



Public Works Commission

**Special Meeting of the  
PUBLIC WORKS COMMISSION  
Minutes  
Thursday, April 29, 2004**

**PUBLIC HEARING  
on the  
PROPOSED FOOTHILL PEDESTRIAN BRIDGE**

**1. Call to Order:** 7:10 p.m.

Present: Commissioners Broderick, Dacey, Holland, Perry, Piercy, Prevo, St. John

Absent: Commissioner Shumer

Vacant: Councilmember Shirek's appointment

**2. Opening Statements:**

Chair St. John gave an introduction and provided a description of tonight's hearing process. She also reiterated that the Commission will not make a recommendation tonight, but only after the City Engineer has made a recommendation to them.

Secretary Egeberg presented the process and timetable for the application and approval of the encroachment permit. He estimated that final Council consideration of the permit application would be close to the end of the calendar year 2004.

**3. Presentation by the University of California**

David Mandel, lead planner for U.C. Berkeley, stated that the CEQA documentation was provided a week ago for the addendum to the Environmental Impact Report (EIR) done in 1988. He emphasized that the addendum was submitted even though it was not required. He addressed some of the issues that were raised then which include blocking of some views in the residential neighborhood. He mentioned that there were accessibility issues for residents, guests, and visitors alike. At present, it is a ½ mile walk from the La Loma dormitory building to the Foothill Student Housing and vice versa,

traversing Hearst Avenue. He also mentioned that recently there have been three vehicular accidents. He stated that the facilities involved are not ADA compliant. UC compiled data and identified that out of 33,000 students in UC Berkeley, there are 800 disabled students, out of which 150 of these were severe and so are wheelchair bound. It was mentioned that alternative design like tunnels underneath Hearst are not feasible and not recommended by the project designers.

Mr. Mandel addressed the first issue of blocked views and the bridge as unsightly. The present design makes use of a wire mesh barrier preventing vandals from throwing bottles or objects from the bridge to the motorist and pedestrians below. He said that the wire mesh is better than plastic or glass, as the other materials are easily vandalized, produces glare, and are too heavy for the bridge structure. He also explained that the roof cannot be taken off, as this is an integral part of the structure to make it stronger. The roof also prevents overzealous students from climbing over the structure.

Mr. Donald McDonald, Architect for U.C., explained the color and bridge aesthetic design elements, that it blends well with the environment, and the wire mesh providing an inherent transparency, with the columns proportional to the screen's vertical and horizontal elements.

Mr. Mandel mentioned that there are fewer perceived blocked views if viewed from various sites from the streets, for which he presented photographs as evidence.

In closing Mr. Mandel reviewed Berkeley's General Plan Land Use goals of LU-11, LU-23, and LU-35, emphasizing LU-35 as mutually beneficial land use decisions to both the City and UC Berkeley, and the adjoining neighborhoods.

#### **4. Questions from the Commissioners:**

Commissioner Broderick asked why the University Student Housing was built without access. Her second question was whether the bridge could be guaranteed to withstand a 7.5 earthquake.

Mr. Mandel answered that at that time when they first went for approval and construction of the building, the student housing was their priority, and they assumed that the City would automatically approve the bridge. Mr. Mendel said that they can only solve one problem at the time.

Mr. Mandel referred the 7.5 earthquake question to their seismic/structural engineer who indicated that they are using design criteria with a Ground Motion Earthquake record of a 3-foot movement in any direction. They have designed the column structures by placing isolators on each of the concrete piers and found it can withstand a temblor of more than 7.5 Richter. Mr. Mandel added that the seismic design underwent thorough review by an expert panel, but he is offering no guarantee.

Commissioner Dacey stated that the University created this situation by first constructing the buildings, and the University is now asking the City to turn over the City property to be used by the University.

Mr. Mandel explained that the property in question is the legal airway rights. He went on to illustrate a case in Seattle, Washington where part of a convention center was constructed below the freeway. He said that at the time that the EIR was done, there wasn't any objection, and that UC made an educated guess that it would be acceptable to the City.

Secretary Egeberg clarified that the Encroachment Permit, under the BMC, can be revoked. That the public right-of-way extends indefinitely into the air and below the ground. He further explained that vacating, or abandoning, the street doesn't apply in this case, and as the City Engineer, doesn't believe that the City has charged annual fees for encroachment permits in the past.

Commissioner Prevo asked who was the first entity to object to the bridge and was informed that, from the beginning in 1988, the Landmark Preservation Commission has been, and still is opposed to the project.

## **5. Public Comment**

Below are the members of the public who requested to speak:

- 1) Dean Metzger, Transportation Commission, expressed his amazement that it took 30 years to make the facility ADA compliant. The Hearst Avenue area is in dire need of major safety improvements, and U.C. should pay for ALL of them, not just half of the cost.
- 2) Daniella Thompson, 2663 Le Conte Avenue, expressed that the bridge is "ugly, intrusive, and doesn't enhance views," and that the Landmarks Preservation Commission has asked for a re-design. The wire mesh is fine only when federal funds or Caltrans are involved. She further thinks that more consideration should be given to a no-bridge alternative.
- 3) Ed Gold, Commission on Disability, said that the Commission is strongly supporting the concept based on disabled accessibility benefits alone and is not considering other factors.
- 4) William Lit, President, U.C. Berkeley Residence Hall Assembly, has heard of many students almost hit by cars on Hearst. He also pointed out that resident halls are a type of community and the disabled are denied being part of it. He expressed his desire for the bridge since it will connect the two buildings.
- 5) Jim Sharp, 2663 Le Conte Avenue, has lived on Northside for 15 years explained the phenomenon called "IPOPS" (Institutional Privatization of the Public Sector),

and feels that property values will be decreased if the bridge were built. In any event, the space should not be given away for free; the residents should receive at least \$100,000 a year.

- 6) Roger Van Ouytsel, Northside Neighborhood Association, and a 14-year resident, said that the neighbors are treated like second-class citizens, including Northside, Southside, and Panoramic Hill areas. U.C. Berkeley doesn't recognize the neighborhood impact of traffic, parking, environmental issues, and crime, for which they should be held responsible.
- 7) Sharon Hudson, 2501 Benvenue, said that there is an Internalization of Positive (for students) and Externalization of Negative (for neighbors) going on. She pointed out that she was holding a copy of the "LRDP" in her hand, which she described as a policy failure by U.C. Impacts of the LRDP across the board include aesthetics, cultural, environmental and much more. Major reimbursement should be received for the right to build the bridge, on the order of "millions." She mentioned that other communities do get contributions on this order for City services, property taxes from other U.C. campuses, but was not able to provide specific data.
- 8) Garry Barker, Board of Directors, Ownership Group, 2717 Hearst Avenue, community member, stated that the bridge would impact his view of the Golden Gate Bridge from his porch. He represents permanent residents while students "come and go." A community collaboration is needed.
- 9) Emily Wilcox, P.O. Box 5825, Berkeley, a proponent of the project, said that the site is dangerous in light of the fact that there is no flat space for a wheelchair to turn around anywhere on Hearst Avenue. Whereas ADA didn't exist when the project was built, the disabled are a "protected minority" now.
- 10) Kenny Huang, 2650 Haste Street, is a U.C. student who works at LBL. He stated that the war is over on the project, and the University has won. All that's left is a lingering battle over the bridge, so let it be built.
- 11) Doug Buckwald, 2646 Dwight Way, indicated that the City fully supports disabled services, in general. He also pointed out that the housing project didn't need to be built in this location to start with. U.C. should institute an overall process of working with (not against) neighborhoods. Substantial fees should be paid in return for building the bridge.
- 12) Carol Denney, 1970 San Pablo Avenue, a 33-year resident, feels that this project has pitted the community against the disabled, which is wrong. She is concerned about setting a precedent because the bridge doesn't address the larger community access problems. She also alleges discrimination of the majority of the neighbors by the minority of students who will stay in the community only for 4 to 5 years.

- 13) Jesse Arreguin, ASUC, strongly supports the bridge, but agrees that U.C. and the residents need to work together, but not using tonight's rhetoric. He stated that students vote and pay taxes, too. Lastly, he suggested that everyone should think in terms of "if your own child were disabled."
- 14) Janice Thomas, 37 Mosswood Road, prefers a tunnel to a bridge and thinks that it is still feasible. Considering seismic constraints, one should consult the "Memorial Stadium retrofitter." She also alluded to the neighborhoods fighting U.C. on stadium lighting and winning the battle.
- 15) Johnny Wang, 2400 Durant Avenue, is a student in a wheelchair who wanted to live in Foothill but was convince otherwise by U.C. officials. He stated that his peers with similar majors all live in this area, which would be very beneficial to him.
- 16) Daniel Woodward, U.C. Berkeley Residence Hall Assembly, stated his position that there should be FULL access to ALL campus facilities. He indicated that many more students are not here tonight because of final exams, but submitted a petition with 700 signatures.

Note: Jim Donelson, after submitting a speaker card, left early.

## **6. Open Floor questions from various members of the Community:**

The following issues were further raised both by the neighborhood and UC students:

- 1) Alternative access like tunnel design and other solutions
- 2) Public Access
- 3) Emergency Access in case of Fire
- 4) ADA compliance status of all U.C. Buildings
- 5) Accident data on Centennial Road
- 6) Attempt to open dialog with UC decision makers

Mr. Mandel said that there is no other alternative to the bridge. Numerous suggestions on improving the crosswalks on Hearst still do not address ADA compliance for the two buildings. Also Mr. Mandel said that the Fire Marshall and the Police Chief are against opening the bridge to public access, as both entrances to the bridge will have locking doors. UC emergency action plan also address emergency access, the Foothill access will not be used, since the elevator will be unusable in case of fire. Since some of the buildings were built circa in the 1800's, not all of the buildings are ADA compliant, though their capital improvement program will be bringing them up to code and compliance.

## **7. Adjournment: 9:47 p.m.**