Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Center Street Garage July 23 ZAB with notice to Council
Attachments: FEIR EBMUD letter.pdf; BUSD Zoning Adjustments Board 6.25.15.pdf

From: Kelly Hammargren [mailto:kellyhammargren@gmail.com]
Sent: Thursday, July 23, 2015 5:23 PM
To: Zoning Adjustments Board (ZAB); Burns, Anne M; All Council
Cc: Sustainable Berkeley Coalition
Subject: Center Street Garage July 23 ZAB with notice to Council

I am not opposed to the Center Street Garage, however, I am requesting that 2025 Center Street, Use Permit #ZP2015-0055, the Center Street Garage be continued until the following issues can be resolved and mitigated. Hopefully with cooperation among the various entities that can happen smoothly and quickly. Mitigation will require each entity to consider the "big picture" and long term gain of reduction in future expenditures through cooperation.

Conditions:

Drought

- Perpetual drought with an occasional wet year - (climate change science for California)
- EBMUD reservoir for week of July 19 - July 25 is at 20% capacity, same period in 2014 was 33% capacity, normal is 71% capacity,
- Public Works hauls in 20,000 gallons equalling 166,908 lbs of water per week for parks and to clear sewage lines.

Potential Rainwater Capture

- Roof 258.5 feet by 128 feet equals 33,101 square feet area for rain water capture
- Berkeley average annual rainfall of 25.4" equals potential of 523,907.66 gallons of rain water to capture during an average year.

Sewage

- Berkeley High School (BHS) has had severe and costly sewage back-up in facilities and on the BHS track and fields (Berkeley Unified School District BUSD June 25 submission requesting FEIR not be certified and full EIR be completed with recirculation)
- EBMUD Infiltration and inflow during wet weather exceeds Wet Weather Facilities (WWF) (attached EBMUD October 13, 2014 letter Harold Way EIR)

Parking

- Businesses, arts and culture will be severely impacted during construction with elimination of parking thru removal of current center street garage.
- Analysis on total time to empty garage does not take into account street traffic in determining emptying time

Requested Actions/mitigations:

Rainwater Capture

- Investigate and pool resources and expenditures to build cistern into Center Street Garage for rainwater capture of sufficient size to
    - reduce stress to WWF with reduced inflow
    - reduce stress to BHS with reduced inflow to sewage lines
    - use public funds/taxes efficiently to reduce long term water purchase costs
    - use public funds/taxes efficiently to reduce cost of water collection facility/cistern

Parking

- Arrange alternate parking in advance to minimize and eliminate impact on businesses, arts and culture during demolition and construction
- Moratorium on new parklets/bulbouts in downtown until garage is completed.

Addressing and planning for resolving parking issues during demolition and construction should not be complicated.

Considering water as a shared resource to be utilized in cooperation will require creative solutions. Pulling various entities together for rainwater capture is complicated, however, the benefits to the community far out weigh the difficulties.

In closing, I support expanded parking in downtown, however, I request continuation requiring all parties to work in cooperation.

Attachments are the EBMUD letter from the 2211 Harold Way EIR describing wastewater problems and the BUSD documents

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EAST BAY
MUNICIPAL UTILITY DISTRICT

October 13, 2014

Aaron Sage, Senior Planner
City of Berkeley Planning and Development Department
2120 Milvia Street
Berkeley, CA 94704

Re: Notice of Availability of a Draft Environmental Impact Report - 2211 Harold Way Mixed-Use Project, Berkeley

Dear Mr. Sage:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the 2211 Harold Way Mixed-Use Project located in the City of Berkeley (City). EBMUD has the following comments.

WATER SERVICE

EBMUD's Aqueduct Pressure Zone, with a service elevation between 100 and 200 feet, will serve the proposed development. Off-site pipeline improvements, at the project sponsor's expense, may be required to meet domestic demands and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

WASTEWATER

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009, due to Environmental Protection Agency's (EPA) and the State Water Resources Control

Board's (SWRCB) reinterpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an NPDES permit prohibiting further discharges from EBMUD's Wet Weather Facilities (WWFs). Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows. Various enforcement orders issued between 2009 and the present have allowed EBMUD to temporarily continue operating the WWFs as designed, but these enforcement orders are interim in nature and do not resolve the East Bay's long-term wet weather issues. To reduce the volume of primary-treated wastewater that is discharged to the Bay, actions will need to be taken over time to reduce I/I in the system sufficiently to reduce peak wet weather flows so that all wastewater can receive secondary treatment.

On July 28, 2014 a proposed consent decree was lodged for public review. This proposed order, negotiated among EBMUD, the Satellite Agencies, EPA, SWRCB, and RWQCB would require EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and locate key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the proposed consent decree would require the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies would need to jointly demonstrate at specified intervals that a sufficient, pre-determined level of reduction in WWF discharges has been achieved through this work. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

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As stated, EBMUD's NPDES permit for the WWFs prohibits discharges. If the consent decree is adopted as anticipated, it will require a demonstration of continuous improvement in reducing the volume of discharges over time. Meeting these legal requirements will require I/I reduction, which in turn requires sewer main and sewer lateral repair. To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,

Bill Maggini for WRK

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:TRM:djr
sb14_220.docx

cc: Joseph Penner
HSR Berkeley Investments, LLC
c/o Rhoades Planning Group
1611 Telegraph Avenue, Suite 200
Oakland, CA 94612

Letter 3

COMMENTER: William R. Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District

DATE: October 13, 2014

RESPONSE:

Response 3.1

The commenter states which water facilities would serve the proposed project if it were approved. This information is noted. The commenter also lists certain potential off site improvements that may be required if the project were approved. The improvements described would include upgrades to existing infrastructure in established utility corridors, and would not result in additional environmental impacts beyond those described in the Draft EIR.

Response 3.2

The commenter states that the East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow that enters the system through cracks and misconnections in both public and private sewer lines, and that to ensure the proposed project contributes to legally required infiltration and inflow reductions, the proposed project should be required to comply with EBMUD's Regional Private Sewer Lateral Ordinance and implement mitigation measures. EBMUD's ordinance establishes regulations for the inspection, testing, repair, replacement, and ongoing maintenance of Private Sewer Laterals. This comment is noted. As described on pages 178 and 179 of the Infill Environmental Checklist (Appendix A to the Draft EIR), the proposed project would include a new sanitary sewer line eight inches in diameter connecting to an existing 12-inch sewer main under Allston Way. In addition, the proposed project would be required to comply with the City of Berkeley's Private Sewer Lateral Ordinance (City of Berkeley Municipal Code Chapter 17.24). Similar to the EBMUD's ordinance, the City of Berkeley's ordinance would also require the proposed project to upgrade or verify the condition of private sewer laterals in order to obtain a compliance certificate prior to issuance of a building permit.