



THE BERKELEY  
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ASSOCIATION

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June 18, 2004

Jennifer Lawrence  
Environmental Planning Manager  
University of California Berkeley Facilities Services  
1936 University Avenue, Suite #300      HAND DELIVERED  
Berkeley, California 94720-1380

Re: University of California Berkeley 2020 Long Range Development Plan , Chang-  
Lin Tien Center for East Asian Studies, and Draft Environmental Impact  
Report

Dear Ms. Lawrence:

It is the understanding of the Berkeley Architectural Heritage Association (BAHA) that under the California Environmental Quality Act, where a plan or a project requires an Environmental Impact Report, it is not permissible to segment environmental review of projects which are dependent or impact one upon the other. CEQA requires that all aspects and impacts of a plan or proposal clearly state their relationship, and requires at the same time that all portions of a plan are disclosed together. For this purpose, in California the Environmental Quality Act sets out provisions that govern the total environment affected and impacted by a project or plan, and therefore requires that under no condition may there be partitioning or consideration of only some part of a plan, without considering the whole environmental impact. It is therefore required that the University's EIR on its Long Range Development Plan (Plan) consider now, and disclose now, the full extent of resulting development and impacts.

This Draft EIR for the fifteen-year Plan proposed by the University is totally inadequate in this regard. The 2020 Long Range Development Plan itself has undisclosed assumptions and vague planning policies. It therefore needs an especially

C275-1

thorough Draft EIR rigorously disclosing all aspects of the Plan, all resources that will or may be affected, and all the overlapping environmental effects on both the University campus and the City of Berkeley. BAHA wishes to go on record as saying that it is of grave concern that this Draft EIR does not at all adequately reveal the full extent of the Plan's environmental impacts. The University should not proceed with the Plan until all such impacts are adequately disclosed and evaluated.

C275-1

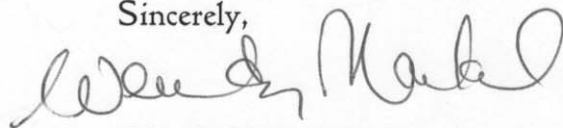
To emphasize, an EIR is complete and can be certified only at such time as it reports on all environmental impacts and not just some impacts. For the purpose of assessing the impacts on Berkeley for the next fifteen years, this Draft EIR is inadequate because:

C275-2

- It does not sufficiently describe the full extent of intended University projects, including those of the Lawrence Berkeley National Laboratory and those at the Richmond Field Station;
- It does not consider all projects that are related to the Plan or that might otherwise, in combination with it, have a significant cumulative effect;
- It does not fully disclose significant negative impacts;
- It does not adequately identify and assess alternatives; and
- It does not provide adequate measures to mitigate negative impacts.

To substantiate BAHA's concerns, BAHA is submitting this comment letter along with (1) a letter with detailed comments on the proposed LRDP and Draft EIR, (2) a letter commenting on the proposed Chang-Lin Tien Center for East Asian Studies and related aspects of the Draft EIR, and (3) a letter commenting on the failure to disclose the intended project that would include a new building adjacent to the California Memorial Stadium.

Sincerely,



Wendy Markel, President

page 3, University of California Berkeley 2020 Long Range Development Plan, Chang-Lin Tien Center for East Asian Studies, and  
Draft Environmental Impact Report, June 18, 2004

Encl: (1) BAHA letter to Jennifer Lawrence, Detailed Comments, 2020 Long Range  
Development Plan and Draft Environmental Impact Report, June 18, 2004  
(2) BAHA letter to Jennifer Lawrence, Proposed Chang-Lin Tien Center for  
East Asian Studies and Draft Environmental Impact Report, June 18, 2004  
(3) BAHA letter to Jennifer Lawrence, Project Adjacent to California Memorial  
Stadium, June 18, 2004

cc: Robert M. Berdahl, Chancellor  
George Marcus, Regent, Chair Committee on Grounds and Buildings  
Dan Marks, Planning Director, City of Berkeley



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1936 University Avenue, Suite #300  
Berkeley, California 94720-1380

Re: Detailed Comments, 2020 Long Range Development Plan and Draft  
Impact Report

Dear Ms. Lawrence:

This is to give you detailed comments from the Berkeley Architectural Heritage Association (BAHA) on the proposed 2020 Long Range Development Plan and the Draft EIR with respect thereto.

BAHA holds as its mission "to educate the community to encourage and secure the preservation of those structures, sites, and areas which have special architectural, historic, or aesthetic value contributing to the enrichment of the Berkeley environment and to the understanding of its heritage."

It is thus with grave concern that BAHA views the University of California's plans to impact or eliminate important historic, cultural, and scenic resources both on the University campus and elsewhere in Berkeley. In general, the LRDP envisions large amounts of new construction, both on- and off-campus. Such massive development is liable to displace or otherwise impact an unknown, but potentially large, number of historic resources.

C275-3

Examining the maps in the Plan, BAHA notes with foreboding the absence of several key resources. For example, Figure 3.1-2 by itself, though supposedly illustrative, clearly indicates removal of six buildings that are on the SHRI (State Historic

C275-4



Resources Inventory) and/or landmarked by the City. They are the two Warren Cheney houses, the Berkeley Art Museum, the UC Press Building, the structure at 2233 Fulton Street, and the Martha E. Sell Building at 2154-60 University Avenue that the City recently landmarked. The Draft EIR is almost totally silent about their fate.

C275-4

Seeing these and other major resources treated so lightly or ignored altogether in the Draft EIR, BAHA has every reason to fear that the CEQA review conducted on them will end up being perfunctory. Our apprehension has been increased by the recent ceremonial dedication of the Chang-Lin Tien Center at its proposed site, although that site is highly controversial, and the EIR has yet to be finalized, let alone certified.

### **Need to Comprehensively Address Scenic and Cultural Resources**

The LRDP and EIR should address aesthetic concerns and cultural resources quite comprehensively. It should avoid using narrow definitions of what is historic. And it should acknowledge that both on- and off-campus, the process of identifying and listing historic resources is still far from complete. In an important sense, it can never be complete. As new information is found or insights occur, and/or as time goes on and perceptions evolve, additional buildings and other features will be landmarked or otherwise officially listed.

C275-5

Indeed, pages 4.4-2 and 4.4-7 should be revised to point out that under CEQA, the mere fact that something is not already listed does not necessarily mean that it is not a historical resource.

As for on-campus resources, it is very misleading for Figure 3.1-8 to be titled "Campus Park Architecture & Cultural Resources." The only individual structures it identifies are ones that are now on the National Register. This map does not call out the many other buildings or features that are on the SHRI and/or landmarked by the City. It even fails to identify the Classical Core "contributory" buildings that were helpfully shown by Figure 3.1 of the New Century Plan.

C275-6

One of the latter was Mulford Hall, which in fact is a very important structure.

C275-7

Prominently aligned with University Avenue, it is also the only building that, through its design, brings the stylistic feel of the Classical Core down to the campus's west face. The Draft LRDP's Figure 3.1-3A should not label it as a "candidate building for replacement."

C275-7

Still other buildings, such as Sproul Hall, clearly are historic resources. Even some hitherto quite underappreciated structures deserve consideration. For example, Lewis Hall and the older portion of Donner Lab have stripped classical designs that in their modest way support the notion of the Classical Core, and serve to bring some of its feel right up to Gayley Road.

C275-8

The EIR should fully take into account its own citing of the State guideline that (to quote from page 4.4-52) "a substantial adverse change in the significance of a historical resource" by acknowledging that this may result from a change in a historic building's *setting*, even if the building itself remains physically unaltered. Federal and State rules, of course, recognize "setting" as one of the aspects of "integrity."

C275-9

A related, and crucial, point is that concern should go well beyond just looking at individual structures. Valuable building *ensembles* (including their linking open spaces) should also be identified and genuinely respected. In a sense, the whole Central Campus is a "historic district," as is the Classical Core in general. And for anyone with eyes to see, the lengthy grand classical ensemble along the Central Glade, essentially much as John Galen Howard envisioned it, still exists—albeit partly in ghostly form at the gaps where it almost palpably yearns for faithful completion.

C275-10

### **Need for Stronger Design Guidelines**

Although many UC planning documents have piously lamented Evans Hall and other mistakes of the past, comparable mistakes continue to be made. For instance, take the design of the new Stanley Hall that is under construction. With its hodgepodge massing and flat roofs, it will woefully fail to harmonize with the neighboring Hearst Memorial Mining Building, and with the Classical Core in general. UC staff had drawn up design guidelines for the area around the Mining Circle, but the new Stanley Hall will patently violate those.

C275-11

Similarly, the idiosyncratic design of the new Hargrove Music Library not only fails to relate at all to the Music Department's adjoining buildings but also seriously clashes with the beautiful and highly acclaimed Hearst Gymnasium.

C275-12

In order to mitigate the LRDP's and T'ien Center's potential impacts on aesthetic and cultural resources, tighter and more specific guidelines are needed for designing in context. Equally needed is the institutional will to actually follow such guidelines.

C275-13

This is not at all to say that tightness of design control should be uniform everywhere. Different portions of the central campus have different characters, and much greater variety of massing and detailing would be acceptable in some locales than in others. But within the Classical Core and especially confronting the Central Glade, a high degree of genuine "contextuality" is needed.

C275-14

Here, simply having an orthogonal footprint, light-colored granite or architectural concrete walls, and a red-tiled sloping roof *isn't enough*. Building designs should very seriously reflect and embody the other common patterns found in older buildings that characterize the Classical Core. Among these are basic symmetry of massing; a hierarchy of forms; a generally regular rhythm of relatively small-scaled solids and voids, with no large windowless wall surfaces; a molded cornice or other comparable elaboration of the juncture between walls and roof; and some type of celebratory elaboration of main entries.

And in the Classical Core, buildings really should include a version of some of classicism's actual decorative vocabulary. It is possible to do so creatively, and without precisely replicating the specific ornaments of nearby buildings.

In that regard, important lessons can be learned from the 1940s- and early-1950s buildings that followed what author and former UC planner Harvey Helfand (on page 25 of his 2002 campus guidebook) called "[Arthur Brown Jr.'s] transitional theme of stripped neoclassical designs that maintained a dignified compatibility with [John Galen] Howard's monuments." Among these buildings are Sproul Hall, Mulford Hall, the Doe Annex, and the Le Conte Hall addition.

There are architects today who can do comparably compatible designs. The actual

C275-15

success of any design guidelines will depend, of course, on carefully choosing the right architect for the particular job. In selecting who should design buildings within the Classical Core, UC should seek out firms that have a proven track record of truly harmonious design in comparable settings. It *shouldn't* use architects who are otherwise good or even renowned but who are too wedded to their own house style, or rigid Modernist dogma, to do what is needed. And UC should strongly discourage the pernicious practice of tying a building endowment to use of a pre-selected particular architect.

C275-15

### Panoramic Hill and Adjoining Streets

As Figures 3.1-1 and 3.1-5 demonstrate, existing or potential UC development would almost surround Berkeley's Panoramic Hill neighborhood, as well as nearby private properties along Hillside Court, Hillside Avenue, and Dwight Way. Yet the Draft EIR makes very little, if any, reference to these areas, which are, and would be, heavily impacted. For instance, Panoramic Hill suffers noise from the Memorial Stadium, gross inconvenience from and potential endangerment by frequent congestion along Piedmont Avenue and Gayley Road, and potential glare from "lighted recreation/athletic facilities."

C275-16

To appropriately recognize the numerous historic resources in the areas mentioned above and the special environmental conditions applying there, these areas ought to be recognized as a "City Environs East" zone.

Though the Draft EIR's Table 4.4-10 does happen to list six historic houses on Panoramic Way (as well as one on Hillside Court and four on Hillside Avenue), it omits many others—including these SHRI properties:

C275-17

- o Torrey house (built in 1905) at 1 Canyon Road
- o Hutchinson/Dean Hayes house (1908) at 9 Canyon Road
- o Charles Rieber house (1904) at 15 Canyon Road
- o Steilberg cottage (1930) at 4 Mosswood Lane
- o Orchard Lane/Mosswood Path
- o W.L. Jepson house (1930) at 11 Mosswood Road
- o Feldman house (1975) at 13 Mosswood Road



- o Parsons/Mauser house (1890/1908) at 21 Mosswood Road
- o Parsons house (1923) at 29 Mosswood Road
- o Steilberg family home (1922) at 1 Orchard Lane

C275-17

Lest anyone think the houses on streets like Canyon and Mosswood Roads are not relevant to University development, Sanborn maps readily illustrate how close they are to Memorial Stadium.

In between Hillside Avenue and Dwight Way, there is a small area which is in the City's R-2 zoning district but which Figure 3.1-5 mistakenly assigns to the LRDP's Housing Zone. By its own terms, the latter is supposed to exclude sites with a municipal general plan's residential designation of less than 40 units per acre. The Berkeley General Plan actually shows this area in its Low Medium Density Residential category, where density generally ranges from 10 to 20 units per acre. Figure 4.8-1's depiction of it as High Density Residential is quite incorrect.

C275-18

### **The Stadium, Greek Theater, Piedmont Way, and Gayley Road**

The UC facilities in general on the uphill side of Piedmont Avenue and Gayley Road are really in a transition zone between the Campus Park and the Hill Campus.

C275-19

The proposed LRDP's framework of zones awkwardly treats the Stadium, Kleeberger Field, and International House as part of the so-called "Adjacent Blocks South." This is wrong, partly because they are all UC-owned and because they are basically east, not south, of the Campus Park. And environmentally, the Stadium is in its own category: a unique entity at the mouth of Strawberry Canyon and at a prominently higher elevation than most of Berkeley. No other campus use is comparable in terms of impact. And it sits right within the Alquist-Priolo Special Studies Zone which, of course, straddles the main trace of the Hayward Fault.

For some of the same reasons, it is wrong for the Greek Theater, and the UC-owned housing between it and Hearst Avenue, to be lumped into "Adjacent Blocks North."

C275-20

It is also wrong for Figure 3.1-5 to show the uphill side of Piedmont/Gayley,

C275-21

from the Stadium northward, as overlapped by the "Housing Zone." The latter presumably is meant to be where new housing should or could be built. Such construction would severely impair this corridor's scenic and historic qualities, as well as expose occupants to major earthquake hazards.

C275-21

### Other Problems with the LRDP's "Zones"

Figure 3.1-5 should not show the Clark Kerr Campus as part of the Housing Zone. This erroneous depiction may be based on a misreading of the Berkeley General Plan. Figure 4.8-1 claims that the General Plan's designation for Clark Kerr (except for the Regional Park District sections) is "undesignated," and page 4.8-9 makes a similar statement, but those contentions are quite wrong. The General Plan actually classifies all the UC-owned portions of it as Medium Density Residential. And Figure 3.1-5 itself and page 3.1-7 say that the Housing Zone excludes sites with "residential designations of under 40 units per acre in a municipal general plan as of July 2003." That wording implies excluding the General Plan Land Use Diagram's Low Density Residential, Low Medium Density Residential, and Medium Density Residential categories.

C275-22

Another reason for excluding the Clark Kerr Campus is that whereas the "Housing Zone" indicates where new housing should or could be built by the year 2020, development on Clark Kerr is restricted by an MOU and covenants that run till 2032. Still another concern – which is highly important – is that the Clark Kerr Campus is listed on the National Register of Historic Places.

C275-23

The above-quoted rule about residential designations of under 40 units per acre also implies that the Smyth-Fernwald complex should be excluded from the Housing Zone. The Berkeley General Plan shows this complex as Medium Density Residential.

C275-24

Even considering that Figure 3.1-5 calls its depiction of the Housing Zone "generalized," the map reveals various other noticeable inconsistencies in relation to General Plan designations and/or transit service. For instance, the map's Housing Zone inconsistently includes sites at the intersection of Arch Street and Le Conte Avenue, and along the south side of Berkeley Way for most of the distance between Martin Luther King Jr. Way and Shattuck Avenue, that the General Plan shows as

C275-25

Medium Density Residential.

C275-25

The proposed LRDP's Southside and Adjacent Blocks South zones relate poorly to the boundary of the actual Southside Plan Study Area. Each of them ought to be reconfigured so that, together, they add up to the Southside Plan Study Area.

C275-26

(Incidentally, the proposed LRDP is inconsistent about the Southside zone's eastern boundary in between the Stadium and Dwight Way. While page 3.1-7 says that the zone is bounded on the east by Prospect Street itself, Figures 3.1-1 and 3.1-5 show it as including the lots along Prospect's east side.)

C275-27

The Draft Southside Plan also implies needed changes in the boundary of the proposed LRDP's Housing Zone. Page 4.8-14 incorrectly says that the Southside Plan "may ultimately become an amendment to the City's General Plan." The General Plan itself says that "[o]nce completed the Southside Plan will be adopted as an amendment to the General Plan." It goes on to state that "[t]he amendment is anticipated to result in changes to some of the designations within the Study Area." The Draft Southside Plan (even as it existed in July 2003) proposes rezoning some portions of the Study Area to the R-3 District—which corresponds to the General Plan Land Use Diagram's Medium Density Residential category. So these portions should be excluded from the Housing Zone.

C275-28

C275-29

The Elmwood Shopping District (along College Avenue generally between Russell and Webster Streets) should also be excluded from the Housing Zone. This is a very special, and potentially vulnerable, area whose restrictive C-E zoning limits building height to two stories. For consistency, the general Housing Zone description might be revised so as to exclude "nonresidential areas whose zoning prescribes a two-story height limit."

C275-30

C275-31

**Relation to City Policy and Zoning**

Pages 4.8-12 and 4.8-17 say that "[a]ssuming no further substantive changes are made by the city prior to adoption, the University would as a general rule use the design guidelines and standards prescribed in the Southside Plan as its guide for the location and design of projects implemented under the 2020 LRDP within the

C275-32

geographic area of the Southside Plan." Rather similar wording also appears on pages 3.1-49 and 3.1-50. But the words "as a general rule" are problematic and seem to contradict the 1997 MOU, which said that "...the campus will acknowledge the Plan as the guide for campus developments in the Southside area."

C275-32

UC's intent to use the Southside Plan as its guide is subtly but seriously contradicted by two statements that refer to *zoning*. Page 3.1-50 says that "to the extent feasible university housing projects in the Housing Zone should not have a greater number of stories nor have setback dimensions less than could be permitted for a project under the relevant city zoning ordinance as of July 2003." Page 4.8-18 says that "[t]o the extent feasible, University housing projects in the [...] Housing Zone would not have a greater number of stories nor lesser setback dimensions than could be permitted for a project under the relevant city zoning ordinance as of July 2003." However, the Draft Southside Plan contains proposed *changes from* the zoning standards that existed in July 2003. (In some locations, the changes would actually help developers, by relaxing certain standards.) This inconsistency should in any event be corrected.

C275-33

Furthermore, regarding both the Southside and Berkeley in general, the above-quoted qualifier "to the extent feasible" is very vague and very dangerous. This is especially worrisome because UC apparently wants to hunt widely for housing sites and to partner with private developers. The qualifier should be deleted, and UC should say that its housing projects *will* meet City standards.

C275-34

The above-quoted references to zoning "as of July 2003" are very problematic not just for the Southside but also for many other areas. For instance, they seem to mean that even if and when the City enacts new zoning along University Avenue, UC will design its projects there to last year's standards. Why should the relevance of zoning be, in effect, frozen as of July 2003? Instead, projects should conform to whatever zoning is in place when they are proposed.

C275-35

The Draft EIR's page 4.8-10 asks, as a standard of significance, "[w]ould the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, adopted for the purpose of avoiding or mitigating an environmental effect?" That language itself seems evasive, because the corresponding checklist question in CEQA Guidelines Appendix G also contains the important

C275-36



wording "including but not limited to the general plan, specific plan [...] or zoning ordinance." Numerous provisions of Berkeley's General Plan, Draft Southside Plan, and Zoning Ordinance do indeed aim at avoiding or mitigating environmental effects. And for purposes of CEQA, the City appears to satisfy all three of CEQA Guidelines Section 15366(b)'s ways of meeting its liberal definition of "jurisdiction by law."

C275-36

The Draft EIR's page 4.8-15 tries to dodge the question by saying that UC is "constitutionally exempt from local land use regulations when using its property in furtherance of its educational mission," and that it is "the only agency with jurisdiction over such projects." While that may be true in one technical sense, it is beside the point. The CEQA Guidelines still call for identifying conflicts with such plans and regulations.

In any case, the proposed LRDP does seem to conflict seriously with various of the City's policy-type statements about UC expansion. In the General Plan, these especially include several of Policy LU-35's "Action" statements, Policy LU-36 and particularly its Action A, and Policy LU-38 and its Action B. The Draft EIR's Table 4.8-1 conveniently omits all those telling "Action" statements.

C275-37

While page 4.8-15 says that the LRDP "would require future projects to be informed by city plans and policies," it limits even that vague sop to projects "[i]n the City Environs." But projects in the Campus Park and the Hill Campus should also be "informed" by City policy.

C275-38

One of the Draft LRDP/EIR's most glaring omissions is the total failure to mention the City's official Downtown Berkeley Design Guidelines. This is especially serious because UC obviously intends a large amount of construction in the Downtown. The LRDP should prominently cite these guidelines, and pledge to respect them.

C275-39

### **Claremont Boulevard-Derby-Warring Corridor**

The Draft EIR does not adequately address the cumulative impacts of traffic along Claremont Boulevard, Derby Street, and Warring Street.

C275-40

The gracious and historic homes along these streets include those distinctive homes within Duncan McDuffie's great Claremont Court subdivision of 1906. These

C275-41

historic resources deserve fuller attention and better solutions to relieve the daily traffic congestion and noise that they suffer.

C275-41

### Tabulation of Historic Resources

The Draft EIR's attempted tabulation of historic resources (pages 4.4-10 through 4.4-47) has numerous mistakes and inconsistencies. Various buildings are mislocated in terms of the proposed LRDP's zones and/or listed with an incorrect address. In various cases, a single building is listed twice, sometimes in different zones. To give just a few examples:

C275-42

- o On page 4.4-16, the Stadium Garage is given the nonexistent address of "3020" (rather than 2020-26) Addison Street, and is mistakenly classified as being in the Adjacent Blocks West zone.
- o Page 4.4-34 lists "2054 University Avenue" as a primary resource and page 4.4-45 lists "2050 University Avenue" as a secondary resource, but both addresses really are in the same building.
- o Page 4.4-26 erroneously says that 2233 Fulton is in the Southside (it actually is in the Campus Park zone).
- o That same page mistakenly lists the Odd Fellows Temple as being in the Southside, while page 4.4-16 correctly lists the same building as being in the Adjacent Blocks West zone.

Furthermore, the tabulation should be updated to reflect the City's recent landmarking of buildings such as 2509-13 Telegraph Avenue.

After correction of all such individual problems—and after resolution of the problems we have described earlier herein about the zones themselves and their boundaries—page 4.4-9's *totals* by zone will of course need to be changed.

### Miscellaneous Comments

On various pages such as 3.1-49 there are statements that UC would make informational presentations on major projects "to the [...] Planning Commission and, if relevant, the [...] Landmarks Commission..." But shouldn't the Zoning Adjustments Board, and/or its Design Review Committee, also be contacted?

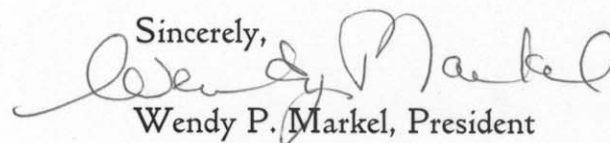
C275-43

Page 4.4-5's quite faulty discussion of the Landmarks Preservation Ordinance badly needs correcting. In its first paragraph, "establish a list of potential buildings that should be considered for..." should be changed to "consider buildings, sites, and areas for potential..." The word "procedures" should be changed to "procedures and criteria." The term "landmark status" should be changed to "such status," and "landmark buildings" to "designated historic resources." "Buildings designated as landmarks or as structures of merit" should be changed to "Projects on landmark sites or structure-of-merit sites or in historic districts." The words "codifies policies" should be changed to "is very important in implementing policies." In the second paragraph, "buildings" should be changed to "resources." The words "three levels of designation" should be replaced by "three types of designation." The wording "properties of exceptional significance (landmarks)" should be changed to just "landmarks." The language "properties that do not meet landmark criteria but are worthy of preservation as part of a neighborhood, block, or street front" should be replaced by "historic districts." At the end of the second paragraph, "landmarks" should be changed to "landmarks, structures of merit, or historic districts."

C275-44

We hope that the University will carefully consider all the comments in this letter and duly reflect them in the final LRDP and EIR.

Sincerely,



Wendy P. Markel, President

cc: Robert M. Berdahl, Chancellor  
George Marcus, Regent, Chair, Committee on Grounds and Buildings  
Wayne Donaldson, State Historic Preservation Officer  
Dan Marks, Planning Director, City of Berkeley



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**RECEIVED**

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PHYSICAL & ENVIRONMENTAL  
PLANNING

Re: Proposed Chang-Lin Tien Center for East Asian Studies and Draft  
Environmental Impact Report

Dear Ms. Lawrence:

This is to convey BAHA's comments on the proposed Chang-Lin Tien Center for East Asian Studies and the Draft EIR's aspects pertaining thereto. In a separate letter we are commenting on the proposed 2020 LRDP and related aspects of the Draft EIR.

On this April 23, University jumped the gun by elaborately dedicating the Tien Center's intended specific site. Occurring as it did long before environmental review could be completed, that act violated the spirit and arguably the letter of CEQA. It furthered BAHA's fear that for the Tien Center—as for so many previous University projects—environmental review will in essence be perfunctory. We hope it will not be.

C275-45

Awkwardly tacked onto the proposed overall LRDP, the Tien Center project may get overlooked by stressed citizens trying to cope with all the other issues posed by burgeoning campus growth. But it poses vital issues in itself, and deserves close attention.

C275-46

The proposed LRDP is peppered with noble-sounding goals like "Maintain and enhance the image and experience of the campus, and preserve our historic legacy of landscape and architecture" and "Preserve and maintain significant views, natural areas,

C275-47



and open spaces in the Campus Park." The Notice of Preparation said that "the Tien Center will serve as a useful example of how the principles articulated in the LRDP will be realized in the design of an actual building." But as now proposed, it does just the opposite. So far it demonstrates that those "principles"—and the so-called Campus Park Design Guidelines—are quite inadequate.

C275-47

The project would be built on an extremely sensitive site across from Doe Library, adjoining the Classical Core's Central Glade. It would directly impinge on two key resources: Haviland Hall and Observatory Hill. And as now sited and designed, it would have significant negative effects on scenic and cultural resources in general.

The crude and aggressive design of Phase 1 would badly disrupt the visual harmony of the Classical Core. It would significantly affect nearby historic buildings like Doe Library by marring their special setting. It would fly in the face of Policy 3.1 in the New Century Plan's section on Campus Architecture Strategic Goals: "Projects within the Classical Core shall enhance the integrity of this ensemble, and complement rather than compete with existing historic buildings."

C275-48

The Draft EIR's page 4.1-20 lamely contends that the preliminary design meets all of the five guidelines that it lists "except" the one about individual punched windows. But that one by itself is a huge exception. The actual guideline's full wording (which page 4.1-20 does not give) says:

C275-49

Each new building within the classical core should be fenestrated exclusively with individual punched windows, having a greater vertical than horizontal dimension. Windows and doors should be inset at least 6" from the exterior wall surface. Windows may be large and paned, but should not span structural elements.

Instead, the Phase 1 building's crucial south wall facing the Central Glade would have a cartoonishly overscaled solid and void pattern. There would be vast and essentially unrelieved wall surfaces (almost unmatched elsewhere on campus except on Davis Hall's brutish facades) on either side of what would read as (despite its light metal grille) an essentially continuous window area. The window area would span multiple bays, it would be horizontally oriented, and it would come across as discordantly gigantic.

Page 4.1-20 admits that in the Classical Core, such a feature of that size is "unprecedented." The text's attempt to compare it to the Valley Life Sciences Building's alleged "smaller versions" is specious. The latter are firmly disciplined within the LSB's gracefully columned, thoughtfully composed overall façades.

C275-50

The Phase 1 building's design also has other serious problems. For instance, it appears that the juncture between walls and roof would be utterly plain, and that the huge window area would rise all the way up to the roof's bottom. This would be in stark contrast to the masonry—and the molded cornices or other decorative treatments—which the Classical Core's older buildings display at that level. Rather similarly, building entries would feature dumb, stark rectangular recesses, instead of the projecting surrounds or other ornamental elaboration so characteristic of older structures in the Classical Core.

C275-51

And it appears that the building's main entry would be largely hidden behind an asymmetrical jumble of blunt-walled access stairways (see Figures 3.2-4 through 3.2-6) which would further obstruct views between Observatory Hill and Doe Library. The drawings seem to show an awkward relation between these stairways and the "Memorial Stair" mentioned by page 3.2-4.

Haviland Hall is one of the campus's architectural treasures. Designed by John Galen Howard and built in 1923, it is a City of Berkeley Landmark and is listed on the National Register of Historic Places. Among the campus's major academic buildings, Haviland is the most secluded. On all four sides it is now surrounded by open space consisting largely of dense tree and shrub plantings. But the Tien Center proposal would radically change this setting. The roughly 75-foot-high (and uphill) Phase 1 building would upstage, overwhelm, and block views of Haviland, while its bluntly conceived facade would trivialize Haviland's delicate detailing. And the still-totally-undesigned Phase 2 building would parallel Haviland from only 40 feet away and tower over it.

C275-52

Historic Observatory Hill is a unique and important open space. It is home to varied native species, including manzanita, Pacific madrone, coast live oak, and California buckeye. It also retains remnants of the old Students' Observatory. But big chunks of the hill would be gouged out if the Tien Center is built as proposed. Adding insult to injury, the planning for open-space "preservation areas" (as reflected in Figure

C275-53

3.1-7) seems to have treated the Tien Center as a *fait accompli*, making believe that the green area that still exists on the west flank of Observatory Hill was already gone and therefore not in need of preserving.

C275-53

The Tien Center's siting would reduce the existing visual continuity of the Central Glade as an open space. Although the Glade was sadly impinged on by construction of Moffitt Library, it has continued to flow fairly effectively past Moffitt because of the distance between that building and Haviland, and because of the openness at the foot of Observatory Hill. The Tien Center would significantly change all that.

C275-54

Yet the Draft EIR fails to adequately consider alternative locations for the Tien Center.

C275-55

Not discussed at all is the alternative of using Haviland Hall itself. Sometimes moving a department is preferable to adding yet another building to an already overcrowded campus. If the School of Social Welfare (currently housed in Haviland) were to move to another location, Haviland could make a fitting and stately new home for Phase 1 of the Tien Center. Then later on, a new Phase 2 building could be built nearby, but the overall impact on this highly sensitive locale would be substantially reduced.

Although the Draft EIR does discuss "Alternative T-2," which would build the Tien Center on the parking lot west of Dwinelle Hall, it dismisses that option much too lightly. The parking-lot site would actually be a more convenient location than the site near Haviland. It would be closer to BART, buses along Bancroft Way, and such cultural attractions as Zellerbach Hall. Page 5.2-3 concludes that the T-2 site is big enough to hold Phase 1 but could not feasibly also hold Phase 2. But especially since Phase 2 would involve things like East Asian studies' offices and classrooms, why couldn't those remain where they now mostly are, in neighboring Dwinelle and/or Durant Hall?

Page 5.2-3's other argument against Alternative T-2 is nearly absurd. It claims that choosing the T-2 site instead of the proposed location would lose "the opportunity to enhance the visual character of the classical core, with a new building sited and

page 5, Proposed Chang-lin Tien Center for East Asian Studies and Draft EIR, June 18, 2004

designed to respect and complement its historic buildings and open spaces, and strengthen the integrity of the classical ensemble." But unless the Tien Center design is greatly improved, concern for the Classical Core is a strong argument *for the T-2 site*. The proposed design would do less damage there.

C275-55

Sincerely,



Wendy P. Markel, President

cc: Robert M. Berdahl, Chancellor  
George Marcus, Regent, Chair Committee on Grounds and Buildings  
Wayne Donaldson, State Office of Historic Preservation Officer  
Dan Marks, Planning Director





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June 18, 2004

Jennifer Lawrence  
Environmental Planning Manager  
University of California Berkeley Facilities Services  
1936 University Avenue, Suite #300  
Berkeley, California 94720-1380

Re: Project Adjacent to California Memorial Stadium (John Galen Howard, 1923)

Dear Ms. Lawrence:

The Board of Directors of the Berkeley Architectural Heritage Association (BAHA) is perplexed by an announcement that was made in January 2004 regarding a decision by "officials of the University" to construct a "new building that would run the length of the west side of the stadium," in conjunction with a seismic restoration of the California Memorial Stadium (*Berkeley Voice*, January 9, 2004). It would appear to be a serious oversight that no potential expansion project of the Memorial Stadium was disclosed in the Draft Environmental Impact Report on the 2020 Long Range Development Plan & Chang-Lin Tien Center for East Asian Studies.

C275-56

Not only is the landmark Memorial Stadium one of the few remaining classic collegiate sports facilities still extant in the United States, but it is within an environmental setting of local, state, and national importance. Its Area of Potential Effect (APE) includes Strawberry Canyon, a natural resource of historic significance to the establishment of the University and a landscape of unparalleled and regional beauty that rises as a backdrop to the Stadium itself. The APE of the Stadium also includes Panoramic Hill and the Berkeley Property Tract, the seminal residential neighborhood plan laid out in 1864 by Frederick Law Olmsted. Olmsted's vision for the Berkeley Property Tract, with its gracious centerpiece Piedmont Way, inspired the development of a neighborhood of great architectural distinction. In recent years the continuing

C275-57

institutional degradation of these irreplaceable assets, so vital to defining the special character of Berkeley's environment, has diminished both the University and the City.

C275-57

It is BAHA's responsibility to emphasize that any further changes to either the face of the Stadium or its surroundings, including all cumulative effects, must be fully and adequately revealed to the public-at-large in a timely fashion, in compliance with the California Environmental Quality Act. It would seem to be in violation of the public trust for University officials to be proceeding with any substantive project plans for the Stadium and any adjacent building without disclosing in the EIR the intent to undertake the project.

C275-58

Sincerely,



Wendy Markel, President

cc: Robert M. Berdahl, Chancellor  
George Marcus, Regent, Chair Grounds and Buildings  
Steve Gladstone, Athletic Director  
Dexter Bailey, Bear Backers  
Wayne Donaldson, State Historic Preservation Officer  
Dan Marks, Planning Director, City of Berkeley  
Robert Breuer, Friends and Neighbors of Memorial Stadium  
Susan Brandt-Hawley, esq.

## **11.2C.275 RESPONSE TO COMMENT LETTER C275**

### **RESPONSE TO COMMENTS C275-1 AND C275-2**

These remarks serve to introduce the more detailed comments below.

### **RESPONSE TO COMMENT C275-3**

The Draft EIR recognizes the potential for impacts to cultural resources under the 2020 LRDP, but contrary to the writer's statement the University does not "plan" to impact or eliminate such resources. Rather, such impacts will be avoided or mitigated to less than significant levels whenever feasible.

### **RESPONSE TO COMMENT C275-4**

As the writer notes, figure 3.1-2 is illustrative, and "...depicts one way in which the program described in the 2020 LRDP might be realized on the UC Berkeley campus." No decisions have been made on any of the sites mentioned, nor have projects been defined to a level of detail adequate to enable site-specific analysis. The Tien Center dedication event was simply a celebration of the University's progress toward achieving its fundraising goals for the project, and has no effect on the consideration of alternatives under CEQA.

### **RESPONSE TO COMMENT C275-5**

The second paragraph in section 4.4.4 has been revised in the Final EIR as follows:

This section begins with an explanation of the different types of historical resources described in Section 5024.1 of the Public Resources Code. Then, for each 2020 LRDP land use zone, the resources in each of these categories are presented in a table. Brief histories of the Primary and Secondary Historical Resources owned by the University are included in Appendix D. The tables represent conditions as of January 2004; the lists of Primary and Secondary Resources will be updated as additional resources enter these categories.

### **RESPONSE TO COMMENT C275-6**

The purpose of figure 3.1-8 is to show the "primary resources" of the Campus Park and Adjacent Blocks: those buildings, sites and landscape which have met the rigorous criteria of the National Register.

### **RESPONSE TO COMMENTS C275-7 AND C275-8**

Buildings shown in figure 3.1-3a as candidates for replacement, as explained in the caption, include "... those which have seismic or other functional deficiencies, or which represent underutilizations of their respective sites." Mulford and Lewis Halls qualify on at least the first two counts. The writer's comments on style are noted, but a particular architectural style does not in itself impart cultural significance. The classical core provisions of the Campus Park Design Guidelines in the 2020 LRDP speak to precisely the same aesthetic values as the writer invokes, but Mulford and Lewis Halls do not at present have standing as cultural resources of significance, nor do Sproul or Donner.

### **RESPONSE TO COMMENT C275-9**

The writer's comments are noted. In section 4.4.8, for example, the Tien Center impacts are extensively analyzed in terms of its setting, including its relationship to Haviland

Hall, and quotes the Haviland National Register nomination to characterize its cultural significance and assess how the Tien Center would affect it.

**RESPONSE TO COMMENT C275-10**

The fact the 2020 LRDP includes design guidelines for the entire Campus Park, as well as more prescriptive guidelines for the classical core, is clear evidence the 2020 LRDP supports the principles stated by the writer.

**RESPONSE TO COMMENTS C275-11 THRU C275-13**

Both projects cited by the writer, the new Stanley Hall and the Hargrove Music Library, predate the 2020 LRDP and the Campus Park Design Guidelines, and do not reflect their influence.

**RESPONSE TO COMMENT C275-14**

The writer appears to agree with the classical core criteria the Campus Park Design Guidelines *do* contain, but then goes on to suggest other, more detailed criteria, including a requirement for classical decorative elements, citing the stripped classical buildings of the postwar period as examples. While these buildings do serve as valuable contributors to the classical core ensemble, they succeed because of the sensitivity of the architect, who had a clear understanding of their role as complements to the campus' architectural masterpieces, rather than architectural objects in their own right.

The prescription of neoclassical ornament, given both the enormous changes in materials and workmanship over the past half century, and the fact architects with the deft, modest touch of Arthur Brown are far more the exception than the rule, would be more likely to result in caricature than homage. The recent postmodern movement demonstrates the often unfortunate results of such exercises in "interpretation" of historic elements.

The Secretary of the Interior's Standards for Rehabilitation are quite clear on this matter. They state:

Related new construction ... shall be compatible with the massing, size, scale, and architectural features to protect the integrity of the [historic] property and its environment ... Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken."

The guidelines for the classical core as presently written reflect the balance articulated in the Standards.

**RESPONSE TO COMMENT C275-15**

The writer's comment is noted. However, the selection of an architect on any project is subject to state contracting procedures as modified by the recently enacted Bowen Act, which require a documented competitive selection process.

**RESPONSE TO COMMENT C275-16**

The writer is correct in noting Panoramic Hill and adjacent residential areas are bordered on the south and west by the Southside and Clark Kerr Campus, and on the east



by Strawberry Canyon Recreation Area and the Ecological Study Area. However, this does not imply substantial University development within those areas.

No substantial change in use or character is anticipated in the Ecological Study Area or, as stated in section 3.1.14, on the Clark Kerr Campus. As stated in 3.1.15, future potential changes at Strawberry Canyon would be limited to renovation and expansion, or replacement, of the existing buildings and pools. Lastly, the area to the west would be significantly downzoned once the Southside Plan is adopted, and as stated in 3.1.14 the University is committed to using the Plan as its guide to future investment in the Southside.

There are two areas adjacent to Panoramic Hill where there is known potential for future University projects within the timeframe of the 2020 LRDP: Memorial Stadium and the Smyth-Fernwald housing complex. The Stadium requires renovation to correct its seismic deficiencies. However, at this point no specific project has yet been defined to a level of detail adequate to support project-level CEQA review.

The other area adjacent to Panoramic Hill with future potential for a University project is the Smyth-Fernwald housing complex, given its age and condition. However, no decision has yet been made by the University on the long-term future of the site. While the Clark Kerr Campus also requires major capital investment in the near future, under the provisions of existing covenants and memoranda of understanding, no substantial change in use or character is planned.

The land use zones designated in the 2020 LRDP indicate those areas where at least some capital investment by the University would occur within the timeframe of the 2020 LRDP. No such University investment is planned for Panoramic Hill.

**RESPONSE TO COMMENT C275-17**

See response C275-16, final paragraph. While the writer contends the table should include additional properties on Panoramic Hill, in fact Panoramic Hill lies outside the Southside zone as described in the 2020 LRDP, and no University capital projects are anticipated on Panoramic Hill within the timeframe of the 2020 LRDP. The inclusion of the Panoramic Hill properties in Table 4.4-10 was an error, which has been corrected in the Final EIR.

**RESPONSE TO COMMENT C275-18**

Figures 3.1-5 and 4.8-1 have been corrected in the Final EIR.

**RESPONSE TO COMMENTS C275-19 AND C275-20**

The writer's comments are noted. The areas described, although entirely owned by the University, differ in character from the Campus Park. They are separated from the Campus Park by a public street (or in the case of Gayley Road by a University street with the same function), and they include a substantial amount of housing, both characteristics more similar to the Adjacent Blocks than the Campus Park.

**RESPONSE TO COMMENTS C275-21 THRU C275-24**

The writer's comments do not align with the Land Use map in the Berkeley General Plan website, on which the Clark Kerr Campus has no designation. But in response to this comment, University staff inquired about the designation. City staff found the website (and the public review copy) of the map to be incorrect: the correct designation

was retrieved from the record copy, which shows most of the Clark Kerr Campus as having a medium density residential designation, with the easternmost portion designated as open space. However, from the standpoint of new University housing the point is moot, since section 3.1.14 explicitly states no substantial change in use or character of the Clark Kerr Campus is planned under the 2020 LRDP.

As mentioned above, no decision has yet been made by the University on the long-term future of the Smyth-Fernwald site. However, in this case the writer is correct on the general plan designation. In the Final EIR, figure 3.1-5 has been adjusted to exclude Clark Kerr Campus and Smyth-Fernwald from the Housing Zone. Note, however, the Housing Zone only pertains to construction of new University student housing, not to the renovation of existing housing, which could occur at one or both locations.

**RESPONSE TO COMMENTS C275-25 THRU C275-27**

Figure 3.1-5, and the cited description on page 3.1-7, have been revised in the Final EIR. The purpose of the 2020 LRDP land use zones is to characterize future UC Berkeley land use, and in this respect they have a different purpose than the Southside Plan: for example, the Southside land use zone in the 2020 LRDP does not extend south of Dwight Way.

**RESPONSE TO COMMENTS C275-28 AND C275-29**

See Thematic Response 11 regarding the Southside Plan.

**RESPONSE TO COMMENTS C275-30 AND C275-31**

The University concurs with suggestions to remove the Elmwood commercial district from the Housing Zone, as well as the west side of Hillside Ave. Figure 3.1-5 has been revised in the Final EIR to incorporate these changes.

**RESPONSE TO COMMENTS C275-32 AND C275-34**

See Thematic Response 5 regarding the use of qualifiers.

**RESPONSE TO COMMENT C275-33**

See response C275-28.

**RESPONSE TO COMMENT C275-35**

As the Draft EIR notes, UC Berkeley is constitutionally exempt from local land use regulations, including municipal general plans and zoning whenever using its land in furtherance of its educational purposes. The University serves the entire state of California, and its mission can not always be met entirely within the parameters of municipal policy. However, compatibility with adjacent land uses is a matter of concern for the University, and it therefore voluntarily considers the 2020 LRDP's compatibility with the adjacent land uses in the City Environs. The University can not commit to comply with future, as yet unknown local regulations. The University will assess each such change in zoning in light of its mission, the objectives and policies of the 2020 LRDP, and its obligations under CEQA.

**RESPONSE TO COMMENT C275-36**

The constitutional exemption of the University from local regulations is not “beside the point”, but rather is a critical fact the reader of the EIR must understand in order to evaluate the 2020 LRDP and its relationship to those regulations. However, under

LRDP Impact LU-2, the EIR presents an extensive analysis of 2020 LRDP conformance with the Berkeley and Oakland general plans, and the potential for significant land use incompatibility.

The conclusion in the Draft EIR that the City of Berkeley does not have jurisdiction over University projects developed on land UC controls and uses in furtherance of its education purposes is correct. CEQA Guidelines section 15366(b) does not modify UC's constitutional exemption from local regulation. The Draft EIR correctly notes that plans such as the City's General Plan are not "applicable" to UC.

**RESPONSE TO COMMENTS C275-37 AND C275-38**

The purpose of table 4.8-1 is to provide the EIR reader with a brief reference to the policies of the Berkeley General Plan that pertain to the University, in order that the reader first understand such policies exist, and second understands where to go in the document to find more detailed background on those policies.

However, while the University respects those policies, as noted above UC Berkeley is constitutionally exempt from local land use regulations, including municipal general plans and zoning whenever using its property in furtherance of its educational purposes. UC has a statewide mission of education, research and public service. Therefore, while the interests of the University and the City often coincide – for example, in ensuring Berkeley remains a great place to learn, work, and live – differences on some points, including some of the policies in the Berkeley General Plan, are not surprising.

**RESPONSE TO COMMENT C275-39**

The Berkeley Downtown Plan and its Historic Preservation and Urban Design Element are cited and described at page 4.1-3 of chapter 4.1. The University does not understand the Downtown Berkeley Design Guidelines to be a separate policy document: rather, as the Downtown Guidelines themselves state, they "... are intended to implement the objectives and policies of the Historic Preservation and Urban Design Element of the Downtown Plan ... [they provide] specific guidance on how to modify existing buildings and construct new ones in a manner which furthers the goals and objectives of the Downtown Plan."<sup>3</sup> The recognition of the Downtown Plan at page 4.1-3 is meant to include its implementing Downtown Guidelines.

However, the writer argues the 2020 LRDP should not only recognize the Downtown Guidelines but pledge to respect them. Unlike the Southside Plan, which was a collaborative effort by the City and University, and which the University has committed to respect, the Downtown Guidelines were a unilateral effort by the City. While the University has consulted the Downtown Guidelines in order to inform the design of specific projects, it has not undertaken the detailed critical review required before it could make the blanket pledge advocated by the writer.

Since the City continues to use the Downtown Guidelines in its consideration of new downtown projects, the City-University consultation described in Best Practice AES-1e (revised as described in Thematic Response 11) would ensure their provisions do inform future projects implemented under the 2020 LRDP.

**RESPONSE TO COMMENTS C275-40 AND C275-41**

The writer's comment is noted, but is not specific enough to enable a response.

**RESPONSE TO COMMENT C275-42**

The corrections suggested to the tables of historic resources in section 4.4 duplicate those suggested in comment letter C268.

**RESPONSE TO COMMENT C275-43**

The University proposes the Planning Commission as the body with the more comprehensive scope of jurisdiction. However, the Commission may delegate to the ZAB or the DRC at its discretion.

**RESPONSE TO COMMENT C275-44**

The Final EIR has been revised to incorporate the suggested corrections.

**RESPONSE TO COMMENT C275-45**

The event in question was simply a celebration of the University's progress toward achieving its fundraising goals for the project, and has no effect on the consideration of alternatives under CEQA.

**RESPONSE TO COMMENT C275-46**

The writer's concern is noted, but the inclusion of the Tien Center serves a useful purpose in providing the reader with an example of how the objectives, policies and guidelines of the 2020 LRDP would be implemented in an actual project. Conversely, the 2020 LRDP provides the reader with a larger, long-term context for the evaluation of the Tien Center project.

**RESPONSE TO COMMENTS C275-47 AND C275-48**

These statements offer opinions on the design of the Tien Center, which are not in themselves substantive CEQA comments, but which serve as introductions to more detailed comments below.

**RESPONSE TO COMMENTS C275-49 AND C275-50**

As the writer notes, the Draft EIR stipulates the Tien Center Phase 1 design does not comply with one of the Campus Park Design Guidelines for the classical core: namely, the guideline that each new building "... should be fenestrated exclusively with individual punched windows, having a greater vertical than horizontal dimension." The Draft EIR also stipulates such a feature is unprecedented at this scale in the classical core.

The Campus Park Design Guidelines are guidelines, not standards, and as such they are subject to judgment. As the 2020 LRDP states in the introduction to the Guidelines,

The provisions of the Guidelines are not meant to entirely preclude alternate design solutions. The best solution for a site should not be rejected just because we could not imagine it in advance ... As a rule, the campus should not depart from the Guidelines except for solutions of extraordinary quality.

In determining what is and what is not a "solution of extraordinary quality", UC Berkeley relies on the advice of its Design Review Committee. In light of the findings of, and comments on, the 2020 LRDP Draft EIR, the DRC met on August 12, 2004 to review progress on the Tien Center design, and in particular to address the question of whether this variation from the Campus Park Design Guidelines was supported by the merits of the design. In general, the DRC confirmed this determination. It found the

design has an elegant serenity, and represents a unique synthesis of western and eastern architectural traditions. The building reflects both its context of western classical buildings, and its own identity as a center of East Asian culture, in a single coherent architectural concept.

The DRC felt strongly that the decorative screen on the south façade represents a major aspect of the design parti, and is crucial to retain as a central feature of the design. However, there was widespread concern among the committee that the design treatment shown in the current model and drawings would allow the horizontal bands of windows behind the screen to predominate at night, and also be somewhat visible during the day. The DRC urged unanimously that the design of the screen and windows be carefully rethought to avoid this effect.

#### **RESPONSE TO COMMENT C275-51**

See response C275-14: replication of ornamental details from older, genuinely historic buildings is discouraged by the Secretary of the Interior's Standards. With regard to the stairways, the simulations in figure 3.2-4, prepared at the schematic stage of design, indicate the view of Doe Library from the crest of Observatory Hill would not be compromised.

#### **RESPONSE TO COMMENT C275-52**

The relationship of the Tien Center to Haviland Hall is examined in sections 4.1.8 and 4.4.8. While Haviland Hall is, as the writer notes, presently surrounded by open space, its significance as a cultural resource is due not to this open space but, as described in its National Register nomination, to "... its role in John Galen Howard's Beaux Arts plan of the University ... the building is important because it helps to define both the actual structure of Howard's plan and the principles on which his plan is based."<sup>4</sup> The location and configuration of the Tien Center reinforces this structure: in fact, the Howard Plan itself shows Observatory Hill as obliterated and replaced with a building of roughly the same scale as Doe Library, with its front (south) façade in the same alignment as the phase 1 of the Tien Center.<sup>5</sup>

#### **RESPONSE TO COMMENT C275-53**

The impact on Observatory Hill and the Students' Observatory is examined in sections 4.1.8, 4.3.8, and 4.4.8. The proposed modifications to Observatory Hill would not substantially affect any sensitive natural community, nor substantially interfere with movement or nursery sites of native species, nor create significant adverse impacts on special-status species. Some limited reduction in oak woodland habitat would occur along the south and west base of Observatory Hill, although the balance of the hill would remain intact.

Of the 36 specimen trees or other trees desirable to retain, only one would definitely be lost (and replaced) due to the project, while two other specimen trees and two other desirable trees are located within a few feet of the project and would be protected, but are at risk of loss. The preservation areas shown in figure 3.1-7 do, as the writer notes, reflect the construction of the Tien Center as envisioned in the EIR, but the figure caption is clear in this regard.



**RESPONSE TO COMMENT C275-54**

Contrary to the writer's assertion, the Tien Center would reinforce rather than compromise the integrity and continuity of the Central Glades as envisioned by Howard. As explained in section 4.1.8, "... phase 1 of the Tien Center would respect the preservation zones established in the Campus park Framework and Guidelines: the façade would not protrude further into the Central Glades than the façade of McLaughlin Hall, thus preserving the formal definition of the Glades by the buildings facing it." This vision of the Glades as an open space defined by buildings arranged in a formal, axial relationship is a key feature of the Howard Plan: see also response C275-52.

**RESPONSE TO COMMENT C275-55**

Haviland Hall was not considered for the Tien Center because its 51,200 GSF is only roughly 75% of the space required for phase 1 alone. Moreover, the specialized program requirements of a state-of-the-art library, including high floor loads, may be extremely hard to achieve within the constraints of a National Register building. The School of Social Welfare would, of course, have to be rehoused, with unknown potential environmental impacts.

The writer suggests Alternative T-2 would be feasible if phase 2 of the Tien Center were housed on another site, but as explained in the EIR this is directly contrary to a primary objective of the project: namely, to "Create a central location for research and scholarship by students and faculty in all fields of the arts, humanities, social sciences and professional disciplines with a focus on East Asia." The writer also contends the Tien Center would not enhance, but rather would "damage" the classical core, and therefore T-2 is preferable by virtue of being less conspicuous, but this opinion is unsupported by the environmental analysis.

**RESPONSE TO COMMENT C275-56 THRU C275-58**

The Stadium requires renovation to correct its seismic deficiencies. However, while speculative stories have been published in the press, at this point no specific project has yet been defined to a level of detail adequate to support project-level CEQA review.

Jennifer Lawrence  
 Environmental & Long Range Planning  
 University of California Capital Projects  
 1936 University Ave.  
 Berkeley, CA 94720

RECEIVED

JUN 18 2004

June 14, 2004  
 PHYSICAL & ENVIRONMENTAL  
 PLANNING

**Re: Comments on the UC Berkeley 2020 Long Range Development Plan (LRDP)  
 (and Chang-Lin Tien Center for East Asian Studies) Draft Environmental Impact  
 Report (EIR)**

Dear Ms. Lawrence,

The enclosed comments are mostly related to issues, that need more comprehensive and detailed scrutiny in the Final EIR, concerning the some 1000 acres of land above the Campus Park in the area designated as Hill Campus, aka the Strawberry Creek Watershed, located within the City limits of Berkeley, Oakland and the East Bay Regional Park District. Over 200 of the watershed acres are located at the Lawrence Berkeley National Laboratory (LBNL), which is managed by the University of California (UC) for the Department of Energy (DOE).

The UCB 2020 LRDP Draft EIR lacked detailed maps pertaining to this very important and fragile Watershed including its many creeks, all tributaries of the Strawberry creek, and numerous springs and aquifers. The Final EIR must include comprehensive analysis of the Watershed, including its complex hydrogeology, as well as a detailed description of the complex management/ownership/oversight jurisdictions and responsibilities between UC, DOE and LBNL. Some of these concerns were expressed in a letter dated 3/13/03 to Kerry O' Banion for which we are requesting full and detailed answers. (Attachment 1)

C276-1

For instance:

1. When will the Lawrence Berkeley National Laboratory's (LBNL) Draft 2002 Long Range Development Plan (dated May 2001) be available for Public Review and Comment? Will LBNL prepare an EIR/EIS for the LRDP? When will the EIR/EIS be circulated for Public Review and Comment?

C276-2

2. When will the UC's Master Plan and EIR for the Richmond Field Station be available for Public Review and Comment?

C276-3

3. What are the specifics of the UCB's plan to develop Student and Faculty Housing in the Strawberry Canyon Watershed? How many units are proposed for each of the 2 sites being considered?

C276-4

A. Corner of Grizzly Peak Boulevard and Centennial Drive, currently a quiet, single family residential neighborhood,

B. Parking Terraces next to the Lawrence Hall of Science, a landslide area.

4. Will UC(B) continue to allow Department of Energy (DOE) operations on Central (Core) Campus? Both the current Donner Lab (LBNL Building 1) and Melvin Calvin Lab (LBNL Building 3) were marked on the maps as sites for "planned/potential buildings", what specifically is being proposed to replace these 2 buildings? Are they included in the UCB 2020 LRDP EIR? If not, why?

C276-5

5. Nanoscience/engineering was mentioned as part of the new Academic Initiatives. What specifically will be the location/ building for the nanoscience/engineering initiative?

C276-6

6. What specific consideration is being given to the fact that LBNL is proceeding with the proposal to implement DOE's National Nanotechnology Initiative by locating a nanoscale research facility, the Molecular Foundry, in the Strawberry Canyon Watershed, next to Chicken Creek?

C276-7

7. What specific research activities are being considered for the Strawberry Canyon Watershed, i.e. the Hill Campus, in the UCB 2020 LRDP?

C276-8

8. Since the UC manages LBNL for the Department of Energy, and LBNL is located on leased University land, why are the UCB's and LBNL's LRDPs not circulated at the same time for Public Review and Comment? Since the operations of LBNL are inseparable from the UC (unless DOE decides not to renew the management contract, which expired on September 30, 2002 but was extended until January 2005), will UC and LBNL/DOE prepare an umbrella EIR/EIS to evaluate the cumulative environmental impacts of both the UCB's and LBNL's LRDPs, including the Richmond Field Station activities? How are decisions made regarding the locating of research, which is " too big, stinky and uses hazardous materials", outside the "Core" Campus?

C276-9

C276-10

**Background**

In 1860, the College of California moved from Oakland to the present campus site. Strawberry Creek was one of the main reasons why the founders choose this location. "All the other striking advantages of this location could not make it a place fit to be chosen as the College Home without this water. With it every excellence is of double value." (Attachment 2)

LBNL originated on the University of California Berkeley (UCB) campus in 1932 as the UC Radiation "Rad" Laboratory. In the late 1930's the regents gave Ernest O. Lawrence, permission to build in Strawberry Canyon above the University. In 1940, the Rad Lab was relocated to its present site. Dr. Lawrence wrote that the new site "gave privacy and sufficient distance to alleviate the possible in effects of errant radiation upon the town below" (Attachment 3). However, this was not to be. After 1948, the facility was funded by the US Atomic Energy Commission and its successor agencies. In 1972, the name was changed from the Lawrence Radiation Laboratory to Lawrence Berkeley Laboratory (Attachment 4), which by this time had become a major nuclear industrial complex surrounded by residential neighborhoods, to the south, west and north.

**Air Quality (2) and Hazardous Materials (6)**

New science, nanotechnology is being introduced to the central campus, i.e. Campus Park (Attachment 5) and to the Strawberry Canyon's Hill Campus. The EIR must address how nano-scale materials, nano-pollution is being prevented from entering the environment. It is our understanding that there are no filtering systems available to prevent emissions from either routine or accidental releases resulting from the nano-fabrication and manipulation of biological, organic and inorganic nanostructures.

C276-11

The Draft EIR ignores these concerns, although much is known about the potential health and environmental impacts of nanotechnology which were recently highlighted in the Washington Post February 1, 2004 article (Attachment 6).

Campus Park includes laboratory operations for both UCB and LBNL. LBNL's laboratories occupy over 105,500 sq ft. of space in fifteen different buildings on central campus. Of these, Melvin Calvin Laboratory and Donner Laboratory operate under federal jurisdiction, i.e. DOE rules apply to radioactive limits and releases. UCB is under CA Department of Health Services regulatory oversight that places strict limits to the use, storage and emissions for radioactive materials. For example, LBNL's average annual use of tritium on their hill campus facility (NTLF) was almost 80 times greater than the amount used at UCB labs on the central campus (Attachment 7). The Final EIR should address the magnitude of LBNL's present and future inventory/use of radioactive substances and their impacts at the Melvin Calvin, Donner and other central campus labs.

C276-12

Of special concern is the location of the Girton Childcare Center, which is about a 100 meters from LBNL's Melvin Calvin Lab and about 200 meters from LBNL's Donner Laboratory. The UCB LRDP erroneously states: "Existing schools or childcare centers within 1/2 mile of campus laboratories are not within 1/4 mile of LBNL". The impacts of both LBNL's Donner and Calvin Laboratories on the Girton Childcare Center must be evaluated. Furthermore, please provide a full copy of the Safety Analysis Documents (SAD) for both Donner and Calvin Labs in the Final EIR. It should be noted that in 1998 the US Environmental Protection Agency (EPA) evaluated LBNL as a potential Superfund site and found that over half of the Tritium air monitoring samples collected at the Calvin Lab in 1995 exceeded EPA's Cancer Risk Screening Concentrations. Curiously, after 1995 the Calvin lab's Tritium monitor was removed from the monitoring network.

C276-13

The Final EIR should further explain the complicated, often misleading and mostly poorly understood federal, versus state regulatory oversight differences and the resulting ramifications regarding the use/storage limits for radionuclides at LBNL/DOE on the central campus and on the hill, compared to UCB.

C276-14

**Biological Resources (3), Hydrology & Water Quality (7), and Land Use (8)**

The UCB's New Century Plan includes a section titled: "Accommodating the Next Lawrence Berkeley Laboratory", and one of the possible locations listed is "The Hill", outlining a section of undeveloped land in the eastern part of the Strawberry Creek Watershed (Attachment 8). Although LBNL is in the process of preparing its own LRDP EIR (NOP October 2000), these two institutions, UCB and LBNL, are so intertwined academically and geographically that the UCB LRDP must include a comprehensive discussion on the environmental impacts of LBNL, especially due to its prime watershed location.

C276-15

As stated earlier, about 1000 acres of the UCB Hill Campus encompass the very important Strawberry Creek Watershed (Attachment 9). The Final EIR must include a comprehensive Watershed Management Plan that would address the canyon water resources and their preservation. Clear explanation should be given to what an "Ecological Study Area" is, other than land reserved for future development. Special concerns: LBNL's chemical and radioactive groundwater plumes and seepage of contaminated groundwater and storm water runoff into the creeks (Attachment 10). The Final EIR should characterize the fresh water (geologic water) containing aquifers, especially the Lennert Aquifer underneath and northeast of the Lawrence Hall of Science (LHS). Note that Shively Well #1 is currently pumping this fresh water, which is being dumped into the north fork of Strawberry Creek (Attachment 11).

C276-16

**Geology, Seismicity & Soils (5)**

There are both UCB and LBNL buildings located in the Hayward Fault Zone and many right in the Alquist Priolo Earthquake Fault Zone. The UCB LRDP EIR must have a comprehensive discussion with detailed maps showing the location of present and proposed buildings in this seismic hazard zone and answer the question: why there? (Attachment 12). "On the basis of research conducted since the 1989 Loma Prieta earthquake, US Geological Survey (USGS) and other scientists conclude that there is a 70% probability of at least one magnitude 6.7 or greater quake, capable of causing widespread damage, striking the San Francisco Bay region before 2030" (Attachment 13).

C276-17

A 1984 Converse Consultants report titled: Hill Area Dewatering and Stabilization Studies provide a comprehensive view of the hydrogeology of the Strawberry Creek Watershed (Attachment 14). The UCB LRDP must have a full discussion with updated data on issues related to the geology and hydrology of the Canyon, based on the findings of the Converse Consultants and other more recent investigations. The Converse report lists several faults, including, but not limited to the Hayward Fault, Wildcat Fault, Strawberry Canyon Fault, University Fault, New Fault, Lawrence Hall Fault Complex and several other faults passing under the Space Sciences Building, and next to Building 62, which is in the same general area where LBNL is proposing to build a nanotechnology facility, the Molecular Foundry. (Attachment 15)

C276-18



In February of 2003, the California Geological Survey published a series of Seismic Hazard Zone maps, which indicate that most of the Strawberry Creek Watershed/UCB Hill Campus/LBNL is located in a very high-risk earthquake induced landslide area (Attachment 16). The Converse Report addresses issues related to slope stability, and again, it is imperative that the UCB LRDP EIR provide detailed, updated data and maps related to landslides, both wet season (caused by rain) and dry season (caused by aquifers, specifically the Lennert Aquifer) landslides. A consideration should be given to designate all of the remaining pristine, undeveloped lands in the Strawberry Creek Watershed as an Ecological Protection Zone into perpetuity so they will be there for future generations to enjoy.

C276-19

**Noise (9), Population & Housing (10), Public Services: Fire & Emergency Protection (11) Transportation & Traffic (12) and Utilities & Service Systems (13)**

The initial study indicates that 100 family suitable housing units (2,3 & 4 bedroom) for faculty and staff are being proposed in the high-risk fire hazard zone of the Strawberry Canyon (Attachment 17). This would mean that about 400 individuals and 200 cars would be located in an area with the potential for extreme natural hazards. The City of Berkeley's Fire Department has in the past expressed concern over their limited access to the canyon via narrow, winding and already clogged Centennial drive and their ability to respond to emergencies and fire.

UCB's own 2020 Hill Area Fire Fuel Management Program states that 14 major fires occurred within the past 75 years in the East Bay Hills. The frequency and severity of the fires make these hills amongst the most dangerous areas to live in California. The 1923 fire in Berkeley set the early record for structural fire losses in California, burning over 584 homes and other buildings. This record lasted until the October 1991 Oakland-Berkeley Hills firestorm that destroyed over 3400 structures, killed 25 people and injured 150 more.

Furthermore, the three sites listed in the Notice of Preparation (NOP) as housing reserves have additional issues: Chicken Creek sub-basin is contaminated with radioactive tritium, LHS parking terraces are over the Lennert Aquifer, which has caused major landslides in the past. And the third site at the end of a narrow crowded lower Summit Road ends in a cul-de-sac and is currently a quiet residential neighborhood and not suitable for an additional 100 high density housing units. Faculty/staff housing should be within walking distance from campus, for instance the Oxford Track lot seems ideal.

C276-20

In the Draft LRDP EIR, the Chicken Creek housing reserve designation was changed to a "study site". What does this mean? We also learned that the Chicken Creek site is currently used by UCB as a makeshift corporation yard. This new land use does not conform to UCB's current land use in the hill area. Clearly, there should have been a public review process, under California Environmental Quality Act (CEQA) prior to the development of the new corporation yard site. The current impacts of these activities are heavy machinery/truck traffic, dumping of soils and other materials, potential oil, gas and diesel leaks into Chicken and No-name Creeks, etc.

C276-21

This approach to development is unethical and likely illegal. Certainly this "corporation yard" does not conform to state and federal guidelines and regulations for businesses required to participate in the National Pollutant Discharge Elimination System (NPDES) Permitting Program and to implement a Stormwater Management Plan. (SWMP) Why has this development been allowed to move forward when it has never been addressed by the prior LRDP evaluation in 1990?

C276-21

**Conclusion**

The UC LRDP EIR must evaluate all risks and cumulative impacts from the use of hazardous, radioactive and nanoscale materials both at UCB and LBNL (Campus Park/Hill Campus). The evaluation must include details regarding impacts to the Strawberry Creek Watershed, its creeks, fauna, flora, air, soil, humans, etc., as well as risks from earthquakes, fires, landslides and existing radioactive and chemical contamination in the Chicken Creek sub-watershed and in other areas burdened by LBNL's operations.

C276-22

The UC management of the three national labs, Los Alamos, Livermore and Berkeley is currently under scrutiny due to financial and other kinds of mismanagement. As of the date of this letter the Department of Energy has not yet signed a new contract with UC for the management of LBNL (the last five-year contract expired on September 30,2002). It is possible that DOE will not be funding LBNL within the LRDP 2020 time period.

C276-23

For this reason the EIR should evaluate alternatives for the over 200acre site currently occupied by LBNL. What would the impacts be if the funding diverted back to UCB as was the case prior to 1948, and the CA DHS would have oversight responsibilities regarding issues of clean-up, reuse of contaminated, decommissioned facility sites etc.? After clean-up, would the old LBNL site be deemed potentially suitable for student, faculty and staff housing for example? The Final EIR should evaluate all these scenarios.

Furthermore, in view of DOE Secretary Abraham's recent proposal to remove plutonium/ weapons work from Livermore, it would seem logical and financially prudent, since both LBNL and LLNL are taxpayer funded, for DOE to consolidate resources and transfer all the redundant scientific missions/activities and divisions from LBNL to Livermore. (Attachment 18) This would help LLNL to remain DOE's major civilian scientific laboratory in California, and would free over 200 acres of land, now occupied by LBNL to divert back to UCB, since the University, as described in the UCB 2020 Long Range Development Plan (LRDP) is in dire need for land and space.

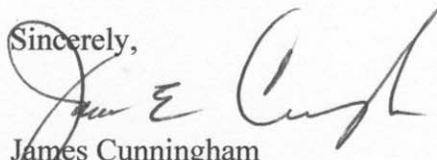
The UCB 2020 LRDP mandates the University to accept 4000 new students by year 2010, as the Central Campus and the contiguous neighborhoods are already cracking at their seams. UCB is a small urban campus, already overcrowded having created enormous traffic management and safety, fire safety, utility and sewer management, environmental and ecological degradation etc. problems for the City and citizens of Berkeley.

C276-24

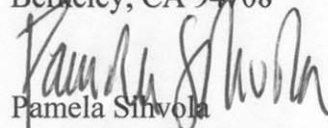
We propose DOE's divestment from LBNL and ask that a Masterplan and a timeline be provided for the transfer of activities from LBNL to LLNL. We also ask that a timeline and budget be included for the site clean-up, that would allow UCB to include sections of the LBNL site in the 2020 LRDP planning, for instance to be used for the proposed faculty and student housing, just a walking distance from the main campus.

The ultimate goal is that the LBNL site be converted into an integral part of the core campus, without barbed wire fences, security guards and constant threats of terrorist attacks. It should become a place where the University could continue its mission as an institute of higher learning.

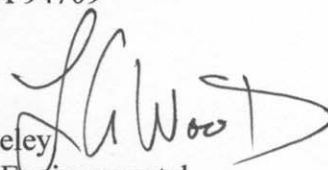
Sincerely,



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### Comment Letter C276: List of Attachments

*Documents are available for review during business hours at the Physical & Environmental Planning office at 1936 University Ave, Suite 300, Berkeley CA 94720.*

| <u>No.</u> | <u>Date</u>   | <u>Description</u>   |
|------------|---|--|
| A1         | January 13, 2003  | Correspondence from Pamela Sihvola to Kerry O'Banion and Jennifer Lawrence   |
| A2         | January 2000  | <i>Strawberry Creek: A Walking Tour of Campus Natural History</i> , UCB, pages 2-3 and 16-19   |
| A3         | September 1999  | <i>Imperial San Francisco: Urban Power, Earthly Ruin</i> , Gray Brechin, pages 314-315   |
| A4         | February 1991   | <i>Tiger Team Assessment of the Lawrence Berkeley Laboratory</i> , U.S. Department of Energy, Office of Environment, Safety and Health, preface, pages 1-5 and 1-7, figure 1-2   |
| A5 (a-e)   | February 19, 2003<br>March 29, 2003<br>April 2003<br>November 26, 2003<br>November 26, 2003 | a) "'Smart Dust' To Aid Military, Civilian Users", <i>The Daily Californian</i><br>b) "How Safe is Nanotech?", <i>New Scientist</i><br>c) "Measuring the Risks of Nanotechnology", <i>Technology Review</i><br>d) Correspondence from Thomas Kelly to Jeff Philliber, LBNL<br>e) Correspondence from Phil Kamlarz, COB, to Jeff Philliber, LBNL  |
| A6         | February 1, 2004  | "Nanotech Poses Big Unknown to Science", <i>The Washington Post</i>  |
| A7 (a-f)   | March 18, 1997<br>March 18, 1997<br>unknown<br>October 1, 1997<br>July 15, 1997             | a) Correspondence from Paul Lavelly, UCB, to Co-Chairs, Tritium Issues Workgroup<br>b) UCB Tritium Data, Locations with Tritium in Use or Storage as of 3/14/97<br>c) UCB Map<br>d) "Contract Between The United States of America and The Regents of the University of California, For Management of the Lawrence Berkeley National Laboratory, Supplemental Agreement to Contract No. DE-AC03-76SF00098, effective October 1, 1997", title page<br>e) Modification No.: M253, Supplemental Agreement to Contract No. DE-AC03-76SF00098, page I-4<br>f) Tritium Purchases, Releases, Shipments & Disposal: 1969 - Present |
| A7 (d-e)   | June 17, 1997   | d) "US Department of Energy, Radionuclide Air Emission Annual Report (Subpart H of 40 CFR 61) Calendar Year 1996", pages 13-15<br>e) Preliminary Assessment/Site Inspection on LBNL's National Tritium Labeling Facility, pages 1-1 thru 1-4, figure 3-1, table 3-1, table 3-2   |
| A8         | October 19, 1999  | "Working Paper: University of California, Berkeley, New Century Plan", section 4.3   |

|                  |  |  |
|------------------|--|--|
| <b>A9 (a-c)</b>  | c. 1875<br>unknown<br>September 1997   | a) "Map of Strawberry Valley and Vicinity", Frank Soule, Jr.<br>b) Watershed map of LBNL<br>c) <i>Strawberry Creek Management Plan</i> , "figure 9 Drainage, Subcatchment Areas"   |
| <b>A10 (a-e)</b> | October 1997<br>October 2002<br>April 2003<br>June 2002<br><br>November 1998 | a) "Figure 9. Groundwater Contamination Plumes, Fourth Quarter FY99"<br>b) "Figure 1. Location of New Temporary Groundwater Sampling Point SB31-02-7 and Concentrations of Tritium Detected in Groundwater (pCi/L), First Quarter FY03"<br>c) "Figure 2. Locations of New Temporary Groundwater Sampling Points SB31-03-1, SB31-03-2, and SB31-03-3 and Concentrations of Tritium Detected in Surface Water Samples (pCi/L), Second Quarter FY03"<br>d) "Figure 16. Tritium Concentrations in Groundwater (pCi/L) in Corporation Yard Area, Second Quarter, FY2002"<br><br>e) "Figure 8. Proposed Surface Water and Sediment Sampling Locations for Tritium" |
| <b>A-11</b>      | May 28, 1999   | Correspondence from John Shively to Charles Shank, LBNL  |
| <b>A-12</b>      | unknown  | Seismicity maps of Berkeley/Oakland Hills  |
| <b>A-13</b>      | 1999   | "USGS Fact Sheet 152-99: Understanding Earthquake Hazards in the San Francisco Bay Region"   |
| <b>A14</b>       | October 31, 1984   | <i>Hill Area Dewatering and Stabilization Studies</i> , Converse Consultants, chapter 5 and plate 4  |
| <b>A15</b>       | October 31, 1984   | <i>Hill Area Dewatering and Stabilization Studies</i> , Converse Consultants, chapter 4 and plates 2 & 3   |
| <b>A16 (a-b)</b> | unknown  | East Bay hills maps  |
| <b>A17</b>       | August 19, 2003  | <i>UC Berkeley 2020 LRDP EIR Notice of Preparation</i> , page 13   |
| <b>A18 (a-d)</b> | July 19, 2002<br>May 25, 2004<br>May 8, 2004<br>June 14, 2004                | a) "Red tape is sticking point for lab deal", <i>The Berkeley Voice</i><br>b) Correspondence from Committee to Minimize Toxic Waste to Thomas Grim, US DOE<br>c) "US wants to remove plutonium from lab", "Nuke watchdog at odds with Energy Dept. on lab's future", <i>San Francisco Chronicle</i><br>d) "University Laboratories up for Grabs", <i>The Daily Californian</i>   |



## **11.2C.276 RESPONSE TO COMMENT LETTER C276**

### **RESPONSE TO COMMENT C276-1**

The writers' opinion is noted. CEQA suggests that environmental impact reports appropriately limit background material, and may be "analytic rather than encyclopedic." See the CEQA Guidelines 15006. Nonetheless, a general description of drainages and a general map appears in the Draft 2020 LRDP EIR at pages 4.7-7 to 4.7-11. Also see Thematic Response 6 regarding UC Berkeley's relationship to LBNL.

### **RESPONSE TO COMMENT C276-2**

The question is not a comment on the 2020 LRDP Draft EIR, and no response is required. Please contact the Lawrence Berkeley National Laboratory for schedule information regarding the Long Range Development Plan for that facility.

### **RESPONSE TO COMMENT C276-3**

The question is not a comment on the 2020 LRDP Draft EIR, and no response is required. As stated at page 3.1-7 of the Draft EIR, the Richmond Field Station is outside the scope of the 2020 LRDP. No master planning schedule for the Richmond Field Station is available at this time.

### **RESPONSE TO COMMENT C276-4**

Please see Thematic Response 8 regarding Hill Campus Development.

### **RESPONSE TO COMMENT C276-5**

Illustrative concepts at pages 3.1-20 and 3.1-21 of the 2020 LRDP Draft EIR demonstrate only one possible outcome of implementation of the 2020 LRDP. The figures are not intended to demonstrate programmatic intent with regard to LBNL occupancy of campus space.

### **RESPONSE TO COMMENT C276-6**

As described in the 2020 LRDP Draft EIR, the 2020 LRDP is a programmatic document, and with one exception, does not include specific building proposals. The only exception is the Tien Center, analyzed at a project specific level in the Draft EIR.

### **RESPONSE TO COMMENT C276-7**

The Molecular Foundry, as analyzed in CEQA documentation prepared for LBNL, is considered in the cumulative analysis prepared for the 2020 LRDP Draft EIR.

### **RESPONSE TO COMMENT C276-8**

The 2020 LRDP is a programmatic document and does not include specific building proposals, nor proposals for siting research facilities.

### **RESPONSE TO COMMENT C276-9**

Please see Thematic Response 6 regarding Lawrence Berkeley National Laboratory.

### **RESPONSE TO COMMENT C276-10**

The Location Guidelines in section 3.1.16 of the 2020 LRDP Draft EIR provide guidance on the location priorities for different types of UC Berkeley programs.

**RESPONSE TO COMMENT C276-11**

The University employs current safe practices already established for ultrafine particles and these would apply to nanotechnology research. As further safe practices are developed by appropriate agencies, the University Office of Environment, Health and Safety (EH&S) will incorporate these practices, as is University policy on the handling of all materials with known or potentially dangerous properties. As described at page 4.6-16 of the 2020 LRDP Draft EIR, each laboratory at UC Berkeley maintains a chemical hygiene plan and chemical inventory system. Biohazard safety measures are also described in this section of the 2020 LRDP Draft EIR. These safety frameworks would apply to the use of any new materials, including nanoparticles, as appropriate.

The following Internet link (<http://www.cdc.gov/niosh/topics/nanotech/#oshrisks>) provides a summary of recent National Institute for Occupational Safety and Health (NIOSH) efforts, which are at the same stage as the U.S. Environmental Protection Agency (EPA) nanotechnology program – the funding of initial research in toxicity and health risks. The NIOSH announcement on the development of a safe practices document was released on May 7, 2004, after the publication of the Draft EIR (<http://nano.gov/html/about/NIOSHannounce.htm>). The announcement states that NIOSH "...plans to issue a "best practice" document for working with nanomaterials." EH&S will examine this information once it becomes available.

**RESPONSE TO COMMENT C276-12**

UC Berkeley and LBNL fall under the regulatory guidance of two essentially identical rules regarding radiation protection. See Title 10, Code of Federal Regulations (CFR) Part 835 and CAC Title 17 and Title 10 CFR Part 20. LBNL manages the chemical and radioactive material inventory in Calvin and Donner. A Partnership Agreement between UCB and LBNL coordinates environmental compliance activities. Regulators and LBNL can be directly contacted for additional information on inventory limits. See also discussion of the risk analysis in response to comment C276-13, below. Further, LBNL's National Tritium Labeling Facility (NTLF) closed in 2001.<sup>6</sup>

**RESPONSE TO COMMENT C276-13**

Existing schools or childcare centers within ½ mile of laboratories on the UC Berkeley central campus are not within ¼ mile of LBNL, under the common language meaning of Calvin and Donner laboratories' physical locations on the University of California central campus. However, it is true that Calvin and Donner laboratories are operated by LBNL and are within ¼ mile of the Girton Childcare Center. Calvin and Donner laboratories were excluded from the UC Berkeley 2020 LRDP analysis since they are operated by LBNL and are to be included in the LBNL 2025 LRDP EIR. They are considered in the cumulative analysis presented in the 2020 LRDP EIR. However, LBNL's detailed analysis is not available at the time of this writing, thus the response below elaborates upon these laboratories' impact on the Girton Childcare Center.

At the time that UC Berkeley prepared the first human health risk assessment (HRA) for the central campus for year 2000 emissions<sup>7</sup> Calvin and Donner were included in that analysis. Emissions from Calvin and Donner were calculated based on laboratory square footage estimates for these buildings and emission factors per laboratory square footage based on laboratory chemical usage at the UC Berkeley campus. Emission factors for common radioisotopes used in laboratory work were developed from subsequent work performed for UC Davis<sup>8</sup> and added to the UC Berkeley laboratory emission factors in

the re-run of the UC Berkeley Baseline HRA for the year 2003 (2020 LRDP Draft EIR, Appendix C). To address the comment about potential impacts of Calvin and Donner on the Girton Childcare Center, the 2003 baseline HRA has been re-run with laboratory emissions estimates for Calvin and Donner based on the UC Berkeley and UC Davis work discussed above.

The potential cancer risk calculated on a continuous 70-year exposure basis from the estimated Calvin and Donner operations is about 0.067 in one million. It is noted, as discussed in the UC Berkeley 2020 LRDP Draft EIR, that exposures as a daycare worker or a child are not continuous 70-year exposures. Adjustment factors to 70-year risk estimates to assess these exposures are 0.144 for a daycare worker and 0.110 for a child (explained further in Appendix C of the Draft EIR). These factors yield a cancer risk estimate of about 0.01 in one million for a daycare worker and 0.007 in one million for a child at the Girton Childcare Center. These estimates do not add significantly to the overall cancer risks at the Girton Childcare Center reported in the 2020 LRDP Draft EIR from all UC Berkeley emission sources (which did not include Calvin and Donner laboratories). This assessment is based on the best information currently available. When the 2025 LBNL LRDP EIR becomes available, the assessment for Calvin and Donner Laboratories presented in that document can be compared against the one presented here.

Additionally, in 2000 the City of Berkeley contracted with the Institut für Energie - und Umweltforschung (Institute for Energy and Environmental Research or IFEU) for an independent assessment of tritium issues. In the final report and in public meetings, Dr. Bernd Franke of IFEU reported that emissions from Donner and Calvin have no impact on Girton Hall.<sup>9</sup> According to UC Berkeley's radiation safety officer "Making the assumption that the work with radioactive materials in Donner and Calvin was at its peak well over 10 years ago (and continues to decrease) future impacts on Girton are expected to be nil."<sup>10</sup> As noted above, LBNL's National Tritium Labeling Facility (NTLF) closed in 2001.<sup>11</sup>

#### **RESPONSE TO COMMENT C276-14**

The writers are referred to the individual regulatory agencies for the requested material. CEQA suggests that environmental impact reports appropriately limit background material, and may be "analytic rather than encyclopedic." See the CEQA Guidelines, 15006. The rules and implementation under the DOE (10 CFR 835) and UCB (under CAC Title 17 and 10 CFR 20) are so similar as to provide essentially identical levels of control.

#### **RESPONSE TO COMMENT C276-15**

The writer mistakenly refers to a draft consultant working paper from early 2000 which was unfortunately mistitled "New Century Plan", but was in fact just an exploration of alternate concepts, some of which were deliberately provocative. The actual UC Berkeley New Century Plan, viewable at:  
<http://www.cp.berkeley.edu/ncp/index.html>  
contains no section "Accommodating the Next Lawrence Berkeley Laboratory". Please see Thematic Response 6 regarding Lawrence Berkeley National Laboratory.

**RESPONSE TO COMMENT C276-16**

The 2020 LRDP Draft EIR defines Ecological Study Area at page 3.1-53 as preserved “for education and research.”

The writers’ request for a Watershed Management Plan is noted. The 2020 LRDP Draft EIR includes many protections for riparian areas, in both the Hill Campus and the Campus Park. Continuing Best Practices outlined in Chapter 4.3, Biological Resources serve to protect and enhance riparian areas, wildlife habitat, and other natural communities in the Hill Campus and Campus Park. UC Berkeley is eager to work with the City of Berkeley and other land management agencies in the watershed to evolve additional improvements in land management strategies for the watershed. However, the Draft EIR reviews possible impacts of implementing the 2020 LRDP, and under CEQA the document need not include additional detail about existing conditions in the watershed.

**RESPONSE TO COMMENT C276-17**

The 2020 LRDP is a programmatic document and generally does not include specific building or siting proposals. A project proposed under the 2020 LRDP would comply with the Alquist Priolo Earthquake Fault Zoning Act; further, a project would implement Continuing Best Practice GEO-1-b, requiring site-specific geotechnical studies. See page 4.5-17 of the 2020 LRDP Draft EIR.

**RESPONSE TO COMMENT C276-18**

The opinion of the writers is noted. See response C276-1.

**RESPONSE TO COMMENT C276-19**

The 2020 LRDP Draft EIR reviews possible impacts of implementing the 2020 LRDP, and under CEQA the document adequately describes the watershed setting. UC Berkeley is eager to work with the City of Berkeley and other land management agencies in the watershed to evolve additional improvements in land management strategies for the watershed.

**RESPONSE TO COMMENT C276-20**

See Thematic Response 8 regarding Hill Campus development, and Thematic Response 1 regarding the role of the 2020 LRDP in subsequent project review. Any proposed project at the noted sites would be subject to further review in accordance with CEQA. With regard to Chicken Creek it should be noted that the contaminant levels are very low under EPA limits, and that UCB activities are not the source of the contaminants and will not exacerbate the problem.<sup>12</sup>

**RESPONSE TO COMMENT C276-21**

The site described was identified in the 1990-2005 LRDP at page 52 as the “Poultry Husbandry Reserve Site for Field Research” and has never been identified as part of the Ecological Study Area.

To temporarily meet the urgent need for a base from which to serve needs of the more easterly campus facilities, the site has provided staging and storage for the Department of Facilities Services (Physical Plant—Campus Services Division, Facilities Group). The site was partially paved and engineered retaining walls, drainage systems, temporary equipment sheds and fencing installed to manage the site appropriately for public and habitat health and safety. Storage only of campus maintenance materials and vehicles

occurs on the site under applicable standards, codes, and best management practices for such use. Risks of groundwater contamination are minimal.

The draft 2020 LRDP at page 3.1-55 states "The upslope area of the former Poultry Husbandry site, shown as S1 in figure 3.1-10, is now used by the campus as a materials storage and vehicle parking site. This site was designated in the 1990-2005 LRDP as a reserve site for a future research facility. While the current use may remain as an interim use in the near term, a feasibility study should be conducted to identify a more suitable long term use for this site and a more suitable location for the current use."

**RESPONSE TO COMMENT C276-22**

The comment summarizes the writer's concerns. Please see responses to comments, above.

**RESPONSE TO COMMENT C276-23**

The writers seem to request that the 2020 LRDP Draft EIR include an alternative where LBNL is managed by UC Berkeley. However, this outcome is highly speculative. See Thematic Response 3 regarding LRDP Alternatives.

Whether or not the University of California loses the contract for management of LBNL, any new plans for the facility would be subject to environmental review. Any decommissioning activities would be subject to essentially identical rules and clean up levels.

**RESPONSE TO COMMENT C276-24**

The writers' opinions are noted. The 2020 LRDP and Draft EIR analyzes growth at UC Berkeley, but does not mandate it.

**RESPONSE TO COMMENT C276-25**

The writers request conversion of LBNL, and a schedule to achieve it. The comment is noted.