Southeast Campus Integrated Projects (SCIP), Final Environmental Impact Report (FEIR) until its January 2007 meeting in San Francisco.

Sincerely,



Phil Kamlarz
City Manager

cc: Honorable Mayor and Members of the City Council
U. C. Board of Regents' Subcommittee on Grounds and Buildings
Chancellor Robert Birgenaux, U.C. Berkeley
Vice Chancellor Ed Denton, U.C. Berkeley
Assistant Vice Chancellor Emily Marthinsen, U.C. Berkeley
Assistant City Manager Arrietta Chakos
City Attorney Manuela Albuquerque
Planning Director Dan Marks
Assistant City Attorney Zach Cowan



Office of the City Manager

November 9, 2006

Regents of the University of California

SUBJECT: City of Berkeley's Comments on the SCIP FEIR on U.C. Berkeley Projects

Dear UC Board of Regents:

The City of Berkeley strongly urges the Regents to refer this Project back to the Campus and direct that the Campus seriously evaluate alternatives to the proposed location for the Student Athletic High Performance Center (SAHPC), the Stadium (CMS) and parking garage. As you are aware, CMS straddles the Hayward Fault and the earthquake risk at this facility is extremely serious. We believe that the safety of the students and the public that use or visit CMS demands that the Campus seriously explore safer alternatives to the proposed SAHPC and CMS retrofit.

As you are aware, the University is subject to the Alquist-Priolo Earthquake Fault Zoning Act (Pub. Resources Code §§ 2621 *et seq.*) This Act requires, among other things, that new buildings not be located on active faults and that existing structures not be altered or added to if the value of the alteration or addition does not exceed 50 percent of the value of the structure. Here, the Campus has proposed adding to the CMS by building the SAHPC. We strongly believe that this project violates the requirements of Alquist-Priolo because of the proximity of the fault and the fact that the project will exceed 50% of the value of CMS. However, even beyond the requirements of the Act, safeguarding the public interest requires that the University seriously and timely investigate alternatives that do not pose the same degree of earthquake hazard.

Both the University and the City are charged with safeguarding the public. Berkeley campus educates the students that will create the future of California. Yet, the proposed SAHPC project does not account for the public safety as a primary concern. The studies done to date do not account for the risk of collapse nor has the public and the City had an adequate opportunity to review the studies and provide comments to the Regents. As the primary emergency response agency, the City has not been consulted regarding the increased risk created by the proposed project and the increased difficulty in responding should an earthquake event occur when there are large numbers of people at CMS.

The Alquist-Priolo Law was enacted to safeguard the public and to assure that earthquake risks are analyzed and that new projects and additions to existing structures do not perpetuate or exacerbate earthquake dangers. We believe that the University should look at alternatives that provide for a safer location for the SAHPC and place retrofit of CMS as a first priority, or, in the alternative, that the University provide for a new or different stadium location. The SAHPC is a major investment and the Regents should insure that the project will be built in a location and manner to provide the best facility in the safest manner possible. The University has a duty to the public and its students to assure that it makes the best and safest decisions for the future.

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Therefore, the City requests that the Regents (1) require that the University investigate alternatives to the SAHPC and the CMS retrofit that will clearly meet the requirements of Alquist-Priolo and put reduction of student and public risk as the primary goal. (2) decline to certify the EIR at this time, (3) require that the EIR be re-circulated to permit adequate review time and public comment on the new information included in the FEIR; (4) require that the EIR, among other things, re-evaluate the impacts on emergency services and seismic safety, as discussed below.

The City strongly urges the Regents to direct the Berkeley campus to re-evaluate this Project, and reasonable alternatives to this Project, putting the interests of safety for the students and the public first and foremost. We believe that an adequate and open review under CEQA would clearly show that there are better alternatives to the Integrated Projects than the one currently proposed. We believe that there are feasible alternatives that would provide improved programming and facilities for the University's athletic department and students, as well as better safeguard all the citizens of Berkeley and others who use University facilities. We implore the Regents to slow this process down and look very carefully at the documents before you. We believe that any dispassionate review of the work done on this project will show that this project requires more investigation and that, in the end, the Regents and the Campus can develop a better project than the one currently proposed.

As you may be aware, the City received the Final Environmental Impact Report (FEIR) for the Southeast Campus Integrated Projects (SCIP) on Monday afternoon, October 30, 2006. The two volumes are unpaginated about 1000 pages long. The FEIR contains extensive new information and, additions or modifications to the EIR and the Project. It also, for the first time, includes the geotechnical report for the SAHPC. These changes and new information require recirculation of a revised draft EIR so that the public and decision makers have an opportunity to understand those significant new additions and comment upon them.

The following are more specific comments regarding some of our concerns on the FEIR and the Project. We also reincorporate our earlier comments on the DEIR, as we believe that the FEIR does not adequately address our DEIR comments.

Definition of the Project

The inadequacies of this EIR begin with the project description. It should be emphasized that this document is intended to be a project-level EIR. This is different from a "program" EIR such as that conducted for the U.C. Berkeley Long Range Development Plan (LRDP) where the specific elements of the project could not be known in much detail. A project-level EIR is intended to analyze the very specific impacts associated with a project after it has been largely designed and the details are known. According to the Campus Approval Process in the U.C. Berkeley LRDP (3.1.18), the Schematic Design phase (4.1) must be complete before the Regents grant environmental and design approval (phase 4.6). This makes sense because Schematic Design products typically include the information needed to undertake a meaningful evaluation of a project's environmental impacts including a conceptual site plan, preliminary building plans with elevations and sections, perspective sketches, and other deliverables that allow the client to decide whether to approve a project.

¹ American Institute of Architects, *The Architect's Handbook of Professional Practice* (13th Edition), p. 568.

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The UCB Capital Projects Executive Summary Report available on-line at http://cp.berkeley.edu/Prism/Project.nsf/webview_CPEDate?OpenView&Count=1000 indicates that the Schematic Design phase is 50% complete for both the Memorial Stadium Seismic project and the Law & Business Connection Building. The Report also states that Design Development (phase 5.1) is already 20% complete for the Student Athletic High Performance Center. In contrast, the only work reported on the Maxwell Field Parking Structure, is a parking study. If this information is correct, it provides further evidence that using the current document as a project EIR for the Maxwell Field structure would not only violate CEQA but is also premature pursuant to UC's own approval process. The same applies to other elements of the "integrated projects" including the CMS and Connections Building.

The City commented when the Notice of Preparation for the EIR was circulated that the project definition was so vague that reasonable comments on the scope of the EIR were not possible. The City commented when the DEIR was circulated that many elements of this project were still so ill-defined as to make commenting on the projects impossible. Now, with the FEIR, some elements of the project have finally been somewhat better defined, while other elements still remain undefined. This process of revealing new aspects of the project as it proceeds through the CEQA process, and leaving some parts still undefined at the end of the CEQA process, is not only contrary to the University's own policies, but contrary to CEQA.

The problem with the Project description begins with its characterization as an "integrated project." This characterization drives the environmental assessment and, equally importantly, the selection of alternatives to the project (discussed later). While the University characterized this as an integrated project, it has also acknowledged that some elements of the project are much better defined than other elements, and that if the project changes in the future, it will conduct further environmental assessment (page 11.1-4). The FEIR minimizes the inadequacies of the individual project descriptions by calling them "design details." As we describe in more detail below, the inadequacies of the project description are much more than "design details." Significant elements of this project that are needed by the public and decision makers to adequately comment on the impacts of the project, and for the Regents to decide whether to go forward with the project, were simply not included in the DEIR, or have only been added in the FEIR.

Even if including substantial new information in the FEIR were permissible under CEQA (which it is not), the information in the FEIR is still inadequate for a project-level assessment. The University clearly wants it both ways: to have projects designed in a highly conceptual and inadequate manner, and yet certify an EIR at the project level so that future environmental assessment is either unnecessary or minimal.

Another example of how definition of the overall project as necessarily "integrated" becomes confused is in the FEIR in "thematic" response 11.1-2. On the one hand, the FEIR states that "construction on all component projects must be coordinated and would likely occur in a "timeframe with some overlap". It notes that the "integrated" projects will "create new links" and that "infrastructure planning including parking circulation and drainage must be coordinated in the interests of all the projects." However, in its response to comments on alternatives regarding the grouping of the "integrated projects," the response from the University is as follows (page 11.1-16):

... the groupings of alternatives in the Draft EIR do not limit the ability of the UC Regents to select individual alternative projects from among them. Rather than an "all or nothing" situation, the consideration of alternatives allows for a "mix and match" approach, in which components from different alternatives may be substituted for one another. For example, it may be that certain components of the Integrated Projects will not take place, while others will move forward.

How is one to respond to a document that claims, on the one hand, that projects are necessarily integrated and linked, and then states a few pages later that they are not: that the Regents can mix and match with off-site options, on-site options and no or deleted component options.

The inadequacy of the project description continues in regard to the stadium, where in response to another comment, the EIR authors state:

Ultimately, the cost of the seismic retrofit and program improvements to CMS will be dependent on (1) the fundraising efforts of the University, and (2) the scope of the seismic retrofits and program improvements that can be developed without exceeding 50% of the value of the CMS.

The University does not indicate how it intends to apply the Alquist-Priolo Act limitation on the value of improvements that can be approved within the confines of State law. Once the value of the stadium has been discounted in relation to its clearly obsolete condition and its location over an earthquake fault, it may have little or no residual value, in which case no improvements may be possible under the law. Under these highly uncertain conditions, what exactly is the project? Because one of the major objectives of the "integrated" project is to make the stadium earthquake safe, the statement above seems to indicate that its main objective may not be feasible, leaving all the other elements in limbo, including an SAHPC designed as part of the stadium complex, and a parking structure located and designed to serve the stadium. Or, perhaps proceeding without necessary information regarding the overall project is the point: once the SAHPC is built, even if there is further CEQA analysis or other analysis showing that retrofitting the CMS would normally be infeasible or illegal (under the Alquist-Priolo Act or CEQA), the University will then argue that not going ahead with CMS would waste the investment in the SAHPC. This is improper piecemealing of the project, and also forecloses future options.

This inadequate project description continues with the addition of significant but inadequate information regarding:

- Use of the stadium. Significant new information regarding the use of the stadium is included in the FEIR, including the size and frequency of events, when the stadium would be lit for night-time activities (see pages 11.1-10 and 11) and other details that affect impacts.
- Bleachers to the east of Maxwell Field. There is virtually no description of this structure and potential impacts on the historically important oak grove to the east of

the parking structure. The existing description is completely inadequate, and fails to assess impacts and propose mitigations.

- **Parking structure.** Significant new information is provided in the FEIR regarding the construction of the parking structure; that information describes how the approach to construction will reduce impacts on water quality without actually identifying the impacts or identifying the approach as mitigation to impacts (page 11.2-115). Also missing from the DEIR project description is the fact that construction of the parking structure also requires about 120,000 cubic yards of excavation, which would generate approximately 113 vehicle trips per day probably along Gayley Road. Absent a clear description, followed by analysis of impacts, it is impossible for the decision maker or the public to make an informed judgment as to the adequacy of the mitigation measures.

We do not believe this list of inadequacies of the project description is comprehensive, but begins to demonstrate that this document does not meet the minimum standards of a project-level project description required for CEQA.

Inadequate Response to Comments

We are unable to comprehensively review the adequacy of the responses to our comments, but have tried to focus below on a few as a demonstration of the inadequacies of this FEIR.

Emergency Response

This is by far the most serious concern of the City. The City Fire and Police Departments are responsible for emergency response in this area, as acknowledged in the FEIR (page 11.2-121). Yet the University never asked for an assessment by these agencies of the impact on emergency response of a near doubling of the number of major activities at CMS, and some unknown number of activities involving 10,000 people or less. Our conclusion, as documented in our comments on the DEIR, is that it would be a significant impact on our emergency response capacity. It would be hard to find a more challenging site for a major sports facility in the Bay Area with a major known earthquake fault through the middle of it; in a wild land fire hazard area; extremely poor road access; and, adjacent to a large residential community with only one point of access which is largely closed off during major events at the CMS.

The FEIR's response to our expert determination that the project constitutes a significant impact on the City's emergency response capability is to dismiss it. To the City's concern that there is no evacuation plan for the area that could address a major earthquake or fire, the University points to its plans for evacuation of the CMS (see 11.2-119, 120, and 121). This is irrelevant. Evacuation of the building and evacuation of the area are two very different things and the City comment was clearly related to evacuation of the area. The FEIR tries, as did the DEIR, to minimize impacts by stating that "the relatively few days and fewer hours of use (4-6 hours per event) involving CMS use, whether 7 to 8 or even 15 are small compared to the 365 days in a year." As we noted in our comments on the DEIR, this is simply not an assessment of impacts. By any measure, the proposed project will more than double the number of times that an existing terrible situation will be made significantly worse. As we

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noted in regard to the DEIR, the FEIR's logic is the same logic that would find that there is virtually no potential of a major earthquake happening during a Bay Area World Series.

We are flabbergasted by the University's efforts to blame the City for its lack of effort to assess the impacts on emergency response. The FEIR states that "Staff representing the City of Berkeley closely managed and indeed restricted most contact between the design teams, campus representatives on the project teams, and City offices in the period before the Draft EIR was published." City staff did indeed request that all contacts regarding this project be processed through one office in order to ensure the City coordinated its responses and was aware of the information flowing between the two agencies on such a controversial project. It is for that reason that we know that the University and its consultants never asked the City to respond to this simple question: would doubling the number of events at the CMS have a significant impact on emergency response? All of the dissimulation on this issue included in the FEIR fails to address this fundamental question. And it cannot, of course, because City staff was never asked. We do not understand how a document purporting to analyze an impact on emergency response can do so without talking to the agency responsible for emergency response. To our knowledge, the proposal to almost double the use of the stadium for different kinds of activities was not disclosed to us prior to the release of the DEIR. Contrary to the requirements of CEQA for a stable project description, the FEIR continues to redefine the use of the Stadium. It is very difficult to respond to information we did not and, in many respects, still do not have. It is still not possible to know from the FEIR how many activities are planned for 10,000 people or less at CMS.

While the City does not believe the impacts of the increased use of the stadium on emergency response can be adequately mitigated, the City's public safety staff did recommend a mitigation to partially address the impacts on public safety. The University rejected that mitigation (page 11.2-120) because it was "unnecessarily detailed . . . and not required to mitigate a significant impact." There is no independent assessment of the impact on emergency services in the FEIR and the EIR writers have yet to contact either the City Police or Fire Departments on this issue. It is therefore difficult to understand the basis for the FEIR's conclusion that there is no significant impact and no need for mitigation. The further comment in the FEIR may explain the University's approach to the City's concerns. One part of the reason for dismissing the City's mitigation is that that it "mitigates a project the writer presumably does not understand since (according to the letter) it has not been coordinated sufficiently with the City." This gratuitous comment simply reinforces the concern the City has with the approach to this EIR. Unfortunately, the City knows all too well the problems of dealing with Memorial Stadium as the City has been doing so for 80 years. The City's recommended mitigation was the product of a great deal of consideration by the City to arrive at some possible mitigation for the impacts on the City's public safety and emergency response capacity. That the University rejects it out of hand with no analysis or assessment of feasibility is another example of its inadequate response to the City's comments.

The FEIR summarily dismisses the City's comments regarding the SCIP projects' unmitigated significant impact on the safety of those who live in residential neighborhoods near the Stadium with the statement that such risks exist regardless of activities at the CMS. (Response to Comment 5A-25) The Cities of Oakland and Berkeley are well aware of the existing access problems. The City of Berkeley's comments concern the fact that the SCIP projects and, in particular, the increased use of CMS will increase the number of days a year when traffic generated by UC will interfere with the

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City's ability to provide emergency services to Panoramic Hill residents. In other words, the project will make existing conditions worse than they are now. This is a significant impact. We recognize and appreciate that UC maintains fire roads that serve the University's needs for fire protection as well as providing emergency response access routes to the upper portion of Panoramic Hill. However, that does not mitigate the significant impacts of the proposed project. As stated in our comments on the DEIR, increased use of the Stadium would not only have a significant impact on the City's ability to provide public and emergency services to Panoramic Hill but, because of the increased risk of fire, is also a significant potential impact on the historic resources that lead to designation as a National Register District. The FEIR dismisses this comment as well but again offers to dedicate land to widen Canyon Road at the foot of the Hill, which does not mitigate the impacts of the project.

Geo-Technic Impacts

The University continues to dismiss or minimize the very serious issues related to placing new structures within 50 feet of a major earthquake fault and well within the Alquist-Priolo Act assessment zone. First, we note that some of the fault studies that should have been done for the DEIR were belatedly included in the FEIR. This gives the public no opportunity to comment on those studies and decision makers no opportunity to hear the benefits of independent assessments of the adequacy of that work. Similar analysis has yet to be conducted for the parking structure.

Both the University of California and the U.C. Berkeley campus have placed a high value on seismic safety. Such an initiative has been a priority, especially since the 1989 Loma Prieta and 1994 Northridge earthquakes. The City reiterates its concern that the CMS be the first retrofit undertaking in this group of proposed projects, as it poses the most serious risk to the community, students, faculty, staff and visitors in the event of a major regional earthquake and/or urban/wildland fire. Further, it is essential that the campus also do temporary shoring up of the CMS seismically fragile west wall to reduce risk in the short term. In any circumstance, short of a stadium upgrade, this portion of the structure poses a serious public risk. As far back as 1990, UC officials committed that the CMS would be retrofitted within a few years. It is now 2006 and the campus has not definitively defined any retrofit action for the structure.

In regard to the City's concern with the stability of the west wall, and the potential of portions of that structure to fall onto the newly constructed concourse and SAHPC, the University states that the new SAHPC will provide "a strengthened foundation at the base of the existing west wall of the Stadium" but that the footing needed to strengthen the west wall will not be completed until Phase II, which is neither funded nor scheduled, and may never be done. The FEIR goes on to note that the west plaza structure can sustain the impact from potential falling debris, but does not provide analysis as to any collapse hazard. The City notes that a November 30, 1990 report of the Seismic Safety Commission² states the following (page 12):

Structural engineers have described this structure [Memorial Stadium] built during the 1920s astride the Hayward fault, which generated a major earthquake in 1836 and has been identified as a likely candidate to do so again in the near future, as a

² Report of the Seismic Safety Commission to Governor George Deukmejian in response to Executive Order D-86-90, Report SSC 90-06

potential collapse hazard. The western portion of the stadium is supported by a nonductile reinforced concrete structure designed only to resist wind forces. Portions of the concrete structure have been subjected to "fault creep" since 1924; the continuing creep has offset and deformed portions of the structure as much as 4 to 5 inches, inducing visible bending and cracking in the concrete columns as well as residual stresses in the concrete structure. Knowledgeable experts believe these residual stresses have further reduced the ability of the structure to resist dead, live, and seismic loads.

We fail to find any assessment in the FEIR of an analysis of the potential collapse hazard impacts that are clearly much greater than "falling debris." Given that there is no funding for the Stadium retrofit and that it may, indeed, prove infeasible to retrofit, it seems essential that there be some analysis of the west wall collapse hazard in relation to the SAHPC that will be built at the base of the west wall but, according to the campus – in its efforts to avoid compliance with the Alquist-Priolo Act - will do little or nothing to support it.

We recognize that the Campus' position is that the Integrated Projects are specifically intended to address the seismic safety of the Stadium. If, indeed, retrofitting the Stadium were the priority project, then we might agree. However, as we have noted throughout this report, retrofitting the stadium is not the priority. Building a \$120 million athletic center is the priority and the stadium retrofit may never occur. We also have heard from the Campus that building the SAHPC is necessary to decant existing uses into the SAHPC as a surge space so that retrofitting can proceed and those currently using the stadium will be safer. We fully agree with this strategy, but do not agree that a SAHPC must be built in the location being proposed.

Even if there is only "falling debris," the FEIR fails to describe the impacts on what the University has indicated will be a heavily used, plaza-amenity to be used every day (page 11.1-25), and especially on game days. Falling debris could also potentially prevent emergency access along the SAHPC, which is a key design component of the facility. Again, inadequate assessments and conclusory statements in an FEIR are too little and too late in the process.

Inadequate Public Facilities

The University identifies a significant, unmitigated impact on the City's sewage transport system, and then once again blames the City for its inadequate assessment. The FEIR restates what the DEIR stated: namely, that the City's existing transport system in the vicinity of the CMS cannot accommodate the increased sewage flows resulting from the project. Inexplicably, the FEIR continues to not identify this as a significant impact of the project. Rather than identifying this as an impact and recommending mitigations as required by CEQA, the FEIR lists various possible approaches to this issue and indicates that it will do some analysis later to see whether there are other alternatives. This is impermissible under CEQA. It must both identify the impact and mitigations for that impact. If there is insufficient information available at this time, then it must still identify the impact and provide a specific set of strategies to subsequently mitigate it – not in description but in impact and mitigation language. This once again points out the inadequate project description that does not contain the information needed to make informed judgments regarding impacts and mitigations.

Hydrologic Analysis

In this area too, the FEIR provides substantial new hydrologic analysis that should have been in the DEIR in order to support the conclusory statements in the DEIR. The analytical basis for conclusions needs to be in the DEIR so that the public can comment on the adequacy of that analysis. The analysis in the DEIR was, in fact, misleading when it stated (page 4.4-21):

The proposed green roof and the terraced garden on the Law and Business Connection building would function similarly to swales that reduce and control surface runoff. Therefore, the Integrated Projects, as a whole, would result in a decrease in impervious surface coverage and an increase in pervious surfaces.

It is difficult to read the above statement and come to any other conclusion than that the rooftop space was considered in the DEIR as addressing the need to reduce runoff. Yet the FEIR states that

For this analysis, no attempt was made to account for the runoff reduction resulting from the inclusion of the LBC roof garden or any of the planned planters on the SAHPC terrace building, as these features are either still under consideration (and therefore may not be included in the project) or are not specifically defined such that an effective analysis could be made.

Once again the lack of an adequate project description and clear analysis makes reasonable comments on the project almost impossible.

The FEIR acknowledges that the newly identified impacts of the project on hydrology "if unaddressed by 2020 LRDP best practices . . . would be a significant hydrologic impact, as the additional impervious area could induce erosion or flooding in downstream reaches" (page 11.2-111). When a response to comments identifies a potentially significant new impact, the FEIR must be re-circulated for comment to allow others an opportunity to assess the adequacy of the analysis and mitigation. However, the FEIR claims that the project is essentially self-mitigating because it will have to follow the generic "best practices" in the LRDP. Not only, as demonstrated in these comments, can the City not rely on the University following its generic "best practices," but a potentially new significant impact cannot be revealed in an FEIR without re-circulating the document for comments. A generic "best practice" is not the same as the very specific requirement that the impacts of a project be clearly assessed and mitigated. The range of options for addressing this impact identified in the FEIR does not substitute for the actual adoption of specific, enforceable mitigations.

Even if the belated new analysis were acceptable, the FEIR states that it is entirely possible that not all of the integrated projects will be built, or they may not be built in the proposed location (see "mix and match" alternative previously discussed). Therefore, the hydrologic analysis provided in the FEIR cannot be relied on because its conclusions are based on build-out of the proposed integrated projects. Any given phase of the project could lead to significant impacts. Because there is no phase-by-phase assessment, and because later phases may never occur, the impacts would remain unmitigated. This is another problem with the University's approach to these allegedly "integrated projects."

Historic/Aesthetic Impacts

The FEIR states that "although the design solution for the CMS does not conform to the design guidelines, it represents a solution of extraordinary quality meriting departure from the guidelines." City staff sits on the Design Review Committee (DRC) and it may have found, as stated in the DEIR, that the SAHPC was a design of extraordinary quality. However, City staff participating on that DRC does not recall any finding made by the DRC that this should over-ride the Guidelines. City staff does not recall that the DRC was ever explicitly requested to make such a finding, and staff does not recall seeing any guideline by guideline review of the project at the DRC so that a fair comparison and determination could be made. Even if the DRC made such a determination regarding the SAHPC, as noted in the DEIR, the DRC did not make that determination for all of the other elements of the project which also violate the guidelines. Those elements include the press box and club seats extending over the western rim, the eastern club seats extending above the eastern rim, the parking structure which encroaches into the required setback, and the bleachers in the oak woods east of the parking structure. Whatever findings were formally made by the DRC must be substantiated and appropriate references and documents included in the public record for this project.

As noted in the FEIR (page 11.2-98-99), the University is not subject to the requirements of State law that apply to cities regarding conformance of projects with a General Plan. However, the LRDP is similar to a General Plan and according to the FEIR, "UC Regental policy requires all projects to be generally in accordance with the applicable LRDP". So long as the University's policy is that projects be in accordance with the LRDP, we believe that the University must follow this policy and that consistency with the LRDP is, therefore, required.

The FEIR acknowledges that "conflict with any applicable land use plan is a criterion of significance under CEQA" (page 11.2-99). In other words, lack of conformance with applicable policies should be considered a significant impact under CEQA. The FEIR claims that the DEIR "analyzes the consistency of the proposed projects with the 2020 LRDP in the Land Use section." As noted in the City's comments on the DEIR, the proposed project fails to conform in many, many respects with applicable design guidelines that are considered a "Best Practice" and mitigation for aesthetic and historic impacts in the LRDP. In response to the City's comments that the proposed parking structures does not conform with the one clear guideline for this area in the LRDP, the FEIR provides a long explanation as to the infeasibility of modifying the garage (page 11.2-99-100). All of the reasoning behind why the garage cannot conform with the adopted guideline is perhaps a basis for over-riding consideration, but it is not an excuse for not identifying the lack of conformance with the adopted plan and the significant impact that results.

According to the FEIR, following the "Best Practices of the LRDP" will mitigate potentially significant impacts on aesthetics, and many other impacts. Clearly, violating its own best practices in regard to the first projects it proposes after the LRDP should be considered a significant impact under CEQA. Nowhere does the FEIR acknowledge the impact and, as will be discussed in more detail in regard to alternatives, nor does it effectively document the infeasibility of alternatives that would avoid those impacts.

Inadequate Alternatives Analysis

It may be in regard to the FEIR's response to our comments on Alternatives that it demonstrates how poorly this "integrated project" is conceived and the paucity of the alternatives. The response to the City's detailed comments on the lack of reasonable alternatives and the very poor analysis of alternatives is, fundamentally, that

... these options result in new or different impacts and feasibility concerns and are less able to meet objectives of the proposed projects.

The City believes that it has demonstrated in some detail why this is not the case. For example, the long explanation as to why leasing the McAfee Coliseum for 8 games a year was not considered an alternative goes some way to explain the inadequacy of the alternatives analysis. The FEIR states (page 11.1-23)

Considerations such as cost, proximity to campus, reliability of access, and scheduling combine to make this alternative infeasible.

However, the FEIR then makes clear that no actual analysis of availability or cost were conducted. No explanation is provided in the FEIR as to why a stadium with thousands of parking places and direct access to BART is somehow a less feasible location for football games than a stadium that has almost no parking or direct access to BART. This is especially troubling since we are unable to locate information in the FEIR as to who attends Cal games. The City suspects that the vast majority of people attending Cal games are not necessarily from Berkeley or Cal students. The FEIR does acknowledge that the vast majority of people attending games arrive by car and transit. The McAfee Coliseum is certainly more accessible by car and by transit. As noted in the FEIR, "collegiate athletics elsewhere may thrive in event space distant from campus . . ." The issue is not whether the CMS is beloved or whether the tradition of on-campus football is a good and special tradition. **The issue is whether it is wise to invest hundreds of millions of dollars on a stadium that unfortunately straddles an active earthquake fault; is in a wild-land fire hazard area; has extremely poor access; and, where accommodating the proposed program will lead to significant environmental impacts.** Lost in this discussion is that it may not be feasible to make many necessary improvements to the CMS and remain in conformance with State law (Alquist-Priolo Act). CEQA demands that there be adequate analysis of alternatives, especially when the project involves significant impacts.

Some of the FEIR's other responses to the City's comments defy credulity. The biased and inadequate assessment of the impacts of alternatives identified in our comments on the DEIR continues in the FEIR. For example, in response to our comment that the assessment of a site adjacent to Edwards Stadium did not account for an existing building, the FEIR concludes, without any analysis, that because the SAHPC is a larger building, it would have greater impacts than the existing building (page 11.2-131). The FEIR fails to note that the proposed SAHPC is almost entirely underground to avoid impacts on the Stadium structure. While we do not advocate that a building be built underground near Edwards Stadium, we fail to understand why the University would necessarily conclude that a similar building to the proposed SAHPC built on a different site would have greater visual impacts.

City of Berkeley's Comments on SCIP
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November 9, 2006

Continuing in this vein, the City commented that the DEIR's analysis of alternatives was biased because it examined only above ground parking structure alternatives that would have significantly greater visual impacts than the underground project proposed. The FEIR's response is that "[a]n underground parking structure is typically constructed as part of an above ground development" and that such alternative would reduce its feasibility. How would a stand-alone underground project off-site be less feasible than a stand-alone underground project in the Alquist-Priolo Act zone? This response simply defies logic. While the proposed parking structure is expected to provide some support for the CMS, it seems quite obvious that the same support and services can be provided in a much less expensive way than in an underground parking structure.

The biased nature of the EIR alternatives assessment continues in its response to the City's comment that smaller options for the Law and Business Connection building would reduce or eliminate its impacts on the National Register-eligible Cheney Houses. The response is that "page 5-8 of the Draft EIR does find that a size reduction would nonetheless require the removal of cultural resources on the site, and would represent an insubstantial improvement over the proposed project." Turning to the DEIR, on page 5-8, we note that it says is the following:

The Law and Business Connection would result in the removal of some or all of the resources on that site. While the footprint of the smaller SAHPC could be reduced, much of the historically-significant landscape and hardscape west of the CMS would still be adversely affected.

In fact, the above statement is, at best, ambiguous about the impacts of a smaller footprint on the Cheney Houses because it does not refer to them. It says "some or all of the resources" and then in the next sentence speaks only to landscape and hardscape. Since neither the DEIR nor FEIR provide information regarding a footprint for a smaller building, it is impossible to know what the impacts are. Preservation of even one National Register building would clearly not be "insubstantial" in regard to preservation of important historic resources. Inadequate definition and biased assessment of alternatives does not promote appropriate decision-making and is contrary to the requirements of CEQA.

We could continue at length regarding the lack of sufficient assessment of alternatives, and the biased character of the assessments that were done, but we have already done so in our comments on the Draft EIR. The FEIR is not only inadequate in responding to those comments, but continues in the same biased and inadequate vein. That analysis of alternatives is clearly not consistent with the minimum requirements of the law.

Alquist/Priolo Act Conformance

As the FEIR acknowledges, the University must comply with the Alquist-Priolo Act, which prohibits investment greater than 50% of the value of a structure over an earthquake fault. The FEIR acknowledges and shows the Hayward fault running directly under CMS – not just one active fault trace, but two. The City believes that another exploratory trench should have been included in the fault-rupture hazard investigation directly east from the proposed site of the SAHPC. Though such an effort would have been difficult with the location of the CMS west wall right at that point, we believe

City of Berkeley's Comments on SCIP
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such a trench was called given the complex geological environs. Further, the site of the proposed SAHPC structure is located as close as 40 feet from recognized secondary active faults, contrary to the standard 50 foot separation distance. The FEIR essentially argues that conformance with the Alquist-Priolo Act is not an environmental impact issue. The FEIR claims that it has disclosed the location of the fault and that there are engineering solutions to mitigate the impact of seismic hazards. The FEIR essentially finds that environmental impacts can be mitigated, and that since the University is subject to the law, it will also have to make a determination **at a later date** as to how it will conform with the Alquist-Priolo Act.

We will not comment at this time as to the feasibility of designing a building that can withstand the forces involved in an earthquake on a major fault or the wisdom of proceeding down this road. Suffice it to say that engineers invariably learn something new after each major earthquake about the reaction of built structures to earthquakes, and then are forced to go about redesigning and retrofitting – or abandoning - structures that they had previously thought could withstand those forces.

The City of Berkeley requested that the U.S. Geological Survey (USGS) and the California Geological Survey (CGS) review the U.C. Berkeley trenching activities as part of its fault-rupture hazard investigation. Representatives from both agencies did examine the trenches as they were open during the hazard investigation. The City has asked the agencies to provide technical assistance so that the local government officials could best understand the findings of the investigation and to provide objective, third-party review of the report. Both offices provided letters (attached) to the City stating that a technical review of the material could not be done with so little time between release of the FEIR and the hazard investigation and the Board of Regents' meeting where the projects would be certified (8 days). The City asks that the Board of Regents delay action until this crucial third party review can be accomplished.

We will comment on the application of the Alquist-Priolo Act to this "integrated project" and the remarkably shortsighted approach adopted by the campus in regard to the statute. How much investment has been and will be made in planning and designing improvements for the CMS that may never be built because those improvements cannot be implemented in conformance with the law? As will be discussed in more detail below, **the City believes the SAHPC is an integral part of the CMS and therefore subject to the retrofit investment limits of the Alquist-Priolo Act.** However, even if we agree for sake of argument that it is not subject to those investment limits, why would the University spend upwards of \$120 million on a very expensive underground structure (including the very high cost of ensuring that fire trucks can traverse over that structure) and include other very expensive design features to create a concourse for a building that it may not be able to retrofit and will therefore have to abandon? To say the least, this is putting the cart before the horse. Even assuming the SAHPC will be built with donated money, the Regents have a fiduciary responsibility to those who have donated this money to ensure their money is spent wisely.

The City believes the SAHPC is clearly a part of the CMS project and therefore is subject to the retrofit investment limits in the Alquist-Priolo Act. That the SAHPC is an integral part of the CMS is made clear throughout both the DEIR and the FEIR. For example, the project description in the DEIR identifies provision of the student athletic training facility as a goal of the California Memorial Stadium project (see DEIR, page 3-3). It states that providing adequate game-day even facilities

(concessions and other game-day facilities) is a necessary improvement to the Stadium. Many of those facilities are to be located on the new plaza on the roof of the SAHPC. According to the FEIR, "the construction of the Phase I project, the SAHPC building adjacent to the CMS, has the benefit of providing a strengthened foundation at the base of the existing west wall of the stadium." (page 11.2-129). The FEIR notes the importance of the adjacency of the facility to the Stadium (page 11.2-102) to support and serve the needs of the Stadium. The engineering of the SAHPC required that the plaza-roof be able to accommodate the weight of fire trucks in order to provide adequate emergency access to the Stadium. If the fiction stands that this building which is physically connected to, supporting and functionally part of the stadium is somehow not subject to the retrofit investment limits of the Alquist-Priolo Act, it would undermine the intent and purpose of the Act with a public institution leading the way.

In regard to CEQA, we believe that an assessment of the conformance of a project with State law -- especially one with land use limitations designed to protect the public health and safety - must be assessed in an EIR, similar to conformance with any other ordinance or law related to land use or the environment. The FEIR fails to make any determination regarding conformance of the project with State law, indicating that the University can do so later and that the University will comply. The FEIR does not even bother to assess the conformance of the proposed project with a clearly invalid "replacement" value standard. According to newspaper reports, the new Stanford Stadium was recently completed for \$200 million. It is likely that the remainder of the improvements proposed in Phases II and III for the CMS (not counting the SAHPC) will far exceed \$100 million, if that is indeed a valid comparison. We are forced to bring this type of information forward because the FEIR fails to do even the minimum assessment of the conformance of the project with State law. Either the University has a proposed project and can assess the conformance of that project with State law; or it can propose, as mitigation, a different project that would conform with State law. We do not believe it can decline to make any determination and be in conformance with CEQA.

New Information

If a FEIR includes significant new information, it must be re-circulated for comment pursuant to Guidelines Sec. 15088.5 (a). In regard to the assessment of earthquake faults, impacts on hydrology, impacts of lighting, excavation and soil disposal requirements of the parking structure -- all of which were assessed only in the FEIR, the DEIR was fatally flawed and conclusory. It is only now that the public has an opportunity to meaningfully comment on the background information that supported the conclusions in the DEIR. This is all new information that requires re-circulation of the EIR.

In conclusion, the City again implores the Regents to reject this inadequate Environmental Impact Report and not only send it back to the campus for significant revision and recirculation, but that it demand that the campus undertake basic due diligence in regard to these projects. The campus must answer fundamental questions about these projects:

- Can they be built in conformance with State law?
- Can they be built in conformance with the Long Range Development Plan and the policies and guidelines adopted to guide development on campus?

City of Berkeley's Comments on SCIP
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November 9, 2006

- Are there alternatives to the proposed projects that would be less costly and have less significant environmental impacts than the proposed projects.

We are confident that if these basic questions are asked and answered, that the campus would return with a very different set of options for consideration by the Regents, options that are safer for the students and the rest of the community, have significantly less impact on the environment and are considerably less costly.

Sincerely,


Phil Kamlarz
City Manager

Attachments:

1. Letter from the U.S. Geological Survey to the City of Berkeley, dated November 9, 2006, about the review of the U.C. Berkeley Hazard Investigation
2. Letter from the California Geological Survey to the City of Berkeley, dated November 9, 2006, on "Review of Alquist-Priolo findings/U.C. Berkeley Campus"

cc: Honorable Mayor and Members of the City Council
U. C. Board of Regents' Subcommittee on Grounds and Buildings
Chancellor Robert Birgeneau, U.C. Berkeley
Vice Chancellor Ed Denton, U.C. Berkeley
Assistant Vice Chancellor Emily Marthinsen, U.C. Berkeley
UC Counsel Kelly Drumm
Assistant City Manager Arrietta Chakos
City Attorney Manuela Albuquerque
Planning Director Dan Marks
Assistant City Attorney Zach Cowan

**DEPARTMENT OF CONSERVATION****CALIFORNIA GEOLOGICAL SURVEY**

801 K STREET • MS 12-30 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 445-1825 • FAX 916 / 445-5718 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

November 9, 2006

Ms. Arrietta Chakos
Assistant Manager, City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Re: Review of Alquist-Priolo findings / U. C. Berkeley Campus

Dear Ms. Chakos:

In your letter of November 6, 2006 you requested that the California Geological Survey (CGS) assist the City of Berkeley in its understanding of the technical aspects of the fault-rupture hazard investigation completed by Geomatrix Consultants, Inc. for the proposed Student Athlete High Performance Center adjacent to the U. C. Berkeley Memorial Stadium. We have not yet received a copy of that report, but are aware of an electronic version on the university's website.

CGS will be reviewing the report at its earliest opportunity. However, there is not sufficient time to adequately review the report within the very short time frame requested in your letter. We will be conferring with the U. S. Geological Survey on the review of the Geomatrix report and will provide you with a letter summarizing our conclusions.

Please feel free to contact William Bryant (916) 323-9672 or Charles Real, (916) 323-8550, for information regarding our progress on this review.

Sincerely,

William A. Bryant
Sr. Geologist

cc: Charles Real, CGS Supervising Engineering Geologist
John G. Parrish, State Geologist

*The Department of Conservation's mission is to protect Californians and their environment by:
Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas
drilling; Conserving California's farmland; and Saving energy and resources through recycling.*



United States Department of the Interior

U. S. GEOLOGICAL SURVEY
345 Middlefield Road, MS 977
Menlo Park, CA 94025
brocher@usgs.gov
650-329-4737 (voice) 650-329-5163 (fax)

November 9, 2006

Ms. Arrietta Chakos
Assistant Manager, City of Berkeley
MLK, Jr. Civic Center Building
2180 Milvia Street, 5th Floor
City of Berkeley, California 94704

Dear Ms. Chakos:

We have received your email dated November 6, 2006 requesting a third-party technical review by the U.S. Geological Survey (USGS) of the University of California Berkeley Final EIR, and specifically of the Geomatrix Consultants, Inc., fault-rupture hazard investigation for the U. C. Berkeley campus' proposed new Student Athletic High Performance Center.

The USGS will provide our professional assessment of the Geomatrix investigation. Unfortunately, we are not able to perform this review by next Tuesday as you request. The USGS' ability to professionally evaluate the Geomatrix investigation will, in part, depend on the adequacy of the underlying project information provided by the U.C. Berkeley.

At this time I can not state definitively when our review will be concluded. We will need to confer with our colleagues at the California Geological Survey. I would think the earliest time our review could be completed would be the end of November.

Sincerely yours,

(Signed copy to be provided
under separate cover)

Tom Brocher

Coordinator
Northern California Earthquake Hazard Investigations

Cc: David Schwartz
Rufus Catchings, Team Chief Scientist

SACRAMENTO OFFICE
STATE CAPITOL, ROOM 205
SACRAMENTO, CA 95814
TEL (916) 445-6577
FAX (916) 327-1997

DISTRICT OFFICE
1515 CLAY STREET, SUITE 2202
OAKLAND, CA 94612
TEL (510) 296-1333
FAX (510) 286-3685

California State Senate

COMMITTEES:
RULES
CHAIRMAN

SENATOR DON PERATA
PRESIDENT PRO TEMPORE



November 10, 2006

Gerald L. Parsky, Chairman
University of California Board of Regents
Aurora Capital Partners
10877 Wilshire Boulevard, Suite 2100
Los Angeles, CA 90024

Dear Chairman Parsky:

I am writing to respectfully request that you postpone action on the final environmental impact report for the U.C. Berkeley Southeast Campus Integrated Projects (SCIP).


I know the health and safety of students, faculty and residents of Berkeley and the East Bay is the highest priority for the Regents and the University of California. The final environmental document for the SCIP included substantial new information about recent new geologic studies and about the character and extent of the project, which raise legitimate public safety questions. This extensive document was released less than two weeks ago and additional time is needed to review the public safety issues underlying the projects in this report.

I am not casting judgment on whether there are merits or omissions in this project. However, given the high probability for future seismic events in the Bay Area and the potential hazard these projects pose, the prudent course is to allow sufficient time for all parties to review and understand the contents of the environmental impact report.

Therefore, I urge you to seriously consider postponing action on the SCIP environmental report until January in order to allow the City of Berkeley and others to review and understand the contents of this important document.

Thank you for your time and attention to this request.

Sincerely,


DON PERATA
Senate President pro Tempore

DP:enjt

PRINTED ON RECYCLED PAPER



Loni Hancock

ASSEMBLYWOMAN, FOURTEENTH DISTRICT

November 13, 2006

Gerald L. Parsky, Chairman
University of California Board of Regents
Aurora Capital Partners
10877 Wilshire Boulevard, Suite 2100
Los Angeles, CA 90024

Dear Chairman Parsky:

I am writing to urge you to postpone until the January meeting the adoption of the final environmental impact report for the U.C. Berkeley Southeast Campus Integrated Projects (SCIP).

The final environmental document for the SCIP was released less than two weeks ago and additional time is needed to review the public safety issues underlying the projects in this report. This extensive document included substantial new information about recent new geologic studies and about the character and extent of the project, which raise legitimate public safety questions.

Memorial Stadium is at serious risk for collapse in the event of an earthquake. Given the high probability of an earthquake in this region, retrofitting and renovating the stadium should be the top priority. However, it appears that instead of retrofitting the stadium to meet minimum life/safety standards, the proposal before the Regents is to approve a large office complex and gym to be built underground next to the stadium.

The City of Berkeley and the University are working together very well on many issues. To foster this cooperation and to place the health and safety of the students, faculty and residents as the top priority, I urge you to postpone action on the SCIP environmental report until January. This will allow sufficient time for all parties to review and understand the contents of the environmental impact report.

Thank you for your time and attention to this request.

Sincerely,

Loni Hancock
Assemblywoman, 14th AD

*TO: Ann Shum
Please answer &
reply*

COMMITTEES:

NATURAL RESOURCES, CHAIR
BUDGET,
HEALTH & HUMAN SERVICES
EDUCATION
HOUSING & COMMUNITY DEVELOPMENT

DEAR CHANCELLOR BIRGENEAU, PRESIDENT DYNES & UC REGENTS:

I SUPPORT THE PRESERVATION OF THE OAK WOODLAND LOCATED WEST OF CALIFORNIA MEMORIAL STADIUM IN BERKELEY. I OPPOSE THE CURRENT PLANS OF UC BERKELEY TO CUT DOWN THESE TREES AND DESTROY THIS WOODLAND HABITAT. THIS URBAN FOREST CONTAINS IRREPLACEABLE CENTURIES-OLD COAST LIVE OAK TREES WHICH MUST BE PROTECTED.

OTHER CHOICES EXIST THAT WOULD NOT REQUIRE THE NEEDLESS DESTRUCTION OF THIS MATURE WOODLAND. I URGE YOU TO PURSUE OPTIONS TO SAVE THIS PRECIOUS PLACE AND THE TREES THAT LIVE THERE. PLEASE KEEP ME INFORMED OF THE PLANS FOR THIS AREA.

SINCERELY,

Julia Sensenig
3790 N. 26th St
Berkeley, CA 94704

TO:

CHANCELLOR ROBERT BIRGENEAU
UC PRESIDENT DYNES
UC REGENTS

200 CALIFORNIA HALL
#1500
BERKELEY, CA

94720-1500

Please!
I Urge!

DEAR CHANCELLOR BIRGENEAU, PRESIDENT DYNES & UC REGENTS:

I SUPPORT THE PRESERVATION OF THE OAK WOODLAND LOCATED WEST OF CALIFORNIA MEMORIAL STADIUM IN BERKELEY. I OPPOSE THE CURRENT PLANS OF UC BERKELEY TO CUT DOWN THESE TREES AND DESTROY THIS WOODLAND HABITAT. THIS URBAN FOREST CONTAINS IRREPLACEABLE CENTURIES-OLD COAST LIVE OAK TREES WHICH MUST BE PROTECTED.

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SINCERELY,

Lisa David
6116 Taft Ave
Oakland CA 94618

TO:

CHANCELLOR ROBERT BIRGENEAU
UC PRESIDENT DYNES
UC REGENTS

200 CALIFORNIA HALL
#1500
BERKELEY, CA

94720-1500

34720+1300 0047

DEAR CHANCELLOR BIRGENEAU, PRESIDENT DYNES & UC REGENTS:

I SUPPORT THE PRESERVATION OF THE OAK WOODLAND LOCATED WEST OF CALIFORNIA MEMORIAL STADIUM IN BERKELEY. I OPPOSE THE CURRENT PLANS OF UC BERKELEY TO CUT DOWN THESE TREES AND DESTROY THIS WOODLAND HABITAT. THIS URBAN FOREST CONTAINS IRREPLACEABLE CENTURIES-OLD COAST LIVE OAK TREES WHICH MUST BE PROTECTED.

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SINCERELY,

Dave Reid
2449 Bonar St.
Berkeley CA 94702

TO:

CHANCELLOR ROBERT BIRGENEAU
UC PRESIDENT DYNES
UC REGENTS

200 CALIFORNIA HALL
#1500
BERKELEY, CA

94720-1500

DEAR CHANCELLOR BIRGENEAU, PRESIDENT DYNES & UC REGENTS:

I SUPPORT THE PRESERVATION OF THE OAK WOODLAND LOCATED WEST OF CALIFORNIA MEMORIAL STADIUM IN BERKELEY. I OPPOSE THE CURRENT PLANS OF UC BERKELEY TO CUT DOWN THESE TREES AND DESTROY THIS WOODLAND HABITAT. THIS URBAN FOREST CONTAINS IRREPLACEABLE CENTURIES-OLD COAST LIVE OAK TREES WHICH MUST BE PROTECTED.

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SINCERELY,

Kei Saouaf
1841 47th St SF CA
94122

TO:

CHANCELLOR ROBERT BIRGENEAU
UC PRESIDENT DYNES
UC REGENTS

200 CALIFORNIA HALL
#1500
BERKELEY, CA

94720-1500



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1000

Panoramic Hill Association

PO Box 5428, Berkeley, CA 94705

October 27, 2006

Chancellor Robert J. Birgeneau
Office of the Chancellor
200 California Hall #1500
Berkeley, California
94720-1500

RECEIVED BY
CHANCELLOR'S OFFICE

Via Hand Delivery

10-27-06

Birgeneau	10/27
Denton	10/27
Pister	10/17
Commings	10/27

pd#
61880961

Dear Chancellor Birgeneau:

The Panoramic Hill Association has serious concerns that the University of California Berkeley is pursuing the development of additions and alterations to the California Memorial Stadium in clear violation of the Alquist-Priolo Earthquake Fault Zoning Act, Pub. Res. Code § 2621 et seq. The University has incorrectly stated that the proposed alteration and addition to the Stadium is exempt from Alquist-Priolo's prohibition on construction of an alteration or addition exceeding 50% of the value of the current stadium structure. According to an expert appraiser retained by the Association, the value of the stadium's existing structure is likely to be small, zero, or even negative, due to the considerable depreciation of the structure and its equally significant obsolescence. The stadium development project currently estimated by the University to cost upwards of \$300 million, including at least \$120 million for alterations to the stadium and \$125 million for building an addition to house and expand offices and other activities currently contained within the Stadium, plainly exceeds the value of the depreciated Stadium structure.

The University of California has proposed an extensive phased, construction project for California Memorial Stadium. The project includes the demolition and reconstruction of large sections of the stadium structure, plus a series of major new additions onto the stadium, including a massive luxury box and press box facility on the west side of the stadium, an extensive subterranean concourse on the east side of the stadium, a new elevated seating structure on the east side of the stadium, new lighting towers around the stadium, and the new Student Athlete High Performance Center (SAHPC) with its rooftop pavilion on the western side of the stadium. As the University is well aware, California Memorial Stadium sits across the Hayward Fault, which cuts the stadium structure in half. This fault line is universally acknowledged to be one of the most dangerous earthquake faults in the world. The University has confirmed that the Alquist-Priolo Act applies to the proposed California Memorial Stadium project.

The purpose of the Alquist-Priolo Earthquake Fault Zoning Act is to regulate development on or near active earthquake fault traces and to prohibit the location of structures for human occupancy on an active fault. The Alquist-Priolo Act also provides specific limits on any alteration or additions to existing structures on top of active faults.

Scanner

In the Draft Environmental Impact Report (DEIR) for the Southeast Campus Integrated Projects (SCIP) the University of California claimed that the alterations and additions to California Memorial Stadium are exempt from the Alquist-Priolo construction prohibition based on financial calculations:

Although the Act prohibits new construction upon active faults, the proposed California Memorial Stadium (CMS) seismic retrofit and rehabilitation is permitted because the project's cost will not exceed 50 percent of the value of the structure. One of the enumerated exceptions within the Act is an alteration or addition to any pre-1975 structure if the value of the alteration or addition does not exceed 50 percent of the value of the structure. So long as the cost of renovating CMS does not exceed 50 percent of the amount that it would cost to build a new collegiate football stadium of similar size and design, or to replace the 1923 structure itself, this rehabilitation and seismic retrofit is exempt from the Act. (SCIP DEIR, 4.3-13)

The SCIP DEIR did not support this claim of exemption from Alquist-Priolo with any estimate of the value of Memorial Stadium nor did the DEIR provide any estimate of the costs for the planned alterations and additions to Memorial Stadium. In our July 7th 2006 official comment letter in response to the SCIP DEIR we observed that by the very nature of the costs for the stadium projects it was highly unlikely that CMS could ever qualify for such an exemption to the Alquist-Priolo Act. Furthermore we noted that the University's description of how to determine the value of the stadium neglected to include the loss in value for the structure due to depreciation and obsolescence.

Since July 7th 2006 the Panoramic Hill Association has twice asked the University of California to provide us with additional information to clarify and support this claim that the California Memorial Stadium projects are exempt from the Alquist-Priolo Act, but we have been told that no information can be made available to us.

Through our legal counsel the Panoramic Hill Association has retained an expert in the field of real estate appraisal and valuation, Mr. Charles Warren, ASA, to provide an expert opinion on the current value of California Memorial Stadium and the relationship of that value to the proposed alterations and additions to the stadium. Mr. Warren conducted an independent assessment of the valuation issues for California Memorial Stadium which concluded that:

The question at hand is to relate the value of proposed work at the Stadium to the value of the existing structure to ascertain whether it is greater than, equal to or less than 50% of the value of the structure. The estimated cost of proposed work, repairs, seismic retrofit and remodeling of the sports training facility is between \$120 million and \$300 million, based on publicly available information and depending on the work reported to be included. The undepreciated value of the Memorial Stadium is between \$27 million and \$110 million, and substantial amounts of depreciation should properly be deducted from either of those numbers. The proposed work is, therefore, greater than 50% of any probable value of the structure.

Because of the substantial degree of depreciation to California Memorial Stadium, that structure's current value is very low, likely approaching zero. Meanwhile the costs for the proposed additions and alterations to the stadium have been reported to be in the range of

October 26, 2006

hundreds of millions of dollars. Given these facts the University of California is in clear violation of the Alquist-Priolo Earthquake Fault Zoning Act.

The Panoramic Hill Association also has concern that the SAHPC is not being properly assessed within the context of the Alquist-Priolo Act. A recent communication received from the University of California included a September 21, 2006 letter from Geomatrix Consultants to Vice-Chancellor Edward J. Denton; the contents of that letter indicate that the University seeks to treat the proposed SAHPC as if it were not an addition to California Memorial Stadium in the context of the Alquist-Priolo Act. This interpretation is unsupportable by any reasonable interpretation of the facts. The SAHPC has been designed and described as an integral part of the stadium renovation project. In the SCIP DEIR the SAHPC is designated as "Phase 1" of the California Memorial Stadium renovation. Mr. Warren also confirms that, employing the definition of the term "addition" used by professional appraisers, the proposed SAHPC is an addition to the stadium. The design of the SAHPC is both physically and functionally connected to the stadium. Any reasonable assessment of the SAHPC would conclude that it is an addition to the California Memorial Stadium facility.

In order for the University to properly evaluate its compliance with Alquist-Priolo's important requirements, the Panoramic Hill Association respectfully requests the University to pause in its rush to bring the proposed Stadium project to the Regents in November and break ground in early December. Distinct from the University's analyses and decisions pursuant to the California Environmental Quality Act, the University's decision pursuant to the Alquist-Priolo Act must be consistent with the terms of the law and supported by substantial evidence. This letter and its attachment include substantial evidence for the University's consideration as it approaches a final decision on the proposed Stadium project. The Association requests to meet with the UC Berkeley Chancellor, Vice-Chancellor and members of the University's planning staff to discuss our concerns at your earliest convenience. We look forward to your timely response.

Sincerely,



Michael Kelly
Panoramic Hill Association Board, V.P. for UC Relations

Cc:

Office of the City Attorney, City of Berkeley
Mayor Tom Bates, City of Berkeley
Berkeley City Council
The Regents of the University of California
University of California Office of the President

<p>CHANCELLOR'S OFFICE FILE</p> <p>This file is charged to you as recorded in the routing box at top of this letter. Please initial in the box opposite your name indicate that you have seen the file.</p> <p>RETURN TO CHANCELLOR'S OFFICE 216 California Hall Berkeley, CA 94720 ccrcrgst@berkeley.edu</p>

APPRAISAL

of

UNIVERSITY OF CALIFORNIA
MEMORIAL STADIUM
BERKELEY CALIFORNIA

for

MICHAEL LOZEAU, ESQ.

by

CHARLES B. WARREN, ASA

Valuation & Consultation

11 October, 2006

Michael Lozeau, Esq.

Re: UC Memorial Stadium, Berkeley, California

Dear Mr. Lozeau;

You have posed an interesting question. Thank you. Now, let me give you a short answer, and expand it somewhat.

Basically, it reduces to my expert opinion on the following topics. What is the commonly understood meaning among appraisers and other relevant parties of "value of the structure"? Would such a value be the same as or similar to the reproduction of the present structure, or the cost of replacing it with a similar structure using modern construction standards? Based on the facts known, using normal and reasonable valuation practices, what are the likely upper limits of value for the present structure? Based on publicly available information, is the proposed upgrade of and addition to the stadium less than, equal to or greater than 50% of the present value of the structure. The original cost of the Memorial Stadium in 1922-3 is reported to have been \$1,021,500*. The Marshall Valuation Service publishes an index of costs from 1926. Compared to 1926 current costs are twenty five times higher. Therefore, original costs factored for change in price level would be on the order of \$25 million. If \$1 million or so was spent in the 1980's for additions, that would be factored up about double and be additive, for a total of maybe \$27 million. Replacement cost might be as much as \$110 million. Both of those are costs "new", before considering depreciation which would very likely be a very large number. Proposed alterations to Memorial Stadium are between \$120 million and \$300 million. If costs are roughly proportionate to value the proposed work clearly exceeds fifty percent of the value of the present structure.

Provisions of the law

California State law in relation to seismic safety is drafted in much the same way as many municipal zoning ordinances. The objective of both is to limit the expansion or modification of non-conforming structures. In the case of zoning, non-conformance is usually related to some concept of the needs and desires of the community. In the case of this particular state law, the objective is public safety. For example, exemption from this section of the law may not be granted to structures underlain by the traces of an identified active fault.

Value

Value is a multi-faceted term. In construction reports and reports of building departments value is normally considered as some relatively equivalent function of proposed costs. For purposes of Generally Accepted Accounting Principles (GAAP) it is normally depreciated book value, which is fairly equivalent to historic costs less depreciation. GAAP allows a company to state a current value for its assets as a note to their financial statements, and that current value is generally considered to be roughly equivalent to market value, defined below. Zoning authorities have been known to refer to any of these terms in valuing non-conforming properties and their modifications.

Market value

Market value is roughly defined as the amount that an informed buyer would pay an informed seller for a property in an "arms length" transaction. Appraisal often addresses the question of market value. The Uniform

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Standard of Professional Appraisal Practice (USPAP) provides that there are, basically, three approaches to value: cost, sale comparison, and capitalized income. This methodology is roughly recapitulated and expanded in the valuation sections of the Revenue and Taxation Code. As may be imagined, the more a property is purpose built for a use, the less frequently similar property is sold in the open market, and the less it is built and bought for investment purposes, the more relevant the cost approach to value is considered to be. In other words, in the case of a stadium, especially one built for an educational institution, **costs are generally taken to be roughly proportionate to value.** Of course the cost approach in appraisal considers cost new, less depreciation.

Costs

Estimating costs seems like a simple proposal, but in most cases the simplicity is deceptive. We believe that if we have an idea of the cost of materials and labor items we should have an idea of the cost of the total. Unfortunately any number of projects, both public and private, have demonstrated that the whole often doesn't equal the sum of the parts, at least as originally estimated. In an inflationary environment, cost-overruns are normal. So, estimating costs prospectively is often in error. Estimating costs in arrears has a subtly different bias. Over time construction standards and technology change. Standards enhancement usually tends to increase costs. Various technical advances in modularization and materials tend to reduce them. So, trying to estimate the cost of something built in the past with reference to something built today can also be problematic. Technically, this is the question of "replacement cost", replacing the existing structure with something functionally equivalent using modern materials and methods. The alternative is reproduction cost. The old example used to be, "Nobody would build a Victorian house today with all its trim. Replacement cost should be based on what is built today, ranch style." In that event the doctrine maintained that the relevant cost, replacement, was lower than reproduction. With the Memorial Stadium, however, we have a different problem. Enhanced public safety standards, Americans with Disabilities Act (ADA) standards, let alone simple aesthetic functionality standards, like the fixtures and finishes in the restrooms, all increase costs in relation to what was acceptable when the Memorial Stadium was built. Estimating the cost of the Stadium, therefore, by comparison with currently constructed facilities tends to an overestimate. The only cost that is ever really well known is the as-built cost at the time of completion. To some extent cost indexes, particularly over long time scales, inevitably have a problem with the reproduction versus replacement issue, but at least it is extrinsic to the process. Again using the Marshall Valuation Service, replacement cost of Memorial Stadium might be between \$73 and \$110 million, but those numbers are probably pricing in enhancements which simply aren't there. As mentioned above, factoring the historic cost by their construction cost index yields a cost on the order of \$27 million, considering both 1922 reported cost and estimated 1980's costs.

The cost of proposed work has appeared in the public press as between one and three hundred million dollars. No detailed breakdown of costs is available. A fairly firm number is quoted for the athletic training facility upgrade at \$120 million, which is represented as a first phase of the larger stadium project. This facility, in the artists' renderings appear to be visually unified with the stadium. It replaces, upgrading, an existing part of it and it is reported that there will be corridor access to the stadium. In these circumstances the facility appears to be an adjunct to the stadium. Reconstruction of an adjunct structure would normally be considered as an alteration to the whole.

Depreciation

Depreciation is normally defined as any loss in value of the structure in its present condition as compared to new. Thus, in the context of replacement versus reproduction cost, all of the trimwork of the Victorian house, a generation ago, was implicitly depreciated by an estimate of replacement with a simpler structure. In the present context, anything included in the replacement cost which is not found in the existing must be taken out by depreciation. In the terms of appraisal there are three broad categories of depreciation, physical, functional and locational/economic. The first two categories are problems which are intrinsic to the property and are subdivided into categories, curable or incurable. Curability is related to feasibility. Feasibility is whether the cure yields more value

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than its cost. Physical depreciation is pretty easy to visualize. The roof leaks, or the paving is cracked, or in the case of the subject, the structure itself has apparently been sheared by action of the fault. Functional depreciation is typically related to obsolescent style, for instance people today expect a different layout and finish of public restrooms. Economic or locational depreciation is based on factors which are extrinsic to the structure. A classic example recently reverified in an American Real Estate Society research piece is the loss in value of a house next to a gas station because of noise, smells, light and traffic, perhaps even pollution. For Memorial Stadium, the Hayward fault contributes all three physical, functional and locational depreciation. Differential displacement of the structure is obviously physical. Mandated seismic safety costs would be functional depreciation until performed. Any perception of risk could be considered economic or locational obsolescence.

Cost approach to appraised value

The cost approach to appraised market value values the structures as the cost, replacement or reproduction as chosen, deducting the sum of the various depreciation items. For instance, if we were to take the replacement cost to be on the order of \$100 million and seismic retrofit costs alone to be on the order of \$120 million, depreciated cost, value of the structure "as is", would be equal to or less than zero.

Conclusion

For the purpose of this assignment value is taken to be a monetary value, specifically, market value. While USPAP notes three relevant approaches to value, sale comparison, income and cost, the first two are problematic for purpose built structures. Common practice, supported by the Revenue and Taxation Code, also tends to rely on the cost approach in this sort of problem. That said, the cost approach for an old, deteriorating and obsolescent structure is problematic. Cost new can be taken as reproduction cost. Factored historic cost would be one way to estimate reproduction cost and would amount to approximately \$27 million. Replacement cost is another alternative which, however, would incorporate improvements over the original, but would indicate as much as \$110 million. As an unknown amount of simple repairs would have to be deducted from the former and about \$120 million of seismic retrofit would have to be deducted from the latter to arrive at value, that value is likely to be small, zero, or even negative.

The question at hand is to relate the value of proposed work at the Stadium to the value of the existing structure to ascertain whether it is greater than, equal to or less than 50% of the value of the structure. The estimated cost of proposed work, repairs, seismic retrofit and remodeling of the sports training facility is between \$120 million and \$300 million, based on publicly available information and depending on the work reported to be included. The undepreciated value of the Memorial Stadium is between \$27 million and \$110 million, and substantial amounts of depreciation should properly be deducted from either of those numbers. The proposed work is, therefore, greater than 50% of any probable value of the structure.

Respectfully,



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SCOPE OF WORK

1. A basic search of all readily available resources was made to determine market trends, influences and other significant factors pertinent to the subject property and the question posed in the assignment.
2. No inspection of the property was performed. The appraiser is not expert, nor licensed, in such matters as soils, structural engineering, hazardous waste, toxic substances, etc., and no warranty is given as to the presence, absence, or identification of these elements. Inspections by professionals within these fields are recommended. The final estimate of value will be subject to their findings.
3. Research and collection of data (principally costs at this stage of the assignment) was performed sufficient in quantity to express an opinion of value as defined. Sources of data include online data, published cost services and subscriptions, Microsoft Terraserver, state geologic survey, and online hazard maps. Confirmation of information with primary sources was generally not undertaken.
4. The cost approach was the principal focus of this phase of the assignment. Direct sales comparison, and income approaches to value may be considered in later phases of work. The inclusion, exclusion and results of these approaches to value are discussed above.

Within the meaning of USPAP, this report is to be considered a restricted report, for the use of the client only.

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CERTIFICATION

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.

My compensation is not contingent upon the reporting of a predetermined value or direction of value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

My analyses, opinions, and conclusions were developed with the intent, and this report intends to conform to the Uniform Standard of Professional Appraisal Practice, and the standards of the American Society of Appraisers.

I have not recently made a personal inspection of the property that is the subject of this report.

No one provided significant professional real property appraisal assistance to the signatory.



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DEFINITION OF VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date, and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; 5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

DATA used in this report are from sources believed to be reliable and accurate, but are not guaranteed.

MEASUREMENTS (if any) are, within the standard of the National Association of Home Builders, to be considered estimates. Diagrams are aids to visualization and do not purport to represent a survey of the property.

RIGHTS appraised are the fee simple interest in the subject property. No encroachments or other adverse influences have been disclosed and the valuation is predicated on their absence.

PERSONAL PROPERTY is not included in the valuation of real property.

UTILITY of the property is assumed to be restricted only by police power. The property is assumed to be under responsible and competent ownership and management.

NO OPINION is intended to be expressed for matters which require specialized investigation or expertise, or knowledge beyond that normally attributable to real estate appraisers. The valuation assumes that there are no hidden conditions relating to the property that would render it more or less valuable.

THE ALLOCATION, if any, between land, improvements, or other categories is valid only within the context of this assignment, and may not be accurate in any other application.

SEISMIC risk is inherent in any California property. The Bay Area is part of a geologic region characterized by faulting, most of which has been active within geologic time, and much of it within historic time. The subject happens to lie immediately upon the Hayward fault, an active fault identified pursuant to the Alquist Priolo Act, which implies major risks to the property, its owners, users, and the public.

ADA, the Americans with Disabilities Act, imposes standards on buildings to enhance their accessibility to those who may not possess full and normal mobility. No attempt has been made to assess the compliance of this structure with ADA.

HAZARDOUS SUBSTANCES: This appraisal does not intend to serve as a survey for the presence or absence of toxic substances.

DATE OF VALUE: The valuation reported herein is valid only for the date of value captioned in this report.

TESTIMONY, attendance in court, or other hearing is not considered to be a part of this appraisal assignment, unless specified in the proposal or engagement letter for the assignment.

THIS APPRAISAL INTENDS TO COMPLY WITH THE UNIFORM STANDARD OF PROFESSIONAL APPRAISAL PRACTICE.

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EXPERIENCE

1993-2006: Principal, real property consultation service. Valuation and consultation related to estate management, litigation, and property taxation. Extensive and diverse property appraisal for consultation and litigation purposes. Project manager multi-disciplinary teams evaluating real property issues. Qualified expert witness in Federal District Court, Bankruptcy and Superior Court as well as assessment appeals. Extensive work in property rights, as well as environmental issues, land economic research and feasibility analysis. Present major clients include a 4,350 parcel assessment district with an aggregate value on the order of \$5 billion. Knowledge in GIS, remote sensing, automated valuation models (AVM), CAMA, Mac and Windows OS.

Prior to 1993: Progressively responsible experience with American Appraisal Associates, Richard Betts and Associates, Wells Fargo Bank, Alameda County Assessors Office, and as an independent expert.

EDUCATION

Bachelor of Arts, UC Berkeley, 1968

PROFESSIONALLY RELATED EDUCATION

Basic, intermediate and advanced appraisal - Income property analysis - Land economics
- Statistics - Applied regression analysis - Real estate law - Challenged and passed Appraisal Institute courses 101, 102, and 201 - Education principles - Public sector labor relations

LICENSES AND CREDENTIALS

General Certification as an appraiser in California: AG003171
California teaching credential in real estate
American Society of Appraisers Real Property Committee
Visiting professor, School of Architecture, Istanbul Technical University
California Appraisers Council, ASA - San Francisco representative
USCG Master, FAA Private Pilot

MEMBERSHIPS

Past President, American Society of Appraisers San Francisco Chapter
Senior member, urban real property, American Society of Appraisers, recertified to 2011;
Urban Land Institute, International Association of Assessment Officers, International Right of Way Association, Real Estate Analysts Microcomputer Users Group, American Real Estate Society, Bay Area Automated Mapping Association

PUBLICATIONS

Real Estate Review • Real Estate Issues • USC Law Journal • Environmental Claims Journal • Assessment Journal

VOLUNTARY ACTIVITIES

Director, Bastiat Institute for the Study of Land Economics, Webmaster, Tahiti Cup YC;
Director, El Nino Project, U.S. Coast Guard Auxiliary

LANGUAGES

Fluent in French, some Spanish, Turkish, German, Russian and Japanese