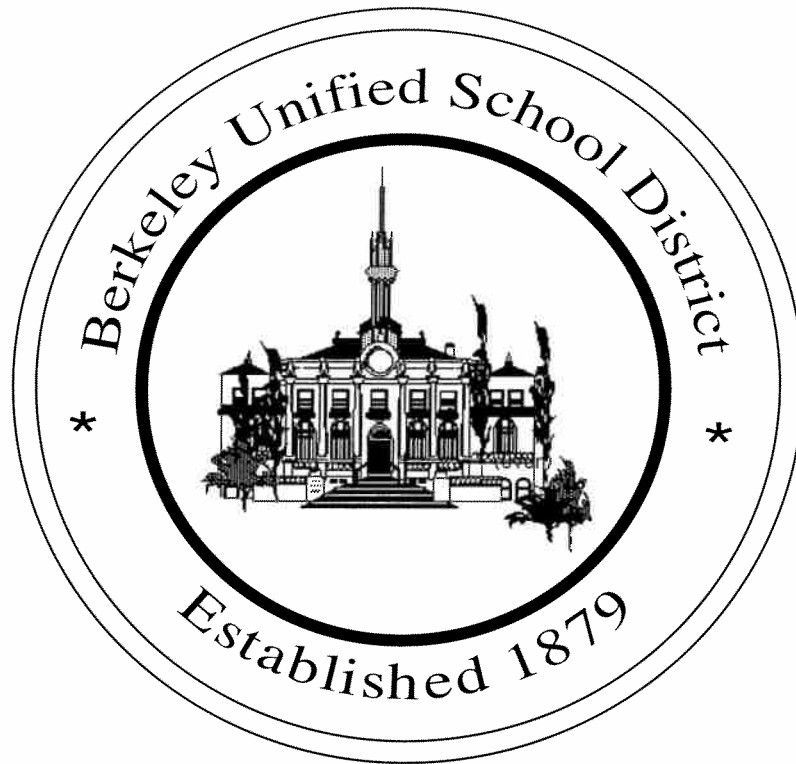


**BERKELEY UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION MEETING  
AND  
SUPERINTENDENT OF SCHOOLS**



**BOARD OF EDUCATION MEETING**

**AUGUST 15, 2001**

Queen Graham  
Executive Assistant  
to the Superintendent  
& Board of Education

BERKELEY UNIFIED SCHOOL DISTRICT  
REGULAR MEETING OF THE BOARD OF EDUCATION – AGENDA  
**Wednesday, August 15, 2001, at 4:30 p.m.**  
District Administrative Offices, Board Meeting Room  
2134 Martin Luther King Jr. Way  
Berkeley, CA 97404-1180

**CALL TO ORDER:** The Meeting will be Called to Order by the Presiding Officer at **4:30 p.m.** and immediately recess to Closed Session. The Meeting will reconvene in **Public Session at 7:30 p.m.**

1. **BOARD ROLL CALL:**
  - President Terry S. Doran
  - Vice President Shirley Issel
  - Director Joaquin J. Rivera
  - Director Ted Schultz
  - Director John T. Selawsky
  - Student Director Sarena M. Chandler\*
  
2. **Recess to Closed Session** – Board Conference Room
  - a. Conference with Legal Counsel—Existing Litigation (Government Code Section 54956.9(a):
    - Case name unspecified—Disclosure would jeopardize:
    - ☐ Service of Process ☒ Existing Settlement Negotiations
  - b. Liability Claims (Government Code Section 54956.9)
    - (1). Claim filed on behalf of a student for emotional distress allegedly caused by staff at Berkeley High School
    - (2). Claim filed by a Berkeley resident for payment of medical expenses allegedly incurred from a fall at Martin Luther King Jr. Middle School
  - c. Consideration of Student Expulsions (Education Code Section 48918)  
**(Separate document, delivered prior to meeting)**
    - (1). Case No. 224
    - (2). Case No. 225
    - (3). Case No. 231
    - (4). Case No. 232
    - (5). Case No. 233
    - (6). Case No. 234
    - (7). Case No. 235
  - d. Collective Bargaining Session (Government Code Section 3549.1(d)
  - e. Grievance Hearing (Government Code Section 54957) **(6:30 p.m.)**
  - f. Public Employee Discipline/Dismissal/Release (Government Code Section 54957)

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\*The Student Director does not attend Closed Session.

2. Recess to Closed Session (continued)
  - g. Public Employment and Appointments (Government Code Section 54957) (Pages 1-5)  
**Certificated Transactions:**
    - (1). Elementary Principal
    - (2). Vice Principal – Secondary
    - (3). Food Services Director

**Classified Transactions**

**RECONVENE IN PUBLIC SESSION** - 7:30 p.m.

3. **BOARD ROLL CALL:**
  - President Terry S. Doran
  - Vice President Shirley Issel
  - Director Joaquin J. Rivera
  - Director Ted Schultz
  - Director John T. Selawsky
  - Student Director Sarena M. Chandler

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

**COLLECT “REQUESTS TO ADDRESS THE BOARD OF EDUCATION” CARDS**

**PUBLIC TESTIMONY:** 30 Minutes Maximum—3 Minutes Per Speaker

**UNION REPRESENTATIVES:** 5 Minutes Each

**ADVISORY COUNCILS:** 5 Minutes Each

**SUPERINTENDENT’S REPORT**

**BOARD MEMBERS' COMMENTS:**

5 Minutes Each

<b>SPECIAL ORDER OF BUSINESS: ACTION</b>	<b>Placed on Agenda by</b>	<b>Disposition</b>	<b>Page(s)</b>
<b>4. Acceptance of Gifts:</b> (a). <b>Jesus Mendez</b> , MI TIERRA FOODS MARKET: A donation of \$150 to the Latino-Chicano Club at Berkeley High School. (b). <b>Mario Tejade</b> , LA FIESTA RESTAURANT: A donation of \$250 worth of food for the Student Recognition Event at Berkeley High School. (c) <b>Tony Mejia</b> , JUAN'S PLACE RESTAURANT: A donation of \$350 worth of food for the Student Recognition Event at Berkeley High School (d). <b>Keith and Dana Dubinsky</b> : A donation of \$150 to be used at Thousand Oaks Elementary School	T.Doran		Oral

<b>PRESENTATION</b>	<b>Placed on Agenda by</b>	<b>Disposition</b>	<b>Page(s)</b>
<b>8:30 p.m.</b> 5. Presentation by Berkeley Arts in Education Steering Committee (BAESC)	C.Lim		Oral

<b>APPROVAL OF CONSENT CALENDAR</b>	<b>Placed on Agenda by</b>	<b>Disposition</b>	<b>Page(s)</b>
6. Approval of Personnel Recommendations	D.Gomez		1-5
7. Approval to deny claims against the District	C.E.James		6
8. Action taken regarding decisions of Student Expulsion Administrative Panels: Case Numbers: 224, 225, 231, 232, 233, 234 and 235	C.Lim		From Closed Session
9. Approval of Contracts and Purchases in Excess of \$15,000	C.E.James		7-12
10. Approval of Resolution No. 7282: Authorization to File Eligibility Documents and State Facility Applications to the State for New Construction and Modernization Projects Under SB 50 Leroy F. Greene School Facilities Act of 1998	C.E.James		13-15
11. Approval of Resolution No. 7284: Authorization to Approve the Award of Emergency Contract to WA Rose to Address A Number of Health and Safety Issues at Berkeley High School, Including Restroom Maintenance and Football Bleacher Repair	C.E.James		16-20

<b>APPROVAL OF CONSENT CALENDAR</b>	<b>Placed on Agenda by</b>	<b>Disposition</b>	<b>Page(s)</b>
12. Approval of Resolution No. 7285: Approval of Authorization of Signatures	M.Lawrence		21-22
13. Approval of Expenditure Plan Academic Performance Indicator (API) Governor's Performance Award for Thousand Oaks Elementary School	C.Lim		23-24
14. Uniform Complaint Procedures – Revision to Board Policy – Second Reading	C.Lim		25-30
15. Acceptance and Authorization for Publication of the Initial Environmental Study and Environmental Checklist for the Transportation Yard at Gilman and 7 <sup>th</sup> Streets	C.E.James		31-85
16. Acceptance of BAAQMD Funds for Lower Emission CNG School Buses and Approval of Long Term Financing Plan for District Matching Funds	C.E.James		86-87
17. Authorization to Contract with Signet Testing Labs for a Physical Survey of the Berkeley High School (BHS) Old Gym and Pools	C.E.James		88-89
18. Authorization to Award Bid Schedule No. 1325 for Mobile Food Unit for Berkeley High School	C.E.James		90

<b>APPROVAL OF ACTION ITEMS</b>	<b>Placed on Agenda by</b>	<b>Disposition</b>	<b>Page(s)</b>
19. Approval of Salary Increases for Berkeley Federation of Teachers (BFT) for 2001-2002	D.Gomez		91
20. Approval of Union of Berkeley Administrators (UBA) Agreement, Section 3g, Salary Increase Formula	D.Gomez		92-93
21. Approval of Salary Increases for the Union of Berkeley Administrators (UBA) Non-Represented Managers, Contracted Administrators and Confidential Employees for 2001-2002	D.Gomez		94

**ADDITIONAL PUBLIC TESTIMONY**

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10 Minutes Maximum

<b>BOARD MATTERS</b>
22. Board Committee Appointments/Reports <ul style="list-style-type: none"><li>• Berkeley Arts Education Steering Committee</li><li>• Berkeley School Financing Corporation</li><li>• Citizens Advisory Committee on Diversity</li><li>• Citizens Budget and Finance Advisory Committee</li><li>• Citizens Construction Program Advisory Committee</li><li>• Facilities Maintenance and Security Advisory Committee</li><li>• Music Program Committee</li><li>• Peace and Justice Commission</li><li>• Student Assignment Advisory Committee</li><li>• Surplus Facilities Advisory Committee</li><li>• Two-by-Two Committee</li><li>• Youth Commission</li></ul>



<b>BOARD REQUESTS</b>

**ADJOURNMENT**

**Board of Education Meetings are Broadcast live on KPFB/F.M 89.3  
and  
Cable Television Channel 25  
Guidelines for Speakers at Board of Education Meetings**

You are invited to participate in the Meetings of the Board of Education and make your views known at these meetings.

**WHEN YOU WANT TO TALK ABOUT AN AGENDA ITEM OR A NON-AGENDA ITEM:**

Please fill in a **REQUEST TO ADDRESS THE BOARD OF EDUCATION CARD** (located on the side of the Speaker's stand) and give it to the Board Recorder. Your card must be submitted before the Presiding Officer calls for the item—**PUBLIC TESTIMONY**.

You will be called on to speak by the Presiding Officer.

A speaker has three minutes in which to make his/her remarks. (The Presiding Officer will extend the time allocation for those with special speech needs).

Any subject related to the District or its educational programs may be discussed at Board of Education Meetings **except matters pertaining to individual employees of the Berkeley Unified School District**. There is an established procedure for making such complaints. You may obtain information about this procedure from a school or from the Superintendent's Office.

qeg



**CERTIFICATED TRANSACTIONS**

1. **APPOINTMENT, ADULT SCHOOL**  
Christine Beard                                      Academic Dept.                                      6/25/01-6/30/02  
Pauline Thaler                                      Community Service Prog.                                      6/25/01-6/30/02
2. **LEAVE OF ABSENCE WITH PAY, EFFECTIVE THE 2001-02 SCHOOL YEAR (.10 FTE)**  
Don Klose
3. **LEAVE OF ABSENCE WITHOUT PAY, EFFECTIVE THE 2001-02 SCHOOL YEAR**  
Signe Harnett                                      Arts Magnet (.50 FTE only)                                      8/28/01-6/13/02
4. **EXTENTION OF LEAVE OF ABSENCE WITHOUT PAY, EFFECTIVE THE 2001-02 SCHOOL YEAR**  
Anita Baker                                      CDC Program                                      7/1/01-6/30/02
5. **RESIGNATIONS**  
Judith Baldwin                                      Special Ed (.40 FTE Only)                                      6/14/01  
  
Kimberly Beeson                                      Thousand Oaks (.15 FTE Only)                                      6/30/01  
  
Diane Dodge (From Leave)  
(7.5 years of service with BUSD)                                      7/6/01  
  
Rachel Garlin                                      King                                      7/18/01  
(3 years of service with BUSD)  
  
Natashia Fuksman                                      BHS                                      7/20/01  
(3 years of service with BUSD)  
  
Theresa Gerritz                                      Special Ed (.20 FTE Only)                                      6/14/01  
  
Carolynn Hoopes                                      King                                      6/20/01  
(2 years of service with BUSD)  
  
Heather O'Brien                                      BHS                                      7/6/01  
(1 year of service with BUSD)  
  
Kathryn Olsen                                      Longfellow                                      7/11/01  
(1 year of service with BUSD)  
  
Susan Swigart                                      Special Ed                                      7/13/01  
(2 years of service with BUSD)

	Nancy Welt (5 years of service with BUSD)	Special Ed	7/7/01
	Mina Bennett Williams (7 years of service with BUSD)	BAHS	8/1/01
6.	<b><u>RETIREMENT</u></b> Wendolyn Paris (36 years of service with BUSD)	Thousand Oaks	6/15/01
	Richard Podewell (34 years of service with BUSD)	BHS	6/15/01

## CLASSIFIED TRANSACTIONS

The following recommendations are made in accordance with the Rules and Regulations of the Merit System:

1.	<b><u>SUBSTITUTES:</u></b> <b><u>Custodian I</u></b> Antario Woods	All District	June 25, 2001
2.	<b><u>SUMMER EMPLOYMENT:</u></b> <b><u>Facilities Use Specialist</u></b> Lolita Coleman	Facilities	July 1, 1001 - July 31, 2001
	<b><u>Custodian</u></b> Sharon Bradstreet Arlene Foster William Harris	Berkeley High School Jefferson BHS	June 25, 2001 - August 3 2001 July 23, 2001 - August 17, 2001 June 25, 2001 - August 3, 2001
	<b><u>Instructional Assistant</u></b> Theresa Butler Amelia Garcia Marilyn Davis	Washington Rosa Parks Hopkins EDC	June 20, 2001 - July 18, 2001 July 23, 2001 - August 17, 2001 July 16, 2001 - August 24, 2001
	<b><u>Instructional Specialist</u></b> Kim Agnew Michael Bush Lisa Carey Chris Nakao Rita Petit Linda Molina-Roach Zaritha Santos	Gardening Gardening Gardening Gardening Early Childhood Education Cragmont Cragmont	June 15, 2001 - August 24, 2001 June 15, 2001- August 24, 2001 June 15, 2001- August 24, 2001 June 15, 2001- August 24, 2001 June 8, 2001 - August 24, 2001 July 23, 2001 - August 17, 2001 July 23, 2001 - August 17, 2001

**Instructional Technician**

Rose Adams	Early Childhood Education	June 18, 2001 - August 24, 2001
Amanda Ibarra	Vera Casey Center	June 15, 2001 - August 24, 2001
Joyce Knezevich	Washington	June 20, 2001 - July 18, 2001

**Locker Room Attendant**

Valcour Carroll	Berkeley High School	June 15, 2001 - July 31, 2001
Diane Okiwelu	Berkeley High School	June 15, 2001 - July 31, 2001

**Parent Liaison**

Braughnnwynn Jackson-Hancock	Vera Casey Center	June 15, 2001 - August 24, 2001
DuShawne McKinney	Washington	June 20, 2001 - July 18, 2001

**School Safety Officer**

Rickey Brantley	Willard	June 20, 2001 - July 18, 2001
Billy Keyes	Berkeley High School	July 16, 2001 - August 3, 2001
Macksear Matthews	Longfellow	June 20, 2001 - July 18, 2001
Patricia Preston	Berkeley High School	June 25, 2001 - August 3, 2001
Betty Spillman	Berkeley High School	June 25, 2001 - July 13, 2001

**Secretary**

Joyce Carter	Oxford	July 25, 2001 - August 17, 2001
Janiera Castro	Cragmont	July 23, 2001 - August 17, 2001
Gloria Clark	Emerson	July 23, 2001 - August 17, 2001
Angela Faulk	Rosa Parks	August 6, 2001 - August 17, 2001
Marie Ferguson	Rosa Parks	July 23, 2001 - August 6, 2001
Megan Hughes	Jefferson	July 23, 2001 - August 17, 2001
Letitcia Martinez	Thousand Oaks	July 23, 2001 - August 17, 2001
Rita Perez	Berkeley High School	June 25, 2001 - August 3, 2001

3. **PROBATIONARY:**

**General Maintenance Worker**

Robert Downes	Plant Operations	July 2, 2001
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4. **PROVISIONAL:**

**Senior Accountant/Payroll**

Amy Fu	Accounting	June 30, 2001
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**Telecommunication Specialist**

Donna Luporini	Technology	May 21, 2001
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5. **STUDENT WORKER:**

**Berkeley High School**

Sanna Anwar	Vera Casey Center	June 15, 2001 - August 24, 2001
Selma Anwar	Vera Casey Center	June 15, 2001 - August 24, 2001

Megan Synder	Vera Casey Center	June 15, 2001 - August 24, 2001
Angela Castillo	Community Theater	June 15, 2001 - August 24, 2001
Dustin Coonrood	Workability	June 15, 2001 - August 24, 2001
Richard Johnson	Community Theater	June 15, 2001 - August 24, 2001
Andy Lindemann	Community Theater	June 15, 2001 - August 24, 2001
Alexis Mascaorro	Community Theater	June 15, 2001 - August 24, 2001
Seth Newlin	Community Theater	June 15, 2001 - August 24, 2001
Charlotte Pickett	Workability	June 15, 2001 - August 24, 2001
Jerome Robinson	Workability	June 15, 2001 - August 24, 2001
Jesse Roll-Beya	Community Theater	June 15, 2001 - August 24, 2001
Hans Tolpingrund	Community Theater	June 15, 2001 - August 24, 2001
Roger Mason	Workability	June 15, 2001 - August 24, 2001
Anthony McGinnis	Community Theater	June 15, 2001 - August 24, 2001
Marvin Van Hollins-Bolton	Workability	June 15, 2001 - August 24, 2001
Rebecca Mueller	Workability	June 15, 2001 - August 24, 2001

**Adult School**

Cindy Louie	Workability	July 20, 2001
Viridiana Perez	Workability	July 20, 2001

**Transportation**

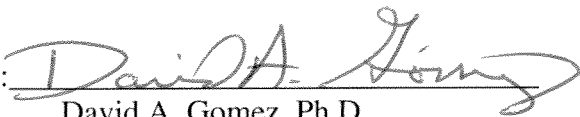
Michael Freeman	June 15, 2001
Vern Patterson	June 15, 2001

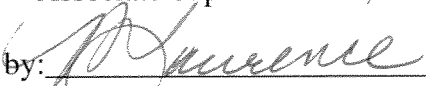
5. **RESIGNATION:**

Azaleah Galiber (06/30/01)	Berkeley High School Health	2 Years of Service
Kevin McGonegal (07/13/01)	Teacher Led Technology Challenge	2 Years of Service
Jane Bark (07/23/01)	Transportation	3 Years of Service
Phoenix Michael	Special Education Department	2 Years of Service

6. **RETIREMENT:**

Marjorie Clark (06/14/01)	Food Service	30 Years of Service
Marian Nelson (07/15/01)	Early Childhood Education	5 Years of Service
Rosa Street (12/12/01)	Early Childhood Education	31 Years of Service

Submitted by:   
David A. Gomez, Ph.D.  
Associate Superintendent, Administrative Services

Recommended by:   
Michele Lawrence,  
Superintendent

**STIPENDS**  
**2001-2002**

Tom DeMarky	Yearbook Advisor	\$1199
Jordan Winer	Spring Musical	\$1796
Linda Carr	Director of Lighting	\$ 597



## CLAIMS

✓ Supplement to Board Meeting of August 15, 2001:

That the following claim be denied:

1. Claim filed on behalf of a student for emotional distress allegedly caused by staff at Berkeley High School.
2. Claim filed by a Berkeley resident for payment of medical expenses allegedly incurred from a fall at Martin Luther King Middle School.

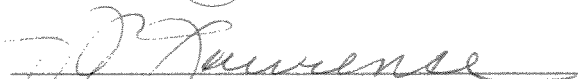
Prepared by:

  
Aiyanna Williams, Program Coordinator

Reviewed by:

  
Catherine E. James, Associate Superintendent for Business

Approved by:

  
Michele Lawrence, Superintendent



**Supplement to Board Agenda August 15, 2001**

**APPROVAL OF CONTRACTS/PURCHASE ORDERS**

ROLL: Motion Recommend: That the Board Authorized the Associate Superintendent, Business or Purchasing Manager to execute the following contracts and purchase orders.

**EXPENSE:**

**SERVICES CONTRACTS IN EXCESS OF FIFTEEN THOUSAND DOLLARS (\$15,000)**

Request by	Vendor	Funding	Amount	MBE*
1.J. Biondi Manager Special Education	Dori Maxon 5830 Sacramento Richmond CA	Special Educ	\$40,000*	
IEP required continuation of DIS service for PT for the period July 1, 2001 through June 30, 2002.				
2. J. Biondi Manager Special Education	Holly Kaiser Therapy Services, Inc. 321 Karen Way Tiburon CA	Special Educ	\$22,000*	
IEP required continuation of DIS services deaf and PT for the period July 1, 2001 through June 30, 2002.				
3 J. Biondi Manager Special Education	Pawar Transport 550 Fletcher Street Bay Point CA	Special Educ	\$60,000	
Student transportation for the period July 1, 2001 through June 30, 2002.				
4.J. Biondi Manager Special Education	Hands On P O Box 550 Rocklin CA	Special Educ	\$25,000	
Interpreting for the hearing impaired for the period July 1, 2001 through June 30, 2002.				
5.J. Biondi Manager Special Education	E.B. Therapy 2307 Grosvenor Heights CT. Livermore CA	Special Educ	\$400,000	
IEP required continuation of DIS speech service for the period July 1, 2001 through June 30, 2002.				
6.J. Biondi Manager Special Education	BETA P O Box 225129 San Francisco CA	Special Educ	\$45,000	
IEP required continuation of DIS service behavioral management for the period July 1, 2001 through June 30, 2002.				

## APPROVAL OF CONTRACTS/PURCHASE ORDERS

7.J. Biondi	B C R C	Special Educ	\$120,000
Manager	454 Las Qallinas		
Special Education	San Rafael CA		

IEP required continuation of DIS service behavioral management for the period July 1, 2001 through June 30, 2002.

8.C.James	Pinnacle Environmental	Bond Fund	\$44,314
Assoc. Supt.	P O Box 194104		
Business Svcs	San Francisco CA		<b>(increase of \$6,500)</b>

Additional monitoring time and tests required because of the discovery of asbestos and lead in the exterior paint of the power plant and the discovery of underground water, gas, and steam lines which were wrapped in asbestos at BHS new buildings. The original amount of this purchase order was \$16,420, increase by \$11,894 and board approval on November 15, 2000, increase by \$9,000 and board approved on June 6, 2001 increase by \$500 on June 30, 2001.

9.J. Malone	Pleasanton U S D	General Fund	\$54,000
Interim CFO	4665 Bernal Avenue		
Business Services	Pleasanton CA		<b>(increase of \$36,000)</b>

To cover additional expenses for the period January 1, 2001 through June 30, 2002. The original amount of this purchase order was \$18,000 board approved on September 6, 2000.

10.J. Sinai	Berkeley-Albany YMCA	School Linked	\$74,145
Manager	1035 San Pablo Ave		
School Linked	Albany CA		

Agreement between Berkeley Unified School District and Berkeley-Albany YMCA to implement and to operate jointly the Healthy Start Operational Program at Washington Elementary School for the period July 1, 2001 through June 30, 2002.

11.C.James	George Hills Co., Inc	Self Insurance	\$37,000
Assoc. Supt.	3017 Gold Canal Drive		
Business Services	Rancho Cordova CA		

General liability claims administration services for the period July 1, 2001 through June 30, 2002.

12.C. James	School Legal Counsel	General Fund	\$143,000
Assoc. Supt.	313 West Winton Avenue		
Business Services	Hayward CA		

Legal services for the period July 1, 2001 through June 30, 2002.

13.C. James	Curotto Law Offices	Self Insurance	\$30,000
Assoc. Supt.	2340 Lake Shore Ave		
Business Services	Oakland CA		

Legal services for the period July 1, 2001 through June 30, 2002.

## APPROVAL OF CONTRACTS/PURCHASE ORDERS

14.C. James Assoc. Supt. Business Services	Madsen Kneppers & Associates Inc. 2851 S Parker Rd Aurora CO	General Fund   \$160,000 <b>(increase of \$80,000)</b>
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Consulting and construction engineering services for the "B" building at BHS. The original amount of this purchase order was \$80,000.00 board approved on October 14, 2000.

15.C. James Assoc. Supt. Business Services	Schools Excess Liability Fund 1531 I Street Sacramento Ca	General Fund   \$16,143
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Payment of premium for FY 2002 excess liability program.

16.J. Lustig Principal Cragmont School	University of California Workstudy Department Berkeley CA	Local Funds    \$30,452
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Seventeen (17) work study students to work 10-15 hours a week between August 29, 2000 and May 30, 2001 as classroom tutors, estimated total cost is \$51,000.

17.J. Lustig Principal Cragmont School	David Berg 5318 Poinsett Avenue Richmond CA	Local Funds    \$24,000 <b>(increase of \$5,000)</b>
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To provide consulting services in math in-services classes, coaching/modeling, follow-up discussions with staff, curriculum services at a rate of @150/hour for the period September 2000 through June 30, 2002. The original amount of this purchase order was \$14,000 increases \$5000 and board approved on February 21, 2001.

18.G. LeFerve Manager Maintenance Dept.	Cagwin & Dorward Landscaping Contractor P O Box 1600 Novato CA	General Fund   \$25,300 <b>(increase of \$3,300)</b>
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To provide landscaping services for BUSD. The original amount of this purchase order was \$14,000 increases \$8,000 and board approved on June 20, 2001.

19.C. James Assoc. Supt.. Business Services	Gudmundson, Siggins, Stone & Skinner One Embarcadero Center San Francisco CA	Self Insurance \$15,000
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Professional legal services for the period July 1, 2001 through June 30, 2002.

20.C James Assoc. Supt.. Business Services	Filice, Brown, Eassa & Mcleod 1999 Harrison Street Oakland CA	Self Insurance   \$30,000
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Professional legal services for the period July 1, 2001 through June 30, 2002.

## APPROVAL OF CONTRACTS/PURCHASE ORDERS

21.C. James	Wulfsberg Reese & Skyes	Bond	\$400,000
Assoc. Supt.	300 Lakeside Drive		
Business Services	Oakland CA		

### Legal services for the period July 1, 2001 through June 30, 2002.

22.D. Gomez	Kinko's	General Fund	\$30,000
Assoc. Supt.,	2295 Shattuck Avenue		
Adm. Services	Berkeley CA		

### Copy services as needed for the period July 1, 2001 through June 30, 2002.

23.G. LeFerve	Ecolab Pest Elimination	General Fund	\$20,000
Manager	370 Wabasha		
Maintenance	St. Paul MN		

### Furnish labor and material to services various sites for the period July 1, 2001 through June 30, 2002.

24.G. LeFerve	Bay Alarm	General Fund	\$15,000
Manager	P O Box 2080		
Maintenance	Oakland CA		

### Alarm service and monitoring for the period July 1, 2001 through June 30, 2002.

25.G. LeFerve	Apex Alarm Systems	General Fund	\$25,000
Manager	2801 San Pablo Ave		
Maintenance	Berkeley CA		

### Fire alarm service and repair for the period July 1, 2001 through June 30, 2002.

26.G. LeFerve	Apex Alarm System	General Fund	\$65,000
Manager	2801 San Pablo Ave		
Maintenance	Berkeley CA		

### Furnish labor and material to monitor security alarms for the period July 1, 2001 through June 30, 2002.

27.G. LeFerve	EMUD	General Fund	\$261,869
Manager	375 Eleventh Street		
Maintenance	Oakland CA		

### Water and sewer charges for the period July 1, 2001 through June 30, 2002.

28.G. LeFerve	Pacific Gas & Electric Co.	General Fund	\$800,000
Manager	2111 MLK Jr. Way		
Maintenance	Berkeley CA		

### Electricity for the period July 1, 2001 through June 30, 2002.

## APPROVAL OF CONTRACTS/PURCHASE ORDERS

29.G. LeFerve	City of Berkeley	General Fund	\$220,000
Manager	Refuse Dept.		
Maintenance	2180 Milvia Street		
	Berkeley CA		

Garbage pick up for the period July 1, 2001 through June 30, 2002.

30.G. LeFerve	City of Berkeley	General Fund	\$80,000
Manager	Transfer Station		
Maintenance	2180 Milvia Street		
	Berkeley CA		

Transfer station expense for the period July 1, 2001 through June 30, 2002.

31.G. LeFerve	SPURR	General Fund	\$250,000
Manager	1430 Willow Pass Road		
Maintenance	Concord CA		

School project for utility rate deduction, gas and transportation charges for the period July 1, 2001 through June 30, 2002.

32.G. LeFerve	Apple Elevator Co.	General Fund	\$25,000
Manager	2325 West Street		
Maintenance	Oakland CA		

Service and repair of districts elevators for the period July 1, 2001 through June 30, 2002.

33.D.Gomez	Pacific Union Dental	General Fund	\$130,000
Assoc. Supt.	1300 Clay Street		
Adm. Services	Oakland CA		

Dental services for the period July 1, 2001 through June 30, 2002.

34.M. Lawrence	Vicenti* Lloyd *Stuzman	General Fund	\$63,740
Superintendent	Business Consultants & CPA's		
	2100-A Foothill Boulevard		
	La Verne, CA		

To provide consulting services related to Business Operations for the period July 1, 2001 to October 31, 2002, to and including the effective date of the hiring of a permanent Associate Superintendent, Business and Operations. The term of this contract may be shortened or extended at the request of either party. To be paid at a rate of \$14,580 per month plus travel time will be at a rate of \$75 per hour and direct costs will be billed for airfare, hotel and per diem of \$35 per day for meals. In addition the cost for July, will be \$20,000 due to additional services requested. Budget impacts absorb by administrative position vacancy.

## APPROVAL OF CONTRACTS/PURCHASE ORDERS

35.C. James	Darrel Taylor	Fire Budget	\$93,858
Assoc. Supt.	1909 Humboldt Ave	<b>(increase of \$9,858)</b>	
Business Services	Davis CA		

Consultant to provide assistance to the BHS fire recovery from the "B" building. The original amount of this purchase order was \$9,000 effective September, 2000, increase \$25,000 board approved on November 15, 2000, increase \$50,000 on March 8, 2001 board approved March 7, 2001. Charged to the insurance budget.

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36.J. Malone	San Ramon USD	General Fund	\$50,000
Interim CBO	699 Old Orchard Drive		
	Danville CA		

San Ramon USD to provide consulting services per agreement with the Berkeley USD to assist with the conversion services of B.I.S to QSS transition cost not to exceed \$10,000 per month. San Ramon will work two staffing days per week with 1 to 2 people at a rate of \$80/hour for the period August 1, 2001 through January 31, 2003. The budget impacts of this systems conversion is covered by state funds for converting to the State Standardized Account Code Structure.

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37.C. James	Arthur J. Gallagher & Co.	General Fund	\$214,317
Assoc. Supt.	P O Bix 60000		
Business Services	San Francisco CA		

Insurance premiums for FY 2002 coverage for the period July 1, 2001 through June 30, 2002.

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38.C. James	Arthur J. Gallagher & Co.	Self Insurance	\$35,000
Assoc. Supt.	P O Box 60000		
Business Services	San Francisco CA		

Risk management fees for Gallagher Bassett Third Party Claims Administration for the FY2002.

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39.D. Gomez	Keenan & Associates	General Fund	\$204,720
Assoc. Supt.	P O Box 4328		
Adm. Services	Torrance CA		

Fourth annual Future Premium Immediate Annuity for the (FPIA) for 26 retiree's effective July 1, 2001.

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40.I. Phillips	Phale D. Hale Education	Magnet Prog.	\$22,502
Manager	2300 M Street NW		
Magnet Programs	Washington DC		

Preparation for a proposal for the 2001-04 MASA Competition and Development of a draft for voluntary desegregation plan.

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41.D. Davis	Nextel Communications	General Fund	\$ 5,880
Manager	333 Inverness Drive	Bond	\$15,850
Purchasing	Englewood Co		

Monthly services charges for nextel cellular phones for the period July 1, 2001 through June 30, 2002.

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Catherine James, Associate Superintendent for Business  
**DATE:** August 15, 2001  
**SUBJECT:** Authorization to File Eligibility Documents and State Facility Applications to the State for New Construction and Modernization Projects Under SB 50 Leroy F. Greene School Facilities Act of 1998

### **BACKGROUND INFORMATION:**

The District has eligibility under SB 50 School Facility Program (SFP) for modernization projects and, depending on District enrollment trends, may be eligible for new construction projects in the future. Eligibility is decided by the Office of Public School Construction (OPSC) and approved by the State Allocation Board (SAB) following specific criteria. These funds are available on a match basis: 50/50 for new construction and 80 (State)/20 (District) for modernization. The District can secure placement on the State project approval list to receive grant funding once the architectural design plans for an eligible project are approved by the Division of the State Architect and the California Department of Education. Resolution No. 7282 authorizes the District to file and update eligibility documents for new construction and modernization.

The District will incur some costs to prepare documents for the State; these costs will be paid from the building program. The District will pursue funding for all eligible projects under this program. Eligibility may be as great as \$10 million, however, payment is contingent upon State approval and the availability of State bond proceeds for this purpose.

### **POLICY/CODE:**

California Education Code, Chapter 12.5 Leroy F. Greene Facilities Act of 1998 (§ 1707.10, et seq)

### **FISCAL IMPACT:**

None

### **STAFF RECOMMENDATION:**

Approve Resolution No.7282 authorizing District staff to file eligibility documents and State facility applications to the State for new construction and modernization projects under SB 50 Leroy F. Greene School Facility Act of 1998; and designating official signatories for such documents and applications.

## RESOLUTION NO. 7282

### **AUTHORIZATION TO FILE ELIGIBILITY DOCUMENTS AND STATE FACILITY APPLICATIONS TO THE STATE FOR NEW CONSTRUCTION AND MODERNIZATION PROJECTS UNDER SB 50 LEROY F. GREENE SCHOOL FACILITY ACT OF 1998**

**WHEREAS,** the Governing Board of the Berkeley Unified School District hereinafter known as the (District) has established the capacity of the schools under the State School Facility Program (SFP) standards (SB 50) and desires to participate in the SFP;

**WHEREAS,** the District may have eligibility for construction of new classrooms based on five year enrollment projections;

**WHEREAS,** the District has eligibility for modernization school facilities that are over 25/20 years of age for permanent and portable facilities not previously modernized with State funds; and

**WHEREAS,** the District must obtain approval from the State Allocation Board of its eligibility for purposes of obtaining State funds for new construction and modernization projects;

**NOW, THEREFORE BE IT RESOLVED** the District does hereby include this resolution as authorized under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq. of the Education Code as part of the eligibility determination and applications for the new construction and modernization projects, designates Michele Lawrence, Superintendent (primary designee) as the Authorized District Representative and Lew Jones, Manager of Facilities Planning (secondary designee), authorizes submission of the required documents to establish eligibility, file applications including SAB 50-01, 50-02, 50-03, 50-04, and certifies that the following information to be true as required conditions for receiving State School Facility funding:

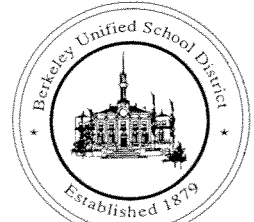
- The District will establish a Restricted Maintenance Account for exclusive purpose of providing ongoing and major maintenance of school buildings and will develop an on-going and major maintenance plan that complies with the provisions of Education Code Section 17070.75 (Refer to Regulation Sections 1859.100 through 1859.102);
- The District has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs;
- The District will comply with all laws pertaining to the construction or modernization of its school building;

- ❑ Facilities to be modernized have not been previously modernized with Lease-Purchase Program or School Facility Program state funds;
- ❑ All contracts entered on or after August 27, 1998, for the service of any architect, structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code;
- ❑ The District will receive a written approval of the site and the plans and specification for the project from the California Department of Education (CDE) or the County will comply with the standard set forth by the CDE unless the request is for a separate design apportionment;
- ❑ The District will receive written approval of the plans and specification from the Division of the State Architect unless the request is for a separate design apportionment;
- ❑ If the District is requesting site acquisition funds as part of the project applications, the County will comply with Regulations Sections 1859.74 through 1859.75;
- ❑ The District understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (Refer to Regulation Section 1859.105);
- ❑ The District understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (Refer to Regulation Section 1859.90); and
- ❑ All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils or appropriate to the needs of both.

# Berkeley Unified School District

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2134 Martin Luther King Jr. Way, Berkeley, California 94704-1180  
(510) 644-8599 Fax: (510) 644-8885 www.berkeley.k12.ca.us



ASSOCIATE SUPERINTENDENT, INTERIM  
John Malone

## COPY FOR MICHELE LAWRENCE

September 13, 2001

Sheila Jordan  
Superintendent of Schools for Alameda County  
313 W. Winton Ave.  
Hayward, California  
94544-1198

Ms. Sheila Jordan

The Board of Directors/Trustees of the Berkeley Unified School District in accordance with the California Public Contracts Code Section 20113 is requesting your certification of the emergency situation, which has occurred at Berkeley High School in the Berkeley Unified School District. Attached is a resolution adopted unanimously by the Berkeley Unified School District Board of Education on August 15, 2001 declaring that an emergency situation did exist and that for the general health and safety of the students and staff at Berkeley High School the services identified needed to be expedited without going through regular bid process. The resolution has the signature of Berkeley Unified School District's Superintendent, Michele Lawrence. The resolution also requires the Alameda County Superintendent, Sheila Jordan's certification and signature. Please return the approved resolution in the enclosed envelope. Thank you very much for your assistance in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Malone". The signature is fluid and cursive, with a large initial "J" and "M".

John Malone  
Interim Associate Superintendent for Business

JM: gjm

Attachment

cc: Michele Lawrence

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Catherine James, Associate Superintendent for Business  
**DATE:** August 15, 2001  
**SUBJECT:** Authorization to Approve the Award of Emergency Contract to WA Rose to Address a Number of Health and Safety Issues at Berkeley High School, Including Restroom Maintenance and Football Bleacher Repair

### **BACKGROUND INFORMATION**

Berkeley High School has historically had a number of maintenance problems in the restrooms. We were recently cited by the City of Berkeley concerning the health and safety conditions of these restrooms. Some of the problems are being fixed by our maintenance staff; others will be address by our custodial staff. However, we have insufficient staff to address all the issues required by the opening of school. A contractor is needed to assist us in our efforts. Public Contract Code 20113 allows for the emergency bidding of contracted services "to permit the continuance of existing school classes" or to prevent "danger to life or property". One or both of the conditions apply to the repairs being recommended. The public contract code section requires unanimous approval by the Board and the approval of the County Superintendent prior to signing the contract.

The maintenance manager solicited emergency bids for the repair in the C building. Three bids were received. WA Rose is the apparent low bidder. Subsequent to the receipt of these bids we have discovered additional safety problems in the restrooms and in a number of hallways. We also have discovered an imminent safety issue at the football stadium bleachers. We believe that these additional repair efforts must be done in the next several weeks as well. The total cost for all these services is estimated to be less than \$200,000. We are requesting the authority to expend up to \$200,000 at Berkeley High School with the WA Rose Company. The repairs will be charged to the maintenance budget (Measure BB). We have given the contractor approval to begin some of the emergency repairs pending the Board's approval.

The bleachers at Berkeley High School have been deteriorating for many years. In the next Facilities Plan, the District may need to consider the replacement of this structure. In the short term, the structure needs to be made safe for use during the fall sport season. In consultation with the Berkeley High administrative staff, we will provide seating for approximately 420 spectators in the middle of the bleachers. The remainder of the bleachers will be fenced off until the District determines a longer term strategy.

**POLICY/ISSUE**

California Public Contract Code 20113.

**FISCAL IMPACT**

None

**STAFF RECOMMENDATION**

We recommend the approval of this contract to address the health and safety issues as quickly as possible.

BERKELEY UNIFIED SCHOOL DISTRICT  
Board of Education

RESOLUTION NO. 7284

EMERGENCY RESOLUTION TO SUSPEND BID REQUIREMENTS AND  
APPROVE EMERGENCY MAINTENANCE REPAIR CONTRACT FOR  
BERKELEY HIGH SCHOOL

WHEREAS, Section 20113 of the Public Contracts Code authorizes the Governing Board of a School District to make emergency purchases without taking bids if in the unanimous opinion of the Board such purchases as necessary to permit the continuance of existing school classes or to avoid danger to life or property; and

WHEREAS, the Berkeley Unified School District desires to provide a healthy and safe educational environment of the students attending and staff working on it campuses; and

WHEREAS, by invitation the City of Berkeley, Environmental health staff assessed the potential for health and safety related problems at Berkeley High School and identified that certain areas were lacking in appropriate sanitation needs; and

WHEREAS, the regular school calendar starts on August 29, 2001 and students and staff will be occupying the high school campus at that time, and a delay in repairing the facilities and abating unsanitary conditions could adversely impact the educational environment of certain areas on the high school campus; and

WHEREAS, the District has requested five quotes from identified contractors and received responses from three,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Berkeley Unified School District by unanimous vote declares an emergency situation exists at Berkeley High School for the safety health of students and staff and approves the award of a contract to W.A. Rose Company Co., General Contractor in the amount of not to exceed \$200,000.00 for repair and maintenance of "C" building at Berkeley High School.

Vendor

**W.A. Rose Company**

Contract Price

**Not to Exceed  
\$200,000.00**

WHEREAS, the District has discovered additional emergency work which threatens the safety of students and staff, including the football bleachers which are unsafe and additional dangerous conditions in restrooms throughout the High School; and

WHEREAS, the District has established the apparent low bidder to perform the work in the C building through the emergency process and hereby determines that the apparent low bidder for the C building work will likely be the apparent low bidder for the C building plus the additional repair work and that the recommended contractor has sufficient forces to be able to perform the additional work;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Berkeley Unified school District by unanimous vote declares an emergency situation exists at Berkeley High School for the safety health of students and staff and approves the award of a contract to W.A. Rose Company Co., General Contractor in an amount not to exceed \$200,000 for repair and maintenance of all buildings at Berkeley High School and emergency repair work at the football bleachers.

Vendor  
**W.A. Rose Company**

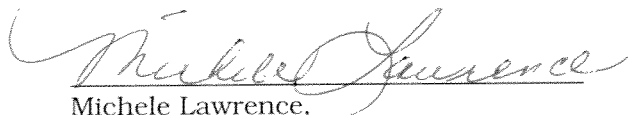
Maximum Price  
**\$200,000.00**

BE IT FURTHER RESOLVED that the Board of Education may make contracts on behalf of the District, without advertising for bids or inviting of bids, to provide maintenance repairs at Berkeley High School.

BE IT FURTHER RESOLVED that the approval of the Alameda County Superintendent of Schools be secured to this Resolution and to the contracts.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 15<sup>th</sup> day of August, 2001.

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky  
(Student Director Chandler)  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
Michele Lawrence,  
Secretary of the Board of Education  
Of the City of Berkeley and of Alameda  
County, Alameda County  
State of California

\_\_\_\_\_  
Sheila Jordan,  
Superintendent of Schools,  
Alameda County

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Catherine James, Associate Superintendent for Business  
**DATE:** August 15, 2001  
**SUBJECT:** Authorization to Approve the Award of Emergency Contract to WA Rose to Address a Number of Health and Safety Issues at Berkeley High School, Including Restroom Maintenance and Football Bleacher Repair

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**POLICY/ISSUE**

California Public Contract Code 20113.

**FISCAL IMPACT**

None

**STAFF RECOMMENDATION**

We recommend the approval of this contract to address the health and safety issues as quickly as possible.

BERKELEY UNIFIED SCHOOL DISTRICT  
Board of Education

RESOLUTION NO. **7284**

EMERGENCY RESOLUTION TO SUSPEND BID REQUIREMENTS AND  
APPROVE EMERGENCY MAINTENANCE REPAIR CONTRACT FOR  
BERKELEY HIGH SCHOOL

WHEREAS, Section 20113 of the Public Contracts Code authorizes the Governing Board of a School District to make emergency purchases without taking bids if in the unanimous opinion of the Board such purchases as necessary to permit the continuance of existing school classes or to avoid danger to life or property; and

WHEREAS, the Berkeley Unified School District desires to provide a healthy and safe educational environment of the students attending and staff working on its campuses; and

WHEREAS, by invitation the City of Berkeley, Environmental health staff assessed the potential for health and safety related problems at Berkeley High School and identified that certain areas were lacking in appropriate sanitation needs; and

WHEREAS, the regular school calendar starts on August 29, 2001 and students and staff will be occupying the high school campus at that time, and a delay in repairing the facilities and abating unsanitary conditions could adversely impact the educational environment of certain areas on the high school campus; and

WHEREAS, the District has requested five quotes from identified contractors and received responses from three,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Berkeley Unified School District by unanimous vote declares an emergency situation exists at Berkeley High School for the safety health of students and staff and approves the award of a contract to W.A. Rose Company Co., General Contractor in the amount of not to exceed \$200,000.00 for repair and maintenance of "C" building at Berkeley High School.

Vendor

**W.A. Rose Company**

Contract Price

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\$200,000.00**

WHEREAS, the District has discovered additional emergency work which threatens the safety of students and staff, including the football bleachers which are unsafe and additional dangerous conditions in restrooms throughout the High School; and

WHEREAS, the District has established the apparent low bidder to perform the work in the C building through the emergency process and hereby determines that the apparent low bidder for the C building work will likely be the apparent low bidder for the C building plus the additional repair work and that the recommended contractor has sufficient forces to be able to perform the additional work;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Berkeley Unified school District by unanimous vote declares an emergency situation exists at Berkeley High School for the safety health of students and staff and approves the award of a contract to W.A. Rose Company Co., General Contractor in an amount not to exceed \$200,000 for repair and maintenance of all buildings at Berkeley High School and emergency repair work at the football bleachers.

Vendor

Maximum Price

**W.A. Rose Company**

**\$200,000.00**

BE IT FURTHER RESOLVED that the Board of Education may make contracts on behalf of the District, without advertising for bids or inviting of bids, to provide maintenance repairs at Berkeley High School.

BE IT FURTHER RESOLVED that the approval of the Alameda County Superintendent of Schools be secured to this Resolution and to the contracts.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 15<sup>th</sup> day of August, 2001.

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky,  
(Student Director Chandler)

NOES: None

ABSENT: None

ABSTAIN: None

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Michele Lawrence,  
Secretary of the Board of  
Education  
Of the City of Berkeley and of  
Alameda  
County, State of California

---

Sheila Jordan,  
Superintendent  
Of School, Alameda County





## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Catherine James, Associate Superintendent for Business  
**DATE:** August 15, 2001  
**SUBJECT:** Approved Resolution No. 7285 listing the authorized agents and approval of signatures for accounts and records related to business operations for the school district.

### **BACKGROUND INFORMATION**

Berkeley Unified School District is fiscally accountable per the provisions of Educational Code Section 42650. These provisions allow Berkeley Unified to issue checks through the County and Treasury of Alameda County without review by the office of the County Superintendent of Schools. When there is a change in administration, signatures and authorized agents for fiscal purposes must be identified and approved. The attached Resolution No. 7285 is required to reflect the appointment of Michele Lawrence as the new Superintendent of Schools for the Berkeley Unified School District and the departure of Catherine James as Associate Superintendent for Business.

### **POLICY/CODE**

Educational Code Section 42650

### **FISCAL IMPACT**

None

### **STAFF RECOMMENDATION**

It is recommended that the Board approve Resolution No. 7285 by unanimous vote as required by the Educational Code.

## **Berkeley Unified School District**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Christine Lim, Associate Superintendent, Instruction  
**DATE:** August 15, 2001  
**SUBJECT:** Approval of Expenditure Plan for the Academic Performance Indicator (API) Governor's Performance Award for Thousand Oaks School

### **BACKGROUND INFORMATION:**

All public schools in the state of California that met their API growth targets for the 1999-2000 school year have received two separate monetary awards from the State Department of Education. Education Code section 52057 requires that the School Site Councils and the Governing Boards of school districts have agreement on an expenditure plan for the Governor's Performance Award prior to any expenditures. The Governor's Performance Award (GPA) was funded at \$63 per pupil and is unrestricted. All School Site Councils have been made aware that this funding is one time only and funding personnel is not recommended. Site principals are aware if one time only funds are used for personnel new funding must be secured for the following years. If new funding is not secured it can result in the layoff of staff. The Board is advised of these possible implications as well.

### Thousand Oaks School - Governor's Performance Award

The attached form indicates the expenditures approved by the Thousand Oaks School Site Council for a total of \$ 23,302.

### **POLICY/CODE:**

California Education Code, Chapter 6.1 – Public Schools Accountability Act of 1999 (§ 52057)

### **FISCAL IMPACT:**

None

### **STAFF RECOMMENDATION:**

Approve the Governor's Performance Award expenditure plan for Thousand Oaks School.

**Berkeley Unified School District  
Governor's Performance Award  
Expenditure Plan  
2000-2001**

<b>SITE: THOUSAND OAKS</b>		<b>AWARD AMOUNT: \$ 23,302</b>	
<b>EXPENDITURE</b>	<b>RATIONALE</b>	<b>DISTRICT GOAL</b>	<b>AMOUNT</b>
Instructional Assistant	The committee feels that this support is critically needed to support literacy instruction in the combination Kindergarten/First Grade Classroom.	Maximum achievement for all students	\$17,802.00
Chairs and Racks	Chairs and racks are needed to seat students and audiences for performances	Provide a positive environment for students and staff	\$ 3,500.00
Blinds	Blinds are needed to maintain appropriate classroom environments	Provide a positive environment for students and staff	\$ 1,000.00

**Note: Sites are strongly discouraged from using these funds for on-going staffing salaries, as the funds are one-time, not on-going.**

## **Berkeley Unified School District**

**TO:** Michele Lawrence  
**FROM:** Christine Lim, Associate Superintendent, Instruction  
**DATE:** August 15, 2001  
**SUBJECT:** Uniform Complaint Procedures - Revision to Board Policy  
1312.3 – Second Reading

### **BACKGROUND INFORMATION:**

In order to fully resolve non-compliant items related to our Uniform Complaint Procedures, the attached revisions are necessary. The revisions were drafted with assistance from the California Department of Education Categorical Programs Complaints Management Unit. The Uniform Complaint Procedures covers the following programs: Adult Basic Education, Consolidated Categorical Programs, Child Nutrition, Migrant Education, Childcare and Development Programs, Special Education and Vocational Education Programs. The minor changes recommended by the Board at the July 5, 2001 Board of Education Meeting are included. All changes to the Policy are noted in ***bold italics***. Listed below are the sections that contain changes.

- E.1
- E.2
- E.2.c
- E.4

### **POLICY/CODE:**

Board Policy 9311.4 – Policy Adoption and Revision

### **FISCAL IMPACT:**

None

### **STAFF RECOMMENDATION:**

Approve the revisions to Board Policy 1312.3 -Uniform Complaint Procedures.

1312.3 Uniform Complaint Procedures (Concerning Consolidated Categorical Aid Programs)

A. Compliance Responsibility.

The Board recognizes that it is the District's responsibility to ensure compliance with applicable federal and state laws and regulations governing the educational programs listed below and to investigate allegations of non-compliance. Accordingly, consistent with the Uniform Complaint Procedures and the following administrative regulation; any individual, public agency or organization may file a written complaint with the District alleging a violation of federal or state law or regulation governing the following programs:

1. Adult Basic Education
2. Consolidated Categorical Aid Programs
3. Migrant Education
4. Vocational Education
5. Child Care and Development
6. Child Nutrition
7. Special Education

B. Discrimination Complaints

1. In addition, discrimination complaints may be filed with the District alleging unlawful discrimination on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability, in any of the above programs conducted by the District which are funded directly by, or that received or benefits from any state financial assistance. A discrimination complaint may also be filed with the California Department of Education, if direct intervention is requested by the person allegedly harmed or by a person on behalf of another.
2. Discrimination complaints shall be filed with the District or the California Department of Education not later than six (6) months from the date the alleged discrimination occurred, or the date complainant first obtained knowledge of the facts of the alleged discrimination. The California Superintendent of Public Instruction may upon written request and for good cause extend the period of filing a discrimination complaint.

- C. Prohibits. The Board prohibits retaliation for the filing of a complaint, the reporting of discrimination, or for the participation in the complaint procedures. The District shall maintain the identity of a complainant alleging discrimination confidential, except to the extent necessary to carry out the investigation or complaint proceedings.
- D. Annual Notification. At least annually, the Board designated compliance officer shall notify parents/guardians, employees, committees, students and other interested parties of the District's local complaint procedures, including the opportunity to appeal the District's decision. The notice must also advise recipients of any civil law remedies that may be available. The notice shall be in English, a language other than English when 15 percent (15%) or more of the students in a school speak that language, or in the mode of communication of the recipient of the notice.
- E. Procedures for Filing and Responding to Complaints
1. Informal Resolution. Before filing a formal written complaint, the following procedures may be followed by any individual, public agency or organization wishing to make a suggestion or resolve informally a complaint regarding any of the programs specified in the *Uniform Complaint Procedures*.
    - a. Contact the school principal, site or advisory council chairperson, or any representative of the site or advisory council to seek resolution of any problems and suggestions.
      1. If any representative of the site or advisory council receives a suggestion or complaint, the chairperson of the site or advisory council shall be informed immediately.
      2. The chairperson shall inform the school principal of any suggestions or complaints, and the school principal shall inform the chairperson of any suggestions or complaints.
      3. The school principal, in cooperation with the chairperson and the program administrator, shall attempt to resolve any suggestions or complaints raised by individuals or groups.
      4. When a complaint or suggestion is not resolved and their assistance is needed, the total site or

advisory council will be informed of complaints and/or suggestions.

2. Formal Complaint Procedures. If a complaint cannot be resolved at the informal level, the following procedures shall be used to address complaints which allege that the District has violated federal or state laws or regulations governing the educational programs specified in the *Uniform Complaint Procedures*. The Board designates the following compliance officer to receive and investigate written complaints and ensure District compliance with law:

(Title/ Position): Associate Superintendent of Instruction

(Address): 2134 Martin Luther King Jr. Way  
Berkeley, CA 94704

(Telephone Number): (510) 644-6257

- a. The complainant shall file a written complaint with the designated compliance officer. The complainant may use the District complaint form. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, District staff shall help him/her to file the complaint.
- b. The District's compliance officer, in cooperation with the chairperson, program administrator, and the principal, shall investigate the complaint and provide an opportunity with five (5) days of receiving the complaint for the complainant or the complainant's representative to present evidence relevant to the complaint, including an opportunity to question the parties involved.
- c. *Within thirty (30) days of receiving the Complaint, the District's compliance officer in cooperation with the chairperson, program administrator, and the principal, shall prepare and send to the complainant a written report summarizing the findings and disposition of the complaint, including corrective actions if any, the rationale for such disposition, and notice of the complainant's right to appeal such decision to the Berkeley Unified School District Board of Education within 5 calendar days. The report will also include the requirement that an appeal to the Department of Education must be made within 15 days of the receipt of the final report.*
  1. The report shall be in English and, when necessary in the language or mode of communication best understood by the complainant.

2. Assistance in responding to a complaint shall be obtained from District administrative staff, including the Superintendent or his/her designee, and the Board.
- d. If a complainant is dissatisfied with the compliance officer's written response he/she may file within five (5) calendar days of receipt of the written report, his/her complaint the Board in writing. The Board may consider the matter at its next regularly scheduled Board meeting or at a special meeting convened to meet the sixty (60) day time limit within which the complaint must be answered. If the Board decides not to hear the complaint, the compliance officer's decision shall be final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within sixty (60) calendar days of receipt of the initial complaint unless the complainant agrees in writing to extend the sixty (60) day timeline.
3. Appeal to California Department of Education. If a complainant is dissatisfied with the resolution of his/her complaint by the Board, he/she may appeal to the State Department of Education within fifteen (15) days of complainant's receipt of the District's final written report. (See Section Appendix for timeline and procedures for California Department of Education intervention.)
4. Outside Resolution. *No part of this policy precludes a complainant from pursuing civil law remedies outside of the District's administrative procedures at the complainant's own expense. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. The Board recognizes that a neutral mediator can often suggest an early compromise or resolution that is agreeable to all parties in the dispute. The superintendent shall ensure that the mediation results are consistent with state and federal laws and regulations. For discrimination complaints a complainant must wait until sixty (60) days has elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint. For assistance with any of the above outside remedies complainants may contact:*

Mediation Services –  
Berkeley Dispute Resolution Service – (510) 428-1811

*California Community Dispute Services – (510) 231-4190*

*Civil Law Services –*

*East Bay Community Law Center – (510)548-3040*

*Community Legal Aid Society of Alameda County –  
(510)451-9261*

*State Bar of California – (800) 843-9053*

**Legal References**

*Educational Code*

200-262.3 Prohibition of Discrimination

35146 Closed Sessions

33031 Governing Board Rules and Regulations

49556 Non-Compliance

48985 Notices in Languages Other Than English

*Government Code*

54957-54957.8 Closed Sessions

11138 Rules and Regulations

*California Regulations*

Title 5, CCR Section 3080 – Application of Sections 4600-4671

Title 5, CCR Section 4600-4671 – Uniform Complaint Procedures

*Federal Regulations*

Title 34, CFR Sections 76.780-783 and 106.8 Complaints

1312.1(A) *Adopted: 10/15/74; Revised: 11/07/84*

1312.1(B) *Adopted: Prior to 1975*

1312.2 *Adopted: Prior to 1975; Revised: 06/29/76*

1312.3 *Adopted: 12/02/92; Revised 6/01*

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Catherine James, Associate Superintendent for Business  
**DATE:** August 15, 2001  
**SUBJECT:** Acceptance and Authorization for Publication of the Initial Environmental Study and Environmental Checklist for the Transportation Yard at Gilman and 7<sup>th</sup> Streets

### **BACKGROUND INFORMATION**

For more than seven years the District's Transportation Department has operated from leased facilities on various sites in northwest Berkeley. At present, the projected annual rental expense for these facilities is in excess of \$450,000. Late in 2000, the District acquired a 1.8 acre site at Gilman and 7<sup>th</sup> Streets to provide a permanent home for the Transportation Department. The project proposed for this property will consolidate the separated operations onto one, District owned, site. Baker Vilar Architects were hired to develop a design for the site. District staff and community members from the surrounding neighborhood have been invited to participate in the design process and their input has been considered in developing a plan for the proposed facility.

In January 2001, the Board hired Environmental Science Associates (ESA) to work with the Transportation Department and Facilities Planning to develop the Initial Study and Environmental Review Checklist required under the California Environmental Quality Act (CEQA). The study determines the environmental impact of the new facility on its neighborhood addressing traffic, noise and air pollution issues. In the process of compiling the study it became apparent that it could only be completed with a schematic design for the proposed facilities. On July 5, 2001, the proposed schematic design documents for the new Transportation Yard were accepted by the Board in order to facilitate an environmental study and expedite the move of Transportation operations from their expensive rental sites. The plan includes a new maintenance shop with space for 3 buses and one van (or maintenance vehicle) and an administration building to house the department's operations. Parking is proposed for the District's fleet of buses and vans as well as employees and visitors. This plan was approved with the understanding that staff will continue to explore options for future development of the site to include other District operations or shared uses.

The Initial Study has been completed and, with Board approval, will be issued for a 30 day public comment period. Comments from the public may be directed to Berkeley Unified School District Office of Facilities Planning, 1720 Oregon St., Berkeley, 94704. Input provided during the comment period will

help to determine what additional mitigation efforts (if any) will be necessary to allow the project to proceed. At the conclusion of the 30 day period a decision will be reached as to whether the District must proceed with an Environmental Impact Report or, if the impacts of the project are minimal or have been adequately addressed by the mitigation plan, the project may proceed without further environmental study.

**POLICY/CODE:**

California Public Resource Code § 21000 et. seq.

**FISCAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Accept and authorize publication of the Initial Environmental Study and Environmental Review Checklist for the Transportation Yard at Gilman and 7<sup>th</sup> Streets.

## **INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST**

Copies of this document will be provided to the Board under separate cover. The document is available to the public in the Superintendent's Office, 2134 Martin Luther King Jr. Way.

# INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

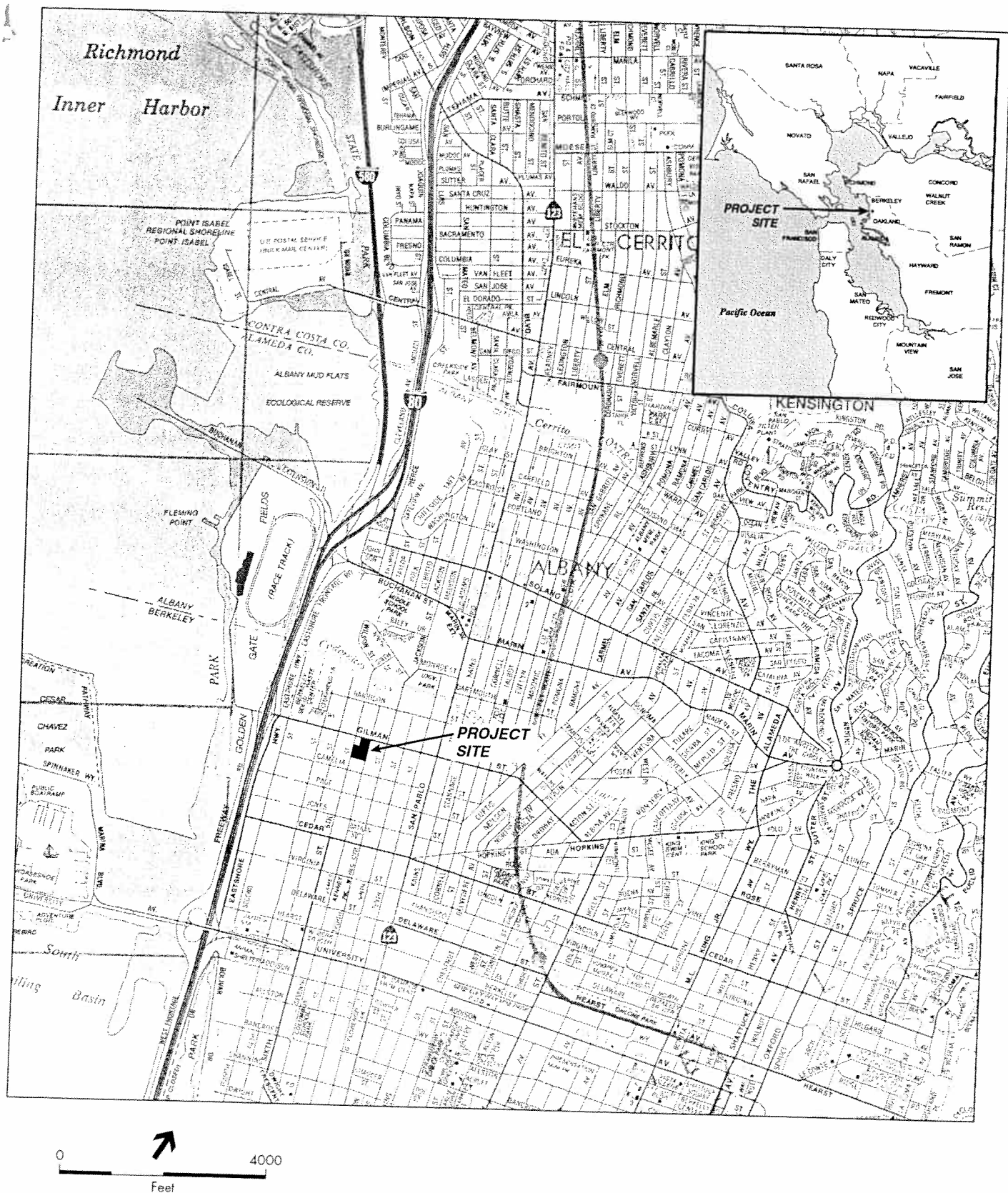
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1. **Project Title:** Berkeley Unified School District Transportation Facility
2. **Lead Agency Name and Address:** Berkeley Unified School District  
Office of Facilities Planning  
1720 Oregon Street  
Berkeley, CA 94703
3. **Contact Person and Phone Number:** Daniel Eggen, Senior Project Manager  
Phone: (510) 644-6797  
E-mail: [daniel\\_eggen@urscorp.com](mailto:daniel_eggen@urscorp.com)
4. **Project Location:** Gilman, 6<sup>th</sup> and 7<sup>th</sup> Streets, Berkeley, CA  
APN No's: 059-2349-001 through -015 and  
059-2349-035 through -048
5. **Project Sponsor's Name and Address:** Berkeley Unified School District  
Office of Facilities Planning  
1720 Oregon Street  
Berkeley, CA 94703
6. **General Plan Designation:** Manufacturing
7. **Zoning:** MU-LI (Mixed-Use/Light Industrial) Zoning District

8. **Description of Project:**

Project Site. The 1.88-acre project site is located within the City of Berkeley, and is generally bordered by Gilman Street to the north, 7<sup>th</sup> Street to the east, a recycled appliance, retail warehouse to the south, and 6<sup>th</sup> Street to the west (see Figure 1). The I-80 freeway is located less than ½ mile west of the project site and San Pablo Avenue, a major Berkeley thoroughfare, is located less than ½ mile east of the site. The project site is an underutilized and mostly vacant parcel, with the exception of two existing residential buildings located near the corner of Gilman and 6<sup>th</sup> Streets, owned by the Berkeley Unified School District. Two concrete slabs, which are located in the central portion of the site, remain on the site from past development, and some non-native vegetation (i.e., weeds) are scattered throughout. Cyclone fencing completely surrounds the perimeter of the site.

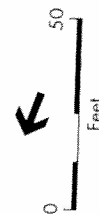
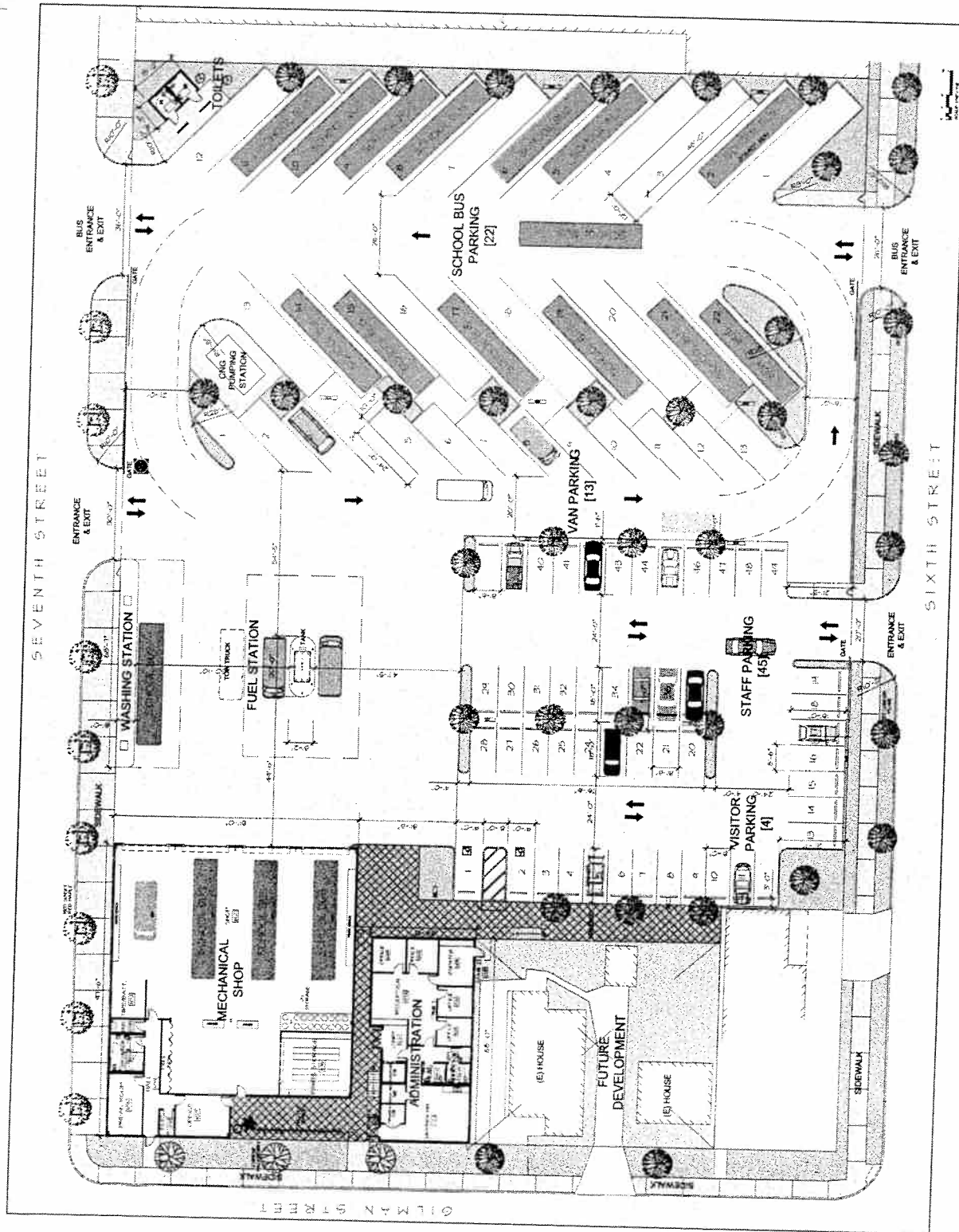
Project Description. The project sponsor, Berkeley Unified School District (BUSD), proposes to construct a new transportation facility on the project site, and to consolidate existing BUSD Transportation Department operations in the new facility. Currently, the BUSD Transportation Department operations are divided among three separate leased facilities that include



SOURCE: California State Automobile Association

BUSD Transportation Facility / 201218 ■

**Figure 1**  
Site Location Map



administrative offices at 1310 9<sup>th</sup> Street, a maintenance garage at the northeast corner of 8<sup>th</sup> and Harrison Streets, and a bus parking lot across Gilman Street to the north, between 6<sup>th</sup> and 7<sup>th</sup> Streets. The proposed project would entail the construction of an approximately 4,456 square-foot, two-story building to serve as administrative offices, an approximately 7,328 square-foot, single-story mechanical shop, and vehicle washing and fueling stations. The proposed project also includes surface parking for approximately 22 school buses, 13 vans, 1 tow truck, and 49 employee and visitor spaces. The approximately 4,456 square-foot administrative office building would be located at the northernmost portion of the project site, along Gilman Street, and would include private offices, a reception and dispatch area, a training/conference room for Department and District-wide use, and a first aid (CPR training) room. BUSD students could potentially use the training/conference room and/or the CPR training room. Adjacent to, and connected by a covered walk-way, the approximately 7,328 square-foot mechanical shop building would be located at the corner of Gilman and 7<sup>th</sup> Streets and would include an office, parts storage, and about 4 service bays for repair and maintenance of the District's vehicles. In addition, the vehicle washing station would be located along 7<sup>th</sup> Street, to the south of the mechanical shop building, and a gasoline fueling station (approximately 1,000 gallon, aboveground tank) would be located adjacent to and west of the washing station (see Figure 2, above). An aboveground, compressed natural gas tank may also be located in the bus and van surface parking area near the eastern perimeter of the project site along 7<sup>th</sup> Street.

The two existing residential buildings on the northwest corner of the project site would remain during the construction and operation of the proposed project for the foreseeable future.

The two-story administrative building and single-story mechanical shop would present an approximately 30 foot-tall façade along Gilman Street incorporating a blend of industrial-commercial vernacular finishes, including a butterfly metal roof (about 32 feet tall at either end) and wall siding with wood panel sunscreens and industrial window openings and treatments. Asphalt surface parking for about 85 spaces would cover the remaining southern portion of the project site. Mature street trees and secured CMU or metal cyclone fencing would be located along the entire perimeter of the site and would partially screen the industrial-finished buildings and surface parking area. In addition, other landscaping details such as ornamental shrubs and trees would be located throughout the site, thus presenting a natural contrast to the proposed project uses (see Figures 3 and 4).

The proposed transportation facility would generally operate Monday through Friday between the hours of 6:30 a.m. and 6:30 p.m. The distribution and amount of District vehicles (i.e., buses and vans) on the road at any given time would remain mostly unchanged from existing conditions. The District buses would utilize the driveway located along the eastern perimeter of the project site on 7<sup>th</sup> Street. However, a driveway located along the western perimeter of the site on 6<sup>th</sup> Street would be designed to serve as an alternative entrance and exit for the District buses.

The project would also include each of the mitigation measures identified throughout this Initial Study, which are also summarized in Appendix A.

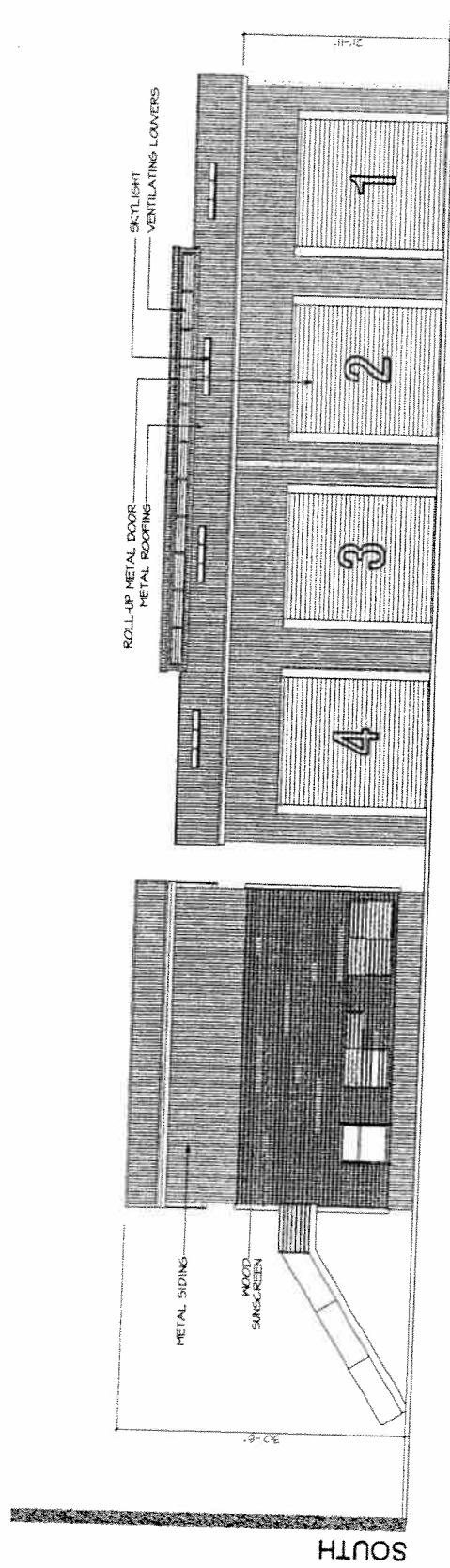
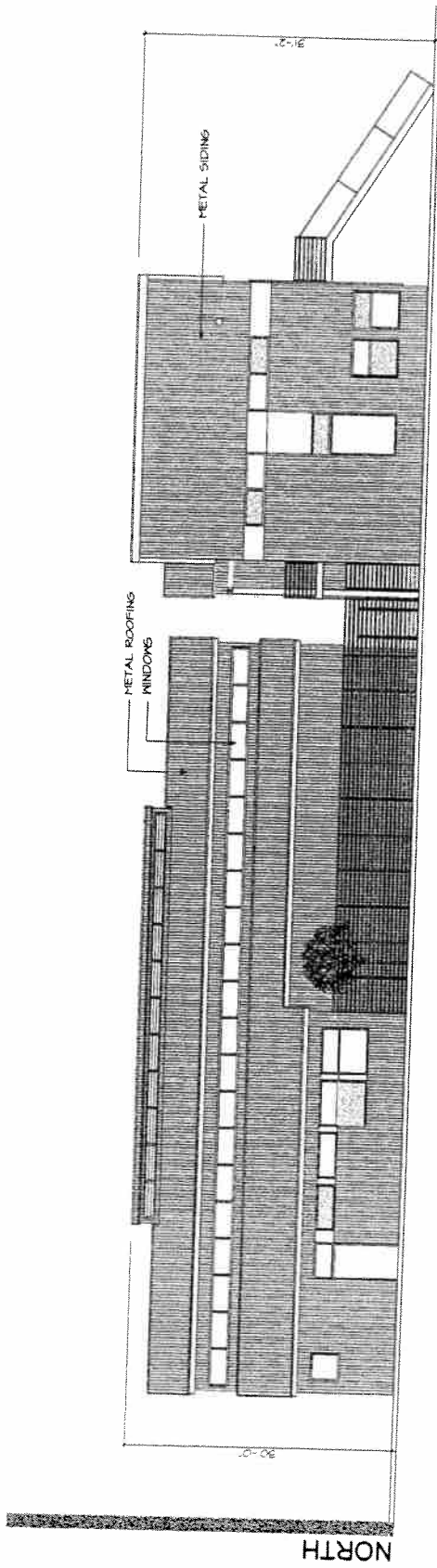
This Initial Study is intended to address potential environmental impacts associated with construction and operation of the proposed project. The project would be required to secure approvals at the school district and State levels, with limited City of Berkeley approvals, such as for fire access and grading activities. The Bay Area Air Quality Management District (BAAQMD) would be responsible for review and issuance of permits for the aboveground fueling tanks. This Initial Study would require review and action by the BUSD Board of Education.

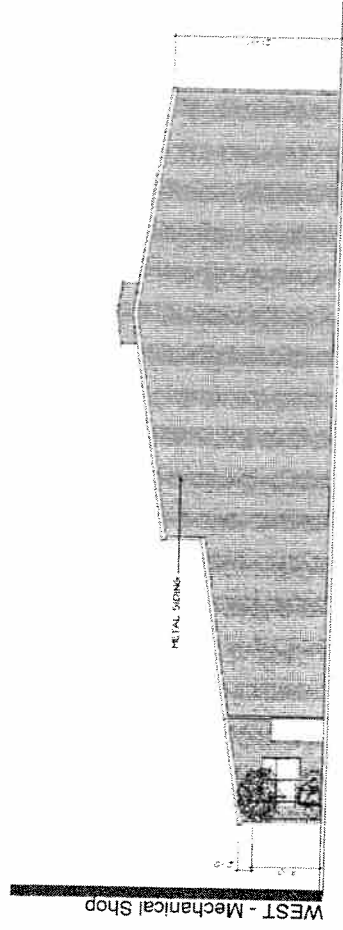
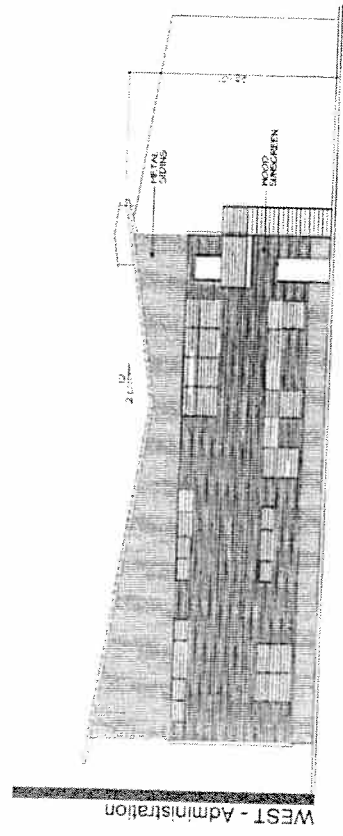
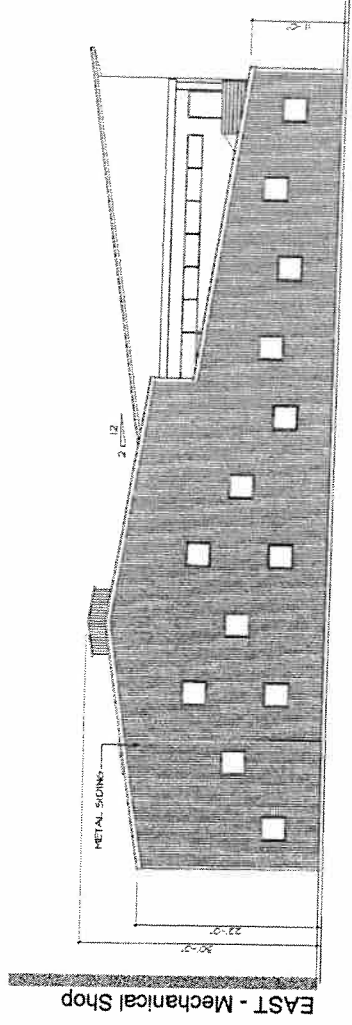
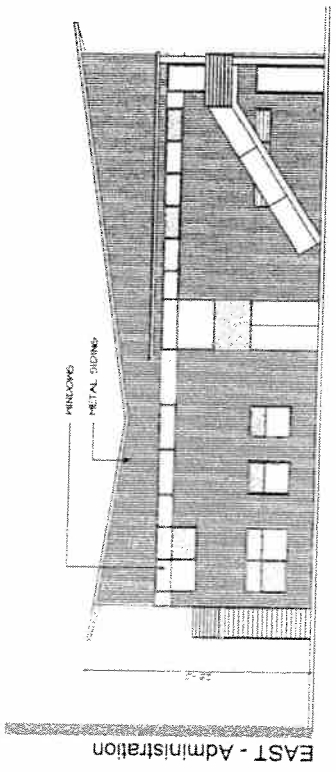
At the State level, the project would be required to obtain preliminary and final approval by the Department of Education based on findings similar to those reviewed at the BUSD's Board, but including requirements and standards for indoor and outdoor spaces. The Department of General Services, Division of the State Architect, would be responsible for review of the architectural plans and construction documents and for issuance of building permits for the project. The Department of Toxic Substance Control would be required to approve BUSD's remediation plan and to sign off when remediation is completed.

9. **Surrounding Land Uses and Setting:** The proposed 1.88-acre project site is located in an industrial area of West Berkeley as designated by the City of Berkeley's Draft General Plan Land Use Element. The project site is within one mile of major transportation thoroughfares including the I-80 to the west and San Pablo Avenue to the east, and the Gilman Street corridor is adjacent to the northern side of the project site. The Berkeley Marina and San Francisco Bay are located approximately ¼ mile to the west of the I-80 (about ¾ mile from the project site) and the Golden Gate Fields Racetrack is about 1 mile to the northwest. Land uses within the vicinity of the project site are characteristically commercial, warehouse, and manufacturing buildings that include the redeveloped Tannery complex to the west of the site at 4<sup>th</sup> Street and the Pyramid Brewery just east of the site on Gilman Street.

The project site is located less than ½ mile east of the I-80, approximately 1 mile northeast of the Amtrak Station at University and 3<sup>rd</sup> Streets, and is well served by public transit. AC Transit routes within the vicinity of the project site include Lines 9, "Z", and "HX" along Gilman and 6<sup>th</sup> Streets, and Lines 52, 52L, 72, 72L, 73, and "G" are accessible from San Pablo Avenue to the east of the site. Lettered routes indicate service to the San Francisco Transbay Terminal at Mission and 3<sup>rd</sup> Streets.

Other Public Agencies Whose Approval May Be Required: California Department of Education (CDE). Department of General Services, Division of the State Architect (DSA), and the Department of Toxic Substance Control (DTSC).





## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agricultural Resources             | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources           | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

## DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared. ☒

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

\_\_\_\_\_  
Signature  
For Daniel Eggen  
Senior Project Manager

\_\_\_\_\_  
Date

## EVALUATION OF ENVIRONMENTAL IMPACTS

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS -- Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**

a, b, c) The relatively flat site is located in an urban and industrial area of West Berkeley, approximately ¼ mile east of the Berkeley Marina, and less than ½ mile east of the I-80 freeway and ½ mile west of San Pablo Avenue. The mostly vacant site, with the exception of two single-story residential structures located near the corner of Gilman and 6<sup>th</sup> Streets, is generally void of visual interest. Two concrete slabs, remnants of past development, cover the central portion of the site and numerous weeds are scattered throughout. Secured metal cyclone fencing surrounds the perimeter of the project site.

Scenic resources at the project site and vicinity are generally limited to long-range views of the Berkeley hills located to the east. However, these views are limited from the project site, and from areas west of the site, because of development located along 7<sup>th</sup> Street which consists of low-rise (one- to two-story) warehouse, manufacturing, office, and retail buildings. Optimal views of the hills are available along east-west oriented street corridors including Gilman Street and Camelia Street. As the proposed project would not block or alter such views, it would not result in significant impacts with respect to scenic vistas nor would it substantially degrade any scenic resources. The proposed project would also not result in any substantial adverse effect on scenic resources since the site is not located within or near a California Scenic Route as designated by the Caltrans Scenic Route Program.

The proposed project, however, would result in a visual change to the project site because it would entail the construction of an approximately 30 foot-tall, two-story administrative office building, an approximately 22 foot-tall, single-story mechanical shop, a washing and fueling station, and associated surface parking on a mostly vacant site. The project would be located in an area that is well developed with existing buildings and warehouse, manufacturing and other

commercial uses, and would incorporate mature street trees and CMU or metal cyclone fencing around the perimeter of the project site for screening purposes, and would introduce attractive new buildings. Other landscaping details such as ornamental shrubs and trees would be located throughout the project site and surface parking area and would present a natural contrast to the proposed transportation facility. The project would enhance a currently underutilized site in West Berkeley, and therefore, would not substantially degrade the existing visual quality of the site and its surroundings.

- d) The proposed project would include fixed exterior lighting at parking and building entrance points, to promote safety. The project site, however, is located in an urban environment that has existing sources of light and glare associated with nearby land uses. The site is located near a major freeway (I-80), San Pablo Avenue, and local roadways where street lighting projects light and glare during evening hours, and therefore, the project would not result in adverse light or glare impacts in the area.

**Sources:**

Berkeley Draft General Plan, Open Space and Recreation Element, July 2001.

Berkeley Draft General Plan, Urban Design and Preservation Element, July 2001.

Project Description and Plans.

Site visit.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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**II. AGRICULTURAL RESOURCES -- Would the project:**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comments:**

- a, b, c) The proposed project is located in a developed, industrial area of West Berkeley that does not include agricultural uses. In addition, the project site, as with the majority of developed land in the City of Berkeley, is designated by the California Department of Conservation's Farmland Mapping and Monitoring Program as Urban and Built-Up Land (Department of Conservation, 1998). Therefore, the proposed project would not convert any prime farmland, unique farmland or Farmland of Statewide Importance; would not conflict with existing zoning for agricultural

land use, nor would it involve any changes to the environment that could result in the conversion of farmland.

**Sources:**

Berkeley Draft General Plan, Land Use Element, July 2001.

Department of Conservation, Prime Farmland in Alameda County Map, 1998.

Project Description and Plans.

	Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
<b>III. AIR QUALITY --</b> Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**

- a) The existing 2000 Clean Air Plan (CAP) of the Bay Area Air Quality Management District (BAAQMD) contains 19 adopted Stationary and area source control measures and 20 transportation control measures. The proposed project would relocate mobile sources of air emissions (buses and cars). Stationary emissions resulting from relocation of the maintenance shop would be associated with the fueling station. Control Measure B8 calls for implementation of an improved gasoline dispensing facility rule. The District adopted Rule 8-7 to implement this measure and the proposed project would be required to comply with conditions of this measure to receive the required authority to construct and permit to operate from the BAAQMD. Compliance with this measure would result in the project being consistent with the 2000 CAP.

Transportation control measures (TCMs) applicable to the proposed project would primarily consist of TCM 10 natural gas. Therefore, facility operations are and would continue to be consistent with TCM 10

of the 2000 CAP. A review of other control measures did not result in identification of any other measures that would be applicable to the proposed project.

- b,c) The project site is located in between the BAAQMD's air monitoring stations at Oakland and Richmond. Air quality monitoring at these stations indicate that the state standard for ozone and particulate matter are the only criteria air pollutant standards which have been occasionally exceeded over the past five years. The project proposes to relocate administrative offices, a bus yard and maintenance shop each of which currently exists within a two-block radius of the project site. There is no proposed change to the number of vehicle trips within the area. Consequently, the proposed project would not result in a net contribution to the existing air pollutant load in the project area or result in new violations of air quality standards.

The proposed project would locate a bus yard and fueling facility closer to residential land uses than their existing locations. The bus yard would be located approximately 200 feet from the two existing residences on the project site on Gilman Street and approximately 300 feet from residences on the south side of Camelia Street. Bus operations would result in egress of approximately 22 buses between 6:50 a.m. and 7:30 a.m. and returning ingress between 9:10 a.m. and 10:00 a.m. Afternoon egress and ingress occur between 12:45 and 2:00 p.m. and 3:30 and 6:30 p.m., respectively. These buses currently use Gilman Street as a main access route. Consequently, for the residences on Gilman Street, the closest bus operations would occur in number, and at a distance, similar to those that currently occur and exposure to bus-generated emissions would not be substantially increased.

Residences on the south side of Camelia Street (within one quarter mile) would be exposed to localized bus emissions of approximately 0.76 pounds per day of nitrogen oxides (an ozone precursor) and 0.005 pounds per day of particulate matter (not adjusting for CNG buses). Because ozone is a regional pollutant formed in the atmosphere, project generated emissions of nitrogen oxides would not result in localized increases of ozone concentrations. Particulate matter concentrations, however, would be marginally locally increased away from Gilman Street. The magnitude of local particulate emissions would not exceed the 80 pounds per day standard established by BAAQMD for particulate emissions.

The proposed fuel station would be located approximately 100 feet from existing residences on the project site on Gilman Street and approximately 400 feet from residences on the south side of Camelia Street. The fueling station would dispense unleaded gasoline and possibly compressed natural gas and would have vapor recovery systems, as required by BAAQMD permit. Diesel fueling of buses would continue to occur off-site. The frequency of fueling activities would be substantially less than those associated with commercial fueling stations. Consequently, emissions of organic gases associated with fueling operations would be less than those associated with a commercial service station and would not be considered to significantly contribute to pollutant concentrations at nearby sensitive receptors.

- d) Recently, diesel engine particulate emissions have been identified by the state Air Resources Board as a toxic air contaminant. The BAAQMD does not currently have a recommended methodology for quantifying impacts from diesel exhaust emissions (BAAQMD, 1999).

However, ESA conducted a screening level risk assessment that included the contribution of diesel engine particulate from a Coach USA facility along the San Francisco southern waterfront with a receptor located a similar distance away as the proposed project. In the San Francisco analysis, an annual number of bus trips was assumed to be 85,314 with an affecting wind direction occurring 25 days of the year and an estimated annual cancer risk contribution of 2.56 per million (ESA, 2001).

For the proposed project a reasonable number of annual trips can be assumed based on 22 bus stalls and assuming each bus generates 4 trips per day (egress and ingress in the morning and again in the afternoon) 260 days out of the year. These assumptions would result in 22,880 trips per year. Wind out of the northwest (the predominant wind direction) occurs approximately 66 days out of the year in the project site vicinity, based on wind data from the EBMUD wastewater treatment plant. Consequently, the maximum incremental cancer risk from diesel particulate emissions resulting from the project is estimated to be 1.8 in one million (1.8 additional cancer cases per million persons, beyond the risk from other sources), based on 24-hours per day exposure over a period of 70 years. The BAAQMD uses a criteria of 10 in one million for assessing significance of toxic air contaminants. Because the estimated increased cancer risk from diesel particulate emissions is less than BAAQMD criteria, the proposed project is considered to have a less than significant impact with respect to diesel engine emissions.

- e) The BAAQMD has compiled a list of facility types and screening distances for use in assessing potential for odor impacts (BAAQMD, 1999). Transportation yards or any other practicable description of a transportation yard are not identified by the BAAQMD as a potential odor source of concern. Consequently, the proposed project would not be considered to result in objectionable odors affecting a substantial number of people.

**Sources:**

Bay Area Air Quality Management District, BAAQMD CEQA Guidelines, April 1996, Revised December 1999.

Environmental Science Associates, San Francisco Southern Waterfront, Final Supplemental Environmental Impact Report, State Clearinghouse No. 94123007, Certified February 15, 2001.

Gordon, Andrea, Environmental Planner, Bay Area Air Quality Management District, telephone communication July 17, 2001.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES - - Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comments:**

- a) The proposed project is located in the West Berkeley Planning Area, which is dominated by a mix of industrial, retail, and residential land uses, and can be considered infill development. The project site, with the exception of two small houses in the northwest corner, can currently be best characterized as a vacant lot dominated by non-native herbaceous vegetation. West Berkeley, first known as Ocean View, was originally settled by Euro-Americans in 1853. Due to the area's long history of agricultural, industrial, and residential development, it is unlikely that the

proposed project would have direct or indirect adverse effects on any special status<sup>1</sup> plant or wildlife species. The California Natural Diversity Data Base (CNDDB) documents occurrences of special status species within two miles of the proposed project site. However, these occurrences are primarily historical and many of the documented species are listed as having been extirpated in the USGS quadrangles that were searched for this document (CDFG, 2001). Suitable habitat either never existed or no longer exists at the site for any of the sensitive species or natural communities listed by the CNDDB as occurring in the vicinity. Monarch butterflies, a sensitive species, have been documented relatively recently (1998) as overwintering in nearby blue gum eucalyptus groves along Codornices Creek and at the University of California's Gil Tract, approximately ¼ mile to the north. However, there are no eucalyptus on-site.

- b) The proposed project site is partially occupied by concrete slabs. Otherwise the site consists of dirt mixed with gravel and is dominated by weedy non-native vegetation, including bristly ox-tongue (*Picris echioides*), Italian ryegrass (*Lolium multiflorum*), and slender wild oat (*Avena barbata*). Although a few native plant species, such as coyote brush (*Baccharis pilularis*), California brome (*Bromus carinatus*), and spearscale (*Atriplex triangularis*) can be found on-site, this heavily urbanized area supports no sensitive natural communities or riparian habitat.
- c) Historically the proposed project site appears to have been located in an area classified as "seep or wet soil" (SFEI 1997). The United States Geological Survey (1981) classifies soils in the area as Urban land/Clear Lake complex. Urban land describes soils that have been altered and mixed as a result of development. The native Clear Lake soils are heavy clay with low permeability and poor drainage. The site is fairly level and no wetland hydrology is apparent. There was no evidence of standing water or saturated soils during the initial study field survey. Rabbitsfoot grass (*Polypogon monspeliensis*), a wetland indicator species, was found scattered on-site in very small numbers. However, the vast majority of plants present are upland species. During the dry season wetlands can often be initially determined by depressions containing a markedly different flora from the surrounding vegetation. No such areas were observed on-site. Therefore, based on field survey results, the proposed project would have no substantial adverse effect on federally protected wetlands.
- d) Due to the highly urbanized nature of the proposed project site and its environs it is not part of an established native resident or migratory wildlife corridor and the project would not interfere with native wildlife movement. Overall, the proposed project site has limited value as wildlife habitat. The nearest open space areas containing natural habitat lie ¼ mile and more from the site. Thus, the site is isolated, with no habitat contiguity or corridor connections for wildlife movement. The density of surrounding development and the presence of several highways and many large city streets between the site and remaining fragments of natural habitat pose severe constraints on animal movement, with the exception of birds, into or out of the site. Wildlife using the site is

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<sup>1</sup> Species are accorded "special status" because of their recognized rarity or vulnerability to habitat loss or population decline. Some are formally listed and receive specific protection defined in federal or state endangered species legislation. Other species have no formal listing status as threatened or endangered, but are designated as "rare" or "sensitive" on the basis of policies adopted by state resource agencies or organizations with acknowledged expertise, such as the California Native Plant Society.

limited to those species adapted to landscapes highly altered by humans and tolerant of human presence.

Due to lack of habitat and the presence of human activity, it is unlikely that mammals, other than the nonnative species commonly associated with urbanization, or native reptiles and amphibians, occur in the project area. In addition, two domestic cats were observed on-site. The presence of these potential predators also reduces the likelihood of native mammals, amphibians, and reptiles being present on-site.

Four resident native bird species were observed foraging in the site vicinity, including American goldfinch (*Carduelis tristis*), mourning dove (*Zenaida macroura*), California towhee (*Pipilo crissalis*), and American crow (*Corvus brachyrhynchos*). Additionally, a small flock of non-native house sparrows (*Passer domesticus*) were observed on-site. These are all common species in urban areas. There is no habitat attractive to migratory bird species, such as a riparian corridor, in the immediate vicinity of the project site. No bird nests or nest building activity were observed during the field survey. It is possible, however, that native resident birds use trees on-site for nesting purposes (see comments below for a full description of trees at the project location). The nests and eggs of native birds are protected under Section 3503 of the California Fish and Game Code. As tree removal during the nesting season (March-August) could result in a potentially significant impact, the following mitigation measure is identified to lessen any potentially adverse effects to nesting birds.

**Mitigation Measure IV.1: Berkeley Unified School District shall limit tree removal to the non-breeding season (September-February).**

- e) There are a number of trees that could be impacted by the proposed project. Two small plums (*Prunus* sp.), and several acacia (*Acacia* sp.) resprouts grow on the lot itself. In addition to these, there are four London plane trees (*Platanus acerifolia*) of an estimated 12-15" diameter at breast height (dbh) planted as street trees along Sixth Street and two of the same species of an estimated 8" dbh planted as street trees along Gilman Street. There are also a number of small plums and other ornamental species along the fence line on Sixth Street and a small pine at the corner of Gilman and Seventh Street. BUSD's site plan includes landscaping and shows that street trees would surround the site. It is assumed that all trees that are not street trees would be removed during project implementation. However, it is unclear at this point how, or if, the existing street trees would be incorporated into the project. If the project proposes to remove the six street trees and replace them, then this would be considered a less than significant impact. Street trees are protected under the Berkeley Municipal Code (Title 12, Chapter 12.44, Sections 12.44.010 and 12.44.020). A permit must be obtained from the Director of the City's Parks, Recreation, and Waterfront Department to plant, as well as cut or remove, any street tree. Obtaining a permit and approval of all proposed actions regarding street trees would reduce this potential impact to a less than significant impact.
- f) No natural communities remain in the vicinity of the proposed project area and there exist no Habitat Conservation Plans, Natural Community Conservation Plans, or other local, regional, or state habitat conservation plans that apply to this part of Berkeley.

**Sources:**

West Berkeley Plan, December 1993.

California Department of Fish and Game, California Natural Diversity Data Base, version 2.1.2. Data request for Briones Valley, Oakland West, and Richmond 7.5 minute topographic quadrangles. Accessed July 2001.

California Native Plant Society, Electronic Inventory of Rare and Endangered Vascular Plants of California, version 1.5.1. Data request for Briones Valley, Oakland West, and Richmond 7.5 minute topographic quadrangles. Accessed July 2001.

Environmental Science Associates, Field Survey, July 2001.

San Francisco Estuary Institute, Historical View of Central Bay Subregion ca. 1770-1820

[digital map], 1997. Available online:

<http://www.sfei.org/ecoa/tlas/Habitat/maps/subregion/hcbay150p4.pdf>. Accessed 2001 July 24.

United States Geological Survey, Soil Survey of Alameda County, Western Part, 1981.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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**V. CULTURAL RESOURCES -- Would the project:**

- |   |                          |                                     |                          |                                     |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?    | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                          | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

**Comments:**

a,b,c,d) The proposed project would be located in an urban area and would entail the construction of a new two-story administrative office building, single-story mechanical shop building, washing and gasoline fueling stations, and surface parking for District vehicles on a currently vacant site. It is not anticipated that any Native American or archaeological resources would be found on the project site, as the immediate vicinity has been subject to continuous development over the past century. As the proposed project would result in some grading activities on site, the following mitigation measures are identified to ensure that if any such archaeological or paleontological resources or human remains are encountered during excavation or construction activities, the impact to these resources would be less than significant.

**Mitigation Measure V.1:** If archaeological or paleontological resources are accidentally discovered during the project excavation or construction, the project sponsor shall ensure that excavation or construction work is halted and a qualified cultural resource consultant has evaluated the situation, assessed the significance of the find, and provided mitigation recommendations, if warranted. Cultural resources include, but are not limited to, railroad ties, foundations, privies, shell and bone artifacts, ash and charcoal.

**Mitigation Measure V.2:** In the event that human skeletal remains are encountered during demolition or construction activities for the proposed project, the project sponsor shall immediately notify the County Coroner. If the County Coroner determines that the remains are Native American, the Coroner shall contact the California Native Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code.

**Sources:**

Berkeley Draft General Plan, Urban Design and Historic Preservation Element, July 2001.

City of Berkeley, Designated Landmarks and Structures of Merit List, revised July 2000.

Project Description and Plans.

Site visit.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**VI. GEOLOGY AND SOILS -- Would the project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map for the area or based on other substantial evidence of a known fault?
- ii) Strong seismic ground shaking?
- iii) Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**

a(i)(ii)(iii)) The project site is not located in an Alquist-Priolo Earthquake Fault Zone,<sup>2</sup> as defined by the California State Department of Conservation, Division of Mines and Geology (CDMG), and

<sup>2</sup> Alquist-Priolo Zones designate areas most likely to experience fault rupture, although surface fault rupture is not necessarily restricted those specifically zoned areas.

no active or potentially active faults exist on or in the immediate vicinity of the site.<sup>3</sup> The nearest active faults are the Hayward fault, located 2 miles east of the site; the San Andreas fault, located 17 miles west; and the Concord-Green Valley faults, located 16 miles east. Because the site is not located on an active or potentially active fault, the potential for surface fault rupture is low and the impact is considered less than significant.

The proposed project is located in the San Francisco Bay Area, a region of intense seismic activity. Recent studies by the United States Geological Survey (USGS) indicate there is a 70 percent likelihood of a Richter magnitude 6.7 or higher earthquake occurring in the Bay Area in the next 30 years. The project site could experience a range of ground shaking effects during an earthquake on one of the aforementioned Bay Area faults. This ground shaking could cause secondary ground failure such as localized liquefaction, or differential settlement. Secondary ground failure could cause structural damage to buildings, placing people in risk of injury. Ground shaking intensities from a major seismic event on the Hayward fault could reach ground movement intensities characterized as violent (MMI-IX) (ABAG, 1999). According to CDMG probabilistic seismic hazard maps, peak ground accelerations in the Berkeley area during a characteristic earthquake on an active Bay Area fault could range from 0.5g to 0.7g<sup>4</sup> (Peterson, et.al, 1996), similar to those recorded in Santa Cruz (0.64g) near the epicenter of the Loma Prieta earthquake.<sup>5</sup> It is likely that the most significant ground shaking would be generated by a characteristic earthquake on the Hayward fault, due to its close proximity to the project site.

Seismic shaking can also trigger ground-failures caused by liquefaction.<sup>6</sup> Liquefaction and associated failures could damage foundations, disrupt utility service, and cause damage to roadways. Liquefaction potential is highest in the areas underlain by Bay fills, Bay mud, and unconsolidated alluvium with earthquake intensities greater than MM VI or equivalently,

<sup>3</sup> An active fault is defined by the State of California as a fault that has had surface displacement within Holocene time (approximately the last 10,000 years). A potentially active fault is defined as a fault that has shown evidence of surface displacement during the Quaternary (last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer. This definition does not, of course, mean that faults lacking evidence of surface displacement are necessarily inactive. Sufficiently active is also used to describe a fault if there is some evidence that Holocene displacement occurred on one or more of its segments or branches (Hart, 1997).

<sup>4</sup> A probabilistic seismic hazard map is a map that shows the hazard from earthquakes that geologists and seismologists agree could occur in California. It is probabilistic in the sense that the analysis takes into consideration the uncertainties in the size and location of earthquakes and the resulting ground motions that can affect a particular site. The maps are typically expressed in terms of probability of exceeding a certain ground motion. For example, maps illustrating the 10% probability of exceedance in 50 years depict an annual probability of 1 in 475 of being exceeded each year. This level of ground shaking has been used for designing buildings in high seismic areas. The maps for 10% probability of exceedance in 50 years show ground motions that seismologists do not think will be exceeded in the next 50 years. In fact, there is a 90% chance that these ground motions will NOT be exceeded. This probability level allows engineers to design buildings for larger ground motions than seismologists think will occur during a 50-year interval, which will make buildings safer than if they were only designed for the ground motions that are expected to occur in the next 50 years. Seismic shaking maps are prepared using consensus information on historical earthquakes and faults. These levels of ground shaking are used primarily for estimating potential economic losses and preparing emergency response (CDMG, 1999).

<sup>5</sup> Peak acceleration, peak velocity, and peak displacement values were measured by strong-motion detectors during the Loma Prieta earthquake in several ground and structure strong-motion stations in the Bay Area. Peak ground acceleration is the maximum horizontal ground movement expressed as acceleration due to gravity, or approximately 980 centimeters per second.

<sup>6</sup> Liquefaction is the process by which saturated, loose, fine-grained, granular, soil, like sand, behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

peak ground accelerations of 0.07g or greater.<sup>7</sup> The depth to groundwater also controls the potential for liquefaction in this area; the shallower the groundwater, the higher potential for liquefaction. The project area has not been evaluated by the CDMG for designation as a liquefaction Seismic Hazard Zone.

Geotechnical analyses performed at the project site indicate liquefaction potential is relatively low. The soil material underlying the proposed project site and the groundwater depths in this area are not characteristic of conditions susceptible to liquefaction as described above. On-site soil borings encountered surficial fill material of gravel and clay, 6 to 14 inches thick. Fill materials were underlain by silty and sandy clay, with occasional layers and lenses of dense silty sand. Groundwater was encountered approximately 8 to 12 feet below grade. The liquefaction hazard posed by the layers and lenses of dense silty sand was judged to be slight, based on the high percentage of silt and density. Subsurface deposits of clean, loose, saturated sands were not encountered.

In accordance with the California Code of Regulations (CCR) and California Education Code (CEC), Berkeley Unified School District is required to prepare a geotechnical report for the project that includes generally accepted and appropriate engineering techniques for determining the susceptibility of the project site to various geologic and seismic hazards. The geotechnical report must include an analysis of ground shaking effects, liquefaction potential, and provide recommendations to reduce these hazards. Geotechnical and seismic design criteria must also conform with engineering recommendations in accordance with the seismic requirements of Zone 4 of the 1994 or 1997 Uniform Building Code (UBC) and the California Building Code (Title 24) additions. In accordance with the CCR and CEC, the geotechnical report prepared for the project site will be reviewed by the California Division of the State Architect and the CDMG (if its consultation is required) to verify its competency in assessing seismic and geologic site hazards, and assure that appropriate structural mitigation measures are included.

Required compliance with applicable state rules, codes, and regulations would reduce potential impacts associated with ground shaking and liquefaction to a less than significant level.

#### Sources:

Association of Bay Area Governments (ABAG), *Earthquake Hazards Maps for Berkeley, Albany, Emeryville*, <http://www.abag.ca.gov/bayarea/eqmaps/pickcity.html>, 2001.

<sup>7</sup> While the magnitude is a measure of the energy released in an earthquake, intensity is a measure of the groundshaking effects at a particular location. Shaking intensity can vary depending on the overall magnitude, distance to the fault, focus of earthquake energy, and type of geologic material. The Modified Mercalli (MM) intensity scale is commonly used to measure earthquake effects due to groundshaking. The MM values for intensity range from I (earthquake not felt) to XII (damage nearly total). MM intensities ranging from IV to X could cause moderate to significant structural damage. **Acceleration** is scaled against a value that everyone is familiar with, that is, acceleration due to gravity or the acceleration with which a ball falls if released at rest in a vacuum (1.0g). Acceleration of 1.0g is equivalent to a car traveling 100 meters (328 feet) from rest in 4.5 seconds. Acceleration is expressed by a "g" which is gravity = 980 centimeters per second squared.

California Building Standards Commission, *California Building Code*, Title 24, Part 2, 1995.

California Code of Regulations, Title 24, Parts I and II.

California Department of Conservation, Division of Mines and Geology, Special Publication 78:  
*Earthquake Planning Scenario for a Magnitude 7.5 Earthquake on the Hayward Fault*, 1987

California Department of Conservation, Division of Mines and Geology, Special Publication 117:  
*Guidelines for Evaluating and Mitigating Seismic Hazards in California*, 1997

California Department of Conservation, Division of Mines and Geology, *Seismic Shaking Hazard Maps of California*, 1999.

California Department of Conservation, Division of Mines and Geology, *Seismic Hazard Zones Map, Oakland East Quadrangle*, March 30, 2000

Geotechnical Engineering, Inc., *Soil Investigation and Geologic Hazard Assessment Including Evaluation of Liquefaction Potential, Proposal New Administration, Shop & Bus Parking*, June 25, 2001.

International Conference of Building Officials, *Uniform Building Code*, ICBO, Whittier, California, 1994.

Peterson, M.D., Bryant, W.A., Cramer, C.H., *Probabilistic Seismic Hazard Assessment for the State of California, California Division of Mines and Geology Open-File Report issued jointly with U.S. Geological Survey, CDMG 96-08 and USGS 96-706*, 1996.

U.S. Geological Society (USGS) Working Group on California Earthquake Probabilities (WG99), *Earthquake Probabilities in the San Francisco Bay Region: 2000-2030 – A Summary of Findings*, Open-File Report 99-517, 1999.

#### VI. GEOLOGY AND SOILS (cont.):

(iv) Landslides?

☐☐☒☐

#### Comments:

a(iv)) The project site is located on relatively level topography in an urbanized area. The potential for landslides is therefore considered less than significant.

#### Source:

Geotechnical Engineering, Inc., *Preliminary Report, Soil Investigation and Geologic Hazard Assessment Including Evaluation of Liquefaction Potential, Proposal New Administration, Shop & Bus Parking*, June 25, 2001.

**VI. GEOLOGY AND SOILS (cont.):**

- b) Result in substantial soil erosion or the loss of topsoil? ☐ ☒ ☐ ☐

**Comments:**

- b) See Response to VIII.1, below. Soils at the project site are classified as Urban Land-Clear Lake Complex by the U.S. Department of Agriculture, Natural Resources Soil Conservation Service (USDA NRCS). Urban Land-Clear Lake Complex soils are not designated as prime or unique farmland or farmland of statewide importance by the USDA NRCS. In addition, the project site is located in a heavily urbanized area. Therefore, the potential loss of topsoil associated with project construction is considered less than significant.

Although Clear Lake soils are not highly susceptible to erosion, Urban Land soils are highly variable in composition, and soil properties cannot be determined without site-specific investigation. Soil exposed by demolition, grading and construction activities could be subject to erosion if exposed to heavy winds or rain. Compliance with Mitigation Measure VIII.1 (Hydrology and Water Quality) would lessen the potential for substantial soil erosion or loss of topsoil during grading and construction activities to a less than significant impact.

**Source:**

United States Department of Agriculture, *Natural Resources Conservation Service, Soil Survey of Alameda County, California, Western Part, March 1981.*

**VI. GEOLOGY AND SOILS (cont.):**

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? ☐ ☐ ☒ ☐
- d) Be located on expansive soil creating substantial risks to life or property? ☐ ☐ ☒ ☐

**Comments to VI.c and VI.d:**

- c) The CEC requires preparation of a geotechnical report, as well as compliance with and implementation of the geotechnical report recommendations. Compliance with the geotechnical report recommendations would reduce the potential for the project to create substantial risk to life or property to a less than significant level.
- d) Soil borings installed at the project site indicate subsurface materials exhibit strong expansive (shrink-swell) properties. As earlier discussed in VI.b and VI.c, the geotechnical report required by the CEC includes an assessment of soil properties and recommendations to reduce adverse effects associated with expansive soils to a less than significant level. The geotechnical report would be reviewed by the State Division of the Architect, as required by the CEC, to verify its competency in assessing geologic site hazards and to assure that appropriate structural mitigation

measures are included. Thereby reducing the potential for risk to life or property to a less than significant level.

**Source:**

Geotechnical Engineering, Inc., *Preliminary Report, Soil Investigation and Geologic Hazard Assessment (Evaluation of Liquefaction Potential), Proposal New Administration, Shop & Bus Parking*, May 29, 2001.

**VI. GEOLOGY AND SOILS (cont.):**

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? ☐ ☐ ☐ ☒

**Comments**

- e) The project would not include the installation of septic tanks or alternative wastewater disposal systems.

**Source:**

Project Description and Plans.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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**VII. HAZARDS AND HAZARDOUS MATERIALS --  
Would the project:**

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ☐ ☒ ☐ ☐
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ☐ ☒ ☐ ☐

**Comments:**

- a,b) The proposed project includes the demolition of two existing residential structures at a later date, construction of an administration building, mechanical shop, fueling and washing stations, and surface parking area. The fueling station would consist of a gasoline aboveground storage tank, and possibly a compressed natural gas aboveground storage tank.

### Demolition Activities

The project could result in the eventual demolition of buildings constructed prior to the 1950s. In general, structures constructed in the 1930s and 1940s are at-risk for asbestos, while buildings constructed before 1970 are at-risk for lead-based paint. In addition, the project site was formerly used to store materials that may have contained lead-based paint or asbestos. Demolition of the existing structures, grading and excavation activities could therefore expose construction workers and the public to lead-based paint and asbestos. Asbestos is regulated both as a hazardous air pollutant under the Clean Air Act and as a potential worker safety hazard under the authority of Cal OSHA. Lead-based paint is classified as hazardous waste if the lead content exceeds 1,000 parts per million. Additionally, lead-based paint chips can pose a hazard to workers and adjacent sensitive land uses. To reduce potential impacts associated with demolition activities, the project applicant shall implement the following mitigation measures.

**Mitigation Measure VII.1: Berkeley Unified School District shall conduct an investigation of the project site to determine if lead-based paint or asbestos is present.**

Should the investigation indicate the presence of these materials on the project site, the project applicant shall implement additional measures, described below, as appropriate, before demolition, grading or excavation activities commence, to address potential hazards associated with exposure of construction workers and the public to lead-based paint and/or asbestos.

**Mitigation Measure VII.2: Berkeley Unified School District shall require that an environmental site health and safety plan be created by a certified industrial hygienist to address worker safety hazards that may arise during demolition activities.**

The contractor would be required to comply with all applicable OSHA regulations regarding worker safety, consistent with standard City practices. Both the Federal and California Occupational Safety and Health Administration (OSHA) regulate all worker exposure during construction activities that impact lead-based paint. Interim Final Rule found in 29 CFR Part 1926.62 covers construction work where employees may be exposed to lead during such activities as demolitions, removal, surface preparation for re-painting, renovation, clean up and routine maintenance. The OSHA-specified method of compliance includes respiratory protection, protective clothing, housekeeping, hygiene facilities, medical surveillance, and training. No minimum level of lead is specified to activate the provisions of this regulation.

**Mitigation Measure VII.3: Before demolition, grading and/or excavation activities commence, Berkeley Unified School District shall require that a lead-based paint abatement plan shall be prepared and implemented. Elements of the plan shall include the following:**

- Development of an abatement specification approved by an Interim-Certified Project Designer.
- Securing of any necessary approvals from the City of Berkeley or the Alameda County Environmental Health Department for specifications or commencement of abatement activities.
- Preparation of a site Health and Safety Plan, as needed.
- Containment of all work areas to prohibit off-site migration of paint chip debris.

- Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The demolition contractor shall be identified as responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition.
- Providing on-site air monitoring during all abatement activities. Also provide background monitoring to ensure no contamination of work areas or adjacent properties.
- Cleanup and/or HEPA vacuum paint chips.
- Collection, segregation, and profiling waste for disposal determination.
- Providing for appropriate disposal of all waste.

**Mitigation Measure VII.4: Before demolition, grading, and/or excavation activities commence, Berkeley Unified School District shall require that asbestos abatement shall be conducted at the project site.**

The renovation or demolition of buildings containing asbestos requires retaining contractors who are licensed to conduct asbestos abatement work and notifying the Bay Area Air Quality Management District (BAAQMD) ten days prior to initiating construction and demolition activities. All identified asbestos containing materials should be removed and appropriately disposed of by a state certified asbestos contractor, pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant.

Implementation of the above mitigation measures listed above would reduce potential impacts associated with demolition of existing structures to a less than significant level.

#### Construction Activities

Past activities at the project site include storage and sale of reusable construction debris and household appliance materials, refining of metallic ores, production of silica, chemical storage, machinery processes, truck and used car storage, and warehouse storage. A Southern Pacific/Union Pacific Railroad spur track was also historically present. Clayton Group Services conducted a Phase II Environmental Site Assessment for the project site which included the installation of soil borings and collection of soil and groundwater samples to determine if historical activities had impacted soil and/or groundwater conditions. Laboratory analysis of soil samples detected concentrations of arsenic, chromium, lead, nickel, chlordane, dieldrin, 4,4'-dichloro-diphenyl-trichloroethane (4,4'-DDT), and total petroleum hydrocarbons (TPH) as (-) motor oil in concentrations above the EPA Region IX Residential Soil preliminary remediation goals (PRGs). Groundwater samples contained concentrations of benzene, methyl tertiary butyl ether (MTBE), tetrachloroethylene (PCE), and trichloroethylene (TCE) which exceeded California Department of Health Services drinking water standard maximum contaminant levels (MCLs) and EPA Region IX Tap Water PRGs. Groundwater concentrations of TPH-gasoline, TPH-diesel, and TPH-motor oil also exceeded Tap Water PRGs.

Using groundwater and soil data collected during the Phase II Environmental Site Assessment, a focused Human Health Risk Assessment (HHRA) was completed for the site by Javaherian Consulting, Inc. The HHRA determined that direct exposure to arsenic in soils by construction

workers and future occupants and direct exposure to TPH-motor oil in groundwater by construction workers exceeded USEPA risk hazard levels, and provided recommendations measures to reduce these risk hazards. These recommendations included preparation of a site-specific health and safety plan by a certified industrial hygienist for use during construction activities, utilization of dust control measures during construction, and fencing off the site to minimize the potential for trespassers being exposed to excavated soils. In addition, the HHRA recommended that one to two feet of clean soil be used as surface fill in unpaved or landscaped areas following construction completion.

In accordance with the CEC, the DTSC would review the conclusions of the HHRA prepared for the project site and determine if the recommendations provided are adequate, or if additional investigation or remediation is needed. The proposed project would be required to comply with the CEC, DTSC, and CDE guidelines and regulations and thus would ensure that the potential soil and groundwater contamination hazards to future occupants and the general public are reduced to a less than significant level through implementation of the HHRA and DTSC recommendations, and if necessary, through remediation.

Construction activities would include excavation of subsurface soils and possibly dewatering. Soil and groundwater sample results indicate there are residual chemical contaminants in soil or groundwater that could pose an immediate hazard to construction workers especially during excavation and handling. Implementation of Mitigation Measure VII.1, requiring preparation and implementation of an Environmental Site Health and Safety Plan and implementation of Mitigation Measure VII.5, below, would lessen potential risks to construction workers to a less than significant level.

**Mitigation Measure VII.5: Berkeley Unified School District shall comply with all applicable regulatory agency requirements including those set forth by Alameda County and the California DTSC regulations regarding the storage, and transportation of contaminated soil and groundwater.**

Impacted soil generated by construction activities would be stockpiled on-site and sampled prior to disposal at an appropriate facility, or prior to potential re-use at the project site. Although construction is unlikely to require dewatering, groundwater generated during construction dewatering would be contained and transported off-site for disposal at an appropriate facility, or treated prior to discharge into the sanitary sewer to levels which are acceptable to the East Bay Municipal Utilities District (EBMUD).

Implementation of the mitigation measure listed above would reduce potential impacts associated with potentially impacted soil and groundwater to a less than significant level.

Hazardous Material Use During Construction

Construction activities would require the use of certain hazardous materials such as fuels, oils, solvents and glues. Inadvertent release of large quantities of these materials into the environment could adversely impact soil, surface waters, or groundwater quality. On-site storage and/or use of large quantities of materials capable of impacting soil and groundwater are

not typically required for a project of size and type proposed herein. However, implementation of Mitigation Measure VII.6 would reduce any risk associated with hazardous materials used during construction to a less than significant level.

**Mitigation Measure VII.6: Berkeley Unified School District shall require the use of construction best management practices typically implemented as part of construction to minimize the potential negative effects to groundwater and soils from construction activities. These could include the following:**

- Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils; and
- Properly dispose of discarded containers of fuels and other chemicals.

Aboveground Storage Tanks

The project would include the installation of a gasoline aboveground fuel storage tank (AST); tank capacity would be approximately 1,000 gallons. An aboveground compressed natural gas tank may also be installed. Potential health and safety issues associated with the storage of petroleum products and natural gas include fire and explosion hazards. However, these potential hazards would be reduced through compliance with existing federal, state, and local rules and regulations. The City of Berkeley Fire Department would oversee the design, installation, and operation of the gasoline fuel storage and natural gas storage systems in accordance with state and federal regulations and regulations within its jurisdiction. In addition, the project applicant would be required to comply with Bay Area Air Quality Management District (BAAQMD) regulations regarding vapor recovery systems for gasoline dispensing facilities, as outlined in BAAQMD Regulation 8, Rule 7.

Compliance with federal, state, and local rules and regulations for petroleum storage tanks and compressed natural gas tanks would reduce the potential health and safety issues associated with the storage of petroleum products to a less than significant level.

**Sources:**

Clayton Group Services, *Phase II Environmental Site Assessment at 1325 Sixth Street, Berkeley California*, December 13, 2000.

Javaherian Consulting, Inc., *Focused Human Health Risk Assessment: Berkeley Unified School District Transportation Yard, 1325 Sixth Street, Berkeley, California*, April 25, 2001.

National Institute for Occupational Safety and Health and Occupational Safety and Health Administration, *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities*, October 1985.

**VII. HAZARDS AND HAZARDOUS MATERIALS**  
(cont.):

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☒ ☐
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ☐ ☐ ☒ ☐

**Comments:**

- c) The proposed project site is not located within one-quarter mile of an existing or proposed school.
- d) The project site is not on a hazardous materials sites list compiled pursuant to Government Code Section 65962.5.

**Sources:**

Thomas Brothers, *The Thomas Guide: San Francisco, Alameda and Contra Costa Counties*, 1999.

Clayton Group Services, *Phase II Environmental Site Assessment at 1325 Sixth Street, Berkeley California*, December 13, 2000.

Issues (and Supporting Information Sources):	Potentially Significant <u>Impact</u>	Less Than Significant With Mitigation <u>Incorporation</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>

**VII. HAZARDS AND HAZARDOUS MATERIALS**  
(cont.):

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐ ☒
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐ ☒

**Comments:**

- e.f) The proposed project is not located within two miles of a public use airport or private airstrip.

**Source:**

Thomas Brothers, *The Thomas Guide: San Francisco, Alameda and Contra Costa Counties*, 1999.

**VII. HAZARDS AND HAZARDOUS MATERIALS**

(cont.):

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

☐ ☐ ☒ ☐

**Comments:**

- g) The project would not interfere with the City of Berkeley's Multi-Hazard Functional Plan for Emergency Operations. The project would comply with applicable regulations set forth in the City of Berkeley's Disaster Preparedness and Safety Element, as outlined in the Berkeley Draft General Plan. An evacuation and emergency response plan would be developed by the project sponsor in consultation with the City's Office of Emergency Services to ensure coordination between Berkeley's emergency planning activities and the Berkeley Unified School District's plan to provide for building occupants in the event of an emergency. The District's plan would be reviewed by the Office of Emergency services and implemented by the project sponsor before the Department of Public Works issues final building permits.

**Source:**

Berkeley Draft General Plan, Disaster Preparedness and Safety Element, July 2001.

**VII. HAZARDS AND HAZARDOUS MATERIALS**

(cont.):

- h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

☐ ☐ ☐ ☒

**Comments:**

- h) The project area is located in a built-out, urban area and is not intermixed or located adjacent to wildlands. Any new structures built on the site would be required to comply with all applicable Fire Code and fire suppression systems, as routinely required by the City. Therefore, the proposed project would not expose people or structures to significant risks associated with wildland fires.

**Sources:**

Berkeley Draft General Plan, Disaster Preparedness and Safety Element, July 2001.

Project Description and Plans

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**VIII. HYDROLOGY AND WATER QUALITY -- Would the project:**

- a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	--------------------------

**Comments:**

- a) Construction of the proposed project would involve excavation, soil stockpiling, and grading, potentially resulting in soil erosion. Soil erosion can cause various environmental impacts, which could eventually impact water quality in the San Francisco Bay. Soils can contain nitrogen and phosphorus, which when carried into water bodies can trigger algal blooms. Extensive blooms of algae can reduce water clarity, deplete oxygen concentrations, and create unpleasant odors. Increased turbidity from suspended sediments may also reduce photosynthesis that produces food supply and aquatic habitat. Additionally, sediment from project-induced on-site erosion could accumulate the downstream drainage facilities, interfere with flow, thereby aggravating downstream flooding conditions.

In some areas, excavation may intersect subsurface water-bearing sediments. Depending on the construction activities, groundwater may flow into excavations that extend below the groundwater table. Common practices employed to facilitate construction include either dewatering the excavation (remove groundwater by pumping) or shoring the sides of the excavation to reduce groundwater inflow. If dewatering methods are used, groundwater would be pumped out of the excavation to the surface and then discharged. Water extracted during dewatering may contain chemical contaminants (either from pre-existing sources or from equipment) or may become sediment-laden from construction activities. If water containing sediment or contaminants is discharged directly to the storm or sanitary sewer, it could contribute to the degradation of surface waters (i.e. San Francisco Bay) or generate sediment and contaminant levels that are in excess of those permitted by sewage treatment plants.

**Mitigation Measure VIII.1: Berkeley Unified School District shall require implementation of a Drainage and Erosion Control Plan to minimize the impacts from erosion and sedimentation during grading. The grading plan shall include, but is not limited to, the following procedures:**

- (1) restrict grading to the dry season, if necessary and practical;
  - (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydro-seeding (see also, Mitigation Measure III.1);
  - (3) protecting downstream storm drainage inlets from sedimentation;
  - (4) using silt fencing and hay bales to retain sediment on the project site;
  - (5) use of temporary water conveyance and water diversion structure to eliminate surface runoff;
- and

- (6) any other suitable measures outlined in the Association of Bay Area Governments' (ABAG) Manual of Standards for Erosion and Sediment Control Measures or the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual.

After construction is complete, all drainage culverts shall be inspected for accumulated sediment. If sediment accumulation has occurred, these drainage structures shall be cleared of debris and sediment.

Implementation of Mitigation Measure VIII.1 would lessen the impact of erosion during construction. Compliance with regulations and procedures discussed above would minimize or eliminate potential erosion impacts to surface water runoff and therefore, this impact would be less-than-significant after mitigation.

**Source:**

Berkeley Draft General Plan, Environmental Management Element, July 2001.

**VIII. HYDROLOGY AND WATER QUALITY (cont.):**

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

☐ ☐ ☐ ☒

**Comments:**

- b) The East Bay Plain (DWR Groundwater Basin No. 2-9.01) is an important and beneficial groundwater basin underlying the East Bay, and extending from Richmond to Hayward. The basin is identified for municipal, industrial, and agricultural water supply. Depth to groundwater varies but is generally more than ten feet below ground surface. The East Bay Municipal Utility District (EBMUD) provides municipal water supply in the City of Berkeley. Because groundwater would not be used to supply water for the project, nor would the project be required to excavate to the level of existing groundwater, the project would have no impact on the aquifer volume or groundwater table level.

**Source:**

California Department of Water Resources, Division of Planning and Local Assistance, Statewide Planning, <http://www.waterplan.water.ca.gov/groundwater/gwb118map.htm#quadindex>, accessed June 2001.

**VIII. HYDROLOGY AND WATER QUALITY (cont.):**

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? ☐ ☒ ☐ ☐

**Comments:**

- c) See Response to VIII.a, above. The existing drainage pattern would temporarily be altered during construction. Implementation of Mitigation Measure VIII.1, above, would lessen the impact of project construction on the existing site's drainage pattern to a less than significant impact.

**Source:**

Berkeley Draft General Plan, Environmental Management Element, July 2001.

**VIII. HYDROLOGY AND WATER QUALITY (cont.):**

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site? ☐ ☒ ☐ ☐
- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? ☐ ☒ ☐ ☐
- f) Otherwise substantially degrade water quality? ☐ ☐ ☒ ☐

**Comments:**

- d,e,f) Surface water runoff volumes and rates generated from undeveloped, unpaved areas can increase significantly when that site is paved, and the capability of surface water infiltration is reduced or eliminated. The majority of the 1.88-acre project is unpaved, with the exception of the two residential units, and a concrete pad located in the center of the site. The proposed project would include paving the majority of the site, thereby increasing surface water run-off.

**Mitigation Measure VIII.2:** Berkeley Unified School District shall prepare a drainage plan for the project site that complies with the City of Berkeley Planning Department and Public Works Department stormdrain and water quality rules, regulations, and guidelines. The drainage plan would evaluate the percentage of increased impervious surface area, and consequential increase in surface water run-off volume and rate. If the increase in impervious surface area from the developed project results in surface water runoff volume or rates that exceed City stormdrain capacity, BUSD shall implement the following mitigation measures:

- provide increased drainage capacity; and

- **provide retention to accommodate the increase in runoff generated by the decrease in pervious area.**

Implementation of Mitigation Measure VIII.2 would reduce potential impacts associated with increased surface water run-off and consequential potential flooding or exceedance of stormwater drainage capacity to a less than significant level.

Changes to the land use of the site such as an increase in the amount of impervious surface, increase in the amount of vehicular traffic through the site, vehicle fueling, and vehicle servicing could increase the amount of non-point source pollutants generated at the project site. In particular, increases in the levels of oil and grease, petroleum hydrocarbons, and metals could occur. If unmitigated, these pollutants could enter the storm drain system and subsequently San Francisco Bay.

The City of Berkeley Fire Department would oversee the design, installation, and operation of fuel storage systems in accordance with state and federal regulations and regulations within its jurisdiction. Applicable aboveground storage tank regulations require various provisions to detect leaks, control and contain surface spills, and monitor tank tightness. The City of Berkeley and San Francisco Bay Regional Water Quality Control Board rules and regulations require implementation of measures to minimize stormwater pollutants. In addition, the City of Berkeley Municipal code requires the applicable of best management practices and to prevent contamination of stormwater by pollutants. Compliance with fuel storage regulations, City of Berkeley and San Francisco Bay Regional Water Quality Control Board rules and regulations, and the City of Berkeley Municipal Code would reduce the potential adverse impact to stormwater run-off water quality and pollutant loads to a less than significant level.

**Sources:**

Berkeley Draft General Plan, Environmental Management Element, July 2001.

City of Berkeley Municipal Code.

**VIII. HYDROLOGY AND WATER QUALITY (cont.):**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comments:**

- g,h) The project site does not lie within a 100-year or 500-year flood plain as determined by the Federal Emergency Management Agency (FEMA) flood hazard mapping. Within the City of Berkeley, the FEMA 100-year flood plain establishes the base flood elevation for new construction. The City of Berkeley therefore only requires site planning and drainage design for

new construction proposed to be located within a 100-year flood plain. The project would not place housing or structures within a 100-year flood hazard area.

**Source:**

FEMA Hazard Mapping by ESRI Website:

<http://mapserver2.esri.com/cgi-bin/hazard.adol?z=c&c=-122.280575%2C37.883198&p=1&d=0&s=0&cd=p&Map.x=10&Map.y=206>, June 14, 2001

**VIII. HYDROLOGY AND WATER QUALITY (cont.):**

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? ☐ ☐ ☐ ☒

**Comments:**

- i) There are no impounded water bodies upstream from the project site. Therefore, no loss resulting from failure of a dam or levee is expected as a potential outcome of this project.

**Source:**

USGS 7.5 minute Series Quadrangle, Richmond, photo-revised 1980.

**VIII. HYDROLOGY AND WATER QUALITY (cont.):**

- j) Result in inundation by seiche, tsunami, or mudflow? ☐ ☐ ☐ ☒

**Comments:**

- j) Inundation of seiche or tsunami is unlikely within the project site. The elevation of the project site is approximately 35 feet above sea level. Wave run-up from tsunami in the San Francisco Bay is expected to range between 0 and 20 feet. The project site is located about 2/3 mile from the San Francisco Bay. There are no water bodies upstream from the project site (e.g., reservoirs, ponds, canals, etc.) that might experience flood waves.

**Sources:**

*Creek and Watershed Map of Oakland and Berkeley*, published by Oakland Museum of California, revised 2000.

USGS 7.5 minute Series Quadrangle, Richmond, photorevised 1980.

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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**IX. LAND USE AND PLANNING --** Would the project:

- a) Physically divide an established community? ☐ ☐ ☒ ☐

**Comments:**

- a) The proposed project, which consists of an approximately 30 foot-tall administrative office building, an approximately 22 foot-tall mechanical shop, washing and fueling stations, and surface parking would be located on a currently vacant lot within an industrial area of West Berkeley. Land uses in the vicinity of the project site include major transportation thoroughfares such as I-80 to the west and San Pablo Avenue to the east. The Berkeley Marina and San Francisco Bay are located approximately ¾ mile to the west of the project site and the Golden Gate Fields Racetrack is located about 1 mile northwest. Land uses within the vicinity of the project site are characteristically commercial, retail or warehouse and manufacturing buildings including the Tannery Complex (a Designated Historic Landmark) along 4<sup>th</sup> and Gilman Streets to the west and the Pyramid Brewery located to the northeast of the site on Gilman and 8<sup>th</sup> Streets. Residential buildings are scattered throughout the area. The proposed project is consistent with land uses within the vicinity of the site, and would therefore, not physically divide an established community.

**Sources:**

Berkeley Draft General Plan, Land Use Element, July 2001.

Project Description and Plans.

**IX. LAND USE AND PLANNING (cont.):**

- b) Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? ☐ ☐ ☒ ☐

**Comments:**

- b) The project site is located in an industrial area of West Berkeley, in an area classified by the Draft General Plan Land Use Element as "Manufacturing." The Manufacturing classification is "intended to maintain and preserve areas of the City for heavy manufacturing and industrial uses necessary for a multi-faceted economy and job-growth" (p. 20). This classification is intended to accommodate a mix of "light industry" such as manufacturing, commercial, and office uses. The maximum FAR is 2.0 for non-residential uses. The proposed project would result in an FAR of

0.14<sup>8</sup> (excluding uses devoted to parking), which is within the allowable FAR for the Manufacturing land use classification. Policy LU-34 of the General Plan Land Use Element protects industrial uses in West Berkeley, and includes the following related action:

Inform non-industrial uses that are considering moving into industrial areas that truck traffic, 24-hour operations and noise up to legal limits are common and accepted in industrial areas. Non-industrial uses are expected to adjust to the practices of industrial operations.

The proposed BUSD transportation facility is permitted by the Manufacturing land use classification, and would generally conform to policies outlined within the General Plan Land Use Element as the proposed project would provide “sensitively designed, thoughtfully planned” infill development that is compatible with neighboring land uses (Policy LU-3).

The West Berkeley Plan is a specific plan that encompasses approximately one-sixth of Berkeley’s total land area. The project site is located within the West Berkeley Plan’s Mixed Use/Light Industrial District. Permitted uses in the district are broadly light industrial in character, such as auto repair and storage, with various light manufacturing uses also allowed. The proposed project is generally consistent with the goals and policies of the Plan as it would develop and improve a vacant and underutilized parcel at a scale that is appropriate to its surroundings (Goal 4). The proposed project is not located in the residential core area of West Berkeley.

The proposed project would be consistent with relevant policies in the Urban Design and Historic Preservation Element as the project would provide interesting architectural details and finishes that blend with the industrial and commercial character of the surrounding area (Policy PD-20). In addition, the project would provide street trees and other landscaping details along the perimeter of, as well as throughout the site to naturally screen the proposed transportation facility and parking area (Policy PD-33). As views of the hills are not easily discerned from the project site and vicinity, the proposed project would generally conform to policies outlined within the General Plan’s Urban Design and Preservation Element.

The project site is located within the MU-LI Mixed Use/Light Industrial Zoning District as described by the Berkeley Zoning Ordinance. The purpose of the MU-LI Zoning District is to:

- Implement the West Berkeley Plan’s designation of a Light Manufacturing District;
- Encourage development of a mixed use-light industrial area for a range of compatible uses;
- Encourage development of an area where light manufacturers can operate free from the economic, physical and social constraints caused by incompatible uses;
- Encourage the creation and continuation of well paid jobs which do not require advanced degrees;
- Provide for the continued availability of manufacturing and industrial buildings for manufacturing uses, especially of larger spaces needed by medium sized and larger light manufacturers;
- Provide opportunities for office development when it will not unduly interfere with light manufacturing uses and/or the light manufacturing building stock;

<sup>8</sup> The calculation is as follows: 11,784 sq. ft. of floor area divided by 81,892 sq. ft. of site area equals 0.14.

- Provide the opportunity for laboratory development in appropriate locations;
- Support the development of businesses which contribute to the maintenance and improvement of the environment;
- Allow on site ancillary retail as a tool to maintain and enhance the economic viability of manufacturers in the district; and,
- Maintain and improve the quality of the West Berkeley environment, while allowing the lawful and reasonable operation of light industrial uses (§ 23E.80.020).

The proposed transportation facility is generally consistent with permitted uses in the MU-LI Zoning District. The project would be located on Gilman Street, below San Pablo Avenue, and would provide direct access to I-80. The project would consolidate existing facilities to a centrally located area, thereby allowing reuse of the current sites occupied by the Transportation Department. The Zoning Ordinance would require 24 off-street parking spaces (2 off-street parking spaces per 1,000 square feet of non-residential use) and there are no loading requirements for the project. In addition, the project would be required to provide 6 bicycle parking spaces (1 bicycle parking space per 2,000 square feet of non-residential use). The proposed project would provide approximately 85 parking spaces and would provide bicycle parking to meet the Zoning Ordinance requirement.

**Sources:**

Berkeley Draft General Plan, Land Use Element, July 2001.

Berkeley Draft General Plan, Urban Design and Preservation Element, July 2001.

Berkeley Zoning Ordinance, as amended through 1999.

West Berkeley Plan, December 1993.

Project Description and Plans.

**IX. LAND USE AND PLANNING (cont.):**

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan? ☐ ☐ ☐ ☒

**Comments:**

- c) The proposed project site is located in an area that is not governed by any habitat conservation plan or natural community conservation plan. Therefore, the proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

**Sources:**

Berkeley Draft General Plan, Land Use Element, July 2001.

Berkeley Draft General Plan, Open Space and Recreation Element, July 2001.

Project Description and Plans.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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**X. MINERAL RESOURCES --** Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comments:**

- a,b) No mineral resources are identified within the City of Berkeley's West Berkeley area by the Alameda County General Plan, the Berkeley Draft General Plan, or by the West Berkeley Plan. The proposed project would therefore not result in the loss of availability of a known mineral resource that is valuable on a local, regional or state-wide basis.

**Source:**

Alameda County, Open Space, Conservation and Recreation Element, May 1, 1994,  
<http://ceres.ca.gov/planning/counties/Alameda/plans.html>, accessed July 12, 2001.

Berkeley Draft General Plan, Land Use Element, July 2001.

West Berkeley Plan, December 1993.

Project Description and Plans.

Site visit.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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**XI. NOISE --** Would the project result in:

- |   |                          |                                     |                                     |                          |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ☐ ☒ ☐ ☐
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ☐ ☐ ☒ ☐
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ☐ ☐ ☐ ☒
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? ☐ ☐ ☐ ☒

**Comments:**

- a,b,c) In Berkeley, the Noise Element of the City's *Master Plan* (1977) contains a set of noise and land use compatibility guidelines that define the desirable maximum noise exposure of various land uses in addition to certain conditionally acceptable levels contingent upon the implementation of noise reduction or planning constraints. The *Berkeley Master Plan* is currently being updated. The Draft General Plan contains, within the Environmental Management Element, land use compatibility standards. For residential land uses an exterior noise environment of between 60 and 75 dBA is considered "conditionally acceptable", meaning that a specified land use may be permitted only after a detailed analysis of the noise environment, potential noise impacts and the need for mitigation is conducted.

The Berkeley Noise Ordinance (Chapter 13.40, Community Noise, dated 12/31/94) specifies exterior and interior noise limits for residential, commercial and industrial zones. Based on existing uses in the project vicinity, applicable noise limits that cannot be exceeded for more than 30 minutes in any hour are as follows:

Zone	Time Period	Allowable Exterior Noise Level (dBA)	Allowable Interior Noise Level (dBA)
R-3 and Above	7:00 a.m. - 10:00 p.m.	60	45
	10:00 p.m. - 7:00 a.m.	55	40
Commercial	7:00 a.m. - 10:00 p.m.	65	45
	10:00 p.m. - 7:00 a.m.	60	40

Shorter periods of noise levels higher than these limits are allowed, but only for specified periods of time. Specifically, the standard + 5 dB for more than 15 minutes, the standard + 10 dB for more than 5 minutes, and the standard + 15 dB for more than one minute in any hour are used. The standard + 20 dB cannot be exceeded for any period of time. However, where the existing

ambient noise level already exceeds the above noise limits, the ambient noise level becomes the standard.

The Noise Ordinance also specifies construction/demolition noise limits for various land uses and types of construction activities. They are as follows:

Equipment Type	Zone	Time Period	Allowable Exterior Noise Level (dBA)
Mobile  (nonscheduled, intermittent, operating $\leq 10$ days)	R-3 and Above	Daily, 7:00 a.m. - 7:00 p.m.	80
		Weekends, 9:00 a.m. to 8:00 p.m. and Legal Holidays	65
Stationary (Repetitively scheduled, operating $\geq 10$ days)	Commercial	Daily, 7:00 a.m. - 7:00 p.m.	85
		Weekends, 9:00 a.m. to 8:00 p.m. and Legal Holidays	70

The proposed project would result in the operation of buses closer to residential receptors. Existing bus routes use 6<sup>th</sup> Street and Gilman Street. Under the proposed project, buses would use a portion of 7<sup>th</sup> Street to access the site, primarily north to Gilman Street. One potential route would send buses south on 7<sup>th</sup> Street to Camelia Street and then south on to 6<sup>th</sup> Street. This alternative route would have the potential to distribute buses along Camelia Street, where existing residences are not currently directly exposed to BUSD bus noise. Based on distribution patterns supplies by the District, up to 13 bus trips per peak hour could be distributed in this southerly route direction. Using the FHWA noise model with California adjustment factors, 13 hourly bus trips would contribute 60 dBA to hourly average noise levels in the area. Daytime monitored noise levels at the setback of residences located on Camelia Street is 58.9 dBA. Adding predicted bus noise to the existing monitored noise environment results in a daytime noise level of 62.4 dBA. This noise level would exceed the exterior standard for residential land uses by 2.4 dBA and would exceed existing noise levels by 3.5 dBA. Therefore, use of a bus route via Camelia Street would require mitigation for increased noise levels.

**Mitigation Measure XI.1: Berkeley Unified School District shall either eliminate the Camelia Street route or limit bus operations on the Camelia Street route to 2 trips per hour.**

Noise monitoring conducted at residences on Gilman Street and 6<sup>th</sup> Street revealed average daytime noise levels of 66 dBA. These levels would not be substantially affected by proposed bus routes because no change in bus volumes would occur on these roadways.

Bus pass-by events at street level (i.e., not on an elevated structure) result in vibration velocity levels of approximately 62 VdB (velocity in decibels referenced to  $1 \times 10^{-6}$  inches per second) at a distance of 50 feet (FTA, 1995). Residential annoyance typically occurs at approximately 73 VdB for frequent events and 80 VdB for infrequent events. The proposed project would result in approximately 13 buss pass-by events during the worst case hour and route. Groundborne vibration from these events would not exceed the estimated residential annoyance levels for frequent or infrequent events suggested by the Federal Transportation Administration and would not be considered excessive.

- d) Temporary or periodic noise associated with the proposed project would primarily be the result of construction activity. Construction noise in Berkeley is regulated by the City's Noise Ordinance. The proposed project would not require pile driving or any other substantially noisy construction operations. Construction noise would be similar to that which would occur at any other commercial or institutional development and would not be considered substantial.
- e,f) The proposed project is not located within the two miles of a public airport nor within the vicinity of a private airstrip.

**Sources:**

Project Description and Plans.

Federal Transportation Administration, *Transit Noise and Vibration Impact Assessment*, April 1995.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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**XII. POPULATION AND HOUSING -- Would the project:**

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Comments:**

- a) The proposed project would entail the construction of an approximately 4,456 square-foot, two-story building to serve as administrative offices and training/conference rooms for Department. BUSD student, and District-wide use, an approximately 7,328 square-foot, single-story mechanical shop, and vehicle washing and fueling stations. The project would also provide

about 85 parking spaces in an industrial and developed area of West Berkeley, near the I-80 and San Pablo Avenue. The project would result in approximately 44 employees working at a currently vacant site. However, all of these employees currently work at one of three BUSD leased facilities located less than two blocks from the site. In addition, at least 22 employees would be away from the site for most of the day. Furthermore, the additional employees likely already live in the Bay Area. The project would result in available space for businesses at BUSD's current leased facilities, which total approximately 25,000 square feet and could result in an increase of employees in the area. One of the parcels currently occupied by the bus yard has been permitted for redevelopment as a mixed-use, light industrial use. No specific future uses have been proposed for the remaining parcels (currently occupied by the Department's administrative offices and mechanical shop). However, any future use of these parcels would be expected to be consistent with the applicable land use designations of the West Berkeley Plan and Berkeley General Plan. Should such future uses be subject to CEQA at the time they are proposed, a separate environmental review process would be required to address any potential environmental impacts. The total increase in the daytime population on site and in the surrounding area is expected to be small however, and consistent with General Plan and West Berkeley Plan land use projections. The project would not result in any significant effect on population and housing.

- b, c) The project anticipates that future development and expansion of the proposed facilities could, in the now unforeseeable future, require the vacation and removal of the two existing occupied residential units located in the northwest corner of the project site. At this time, plans for the development and proposed use of the two parcels are not known. The District would be required to offer the displaced property owners market rates for the vacated properties, and would also be required to provide relocation assistance (or pay a fee in lieu of relocation) to the property owners and tenants as required by the Berkeley Neighborhood Preservation policy.

**Sources:**

Berkeley Draft General Plan, Land Use Element, July 2001.

West Berkeley Plan, December 1993.

Project Description and Plans.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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**XIII. PUBLIC SERVICES** - - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

- |                             |                          |                          |                                     |                                     |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Fire protection?         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Police protection?       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Schools?                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Parks?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**Comments:**

- a) The proposed project site is located in a developed urban area already served by public services. The Berkeley Fire Department would provide fire protection and emergency medical response to calls from the project site. The nearest station, Station No. 6 located at 999 Cedar Street, is located within ½ mile and would provide primary service to the project site. Each department fire station is equipped with one engine, one fire truck and one ambulance; each engine and truck are staffed by three firefighters and each ambulance is staffed with two paramedics. The Department responds to an average of 12,000 calls per year, with response times averaging five to eight minutes. The Fire Department also administers the Uniform Fire Code and applicable sections of California Health and Safety Code, California Administrative Codes, Title 19, Public Safety and Title 24, Building Standards. The Department actively participates in the City of Berkeley's development process by commenting on building design and materials. The Department anticipates that the number of calls due to the project would be comparable to existing calls in the area, and would not require new or physically altered facilities in order to provide fire protection services at the site.
- b) Police protection services would be provided to the project site by the Berkeley Police Department, headquartered at 2100 Martin Luther King Jr. Way, in the Tsukamoto Public Safety Building. The project site is located within Beat 17. At least one patrol officer is assigned to this beat at all times. The Police Department anticipates that the demand for police services attributable to the project would be comparable to the existing demand for the area, and would therefore not require construction of a new or expanded facility.

- c) BUSD operates the public school system in Berkeley. The proposed project is designed to improve school operations through consolidating and streamlining the existing Transportation Department (currently located on three separate leased facilities within 2 blocks of the project site). Furthermore, the project would not result in any new residential use (see Section XII, Population and Housing) and therefore, the proposed project would not have an impact on public schools in the Berkeley Unified School District.
  
- e) The City of Berkeley's Department of Parks and Waterfront, located at 2180 Milvia Street, manages approximately 235 acres of parks and marinas. Three parks are located within a 1 mile radius of the project site: Harrison Fields located at 5<sup>th</sup> and Harrison Streets, James Kenney Park (4.24 acres) at 8<sup>th</sup> and Virginia Streets, and Cedar-Rose Park (4.94 acres) at 1300 Rose Street. In addition, several East Bay Regional Parks and recreational facilities, including the Golden Gates Field Racetrack, Berkeley Marina, Aquatic Park and the Bay shoreline are located nearby. Because the project is located in an industrial area of West Berkeley and does not provide for residential use, the project would not be expected to provide recreational facilities, and would not require the construction of new or expanded government-sponsored parks.

**Sources:**

Berkeley Draft General Plan, Land Use Element, July 2001.

Berkeley Draft General Plan, Open Space and Recreation Element, July 2001.

West Berkeley Plan, December 1993.

Official City of Berkeley website, Berkeley Police Department homepage,  
<http://inberkeley.ci.berkeley.ca.us/police/>, accessed July 25, 2001.

Official City of Berkeley website, Berkeley Fire Department homepage,  
<http://inberkeley.ci.berkeley.ca.us/fire/>, accessed July 25, 2001.

Official City of Berkeley website, Berkeley Park, Recreation and Waterfront homepage,  
<http://inberkeley.ci.berkeley.ca.us/parks/>, accessed July 25, 2001.

Project Description and Plans.

Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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**XIV. RECREATION** - - Would the project:

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

☐
☐
☒
☐

- b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ☐ ☐ ☒ ☐

**Comments:**

- a, b) See response to XIII, above. The proposed project would be located in an industrial area of West Berkeley already served by existing parks located within a mile radius of the site, including Harrison Fields located at 5<sup>th</sup> and Harrison Streets, James Kenney Park at 8<sup>th</sup> and Virginia Streets, and Cedar-Rose Park at 1300 Rose Street. Recreational facilities located at the James Kenney Park include a recreational center, tennis courts, a ballfield and play areas, and the Cedar-Rose Park maintains a recreational center, hardcourts, a tot area and a community garden. In addition, regional-serving parks and facilities such as the Berkeley Marina, the Aquatic Park, and the Golden Gate Fields Racetrack are located within 2 miles of the project site. The proposed project does not include any new parks or recreational facilities, nor would it be expected to do provide such. Because most of the project employees already work in the area, increased use of the nearby parks and recreational facilities due to the project would not be anticipated. The project would therefore not require the construction of new or expanded parks and facilities.

**Sources:**

Berkeley Draft General Plan, Open Space and Recreation Element, July 2001.

West Berkeley Plan, December 1993.

Official City of Berkeley website, Berkeley Park, Recreation and Waterfront homepage, <http://inberkeley.ci.berkeley.ca.us/parks/>, accessed July 25, 2001.

Project Description and Plans.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XV. TRANSPORTATION/TRAFFIC - - Would the project:**

- a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? ☐ ☐ ☒ ☐
- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? ☐ ☐ ☒ ☐
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ☐ ☐ ☐ ☒

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Result in inadequate parking capacity?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Comments:**

- a, b) Upon completion of the proposed transportation facility, a comparable number of employees and vehicles would be stationed at the new site as are currently at the three existing sites; there would be no change in the number of on-site employees (currently 44 employees) and no change to the number of District vehicles/equipment located on-site (currently 22 buses, 13 vans, and 1 tow truck). The increase in traffic associated with the arrival and departure of the BUSD Transportation Department employees and BUSD vehicles would be negligible. Moreover, the general distribution of that traffic over the course of a day would be similar to existing conditions. However, turning movements of the 22 buses within the immediate vicinity (i.e., at the Gilman and 7<sup>th</sup> Streets intersection, Gilman and 6<sup>th</sup> Streets intersection, Camelia and 6<sup>th</sup> Streets intersection, and 6<sup>th</sup> Street driveway) would change somewhat as a result of the project, which could alter existing traffic flow patterns. The implementation of the following mitigation measure would ensure that the project's effect on traffic congestion would be less than significant.

**Mitigation Measure XV.1: Berkeley Unified School District shall monitor both the a.m. and p.m. peak-hour movements of the District vehicles entering and leaving the project site for a minimum of 3 days during the first month of full project operation. If monitoring of the District's vehicle movements indicates that alternate site access or egress would function substantially more efficiently in the immediate vicinity of the site, the Berkeley Unified School District, in consultation with the City of Berkeley Traffic Department, shall alter site access and egress for the District's vehicles appropriately.**

- c) The proposed project would have no effect on air traffic patterns.
- d) The project would neither introduce unsafe roadway or intersection configurations, nor incompatible uses into the area. The general mix of automobiles, trucks and buses on area roadways would be unchanged as a result of the proposed project. The physical and traffic characteristics of area roadways (e.g., roadway widths, traffic controls, and pedestrian/bicycle facilities) would be expected to safely accommodate the project-generated traffic, and therefore, the project's effect on traffic safety would be expected to be less than significant. The

implementation of Mitigation Measure XV.1, above, would ensure that the project's effect on traffic safety would be less than significant.

- e) The proposed project would provide three access driveways: one at 7<sup>th</sup> Street on the eastern perimeter of the site and two at 6<sup>th</sup> Street along the western perimeter (one for District vehicles and one for employee and visitor vehicles), thus ensuring adequate access for both general and emergency vehicles.
- f) Proposed parking for the project has been designed to provide adequate parking capacity to accommodate demand for parking by site employees, visitors and District vehicles stationed at the site. As such, the project would have a less than significant impact on parking conditions in the area.
- g) The proposed transportation facility would have no effect on adopted policies, plans, or programs supporting alternative transportation.

**Sources:**

Berkeley Unified School District Transportation Facility Traffic Study, July 2001.

DeLeuw, Chuck, City of Berkeley Traffic Consultant, personal communication, August 2, 2001.

**Project Description and Plans.**

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XVI. UTILITIES AND SERVICE SYSTEMS - - Would the project:**

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has  |                          |                          |                                     |                          |

- |  |                          |                                     |                                     |                                     |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?          | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?                              | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |

**Comments:**

- a,b,c,d) The proposed project site is located in an area already served by utilities and service systems. If sufficient distribution capacities in existing water, wastewater (sewers), and storm water drainage facilities are not available to serve the project site, the project sponsor would be required to provide for any infrastructure improvements. In addition, the project sponsor would be required to pay installation and hookup fees to the affected service providers to ensure the provision of adequate service, prior to service connection.
- e) Although it is not anticipated that the project sponsor would be required to pay for relief sanitary sewers in the basin, the project sponsor would be responsible for any upgrading of the existing sewer lines from the project site to the interceptor. Thus, the proposed project would not result in significant impacts related to the utilization of water supplies, wastewater treatment facilities, or storm water drainage facilities.
- f) Solid waste is transported from the Berkeley Transfer Station, located at 1021 Second Street, to the Altamont Landfill and Resource Recovery Facility, located near the Altamont Pass, northeast of the City of Livermore. This landfill is not expected to reach capacity for at least 20 years. The proposed project would use an incremental portion of landfill capacity and would not significantly lessen landfill capacity at Altamont Landfill Facility.
- g) Assembly Bill 939 required all cities to divert 50 percent of their solid waste from landfills by the year 2000. The current waste diversion rate in the City of Berkeley is about 40 percent. The construction of the proposed project could result in the City of Berkeley not diverting 50 percent of its waste from landfills as mandated by AB 939, as the project could result in one to two pounds of construction debris per square foot of construction. Implementation of Mitigation Measure XVI.1, below, would lessen the impact of the proposed project on conformance with AB 939.

**Mitigation Measure XVI.1: During construction, the Berkeley Unified School District shall be required to maximize diversion of the byproducts of construction. The project sponsor shall be required to work with the City of Berkeley's Public Works Department to develop a plan for maximizing diversion of construction materials associated with the construction of the proposed project.**

**Sources:**

Berkeley Draft General Plan, Land Use Element, July 2001.

Official City of Berkeley website, Public Works homepage, <http://inberkeley.ci.berkeley.ca.us/pw/>, accessed July 30, 2001.

East Bay Municipal Utility District, [www.ebmud.com](http://www.ebmud.com), accessed July 30, 2001.

California Integrated Waste Management Board website, Waste Profile for the City of Berkeley, <http://www.ciwmb.ca.gov/Profiles/Juris/JurProfile1.asp?RG=C&JURID=43&JUR=Berkeley>, accessed July 30, 2001.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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## XVII.MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

☐ ☐ ☒ ☐

### Comments:

- a) The proposed project would not degrade the quality of the environment with respect to plant or animal habitats as the proposed project site is located in an urban area where no known significant species or habitats currently exist. No important examples of major periods of California history or prehistory exist on the site.

### Sources:

Berkeley Draft General Plan, Land Use Element, July 2001.

Berkeley Draft General Plan, Open Space and Recreation Element, July 2001.

West Berkeley Plan. December 1993.

Project Description and Plans.

## XVII.MANDATORY FINDINGS OF SIGNIFICANCE (cont.):

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

☐ ☐ ☒ ☐

**Comments:**

- b) The proposed project would not result in significantly considerable cumulative effects as the project site is located within two blocks of the Transportation Department's current operations, and the amount of employees (currently 44 employees) and District vehicles (currently 22 buses, 13 vans, and 1 tow truck) would not change. Therefore, potential cumulative effects of the proposed project on population and traffic would not be significant.

**Source:**

Project Description and Plans.

**XVII.MANDATORY FINDINGS OF SIGNIFICANCE (cont.):**

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

☐☐☒☐

**Comments:**

- c) The project would not result in any potential environmental effects that would cause substantial adverse effects on human beings, upon implementation of the identified mitigation measures. The proposed project does not entail the use, storage or handling of any significant amounts of hazardous substances.

**Sources:**

Berkeley Draft General Plan, Land Use Element, July 2001.

Berkeley Draft General Plan, Open Space and Recreation Element, July 2001

West Berkeley Plan, December 1993.

Project Description and Plans.

**APPENDIX A**  
**Summary of Mitigation Measures for BUSD Transportation Facility Project**

**IV. BIOLOGICAL RESOURCES**

**Mitigation Measure IV.1:** Berkeley Unified School District shall limit tree removal to the non-breeding season (September-February).

**V. CULTURAL RESOURCES**

**Mitigation Measure V.1:** If archaeological or paleontological resources are accidentally discovered during the project excavation or construction, the project sponsor shall ensure that excavation or construction work is halted and a qualified cultural resource consultant has evaluated the situation, assessed the significance of the find, and provided mitigation recommendations, if warranted. Cultural resources include, but are not limited to, railroad ties, foundations, privies, shell and bone artifacts, ash and charcoal.

**Mitigation Measure V.2:** In the event that human skeletal remains are encountered during demolition or construction activities for the proposed project, the project sponsor shall immediately notify the County Coroner. If the County Coroner determines that the remains are Native American, the Coroner shall contact the California Native Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code.

**VII. HAZARDS AND HAZARDOUS MATERIALS**

**Mitigation Measure VII.1:** Berkeley Unified School District shall conduct an investigation of the project site to determine if lead-based paint or asbestos is present. Should the investigation indicate the presence of these materials on the project site, Berkeley Unified School District shall implement additional measures, as appropriate, before demolition, grading or excavation activities commence, to address potential hazards associated with exposure of construction workers and the public to lead-based paint and/or asbestos.

**Mitigation Measure VII.2:** Berkeley Unified School District shall require that an environmental site health and safety plan be created by a certified industrial hygienist to address worker safety hazards that may arise during demolition activities.

**Mitigation Measure VII.3:** Before demolition, grading and/or excavation activities commence, Berkeley Unified School District shall require that a lead-based paint abatement plan shall be prepared and implemented. Elements of the plan shall include the following:

- Development of an abatement specification approved by an Interim-Certified Project Designer.
- Securing of any necessary approvals from the City of Berkeley or the Alameda County Environmental Health Department for specifications or commencement of abatement activities.
- Preparation of a site Health and Safety Plan, as needed.
- Containment of all work areas to prohibit off-site migration of paint chip debris.
- Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The demolition contractor shall be identified as responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition.

- Providing on-site air monitoring during all abatement activities. Also provide background monitoring to ensure no contamination of work areas or adjacent properties.
- Cleanup and/or HEPA vacuum paint chips.
- Collection, segregation, and profiling waste for disposal determination.
- Providing for appropriate disposal of all waste.

**Mitigation Measure VII.4:** Before demolition, grading, and/or excavation activities commence, Berkeley Unified School District shall require that asbestos abatement be conducted at the project site.

**Mitigation Measure VII.5:** Berkeley Unified School District shall comply with all applicable regulatory agency requirements including those set forth by Alameda County and the California DTSC regulations regarding the storage, and transportation of contaminated soil and groundwater.

**Mitigation Measure VII.6:** Berkeley Unified School District shall require the use of construction best management practices typically implemented as part of construction to minimize the potential negative effects to groundwater and soils from construction activities. These could include the following:

- Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils; and
- Properly dispose of discarded containers of fuels and other chemicals.

## VIII. HYDROLOGY AND WATER QUALITY

**Mitigation Measure VIII.1:** The Berkeley Unified School District shall require implementation of a Drainage and Erosion Control Plan to minimize the impacts from erosion and sedimentation during grading. The grading plan shall include, but is not limited to, the following procedures:

- (1) restrict grading to the dry season, if necessary and practical;
- (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydro-seeding (see also, Mitigation Measure III.1);
- (3) protecting downstream storm drainage inlets from sedimentation;
- (4) using silt fencing and hay bales to retain sediment on the project site;
- (5) use of temporary water conveyance and water diversion structure to eliminate surface runoff; and
- (6) any other suitable measures outlined in the Association of Bay Area Governments' (ABAG) Manual of Standards for Erosion and Sediment Control Measures or the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual.

After construction is complete, all drainage culverts shall be inspected for accumulated sediment. If sediment accumulation has occurred, these drainage structures shall be cleared of debris and sediment.

**Mitigation Measure VIII.2:** Berkeley Unified School District shall prepare a drainage plan for the project site that complies with the City of Berkeley Planning Department and Public Works Department stormdrain and water quality rules, regulations, and guidelines. The drainage plan would evaluate the percentage of increased impervious surface area, and consequential increase in surface water run-off volume and rate. If the increase in impervious surface area from the

developed project results in surface water runoff volume or rates that exceed City stormdrain capacity, BUSD shall implement the following mitigation measures:

- provide increased drainage capacity; and
- provide retention to accommodate the increase in runoff generated by the decrease in pervious area.

## **XI. NOISE**

**Mitigation Measure XI.1:** Berkeley Unified School District shall either eliminate the Camelia Street route or limit bus operations on the Camelia Street route to 2 trips per hour.

## **XV. TRANSPORTATION/TRAFFIC**

**Mitigation Measure XV.1:** Berkeley Unified School District shall monitor both the a.m. and p.m. peak-hour movements of the District vehicles entering and leaving the project site for a minimum of 3 days during the first month of full project operation. If monitoring of the District's vehicle movements indicates that alternate site access or egress would function substantially more efficiently in the immediate vicinity of the site, the Berkeley Unified School District, in consultation with the City of Berkeley Traffic Department, shall alter site access and egress for the District's vehicles appropriately.

## **XVI. UTILITIES AND SERVICE SYSTEMS**

**Mitigation Measure XVI.1:** During construction, the Berkeley Unified School District shall be required to maximize diversion of the byproducts of construction. The project sponsor shall be required to work with the City of Berkeley's Public Works Department to develop a plan for maximizing diversion of construction materials associated with the construction of the proposed project.

## **Berkeley Unified School District**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Catherine James, Associate Superintendent for Business  
**DATE:** August 15, 2001  
**SUBJECT:** Acceptance of BAAQMD Funds for Lower Emission CNG School Buses and Approval of Long Term Financing Plan for District Matching Funds

### **BACKGROUND INFORMATION:**

Since 1990, BUSD Transportation has been involved in various programs to demonstrate the use of alternative fuels in school buses. The department has been awarded grant monies to replace most of the existing Type I fleet with clean fuel school buses including clean diesel and compressed natural gas. The District was also been granted funds for an electric pick-up truck currently operated by the Technology Department. The Transportation Department continues to explore the use of alternative fuels and is currently working with the City of Berkeley to implement the use of biodiesel fuel in its diesel buses. The department will continue to explore funding opportunities for alternative fuel vehicles for all District fleet vehicles.

On May 2, 2001 The BUSD Board of Education approved Resolution No. 7266 supporting an application to the Bay Area Air Quality Management District (BAAQMD) school bus replacement funding with the understanding that the program requires the District to match a maximum of \$25,000 per bus. The application was submitted to BAAQMD by the BUSD Transportation Department.

On June 19, 2001 a voucher was issued by BAAQMD to BUSD in the amount of \$245,675 for the purchase of two new Type I CNG school buses (\$117,452 each) and fueling infrastructure (\$10,771) with a requirement that the District match \$25,000 per bus. The total cost per bus, including all upgrades to meet Berkeley Unified School District fleet specifications, is \$142,464.96. The balance to be financed by the District is \$50,025.92. This amount will be financed over 5 years at an Effective Annual Rate of 4.600%. This will result in an additional expense of \$11,167.82 per year for the current year and 4 subsequent years - - a total cost of \$55,839.10. The new buses will require less maintenance than the old buses that they replace. Savings from reduced maintenance and fuel costs will, in part, offset the additional expense of financing the District's match.

The Voucher Confirmation Date is August 20, 2001. Failure to submit a purchase order by the confirmation date will result in revocation of the voucher and withdrawal of the funds.

**POLICY/CODE:**

California Air Resources Board (CARB) Lower Emission School Bus Program  
2000-2001

**FISCAL IMPACT:**

The District will finance \$50,025.92 over 5 years at an Effective Annual Rate of 4.600%. This will result in an additional expense of \$11,167.82 per year for the current year and 4 subsequent years - - a total cost of \$55,839.10. This is an increased cost for the General Fund that will be partially offset by fuel and repair cost savings.

**STAFF RECOMMENDATION:**

Accept BAAQMD funds for lower emission CNG school buses and approve a long term financing plan for District matching funds.

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Catherine James, Associate Superintendent for Business  
**DATE:** August 15, 2001  
**SUBJECT:** Authorization to Contract with Signet Testing Labs for a Physical Survey of the Berkeley High School (BHS) Old Gym and Pools

### **BACKGROUND INFORMATION:**

The renovation of the BHS Old Gym was identified as one of the projects to be funded under the new bond program (Measure AA). This project will be performed concurrently with the renovation of the warm water pools funded under the City of Berkeley's Measure RR bonds. Through a newly developed MOU the City of Berkeley has ceded the Project Management aspect of the renovation to BUSD in order to obtain economies of scale and avoid conflicts and further disruption for the campus.

Prior to retaining an architectural firm to design the project, a space study and site workshop were conducted to organize priorities for the use of the Old Gym thus providing an opportunity for the high school community to identify their needs and preferences for the renovated facility. The outcomes of this process have been summarized in a report prepared by ELS Architects and Professor Sanoff, FAIA. This report will be used as base for the architect's future efforts.

The District has retained the architectural firm of Akol and Yoshii for the modernization of the Old Gym. Currently preliminary design work is underway. The building offers interesting renovation options for addressing the needs expressed by the site and the community. In order to ascertain which (if any) of these options are feasible, the architects must have information about the structural components of the facility. Due to the age, uncertain condition and lack of as-built drawings and specifications for the building, it is recommended that a comprehensive physical survey of the facilities be conducted to evaluate the actual condition of the foundation, structural steel connections, concrete shear walls, roof diaphragm, wooden structures and other elements. This work will run parallel to the programming of the facility and the results of the survey will be reflected in the proposed design. It is anticipated that the survey will be performed during August to avoid conflicts with ongoing school activities.

On July 16, 2001 Requests for Proposals were issued soliciting proposals from qualified testing and inspection firms to perform this which

includes testing of existing structural materials and documentation of existing construction details. Four vendors were invited to submit proposals. On July 23, 2001 a walkthrough of the facility was held to familiarize the consultants with the project and scope of work. Proposals were received on August 2, 2001. The proposals were reviewed by Akol & Yoshii and Tom Butzbach, a structural engineer. Based on their review they are recommending that Signet Testing be retained to conduct the prescribed work.

Signet Testing has quoted \$69,996 to perform the recommended survey. However, the quantity of necessary tests may be increased during the course of work based on the findings. As a result, staff is recommending a budget of \$80,000 to cover the cost of the known work and any contingencies.

It is anticipated that the design phase of the project, including Division of the State Architect approval, will last until early 2003; construction will begin in the summer of 2003 and extend through the end of 2004.

**POLICY/CODE:**

Berkeley Unified School District Board of Education Policy 7141

**FISCAL IMPACT:**

The cost of this work will range from \$69,996 (quoted by Signet) to \$80,000 (work as defined plus contingencies). The survey will be funded from bond proceeds as part of the Old Gym/Warm water pool renovation project.

**STAFF RECOMMENDATION**

Authorize staff to contract with Signet Testing Labs for a physical survey of the BHS Old Gym and Warm Water Pools.

## BERKELEY UNIFIED SCHOOL DISTRICT

**TO:** Michele Lawrence, Superintendent  
**FROM:** John Malone, Interim CBO  
**DATE:** August 15, 2001  
**SUBJECT:** Authorization to Award Bid Schedule No. 1325 for Mobile Food Unit for Berkeley High School

### BACKGROUND INFORMATION:

The fire at Berkeley high School reduced the ability to produce food at the high school for lunch for the high school students as well as a planned breakfast program. As part of the recovery from the fire program it was decided to purchase a mobile food unit. Bids were mailed out on February 9, 2001 and received on March 7, 2001. Accepting the bid was on hold until it could be established whether it would be purchased with food services funding or the fire insurance funds. The opening of school for school year 2001-2002 required immediate acceptance in order to receive delivery of this equipment in early July 2001 end of July 2001. The contractor was notified that it would be recommended to the Board that the bid would be accepted at this Board meeting. Three (3) bids were received, these bids were analyzed by the Purchasing Manager, Food Services Manager and Director of Maintenance Department, All Star Carts & Vehicles were non-responsive. Considering compliance with specifications and price, and based on this analysis Carlin Manufacturing Inc. was recommended as the low responsive bidder. Although the bidder has been very responsive the food unit will not be installed until mid September. The Superintendent and the high school principal are developing a plan to accommodate the students during lunch until the unit is installed.

Vendor	Base Bid including Sales Tax
All Star Carts & Vehicles	\$ 96,875.00
<b>Carlin Manufacturing, Inc.</b>	<b>188,104.06</b>
Custom Sales & Services, Inc.	188,679.75

### POLICY/ISSUE:

Public Contract Code 20111, Board Policy DJED

### FISCAL IMPACT:

Bid Amount: \$188,104.06. Funding: Insurance Proceeds\Food Services Budget

### STAFF RECOMMENDATION:

It is recommended that the Board approve the bid of Carlin Manufacturing, Inc., in the amount of \$188,104.96 authorizing District staff to enter into a contract with said bidder for said amount in accordance with law.



## **BERKELEY UNIFIED SCHOOL DISTRICT**

TO: Michele Lawrence, Superintendent  
FROM: David A. Gomez, Ph.D., Associate Superintendent, -D/G.  
Administrative Services  
DATE: August 15, 2001  
SUBJ: Salary Increases for Berkeley Federation of Teachers (BFT) for  
2001-2002

### **BACKGROUND INFORMATION:**

Under the terms of the agreement between the Berkeley Unified School District and the Berkeley Federation of Teachers (BFT) the following salary increases are calculated for each group of teachers for 2001-2002. Under the provisions of AB1200 the Board must report the financial impact of the proposed agreement for reviews and approval by the County Superintendent of Schools. Staff will submit this report once the Board has approved the agreement.

1. K-12 Contract Teachers Salary Schedule  
Salary Increase = 5.94%.
2. Adult Hourly Teachers Salary Increase = 6.21%
3. Substitute Daily Rates, Independent Study Hourly Rates, all Stipends.  
Salary Increase = 3.67%.
4. Early Childhood Teachers Salary Schedule  
Salary Increase = 3.67%.

### **POLICY/CODE:**

Board Policy 9000.5.  
The District and BFT Agreement, Article 14.1.

### **FISCAL IMPACT:**

The cost of implementation is approximately \$2,253,956.

This amount has been included in the 2001-2002 budget.

### **STAFF RECOMMENDATIONS:**

Approve the salary increases for each group of teachers in the Berkeley Federation of Teachers.



# BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent -0.92  
FROM: David A. Gomez, Ph.D. Associate Superintendent,  
Administrative Services  
DATE: August 15, 2001  
SUBJ: Approval of Union of Berkeley Administrators (UBA) Agreement  
section 3g, Salary Increase Formula

## **BACKGROUND INFORMATION:**

The Board approved the Union of Berkeley Administrators (UBA) proposal, except section 3g and 4 on May 2, 2001. Through collective bargaining, agreement was reached which modifies section 3g and establishes the Composite Compensation Index (CCI) and formula which will be used to determine salaries for UBA members for FY2001 and FY2002. (See attachment). Formal ratification is needed to incorporate the negotiated language into the contract. Section 4 is still pending further research and will be discussed in future negotiation meetings.

## **POLICY/CODE:**

Board Policy 9000.5.

## **FISCAL IMPACT:**

None.

## **STAFF RECOMMENDATION:**

Ratify the language modification of section 3g as negotiated for 7/1/00-6/30/03.

**Union of Berkeley Administrators  
(UBA)  
Agreement  
7/1/00-6/30/03**

- 3g. The District will increase salaries to a minimum of Rank of 15 within the agreed to 31 Comparison Districts and using agreed upon like job descriptions, as measured by the Composite Compensation Index outlined below, by the 2002 - 2003 school year.

- A = highest step Elementary Principal per diem including benefits  
B = highest step Middle School Vice-Principal per diem including benefits.  
C = highest step High School Vice-Principal per diem including benefits.

$$CCI = A + B + C$$

BUSD will collect the data for establishing and updating the CCI for the following year. A committee of BUSD and UBA members will then meet to calculate the CCI by January 31, 2001 based on the Comparison Districts' salary schedules in effect on these dates. The District and UBA may agree to extend the timeline for calculating the CCI if necessary. UBA and BUSD will continue to monitor, with support from UBA, all unsettled districts through May 1, 2001.

A percentage will be determined that would raise UBA's CCI to the halfway rank between its 2000-2001 ranking of 15. If the halfway point does not fall evenly on a ranking, it will be rounded off towards the higher ranking. (For example, if BUSD's 2000-01 ranking is at 22 and the halfway point is at 18.5, 18 will be the ranking that must be reached). If there is a difference between the January 31 and May 1 CCI data, the percent raise will be increased up to, but not exceed, an additional 2%.

The BUSD COLA will then be added to the percentile raise established using the CCI data to achieve the 2001-2002 salary increase. For example, if a 5% raise is necessary to bring UBA to the halfway point and COLA is 2.4%, UBA will receive a 7.4% raise. If UBA is already at the rank of 15, compensation will increase by the BUSD COLA. This increase will be applied to the whole salary schedule.

## **BERKELEY UNIFIED SCHOOL DISTRICT**

TO: Michele Lawrence, Superintendent  
FROM: David A. Gomez, Ph.D., Associate Superintendent  
Administrative Services  
DATE: August 15, 2001  
SUBJECT: Salary Increases for the Union of Berkeley Administrators  
(UBA), Non-Represented Managers, Contracted  
Administrators and Confidential  
Employees for 2001-2002

### **BACKGROUND INFORMATION:**

As a result of the Union of Berkeley Administrators (UBA) agreement section 3g, the Composite Compensation Index (CCI) calculations and formula, the salary adjustments for UBA members are equal to a 6.05% salary increase for 2001-2002. Staff recommends the 6.05% salary increase also be applied to non-represented managers, confidential employees and contracted administrators excluding the Superintendent.

Under the provisions of AB 1200 the Board must report the financial impact of the proposed agreement for review and approval by the County Superintendent of Schools. Staff will submit this report once the Board has approved the agreement. Under the current agreement we have calculated salary increases to be 6.05% (2.38 CCI + 3.67 COLA). The cost of implementation is approximately \$448,000.

UBA	\$237,900
Confidential	31,600
Non-represented Managers (including Assoc. Supt. Bus.)	154,800
Contracted Administrators	<u>23,700</u>
TOTAL	\$448,000

### **POLICY/CODE:**

Board Policy 9000.5.

### **FISCAL IMPACT:**

Approximately \$448,000 from general and restricted funds.

### **STAFF RECOMMENDATION:**

Approve the 6.05% salary increase for UBA members, non-represented managers, contracted administrators and confidential employees for 2001-2002.