

May 2007

Volume 1, Issue 9, Series 2

PHA Newsletter

Published by the Panoramic Hill Association

Berkeley/Oakland, California

Announcements:

PHA ANNUAL MEETING
June 10th, 2007
4-6pm
14 Mosswood Rd

Bring a dish to share with your neighbors.

2007 PHA membership fees due! Please renew today if you haven't already.

SCIP legal fund needs your continued support!

Inside:

Rambles from the Pres

PHA Elections

Oakland Parking Permits

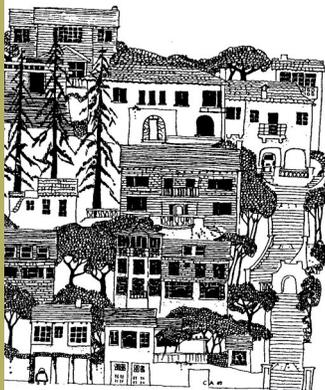
UC SCIP Update

UC Students study

Panoramic hill

A Building Moratorium?

161 Panoramic Update



PHA GENERAL MEETING

Sunday June 10th, 2007
4-6pm
14 Mosswood Rd

See back page for agenda!

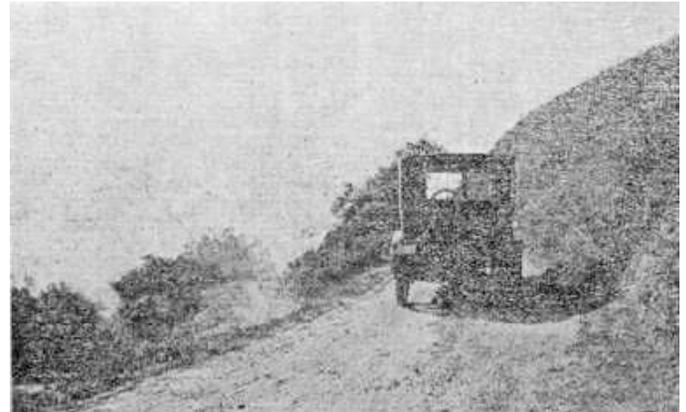
A Medieval Road

By Dick White

That's how Panoramic Hill resident Steve Chainey characterized Panoramic Way at the Berkeley City Council meeting May 22nd. He was one of seven citizens speaking in support of Gordon Wozniak's consent calendar recommendation:

"Recommendation: That the City Council refer to the budget process \$25,000 to match funds requested by the Panoramic Hill Association from the Chancellor's Community Partnership Fund to determine the best location for an emergency access road in the Panoramic Hill area."

The Council approved the recommendation. In the City budget process, approved recommendations are



Panoramic way just past the third hairpin *before* improvements in 1927. Picture from Fifth Annual Report, City Manager 1927-28

evaluated competitively. The Council action thus opens the door for possible matching funding.

The proposal for the road study was submitted April 30th to the UCB Chancellor's Community Partnership Fund. A decision is expected from the Chancellor by the end of June.

The supporters of the PHA proposal, in addition to Berkeley City Council Representative Gordon Wozniak, include Oakland City Council Representative Jane Brunner, Deputy Fire Chief Edwards of Oakland, the Fire Chief of the East Bay Regional Parks, and the Diablo Fire Safe Council.

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Rambles from the President

By Jerry Wachtel

Lest you think that PHA has been consumed with its lawsuit against the University's Southeast Campus Integrated Projects (SCIP), let me bring you up to date on a number of other issues of import that we are engaged in at this time.

As you may recall, the Alameda County Local Agency Formation Commission (LAFCo) has ordered the City of Berkeley to increase its "sphere of influence" by taking over the Oakland part of Panoramic Hill. Of course, there are myriad issues involved in such an effort, and neither city (nor, it seems, the residents of the hill) want to see this happen. Nonetheless, Berkeley has funded a preliminary study to better understand and prepare to deal with the issues involved should this move forward, and this \$6K may be seen merely as seed money to support a much more comprehensive look at the issues and challenges to be faced in bringing about such a massive change. One of the first products of this study may be a moratorium on development on the Berkeley side of the hill. The consequences of such a moratorium are currently unknown, and it is a complex issue. Please come to the PHA Annual Meeting on June 10th where this will be discussed in detail. Our

guests at the meeting will include our Berkeley City Councilperson Gordon Wozniak, Berkeley Planning Director Dan Marks, and Chief of Staff to Oakland Councilperson Jane Brunner, Justin Horner.

The Chancellor's Community Grant Program has entered its second funding cycle, and PHA has again submitted an application for a grant. The purpose of our grant is to perform an engineering feasibility study for an emergency access road – a road meant simply to provide an alternate means of access for fire fighters and emergency rescue workers, and to provide an alternative way for hill residents to evacuate in the event of disaster. (Remember that, in the event of a major earthquake on the Hayward Fault, Panoramic Hill may be physically cut off from all city services). We have enlisted several partners in our grant application this time around, including Oakland's Deputy Fire Chief, the Fire Chief of East Bay Regional Parks, UC's Emergency Services Director, the Diablo Fire Safe Council, each of our two Councilpersons, and a UC graduate student and her professor of Urban Planning and Landscape Architecture.

This semester, Panoramic Hill was "adopted" as a client by

UC graduate students Colleen Reid and Sara Gale, as part of a class taught by Professor John Radke, who is also the head of UC's Geographical Information System. Their project used the newest computer technologies to develop detailed information about the hill that has never before been available. As a result of their work, we now know, for the first time, the exact degree of slope everywhere on the hill; the hill areas susceptible to landslide and liquefaction, property ownership boundaries, and fire hydrant locations. (I was surprised that even our City fire fighters did not have accurate information about these locations). The maps they produced, in living color, lead to new insights about possible emergency access and egress. Sara will show us the results of their work, and their recommendations, at the Annual Meeting.

Our continuing battles with the owner of the property at 161 Panoramic Way, who wants to build a house on a steep lot within the narrow triangle formed by the apex of the third hairpin turn, has reached the City Council – since both parties appealed the decision of the Zoning Adjustment Board. This, too, will be discussed at the Annual Meeting.

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"One of the first products of this study may be a moratorium on development on the Berkeley side of the hill"



Jerry Wachtel
President

RESIDENTIAL PERMIT PARKING IN OAKLAND (Update)

By Eric Choate

Fourteen Oakland residents and two city officials met on April 18th for a hearing to discuss the proposed residential permit parking between 401 and 701 Panoramic Way. Only one resident spoke in opposition to the plan. Supporters of the proposal hope the permits will help alleviate the apparent “long-term” storage of vehicles believed to belong to Berkeley students/renters in the area. (Since these folks choose not to obtain parking stickers in Berkeley, and thus cannot park their vehicles for extended periods, they

simply move them across the border into Oakland, which currently has no parking restrictions). Permits will cost \$25 per vehicle for the first year, and \$15/year thereafter. Guest permits will be available for \$1 per day, or \$5 for 14 consecutive days. More information can be found on the City of Oakland website: <http://www.oaklandpw.com/Page547.aspx>

According to Katherine Bond, who initiated and has been coordinating the permit process, “the petition is in the hands of Transportation Services Division manager Wlad Wlassowky, who will give it

final review and approval before forwarding it to the City Council for approval. Once approved by the City Council, affected residents will be given the opportunity to apply for permits. Fifty-one percent participation is required before signs can be ordered and installed. This would be followed by daily parking enforcement patrols. At this point, it would be helpful to have residents from the Oakland side of Panoramic to call Councilmember Jane Brunner at 510-238-7001 and encourage a speedy resolution to this process.”



PHA's LAWSUIT AGAINST UC (SCIP Update)

By Michael Kelly

Progress continues in the lawsuits brought against the University of California over their Southeast Campus Integrated Projects (SCIP) plans. The suits from PHA, the City of Berkeley and the California Oak Foundation will be heard together in Alameda Superior Court this October.

The basis for the lawsuits is that impacts from the projects were not adequately studied and taken into account in the plans, as required by the California Environmental Quality Act (CEQA).

A focal point of controversy has been the

proposed development at Memorial Stadium; although often described as a “retrofit”, the plan is much, much more. UC’s plan calls for the demolition of most of the stadium and then re-construction with major new additions including luxury boxes, a second deck, permanent night-time lighting and a subterranean commercial concourse, all directly on top of the Hayward Fault.

For approximately 30 years UC Berkeley has honored entered into agreements with PHA that it would use the stadium only for college football. Indeed, Chancellor Birgeneau is the latest in a

long line of Chancellors to have signed such an agreement with PHA. But the new plans abandon these agreements in proposing that the stadium will be used for any additional capacity events that UC sees fit to entertain.

It is important to understand that the purpose of the lawsuits is not to stop development by the University; instead the lawsuits seek to require the University to take into consideration the impacts of proposed development and to design projects accordingly, as required by CEQA.

“It is important to understand that the purpose of the lawsuits is not to stop development by the University;”

Rambles from the President (continued from pg 2)

Oh yes, the battle against SCIP. Look for Mike Kelly's article elsewhere in this newsletter for the latest in this saga, as all sides prepare to certify "the record" in the case in preparation for a court date this fall.

Lots of things have been happening. We can always use the help of concerned hill residents. Please become active in PHA if you are not, and please lend a hand to our activities. The burdens on

the handful of folks who carry the ball month after month can become wearing. Let us know how you can help.

PHA needs your help! If you'd like to serve on any of our committees, please contact JerryWachtel@Panoramichill.org

A POSSIBLE BUILDING MORATORIUM IN

The article below is excerpted from a letter to the Berkeley City Council from our Representative Gordon Wozniak

Several recent events and issues increase the urgent need for initiating a planning process for (Panoramic Hill). These events include:

- The Local Agency Formation Commission's decision to expand Berkeley's Sphere of Influence to include the Oakland part of the neighborhood;
- Oakland's adoption of zoning regulations increasing minimum lot size to 20,000 square feet;
- UC Berkeley's proposed approval of plans for Southeast Campus projects; and
- Anticipated development of a Long Range Development Plan for the Orlando Lawrence National Laboratory.

1. On November 9, over the objections of the Berkeley and Oakland City Managers, the Alameda County Local Agency Formation Commission (LAFCo) voted to expand

Berkeley's Sphere of Influence (SOI) to include the approximately 30-acre area on Panoramic Hill that is now within Oakland and its SOI. The immediate effect of the action is to require Berkeley to amend its General Plan to include the adjoining area in Oakland.

2. In June, the Oakland Council adopted zoning regulations that increased the minimum lot size on the Oakland side of the Hill to 20K square feet compared with a minimum of 9K square feet required by Berkeley's ES-R (Environmental Safety-Residential) zoning. Oakland has not, however, adopted an ordinance that would allow merger of the large number of undeveloped substandard lots. As a result, there are still about 240 vacant lots in Oakland, most of which range in size from 2,000 to 5,000 square feet. In contrast, there are only about 12 undeveloped lots left in the Berkeley area.

3. The existing hazardous conditions on Panoramic Hill would be exacerbated

by implementation of UC's Southeast Integrated Projects and further development of the Lawrence Berkeley National Laboratory's hillside campus. Proposals to increase use of the Memorial Stadium and to construct a 911-space parking garage on Gayley Road would interfere with emergency access to Panoramic Hill, jeopardizing the safety of the estimated 520 people who live in the area, about 80 percent of whom are Berkeley residents. The City's concerns about the safety impacts on the Panoramic Hill neighborhood are among the primary reasons for its opposition to the proposed SCIP projects.

The Cities of Berkeley and Oakland have been aware of development constraints on Panoramic Hill for more than six decades. Following the Claremont Canyon Fire in the 1970's, the Berkeley Planning Department conducted a study of the area that culminated with the establishment of the ES-R zone for the Berkeley portion of Panoramic Hill in

1975. The purpose of the ES-R zone is to limit the use of land and the size and occupancy of residential structures in this area of the City because its substandard vehicular access, steep topography, and location make the neighborhood particularly susceptible to severe damage or destruction from fire and earthquake.

Because there is no sewer line connecting the Oakland area of Panoramic Hill to an EBMUD interceptor in Oakland, the 6-inch sewer line on Panoramic Way in Berkeley serves both the Berkeley and Oakland areas of the Hill. Oakland requires new development to be served by public sewers but due to the inadequacy of the sewer system serving Panoramic Hill, Berkeley has refused to approve any additional connections to serve undeveloped lots in Oakland. The inadequacy of the sewer system serving

Please see pg 5

Building moratorium (continued)

Panoramic Hill is, however, only one obstacle to allowing additional development in this highly inaccessible area. The only access to Panoramic Hill is via Panoramic Way, a substandard winding street that is 12 to 18 feet wide and doesn't conform to Uniform Fire Code requirements. Panoramic Way rises from Canyon Road, south of Memorial Stadium, and dead-ends in Oakland near wildlands owned by the University of California and the East Bay Regional Park District. In 1987, the Berkeley and Oakland City Councils officially acknowledged the inadequacies of the existing roads and sewers to support additional residential

development in the area. The agreement states: "a new access road and sewer main access into the Panoramic Hill area must be constructed before additional residential development may be permitted in the Panoramic Hill area".

The infrastructure deficiencies that impede new development on Panoramic Hill also impose substantial burdens on the area's existing residents. Nevertheless, in light of the area's physical characteristics and precarious location, it would be irresponsible to invest in the area's infrastructure without a plan that spells out how the remaining vacant land on Panoramic Hill should be developed. Staff concurs with the recommendation in the

City of Oakland's General Plan and Open Space Element that a Specific Plan must be prepared to address Panoramic Hill's access and infrastructure issues and establish the area's development capacity in light of environmental and fiscal constraints. However, neither City has funding to cover the estimated \$1 million cost for preparing a Specific Plan or the plan for service that the Alameda County LAFCo's procedures require as a condition for annexation.

The objective of this proposed planning process is to develop a strategy for undertaking necessary long-range planning for Panoramic Hill as well as identifying some actions that can begin in the near term to improve the safety of Hill

residents. The process will include identification of funding sources to pay for specific planning and for upgrading the area's infrastructure. Beginning the planning process as soon as possible will improve the City's capacity to compete for Federal and state funding for hazard mitigation projects. An earlier project will also increase the ability to identify specific steps that UC and LBNL might take to mitigate the impact of its development projects on Hill residents. Delaying action may make the City susceptible to challenges regarding the adequacy of the General Plan.

DEVELOPMENT PROPOSAL FOR 161 PANORAMIC WAY MOVES TO CITY COUNCIL

By Cathy Orozco

The Berkeley City Council will hear appeals of the Zoning Adjustments Board (ZAB)'s decision to approve use permits for the proposed project at 161 Panoramic Way on June 26, 2007, at 7:00 p.m. in the Council Chamber at 2134 Martin Luther King Way, Berkeley.

The PHA appealed

because the ZAB decision is contrary to the substantial evidence presented by the PHA and numerous individual neighbors at the February 22, 2007 public hearing. Neighbors documented the substandard and uniquely dangerous conditions of Panoramic Way at the precise location of the proposed structure (see the period photos elsewhere in this issue). The PHA presented evidence that the

proposed project, both during construction and after completion of the project, would significantly exacerbate the dangers to the public safety.

PHA contends that the Board's decision was based, in part, on its acceptance of incomplete, erroneous, and unenforceable mitigations, several of which have already been violated by the applicant,

and for that reason, it failed to meet even the minimum requirements of the California Environmental Quality Act (CEQA).

Regula Muller, Ann Slaby, Blanche Sack and applicant Bruce Kelley also filed appeals. In her appeal, Regula pointed out that construction activity could block emergency vehicle

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Road (Continued from cover)

Listed campus partners on the project are Tom Klatt, Manager of the UCB Office of Emergency Preparedness, and Prof. John Radke of the Department of Landscape Architecture. The Claremont Canyon Conservancy has agreed to be our fiscal agent. Such an agent is necessary since the PHA is not a 501c (3) organization.

UCB graduate student Sara Gale also spoke at the Council

meeting, presenting – in her allotted one minute – findings of the study of the 60-year long emergency

road problem that she and Colleen Reid completed this Spring in Prof. Radke’s course.



Panoramic way *after* improvements in 1927. Look familiar? Not much has changed since then. Picture from Fifth Annual Report, City Manager 1927-28

“The Council action thus opens the door for possible matching funding”

UC Students study Panoramic hill safety issues

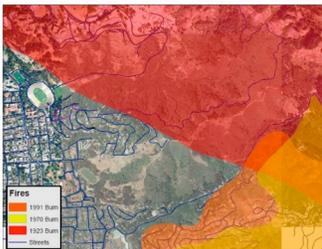
By Eric Choate

As a semester-long class project, UC graduate students Sara Gale and Colleen Reid undertook a massive GIS (geographic information system) study of Panoramic Hill safety issues. Their study, aimed at identifying the safest route off the hill in the event of an emergency, combined spatial data layers related to risk of fire, landslide, liquefaction, and earthquake damage. In addition, they mapped slope steepness throughout the hill, and overlaid property ownership boundaries against all of

these criteria.

By combining and cross-referencing historical data they were able to identify several potential routes as “best options” for egress. In addition, they have accurately mapped the location of all fire hydrants on the hill, and this information will soon be provided to both Berkeley and Oakland fire departments. Under the watchful eye of Prof. John Radke the two worked closely with hill residents Jerry Wachtel and Dick White to complete the project, which they

presented to the PHA board on May 8th, and later to their classmates. The PHA thanks Sara and Colleen for their hard work, and owes them a debt of gratitude for their contribution to the safety of hill residents. Please come to the Annual Meeting on June 10th to hear their presentation and review their findings first hand.



GIS Map overlays showing proximity of three past fires to Panoramic Hill.

161 Panoramic (continued)

access and that such delay could be fatal. Regula also noted that the proposed mitigation measures were not feasible and could create additional hazards.

Ann Slaby asked the city to verify that the lot is a legal lot under the California Subdivision Map Act before any permits are granted. She also pointed out that the ZAB relied on Mr. Kelley's promise to allow the public access to a stairway in an emergency, but that this stairway was not included in his plans. In any event, the stairway would not provide emergency access for disabled persons.

Blanche Sack communicated the road's numerous public safety problems, and described the need for a 20-foot setback and a

requirement to deal with drainage problems.

The applicant Mr. Kelley also appealed two mitigation measures that he failed to contest at the ZAB hearing. He appealed a mitigation measure that would require the exterior of the building to be located no closer than 10 feet from the coast live oak tree in the public right of way. (Note that he distance from this oak would not be an issue if the construction were in compliance with ESR zoning requirements, i.e., with a 20 feet setback from the property line. However, the proposed project only has a 4.5 ft. setback from the front property line.) The second mitigation measure that Mr. Kelley appealed was the prohibition against parking in the public right away on the north side of the property to unload construction materials. He

wants to be able to use the road on the north side of his property (upper Panoramic Way above the Dwight Way hairpin) after he builds a pullout, despite this location being the narrowest spot on the entire hill, and between two blind curves.

You may read President Jerry Wachtel's letter of appeal on behalf of PHA on our website. Neighbors are encouraged to communicate their opinions and concerns regarding this proposed project to the Berkeley City Council, and to attend the Council meeting on June 26th. If you wish the PHA to deliver your written comments to the Council, you may drop them off at 208 Panoramic Way in advance of the session.

"The PHA presented evidence that the proposed project would significantly exacerbate the dangers to public safety"

PHA Board Member Elections

By Penny Rink

After a year of service on the PHA Board, Bob Breuer, a Berkeley Panoramic Hill resident, will be leaving. Thank you, Bob, for all your help!

The 2006 Nominating Committee, consisting of Joanna Dwyer, Ellen Gunther and Penny Rink is fortunate to have found an eager replacement. Susan

Chainey has generously offered to serve on the Board. She and her husband Steve are also recent Berkeley Panoramic Hill residents. Susan has taught for Sacramento City College for 25 years. She currently teaches two English composition/literature courses "online", using the internet, which greatly reduces her commute time! The nominating committee members feel

that she has the motivation and skill-set needed to help the Board work through many important issues for our Hill.

Please come to the Annual Meeting to vote your support. In accordance with PHA bylaws, nominations for Board members can also be made from the floor during this meeting.

Panoramic Hill Association

P.O. Box 5428
Berkeley, CA 94705

E-MAIL:
info@PanoramicHill.org

About Our Organization...

The Panoramic Hill Association is a non-profit mutual benefit association dedicated to serving its members and community. The association strives to ensure the safety and preserve the character of the neighborhood by working with local officials throughout the year.

General meetings are held three times a year, with board members elected at the annual meeting in the Spring.

Membership is a modest \$15 per household per year. Membership is not required to attend meetings.

We're on the Web!

See us at:

www.PanoramicHill.org

Boardmembers

Jerry Wachtel	President	JerryWachtel@PanoramicHill.org
Michael Kelly	Vice President (UC)	MichaelKelly@PanoramicHill.org
Bob Breuer	Secretary	BobBreuer@PanoramicHill.org
Marcos Gandara	Vice President (Oakland)	MarcosGandara@PanoramicHill.org
Cathy Orozco	CNA Liaison	CathyOrozco@PanoramicHill.org
Eric Choate	Webmaster, Newsletter Editor	EricChoate@PanoramicHill.org
Paul Salz	Treasurer	PaulSalz@PanoramicHill.org
Regula Muller	Vice President (Berkeley)	RegulaMuller@PanoramicHill.org
Dick White	Parliamentarian	DickWhite@PanoramicHill.org

PHA Membership Enrollment/Renewal Form Year 2007

Mail to: _____ or drop off at 650 Panoramic Way
 PHA Treasurer
 PO Box 5428
 Berkeley, CA 94705

Name _____

Address _____

Phone _____ Email _____

New Member _____ Renewing Member _____

Dues for the PHA are a modest \$15 per household per year and cover the calendar year from January to December. Please renew today so that the PHA can continue to protect and improve your neighborhood and keep you informed with the newsletter, website, advocacy and our annual emergency preparedness event.

Calendar

Event	Date/Time	Location
Annual Meeting	Sunday, June 10th, 2007 / 4:00pm – 6:00pm	14 Mosswood Rd

Agenda:

1. Discussion of possible building moratorium on the Berkeley side of the hill in response to LAFFCo initiative - with honored guests Gordon Wozniak (Berkeley Councilperson); Dan Marks (Berkeley Planning Department); and Justin Horner (Chief of Staff to Oakland Councilperson Jane Brunner).
- 2a. Presentation by UC Graduate students Sara Gale and Colleen Reid on their project this semester to apply computerized GIS mapping technologies to Panoramic Hill in support of an engineering feasibility study for an emergency access road.
- 2b. Update on our recent activities to initiate an engineering feasibility study for an emergency access road (PHA survey; Chancellor's Grant; etc...)
3. Brief status report on efforts to obtain Residential Permit Parking in Oakland.
4. Brief update on legal activities concerning UC's Southeast Campus Integrated Projects.
5. Nomination and Election of PHA officers for next year