

January 18, 2010

Office of the Secretary and Chief of Staff  
UC Regents  
1111 Franklin St., 12th floor  
Oakland, CA 94607

Regent Leslie Tang Schilling  
Chair, Grounds and Building Committee  
1111 Franklin St., 12th floor  
Oakland, CA 94607

*Sent via electronic mail*  
[regentsoffice@ucop.edu](mailto:regentsoffice@ucop.edu)  
[regents@ucop.edu](mailto:regents@ucop.edu)

Re: Second Addendum to the Environmental Impact Report for the Southeast Campus  
Integrated Projects – UC Berkeley Campus

Dear Sirs and Mesdames,

Rather than following the recommendation of President Yudof to adopt the Findings and approve the design of the California Memorial Stadium (CMS) Seismic Corrections and West Program Improvements, please pause and consider the following matters of fact:

- (1) That the proposed seismic corrections and “program improvements” are limited to the west stadium only and are not inclusive of the project as a whole.
- (2) That the stadium rests on fill<sup>1</sup> not only on the western side of the stadium but also on the part of the eastern side of the stadium that was not cut into the hillside. This is the part that filled in the valley floor and creek channel.
- (3) That the east stadium improvements, identified in the Southeast Campus Integrated Projects Environmental Impact Report (IP-EIR), identify numerous costly “program” improvements, including an underground concourse and additional seating above the existing at-grade rim.

---

<sup>1</sup> Geomatrix Consultants (October 2003), *Draft Report Geotechnical Engineering Study California Memorial Stadium Renovation: University of California at Berkeley*.

- (4) That the cost of east stadium improvements and seismic corrections, i.e. the cost of the whole project and not just the cost of the west and Student Athlete High Performance Center projects, has not been disclosed to the public and possibly not to the Regents.
- (5) That the debt service, according to minutes from Regents' meetings, already exceeds \$1 billion.

In consideration of these facts, the proposed project is fiscally irresponsible. It comes at a time when economic conditions of the country, the state, localities, as well as the University of California itself, have taken a turn for the worse. The university can no longer risk the financial health of its state wide education system on such folly.

At the same time as university administrators, responsible for 10 campuses and three national laboratories, risk its financial health on the Berkeley campus' ambitious football program, they also seek exemption from seismic safety law. In the name of protecting California citizens, the administration found a way to duck and dodge the restraints imposed by California's earthquake fault zoning act ("Alquist-Priolo Earthquake Fault Zoning Act").

To avoid public scrutiny, which would otherwise check irresponsible governance, the administrators slipped in an exemption by way of a local government omnibus bill, SB113. To vote against the omnibus bill would have meant voting against small corrections to laws that affect counties and cities throughout the state.

Governor Schwarzenegger himself was not pleased with the process and the omnibus bill. Although he signed SB113 into law, in his signing statement<sup>2</sup> he directed the University, the Seismic Safety Commission, and the Department of Conservation to correct the problem.

In addition to the sought-for exemption under the Alquist-Priolo Act, the administrators now also claim that the stadium qualifies as a reinforced concrete moment resisting frame building<sup>3</sup>. This is new information not previously introduced and examined by the public although it has the potential to exempt the Stadium from the Alquist-Priolo Act.

Consistent with other efforts to shut out the public, this new information was provided to the public as an announcement and entitlement and without the benefit of a public comment period but instead by way of an Addendum<sup>4</sup> to the IP-EIR. The Public's only recourse is to sue, which of course affects litigation delays, which of course affects project impacts, to say nothing of project financing.

---

<sup>2</sup> [http://gov.ca.gov/pdf/press/2009bills/SB113\\_Local\\_Government\\_Signing\\_Message.pdf](http://gov.ca.gov/pdf/press/2009bills/SB113_Local_Government_Signing_Message.pdf)

<sup>3</sup> Environmental Assessment / Checklist and Addendum #2 to the Southeast Campus Integrated Projects Environmental Impact Report, page 2.

<sup>4</sup> Pursuant to the California Environmental Quality Act, an Addendum does not require the agency to hold a public comment period.

The commitment to build the football program and intercollegiate athletes at the aged and deteriorated California Memorial Stadium was presumably based on the support of football fans and alumnae who cherish the Strawberry Canyon location and the historic structure and despite hazards and costs. When all is said and done, the stadium renovation and retrofit will far exceed project costs of other football stadium at other intercollegiate facilities. And at what cost to intercollegiate athletics and the campus as a whole? And at what cost to the historic structure?

Although no effort has been made to de-list the historic structure from the National Register of Historic Places, please take note that the cumulative impacts of the project would be to cause “a significant adverse change in the historical significance of the CMS.”<sup>5</sup> In other words, after all is said and done, the historic structure might be cause for de-listing from the Register just as Soldier Stadium was de-listed after being reconstructed. If so, it would be an ironic turn of events given that the stated rationale for SB113 was based on the structure being a historic structure and the stated reason for engaging in the stadium aspect of the Southeast Campus Integrated Projects to begin with was based on the historic place and structure known as California Memorial Stadium.

It is ironic, therefore, that changes for the stated good of the historic structure may well lead to the de-listing of this historic structure. By virtue of the potential change to the CMS, a historic resource, the Addendum is inadequate pursuant to CEQA.

Aside from concerns about fiscal responsibility, public safety, and transparency of process, changes since approval of the IP-EIR in December 2006 may have impacts not previously studied.

- The 2020 LRDP EIR was prepared and certified *before* Lawrence Berkeley National Laboratory had prepared its own Long Range Development Plan.<sup>6</sup> Since then, the LBNL LRDP was prepared and the EIR was certified in July 2007.

The LBNL campus is proximate to the CMS project and uses the same narrow, two-lane roads to access the respective sites. The scope of the LBNL LRDP is considerable and includes 980,000 gross square feet of new buildings, 320,000 gross square feet of demolition, and 585,000 square feet of space for parking lots and at least two new parking garages.

The Addendum concludes that prior analyses were sufficient despite the fact that cumulative impacts from implementing the LBNL LRDP have not been studied in any prior analysis. Neither does it appear that cumulative impacts from the LBNL Bevatron Demolition project been previously considered.

---

<sup>5</sup> Cumulative Impact – IPE – 8.

<sup>6</sup> 2020 LRDP DEIR. “The scope of the 2020 LRDP also does not include the UC-operated Lawrence Berkeley National Laboratory, which is currently preparing its on Long Range Development Plan.” p.3.0-1.

The university must not avoid its obligation to consider cumulative impacts. The LBNL LRDP was a reasonably foreseeable project that should have been anticipated and cumulatively considered previously.

- SB113 not only lifts the restrictions on valuation; by inference, and by reference to the section of the Alquist-Priolo Act regarding any structure with human occupancy restrictions, it also removes restrictions on occupancy.

In general, the whole matter of occupancy needs additional environmental review. Although the proposed stadium design reduces population capacity of the stadium bowl, the project detail provided at this point in time portends increased use and an increased number of types of uses. Moreover, an improved stadium, especially given the fiscal straits of the university and the need for revenue-generating activities, is an opportunity for increased capacity use, a possibility that could be realized by the stroke of a CEQA-compliant rationale.

- A letter and accompanying figures from Donald Wells, Senior Geologist for Geomatrix, to Stan Mar, project manager for the Department of Facilities Services, dated 12/18/2009 show that the Athletic Service Center (ASC) is 30' from an active fault and not 50', the latter of which is the earthquake fault zoning act's definition of an earthquake fault hazard zone .
- The temporary activities and structures in Strawberry Canyon are a significant change given they will be located at the narrowest point of the canyon and in an acoustically sensitive environment. The football team sometimes practices at 6:00 a.m. – a fact which is not disclosed in the Addendum – although the noise associated with PAC-10 intercollegiate football practice is wholly inappropriate for this locale any time of day. There is inadequate recognition of the peculiar acoustics of the canyon at this location and of the proximate Panoramic Hill residential neighborhood. Moreover, the structure in the upper pool area – the mobile temporary kitchen and prep area for the provision of team meals – would be sited in a seismically vulnerable area<sup>7</sup> with a known recent history of flooding. In other words, there are both noise and seismic impacts not previously identified and studied.

In addition to the aforementioned concerns, the Addendum suffers from procedural improprieties. To evaluate the adequacy of prior environmental reviews and analysis, a large number of documents are cross-referenced. To some extent this would seem reasonable, given that the Addendum is based on prior documents. However, what is unreasonable is the failure to adequately report critical information in the Addendum and without which it is impossible to establish the sufficiency of prior environmental reviews.

---

<sup>7</sup> Geomatrix Consultants (October, 2003). *Draft Report Geotechnical Engineering Study California Memorial Stadium Renovation: University of California at Berkeley*, Figure 5, Pre-Development Landform Map.

The problem is evident, for example, in the section of the Addendum on “seismic-related ground failure, including liquefaction.” According to the Addendum<sup>8</sup>, “(t)he Integrated Projects EIR states that site specific studies indicate no significant risk due to liquefaction at the CMS site. (IP EIR, Vol. 1, p.4.3-20-21).” Yet, the site-specific studies are not mentioned and not included as a reference while neither does any prior EIR reference a stadium-specific study.

By referring to the referenced citation in the IP EIR, the reader finds an endnote which references the 2020 LRDP EIR, Vol. 1, April 15, 2004, page 4.5-3. Yet by referring to this exact citation, the reader finds no site-specific study and instead a list of state laws applicable to geology, seismicity and soils.

Moreover, the university’s current planning Web site for the stadium project [http://www.cp.berkeley.edu/CP/Projects/CalMemorialStadium\\_SSC/Details.html](http://www.cp.berkeley.edu/CP/Projects/CalMemorialStadium_SSC/Details.html) (retrieved 1/16/10) does not list the geotechnical studies.

Where is, and what is, the site-specific study which states that there is no significant risk due to liquefaction?

I contacted Jennifer McDougall, a principal planner with Capital Projects, who responded promptly to my query by providing me with a comprehensive list of site-specific studies which can be found at the following Web site address:  
<http://www.cp.berkeley.edu/SCIP/EIR.html#NewMay>.  
However, the general public would have no knowledge of this Web site, it would seem, as I at least could find no mention of it in the Addendum.

Of the numerous studies listed on this Web site, only one was specific to the stadium site<sup>9</sup> although the title of the study as it was posted on the Web site is generic<sup>10</sup> rather than by the specific title on the cover page. The downloaded document<sup>11</sup> showed it to be a draft <http://www.cp.berkeley.edu/SCIP/EIR.html#NewMay>

Upon reviewing the only site-specific study for the stadium, it was possible to see the extent to which the stadium site soil is characterized by fill. Certainly, now that the stadium project, phase 2 of the IP-EIR, is under review, it is time for the site-specific study of the stadium to be finalized and for the public to have an opportunity to analyze the study.

The draft study shows quite clearly the extent of fill at the stadium site. Although the Addendum describes where liquefaction *typically* occurs, i.e. “low lying areas near bodies of water such as rivers, lakes, bays and oceans...,” remarkably, the Addendum

---

<sup>8</sup> Environmental Assessment / Checklist and Addendum #2 to the Southeast Campus Integrated Projects Environmental Impact Report, page 51.

<sup>9</sup> Geomatrix Consultants (October 2003). Draft Report Geotechnical Engineering Study California Memorial Stadium Renovation: University of California at Berkeley.

<sup>10</sup> Geomatrix Consultant, Inc. (2003). Geotechnical Engineering Study.

<sup>11</sup> Retrieved 1/15/10.

fails to mention the particulars. No mention is made of creeks or valleys through which creeks flow or the geology of the site as shown in various figures in the 2003 geotechnical study.

The Addendum summary of seismic-related ground failure and liquefaction sends the reader on a wild goose chase to the Association of Bay Area Governments Web site instead of to the university Web site where site-specific studies could be found. Going to prior documents did little good given there is no stadium-specific study listed in these prior environmental review documents. And yet, here we are at the point of proceeding forward with the stadium project, and the one stadium-specific study, well-hidden as it is, is still in draft form.

Trying to comb through all these documents shows nothing but a confusing mess of contradictions. On the one hand, the LRDP EIR states,

“The adjacent Blocks and the Hill Campus are not located in a liquefaction hazard zone, *except at the Memorial Stadium site.*” (emphasis added).<sup>12</sup>

while on the other hand, the Addendum states,

“The Integrated Projects EIR states that site-specific studies indicate no significant risk due to liquefaction at the CMS site (IP EIR Vol1 4.3-20-21). Liquefaction occurs in saturated soils, typically in low-lying areas near bodies of water such as rivers, lakes, bays and oceans.”<sup>13</sup>

Meanwhile, the IP EIR states,

“...the areas of the Integrated Projects potentially subject to liquefaction include the fill in the vicinity of the CMS and fill material in the vicinity of historical Strawberry Creek. However, site-specific studies have concluded that the risk due to liquefaction at the CMS area is not significant.”<sup>14</sup>

Had the public had an opportunity to review the well-hidden site-specific study, they might have reached a different conclusion.

Since the site-specific study is not identified, neither can it be analyzed. As such, the Addendum is furthermore inadequate by providing no analysis of the recommendations made in the 2003 geotechnical study vis à vis changes to the site due to construction of the SAHPC and/or any other construction activity.

Moreover, the previously mentioned letter from Wells to Mar makes no mention of this study, and therefore cannot assert the conditions at the stadium are the same as they were

---

<sup>12</sup> LRDP EIR, p. 4.5-10.

<sup>13</sup> Addendum, p. 51.

<sup>14</sup> IP-EIR, p. 4.3-20-21.

as documented in the 2003 study, and therefore does not contradict the information contained therein nor reconcile discrepancies.

The 2003 stadium-specific draft study not only has implications for the stadium but also for the Maxwell Family Field and Parking Lot structure. As the prelandform map in Figure 5 of the 2003 Geomatrix report clearly shows, the playing field and parking lot are immediately downhill of a landslide area. This potential impact has not been previously analyzed.

In short, the Addendum is inadequate, misleading, and fails to provide the reader with an adequate road map of findings from which one can fairly decide whether prior analysis is sufficient or not. Moreover, a fair argument can be made that there are substantial impacts not previously considered and/or are inadequately mitigated. It is at long last time for the agency to compare the 2003 draft study with the proposed projects in 2010 and to make the only stadium-specific geotechnical study broadly available to the public.

In closing, the concerns laid out herein are not an attempt to take another bite at the IP-EIR apple. Rather, the community has legitimate concerns about this highly complicated project located at an equally, if not more, complicated site. The project, being phased in over time, complicates matters further. Litigation delays are not the fault of the public, but rather a natural byproduct of these complexities. At the least, adequate environmental review would inform the community and the university to the mutual benefit of both.

We urge you to refrain from moving forward with this project at this time despite obvious pressure to do otherwise. A retrofit is feasible but the grandiose plan long-envisioned by irrationally exuberant supporters needs an overhaul.

Yours sincerely,

Janice Thomas  
For BLUE  
[www.berkeleyblue.org](http://www.berkeleyblue.org)  
[info@berkeleyblue.org](mailto:info@berkeleyblue.org)

Attachment: Geomatrix Consultants (October 2003). Draft Report Geotechnical Engineering Study California Memorial Stadium Renovation: University of California at Berkeley.