



UC Berkeley

Long Range Development Plan and Housing Projects #1 and #2 Final Environmental Impact Report 2021

State Clearinghouse Number: 2020040078 | July 2021

Berkeley
UNIVERSITY OF CALIFORNIA

UC Berkeley

Long Range Development Plan and Housing Projects #1 and #2 Final Environmental Impact Report 2021

Submitted By:



Berkeley, California
510.848.3815

In Association With:

Alan Kropp & Associates
Archeo-Tec
Architectural Resources Group
Environmental Collaborative
Fehr & Peers

Table of Contents

1.	INTRODUCTION.....	1-1
1.1	Purpose of the EIR.....	1-1
1.2	Environmental Review Process.....	1-1
2.	EXECUTIVE SUMMARY.....	2-1
2.1	Document Organization.....	2-1
2.2	Summary of Proposed Project.....	2-2
2.3	Summary of Impacts and Mitigation Measures.....	2-2
2.4	Long Range Development Plan Update Significant Impact Summary.....	2-5
2.5	Housing Project #1 Significant Impact Summary.....	2-29
2.6	Housing Project #2 Significant Impact Summary.....	2-36
3.	REVISIONS TO THE DRAFT EIR.....	3-1
4.	LIST OF COMMENTERS.....	4-1
4.1	Public Agencies.....	4-1
4.2	Private Organizations.....	4-2
4.3	Individuals.....	4-11
4.4	Comments Read at the Public Hearing.....	4-15
5.	COMMENTS AND RESPONSES.....	5-1
5.1	Master Responses.....	5-1
5.2	Individual Responses.....	5-65
6.	MITIGATION MONITORING AND REPORTING PROGRAM.....	6-1
6.1	Long Range Development Plan Update Mitigation Monitoring and Reporting Program.....	6-2
6.2	Housing Project #1 Mitigation Monitoring and Reporting Program.....	6-19
6.3	Housing Project #2 Mitigation Monitoring and Reporting Program.....	6-26
7.	CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING.....	7-1

Appendices

Appendices are available online at: <https://lrdp.berkeley.edu>

Appendix B: REVISED UC Berkeley 2021 LRDP Continuing Best Practices

Appendix D: REVISED Health Risk Assessments

TABLE OF CONTENTS

Appendix L:	REVISED Agency Correspondence
Appendix N:	Comment Letters
Appendix O:	Visitor Data
Appendix P:	Modeling for 2005 LRDP EIR Population Projections (Master Response 17)
Appendix Q:	GHG Accounting Methodology Memorandum
Appendix R:	UC Berkeley Campus Fleet

List of Tables

Table 2-1	Impacts at a Glance.....	2-3
Table 2-2	Significant Impacts and Mitigation Measures for the Long Range Development Plan	2-5
Table 2-3	Significant Impacts and Mitigation Measures for Housing Project #1.....	2-29
Table 2-4	Significant Impacts and Mitigation Measures for Housing Project #2	2-36
Table 4-1	Public Agencies That Commented on the Draft EIR.....	4-1
Table 4-2	Private Organizations That Commented on the Draft EIR.....	4-2
Table 4-3	Individuals That Commented on the Draft EIR.....	4-11
Table 4-4	Public Agencies, Private Organizations, and Individuals that Submitted Comments to be Read at the Public Hearing	4-15
Table 5-1	Population Comparison: 2005 LRDP EIR Projections, 2018-19 Existing Conditions, and 2036-37 Projections	5-34
Table 5-2	Space Comparison: 2005 LRDP EIR Projections and 2018-19 Existing Conditions.....	5-34
Table 5-3	UC Berkeley Population: 2005-06 to 2018-19.....	5-35
Table 5-4	Comparison of Population Projections Using Different Baseline Conditions	5-36
Table 5-5	Criteria Air Pollutants: 2007 Emissions, 2018 Emissions, and 2036 Emissions Forecast.....	5-38
Table 5-6	Greenhouse Gas Emissions Comparison: 2007 Emissions, 2018 Emissions, and 2036 Adjusted Business as Usual emissions Forecast.....	5-40
Table 5-7	UC Berkeley Population Compared to UC Berkeley Housing in the EIR Study Area, with Comparison to Unaccommodated Population Reported in the Draft EIR.....	5-42
Table 5-8	Unaccommodated UC Berkeley Population and Associated Household Population, with Comparison to Unaccommodated Population Reported in the Draft EIR	5-43
Table 5-9	Change in Unaccommodated UC Berkeley Population Residing in Nearby Jurisdictions, with Comparison to Unaccommodated Population Reported in the Draft EIR	5-2-45
Table 5-10	2007 Baseline UC Berkeley VMT Summary.....	5-49
Table 5-11	2007 Baseline UC Berkeley VMT Rates and Regional VMT Rates.....	5-50
Table 5-12	2007 Baseline plus Project VMT Summary	5-50
Table 5-13	2007 Baseline plus Project VMT Significance Determination.....	5-51

Table 5-14 Responses to Comments Received on the Draft EIR..... 5-67

Table 6-1 Mitigation Monitoring and Reporting Program for the Long Range Development
Plan6-2

Table 6-2 Mitigation Monitoring and Reporting Program for Housing Project #1..... 6-19

Table 6-3 Mitigation Monitoring and Reporting Program for Housing Project #2.....6-26

Table 7-1 Continuing Best Practices Implementation and Monitoring.....7-2

TABLE OF CONTENTS

This page intentionally left blank.

1. Introduction

1.1 PURPOSE OF THE EIR

This Final Environmental Impact Report (Final EIR), which has been prepared in compliance with the California Environmental Quality Act (CEQA), provides responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the approval and implementation of the proposed 2021 Long Range Development Plan (LRDP Update), and the construction and operation of Housing Projects #1 and #2, herein referred to as the “proposed project.” The Draft EIR identifies significant impacts associated with the proposed project, identifies and considers alternatives to the proposed project, and identifies mitigation measures and continuing best practices to avoid or reduce potential environmental impacts.

This Final EIR also contains text revisions to the Draft EIR. This Final EIR, together with the Draft EIR, constitutes the complete EIR for the proposed project.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to comments received on the Draft EIR. UC Berkeley issued a Notice of Preparation of an EIR on April 7, 2020, for a 39-day-review period. UC Berkeley issued a Notice of Availability on March 8, 2021, and the Draft EIR was made available for a 45-day public review period through April 21, 2021. The Draft EIR was distributed to local, regional, and State agencies, and the general public was advised of the availability of the Draft EIR. The Draft EIR was made available for review to interested parties on the university’s website at: <https://lrdp.berkeley.edu>. Physical copies of the Draft EIR were provided for checkout from the Downtown Berkeley Library at 2090 Kittredge Street, Berkeley, 94704.

Written comments received on the Draft EIR are included in their original format as Appendix N, Comment Letters on the Draft EIR, of this Final EIR. These comments are also reproduced in Chapter 5, Comments and Responses, of this document, and responses to comments on environmental issues are provided.

This Final EIR will be presented at a Board of Regents of the University of California (the Regents) public hearing at which the Regents will advise on approval and certification of the EIR. The Regents are currently scheduled to consider certification of the EIR at their regularly scheduled public hearing on July 21 to 22, 2021.

1. INTRODUCTION

This page intentionally left blank.

2. Executive Summary

This chapter presents an overview of the UC Berkeley 2021 LRDP Update and Housing Projects #1 and #2 Project, herein collectively referred to as the “proposed project.” This chapter also provides the conclusions of the analysis in Chapters 5.1 through 5.18 of the Draft EIR. This executive summary describes the organization of this document, provides a summary of the proposed project, and provides a list of each significant effect on the environment (impacts) with the proposed mitigation, if any, that corresponds with the environmental issues discussed in the Draft EIR.

2.1 DOCUMENT ORGANIZATION

This document is organized into the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the use and environmental review process.
- **Chapter 2: Executive Summary.** This chapter is a summary of the proposed project and the findings of the Draft EIR and this document.
- **Chapter 3: Revisions to the Draft EIR.** Additional corrections to the text and graphics of the Draft EIR are contained in this chapter. Underlined text represents language that has been added to the EIR; text with ~~striketrough~~ has been deleted from the Draft EIR. These revisions do not contain “significant new information,” as defined in the CEQA Guidelines Section 15088.5, which includes new or substantially more severe environmental impacts, new feasible mitigation measures or alternatives that UC Berkeley declined to adopt, or information indicating that the Draft EIR is so fundamentally or basically inadequate as to preclude meaningful public review and comment.
- **Chapter 4: List of Commenters.** Names of agencies and individuals who commented on the Draft EIR are included in this chapter.
- **Chapter 5: Comments and Responses.** This chapter lists the comments received on the Draft EIR from the commenters identified in Chapter 4 and provides responses to those comments.
- **Chapter 6: Mitigation Monitoring or Reporting Program.** This chapter lists the mitigation measures in the Draft EIR for the proposed project, and identifies programs for monitoring and reporting the progress on implementing these measures.
- **Appendix:** The appendix for this document contains the following supporting documents:
 - Appendix B: Revised UC Berkeley 2021 LRDP Continuing Best Practices
 - Appendix D: Revised Health Risk Assessments
 - Appendix L: Revised Agency Correspondence
 - Appendix N: Comment Letters
 - Appendix O: Visitor Data
 - Appendix P: Modeling for 2005 LRDP EIR Population Projections (Master Response 17)
 - Appendix Q: GHG Accounting Methodology Memorandum
 - Appendix R: UC Berkeley Campus Fleet

2.2 SUMMARY OF PROPOSED PROJECT

The proposed project includes the following three components:

1. **LRDP Update:** The proposed project would replace UC Berkeley’s existing LRDP, which was evaluated in the certified EIR¹ for a horizon year of 2020. The proposed LRDP Update would guide land use and capital investment decisions for UC Berkeley to meet its future academic goals and objectives. A buildout horizon year of the 2036–37 academic year is used to provide a basis for evaluating associated environmental impacts in this EIR. The proposed LRDP Update does not determine future UC Berkeley enrollment or population, or set a future population limit for UC Berkeley, but guides land development and physical infrastructure to support enrollment projections and activities coordinated by the University of California Office of the President. The proposed LRDP Update, like the current LRDP, does not commit UC Berkeley to any specific project, but provides a strategic framework for decisions on those projects. The development program does, however, establish a maximum amount of net new growth in UC Berkeley’s space inventory during this time frame, which the UC Berkeley campus may not exceed without amending the LRDP and conducting additional environmental review, as necessary. The proposed LRDP Update planning projection for the UC Berkeley population is 48,200 students and 19,000 faculty and staff in the in the 2036-37 academic year. The LRDP Update’s proposed development program includes approximately 8,096,249 net new gross square feet of academic life, campus life, residential, and parking spaces, including approximately 11,073 student beds and 549 faculty and staff beds.
2. **Housing Project #1:** The proposed project would include the construction and operation of Housing Project #1, which would account for 772 beds for UC Berkeley students in the proposed LRDP Update housing needs, as well as campus life amenities and public commercial space.
3. **Housing Project #2:** The proposed project would include the construction and operation of Housing Project #2, which would include approximately 1,179 beds for UC Berkeley students and 8 beds for UC Berkeley faculty/staff in the proposed LRDP Update housing needs, as well as public retail and open space. A separate building, providing a clinic and approximately 125 affordable and supportive beds for residents not affiliated with UC Berkeley, would be constructed adjacent to the student housing.

2.3 SUMMARY OF IMPACTS AND MITIGATION MEASURES

This section has been reprinted from the Draft EIR and reflects the changes from Final EIR Chapter 3, Revisions to the Draft EIR. Table 2-1, Impacts at a Glance, shows the level of each impact analyzed in the Draft EIR. Table 2-2, Significant Impacts and Mitigation Measures for the Long Range Development Plan; Table 2-3, Significant Impacts and Mitigation Measures for Housing Project #1; and Table 2-4, Significant Impacts and Mitigation Measures for Housing Project #2, summarize the conclusions of the environmental analysis for each project component.

¹ University of California, Berkeley, certified Long Range Development Plan & Chang-Lin Tien Center for East Asian Studies EIR, 2005, State Clearinghouse Number 2003082131.

TABLE 2-1 IMPACTS AT A GLANCE

Environmental Impact/ Standard of Significance	LRDP Update	Housing Project #1	Housing Project #2
Aesthetics	AES-1	○	—
	AES-2	○	—
	AES-3	●	—
	AES-4	○	—
Air Quality	AIR-1	●●	○
	AIR-2	●●	○
	AIR-3	●●	●
	AIR-4	○	○
	AIR-5	○	○
Biological Resources	BIO-1	○	○
	BIO-2	○	—
	BIO-3	○	—
	BIO-4	●	●
	BIO-5	—	—
	BIO-6	○	○
Cultural Resources	CUL-1	●●	●●
	CUL-2	●	●
	CUL-3	○	○
	CUL-4	●●	●●
Energy	ENE-1	○	○
	ENE-2	—	—
	ENE-3	○	○
Geology and Soils	GEO-1	○	○
	GEO-2	○	○
	GEO-3	○	○
	GEO-4	○	○
	GEO-5	●	○
	GEO-6	○	○
Greenhouse Gas Emissions	GHG-1	○	○
	GHG-2	●	○
	GHG-3	○	○
Hazards and Hazardous Materials	HAZ-1	○	○
	HAZ-2	○	○
	HAZ-3	○	○
	HAZ-4	○	○
	HAZ-5	○	○
	HAZ-6	○	○
Hydrology and Water Quality	HYD-1	○	○
	HYD-2	○	○
	HYD-3	○	○
	HYD-4	○	—
	HYD-5	○	○
	HYD-6	○	○
Land Use and Planning	LU-1	○	○
	LU-2	○	○
	LU-3	○	○

Key:

- = no impact
- = less than significant without mitigation
- = less than significant with mitigation
- = significant and unavoidable

2. EXECUTIVE SUMMARY

TABLE 2-1 IMPACTS AT A GLANCE

Environmental Impact/ Standard of Significance	LRDP Update	Housing Project #1	Housing Project #2
Noise	NOI-1	●●	●●
	NOI-2	●	○
	NOI-3	●●	●●
Population and Housing	POP-1	●	○
	POP-2	●	○
	POP-3	○	○
Public Services	PS-1	○	○
	PS-2	○	○
	PS-3	○	○
	PS-4	○	○
	PS-5	○	○
	PS-6	○	○
	PS-7	○	○
	PS-8	○	○
Parks and Recreation	REC-1	○	○
	REC-2	○	○
	REC-3	○	○
	REC-4	○	○
Transportation	TRAN-1	●	○
	TRAN-2	○	○
	TRAN-3	●●	●●
	TRAN-4	○	○
	TRAN-5	●●	●●
Tribal Cultural Resources	TCR-1	●	●
	TCR-2	○	○
Utilities and Service Systems	UTIL-1	○	○
	UTIL-2	○	○
	UTIL-3	○	○
	UTIL-4	○	○
	UTIL-5	○	○
	UTIL-6	○	○
	UTIL-7	○	○
	UTIL-8	○	○
	UTIL-9	○	○
	UTIL-10	○	○
	UTIL-11	○	○
	UTIL-12	○	○
	UTIL-13	○	○
Wildfire	WF-1	○	○
	WF-2	●●	○
	WF-3	●●	○
	WF-4	●●	○
	WF-5	●●	○

Key:

- = no impact
- = less than significant without mitigation
- = less than significant with mitigation
- = significant and unavoidable

2.4 LONG RANGE DEVELOPMENT PLAN UPDATE SIGNIFICANT IMPACT SUMMARY

This table lists the significant impact conclusions identified in Draft EIR Chapters 5.1 through 5.18—the program-level environmental analysis for the proposed LRDP Update. As described in Chapter 3, Revisions to the Draft EIR, of this Final EIR, revisions were made to impacts and/or mitigation measures for air quality, biological resources, cultural resources, noise, and public services. Table 2-2 lists the finalized impacts and mitigation measures. As shown in Table 2-2, the LRDP Update would result in significant impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, noise, population and housing, transportation, tribal cultural resources, and wildfire.

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
AESTHETICS			
AES-3: The potential addition of a solar array in the Hill Campus East under the LRDP Update could potentially result in glare that may adversely affect views in the area.	S	AES-3: In the event that UC Berkeley installs a solar array in the Hill Campus East, or elsewhere in the LRDP Planning Area, prior to the installation of the photovoltaic panels the Campus Architect shall review the panel specifications and construction plans so that the panels are designed and installed to ensure the following: <ul style="list-style-type: none"> ▪ The angle at which panels are installed precludes, or minimizes to the maximum extent practicable, glare observed by viewers on the ground. ▪ The reflectivity of materials used shall not be greater than the reflectivity of standard materials used in residential and commercial developments. ▪ The project would not have potential significant glare or reflectivity impacts to viewers on the ground. 	LTS
AIR QUALITY			
AIR-1: Student population growth is greater than forecast in the current LRDP, potentially conflicting with the assumptions in the 2017 Clean Air Plan.	S	AIR-1: Implement Mitigation Measure POP-1.	SU
AIR-2.1: Construction activities associated with the proposed LRDP Update could generate fugitive dust and construction	S	AIR-2.1: UC Berkeley shall use equipment that meets the United States Environmental Protection Agency Tier 4 Final emissions standards or	SU

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
equipment exhaust that exceed the Bay Area Air Quality Management District average daily construction thresholds.		<p>higher for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to UC Berkeley that such equipment is not commercially available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the city occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction and (ii) geographic proximity to the project site of Tier 4 Final equipment. Where such equipment is not commercially available, as demonstrated by the construction contractor, Tier 4 interim equipment shall be used. Where Tier 4 interim equipment is not commercially available, as demonstrated by the contractor, Tier 3 equipment retrofitted with a California Air Resources Board’s Level 3 Verified Diesel Emissions Control Strategy (VDECS) shall be used. The requirement to use Tier 4 Final equipment or higher for engines over 50 horsepower shall be identified in construction bids and the following shall also be completed:</p> <ul style="list-style-type: none"> ▪ Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for United States Environmental Protection Agency Tier 4 Final or higher emissions standards for construction equipment over 50 horsepower. ▪ During construction, the construction contractor shall maintain a list of all operating equipment in use over 20 hours on the construction site for verification by UC Berkeley. ▪ The construction equipment list shall state the makes, models, and numbers of construction equipment on-site. ▪ To the extent that equipment is available and cost-effective, contractors shall use electric, hybrid, or alternate-fueled off-road construction equipment. ▪ Contractors shall use electric construction tools, such as saws, drills, and compressors, where grid electricity is available. ▪ Construction activities shall be prohibited when the Air Quality Index (AQI), as measured by the closest Bay Area Air Quality 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>Management District monitoring station (e.g., Berkeley Aquatic Center), is greater than 150 for particulates and ozone in the project area.</p> <ul style="list-style-type: none"> ▪ Contractors shall provide information on transit and ridesharing programs and services to construction employees. Additionally, meal options on-site and/or shuttles between the facility and nearby meal destinations for construction employees shall be provided. 	
<p>AIR-2.2: Buildout of the proposed LRDP Update would result in a substantial increase in ROG emissions from use of consumer products and repainting building at UC Berkeley that would contribute to the ozone nonattainment designations of the San Francisco Bay Area Air Basin (project and cumulative).</p>	<p>S</p>	<p>AIR-2.2: To reduce Reactive Organic Gas emissions, for interior architectural coatings, UC Berkeley shall utilize certified (e.g., Greenguard or Green Seal) low-Volatile Organic Compound (VOC) paints or, when feasible, no-VOC paints (i.e., less than 5 grams per liter of VOC). UC Berkeley shall verify that the requirement to use low-VOC (and/or no-VOC) paints is identified in construction bids and on architectural plans.</p>	<p>SU</p>
<p>AIR-3: Construction activities associated with potential future development projects accommodated under the proposed LRDP Update could expose nearby receptors to substantial concentrations of toxic air contaminants.</p>	<p>S</p>	<p>AIR-3.1: Construction projects subject to CEQA on sites one acre or greater, within 1,000 feet of residential and other sensitive land use projects (e.g., hospitals, schools, nursing homes, day care centers), as measured from the property line of the project to the property line of the source/edge of the sensitive land use, that utilize off-road equipment of 50 horsepower or more and, that occur for more than 12 months of active construction (i.e., exclusive of interior renovations), shall require preparation of a construction health risk assessment (HRA) prior to future discretionary project approval, as recommended in the current HRA Guidance Manual prepared by the California Office of Environmental Health Hazard Assessment (OEHHA). Additionally, UC Berkeley shall consider whether unusual circumstances warrant evaluation of construction health risk for projects with construction durations of less than 12 months or on development sites smaller than one acre. For example, unusual circumstances would include sites that require extensive site preparation with more than 10,000 cubic yards of excavation. The construction HRA shall generally be prepared in accordance with policies and procedures of the OEHHA and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for</p>	<p>SU</p>

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the construction HRA shows that the incremental cancer risk exceeds 10 in a million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the construction HRA shall be required to identify all feasible measures capable of reducing potential cancer and noncancer risks to an acceptable level to the extent feasible (i.e., below 10 in a million, a hazard index of 1.0, or 0.3 µg/m³ of PM_{2.5}), including appropriate enforcement mechanisms. Examples of feasible measures include use of U.S. Environmental Protection Agency rated Tier 4 construction equipment, diesel particulate filters, and electric equipment.</p> <p>The construction health risk assessment shall be submitted to UC Berkeley’s Office of Environment, Health & Safety for review and approval. Measures identified in the health risk assessment shall be included in bid documents, purchase orders, contracts, and grading plans prepared for the development projects. Compliance with these measures shall be verified during regular construction site inspections.</p>	
BIOLOGICAL RESOURCES			
<p>BIO-4: New buildings and structures would create potential impacts associated with increased risk of bird collisions.</p>	<p>S</p>	<p>BIO-4: Structures and buildings that are new or are taller than existing structures and buildings shall be designed to minimize the potential risk of bird collisions. This should at a minimum include the following design considerations and management strategies: (1) avoid the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds; (2) limit reflectivity and prevent exterior glass from attracting birds in building plans by utilizing low-reflectivity glass and providing other non-attractive surface treatments; (3) use low-reflectivity glass or other bird safe glazing treatments for the majority of the building’s glass surface, not just the lower levels; (4) for office and commercial buildings, interior light “pollution” should be reduced during evening hours through the use of a lighting control system programmed to shut off during non-work hours and between 10 p.m. and sunrise; (5)</p>	<p>LTS</p>

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
CULTURAL RESOURCES			
<p>CUL-1.1: Future development under the proposed LRDP Update has the potential to permanently impact historic resources by demolishing or renovating historic buildings in a manner that is not in conformance with the Secretary of the Interior's Standards for Rehabilitation.</p>	S	<p>CUL-1.1a: If a project could cause a substantial adverse change in features that convey the significance of a historical resource that is designated or has been found eligible or potentially eligible for designation, or has not been evaluated but is more than 45 years of age, UC Berkeley shall engage the services of a professional meeting the Secretary of the Interior's Professional Qualification Standards in Architectural History to complete a historic resource assessment, overseen by the UC Berkeley Office of Physical & Environmental Planning. The assessment shall provide background information on the history and development of the resource and, in particular, shall evaluate whether the resource appears to be eligible for National Register, California Register, or local landmark listing. The assessment shall also evaluate whether the proposed treatment of the historical resource is in conformance with the Secretary of the Interior's Standards for Rehabilitation (the Standards). If the proposed project is found to not be in conformance with the Standards, this assessment shall include recommendations for how to modify the project design so as to bring it into conformance. The Campus Architect shall verify compliance with this measure prior to the initiation of any site or building demolition or construction activities.</p>	SU

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>CUL-1.1b: For projects that would cause a substantial adverse change in features that convey the significance of a historical resource that is designated or has been found eligible for designation, UC Berkeley shall have Historic American Building Survey Level II documentation completed for the historical resource and its setting. UC Berkeley shall submit digital copies of the documentation to an appropriate historical repository, including UC Berkeley’s Bancroft Library, UC Berkeley Environmental Design Archives, or the California Historical Resources Information System Northwest Information Center. This documentation shall include a historical narrative, photographs, and/or drawings:</p> <ul style="list-style-type: none"> ▪ Historical Overview: A professional meeting the Secretary of the Interior’s Professional Qualification Standards in Architectural History or History shall assemble historical background information relevant to the historical resource. ▪ Photographs: Photo-documentation of the historical resource will be prepared to Historic American Building Survey standards for archival photography, prior to demolition. Historic American Building Survey standards require large-format black-and-white photography, with the original negatives having a minimum size of four inches by five inches. Digital photography, roll film, film packs, and electronic manipulation of images are not acceptable. All film prints, a minimum of four inches by five inches, must be hand-processed according to the manufacturer’s specifications and printed on fiber-base, single-weight paper and dried to a full gloss finish. A minimum of 12 photographs shall be taken, detailing the site, building exterior, building interior, and character-defining features. Photographs must be identified and labeled using Historic American Building Survey standards. ▪ Drawings: Existing historic drawings of the historical resource, if available, will be digitally scanned or photographed with large-format negatives. In the absence of existing drawings, full-measured drawings of the building’s plan and exterior elevations shall be prepared prior to demolition. 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>The Campus Architect shall verify compliance with this mitigation measure prior to the initiation of any site or building demolition or construction activities.</p>	
		<p>CUL-1.1c: Based on Mitigation Measure CUL-1.1b, if any project could result in alteration of features of a historical resource that are character-defining or convey the significance of a resource, UC Berkeley shall give local historical societies or local architectural salvage companies the opportunity to salvage character-defining or significant features from the historical resource for public information or reuse in other locations. UC Berkeley shall contact local historical societies and architectural salvage companies and notify them of the available resources and make them available for removal. If, after 30 days, no organization is able and willing to salvage the significant materials, demolition can proceed. The Campus Architect shall verify compliance with this measure prior to the initiation of any demolition activities that could affect the resources.</p>	
		<p>CUL-1.1d: For projects that would result in demolition of historic resources, prior to demolition the Campus Architect shall determine which resources merit on-site interpretation, with consideration of available historic resource assessments and other relevant materials. For historic resources that will be demolished that the Campus Architect has determined to be culturally significant, UC Berkeley shall incorporate an exhibit or display of the resource and a description of its historical significance into a publicly accessible portion of any subsequent development on the site. The display shall be developed with the assistance of the Campus Architect and one or more professionals experienced in creating such historical exhibits or displays.</p>	
<p>CUL-2: The proposed project has the potential to disturb unknown archaeological resources that could exist beneath the</p>	<p>S</p>	<p>CUL-1.1e: Implement Mitigation Measure NOI-2. CUL-2: For construction projects that include substantial ground-disturbing activities (including, but not limited to, soil removal, parcel</p>	<p>LTS</p>

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
depth of previous ground disturbances and result in a significant impact to an archaeological resource.		<p>grading, new utility trenching, and foundation-related excavation), UC Berkeley shall implement the following steps to ensure impacts to archaeological resources will be less than significant.</p> <ul style="list-style-type: none"> ▪ All Projects with Ground-Disturbing Activities. <ul style="list-style-type: none"> ▪ Prior to soil disturbance, UC Berkeley shall confirm that contractors have been notified of the procedures for the identification of federal- or State-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological resources or tribal cultural resources on site, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work. ▪ If a resource is discovered during construction (whether or not an archaeologist is present), the following measures shall be implemented: <ul style="list-style-type: none"> ▪ All soil disturbing work within 35 feet of the find shall cease. ▪ UC Berkeley shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project. ▪ Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. ▪ If the resource is a tribal cultural resource, the consulting archaeologist, approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission, shall consult with the appropriate tribe to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>the significance of the find, proposed project design, costs, and other considerations.</p> <ul style="list-style-type: none"> ▪ If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented. ▪ If the resource is a non-tribal resource determined significant under CEQA, a qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. ▪ The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources if appropriate. ▪ The report shall be submitted to the relevant city (if it falls under Berkeley or Oakland boundaries), California Historic Resources Information System Northwest Information Center, and the State Historic Preservation Office, if required. ▪ Areas with High Archaeological Sensitivity. In addition to the requirements above for all construction projects with ground-disturbing activities, for projects in areas with moderately high to extreme archaeological sensitivity (as shown on the confidential Figure 11, Prehistoric Cultural Sensitivity Overlay Analysis Results, prepared for the 2021 LRDP Update EIR) ground-disturbing activities shall be monitored from the outset. Monitoring shall occur for soil removal, parcel grading, new utility trenching, and foundation-related excavation in those areas that extend into previously undisturbed soils. If the resources are tribal, archaeological monitoring must be undertaken by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission or the appropriate tribe, who is familiar with a wide range of prehistoric archaeological or tribal remains and is conversant in artifact identification, human and faunal bone, soil descriptions, and interpretation. Based on project-specific daily construction schedules, field conditions, and archaeological 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>observations, full-time monitoring may not be warranted following initial observations.</p> <ul style="list-style-type: none"> ▪ Sites with Known Archaeological Resources. In the event the disturbance of a site with known archaeological or tribal cultural resources cannot be avoided, in addition to the requirements above for all construction projects with ground-disturbing activities, for project sites with known on-site archaeological or tribal cultural resources, the following additional actions shall be implemented prior to ground disturbance: <ul style="list-style-type: none"> ▪ UC Berkeley, in consultation with the appropriate tribe, will retain a qualified archaeologist to conduct a subsurface investigation of the project site, and to ascertain the extent of the deposit of any buried archaeological materials relative to the project's area of potential effects. The archaeologist shall prepare a site record and, upon tribal approval, it shall be filed with the California Historical Resource Information System. ▪ If the resource extends into the project's area of potential effects, the resource shall be evaluated by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe. UC Berkeley shall consider this evaluation in determining whether the resource qualifies as a historical resource or a unique archaeological resource under the criteria of California Environmental Quality Act (CEQA) Guidelines Section 15064.5. ▪ If the resource does not qualify, no further mitigation is required unless there is a discovery of additional resources during construction (as required above for all construction projects with ground-disturbing activities). ▪ If a resource is determined to qualify as an historical resource or a unique archaeological resource in accordance with CEQA, UC Berkeley shall consult with the appropriate tribe (in the case of Native American sites) and a qualified archaeologist, approved by UC Berkeley in consultation with the appropriate tribe, to mitigate the effect through data recovery if appropriate to the resource or, if data recovery is infeasible, to 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		consider means of avoiding or reducing ground disturbance within the site boundaries, including where and if feasible, minor modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or other means that would permit avoidance or substantial preservation in place of the resource. A written report of the results of investigations shall be prepared by a qualified archaeologist and, upon tribal approval, filed with the University Archives/ Bancroft Library and the California Historic Resources Information System Northwest Information Center.	
CUL-4: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to cultural resources.	S	CUL-4: Implement Mitigation Measures CUL-1.1a through CUL-1.1e; CUL-1.2a and CUL-1.2b; CUL-1.3a and CUL-1.3b; CUL-1.4; and CUL-2.	SU
ENERGY			
<i>No significant impacts</i>			
GEOLOGY AND SOILS			
GEO-5: Construction of new development or redevelopment within highly sensitive geologic formations would have the potential to adversely affect unique paleontological resources.	S	GEO-5: For ground-disturbing activities within highly sensitive geologic formations (i.e., Franciscan Assemblage, Great Valley Sequence, Orinda Formation, Claremont Chert, unnamed mudstone, or older alluvium, as shown on Figure 5.6-1, Geologic Map, of the 2021 LRDP Update EIR), if pre-construction testing does not take place, ground-disturbing activities shall implement the following measures. “Ground-disturbing activities” shall include soil removal, parcel grading, utility trenching, and foundation-related excavation in those areas that extend into previously undisturbed soils. <ul style="list-style-type: none"> ▪ UC Berkeley shall provide a paleontological resources awareness training program to all construction personnel active on the project site during earth moving activities. The first training will be provided prior to the initiation of ground-disturbing activities by a qualified paleontologist. The program will include relevant information regarding fossils and fossil-bearing formations that may be encountered. The training will also describe appropriate 	LTS

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>avoidance and minimization measures for resources that have the potential to be located on the project site.</p> <ul style="list-style-type: none"> ▪ If any paleontological resources are encountered during ground-disturbing activities, the contractor shall ensure that activities in the immediate area of the find are halted and that UC Berkeley is informed. UC Berkeley shall retain a qualified paleontologist to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology, including development and implementation of a paleontological resource impact mitigation program by a qualified paleontologist for treatment of the particular resource, if applicable. These measures may include, but not be limited to the following: <ul style="list-style-type: none"> ▪ salvage of unearthed fossil remains and/or traces (e.g., tracks, trails, burrows); ▪ screen washing to recover small specimens; ▪ preparation of salvaged fossils to a point of being ready for curation (e.g., removal of enclosing matrix, stabilization and repair of specimens, and construction of reinforced support cradles); and ▪ identification, cataloging, curation, and provision for repository storage of prepared fossil specimens. 	
GREENHOUSE GAS EMISSIONS			
<p>GHG-2: GHG emissions resulting from the proposed LRDP Update could exceed the UCOP and UC Berkeley carbon neutrality goals derived from the State’s long-term climate change goals under EO B-55-18.</p>	<p>S</p>	<p>GHG-2: UC Berkeley shall make the following separate, though overlapping, greenhouse gas (GHG) emission reduction commitments (1) By 2036, UC Berkeley shall offset 67 percent of GHG emissions; and (2) By 2045 and thereafter, UC Berkeley shall achieve carbon neutrality (100 percent offset). Years 2036 and 2045 reduction targets are required to be achieved based on actual emission calculations completed in the future, as discussed below under “Measure Monitoring and Reporting,” and may therefore change over time.</p>	<p>LTS</p>

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p><i>UC Sustainable Practices Policy.</i> UC Berkeley will purchase voluntary carbon credits as the final action to reach the GHG emission reduction targets outlined in the UC Sustainable Practices Policy. As part of the University Carbon Neutrality Initiative, internal guidelines have been developed to ensure that any use of credits for this purpose will result in additional, verified GHG emissions reductions from actions that align as much as possible with UC Berkeley’s research, teaching, and public service mission.</p>	
		<p><i>Emissions Reduction Options.</i> UC Berkeley shall do one or more of the following options to reduce GHG emissions generated by the proposed LRDP Update to achieve the measure performance standards.</p>	
		<ol style="list-style-type: none"> 1. Option 1: On-site GHG Reduction Actions. Implement on-site GHG reduction actions at UC Berkeley specified in the UC Sustainable Practices Policy and UC Berkeley sustainability plans, standards and policies. 2. Option 2: Voluntary and UC Developed Carbon Offsets. In addition to compliance offsets required by cap and trade, UC Berkeley may purchase GHG carbon offsets from a voluntary GHG carbon offset provider with an established protocol that requires projects generating GHG carbon offsets to demonstrate that the reduction of GHG emissions are real, permanent, quantifiable, verifiable, enforceable, and additional (per the definition in California Health and Safety Code Sections 38562(d)(1) and (2)). UC Berkeley may purchase GHG carbon offsets from UC developed voluntary carbon offset projects that are real, permanent, quantifiable, peer verifiable, enforceable, and additional. Definitions for these terms follow. <ol style="list-style-type: none"> a. Real: Estimated GHG reductions should not be an artifact of incomplete or inaccurate emissions accounting. Methods for quantifying emission reductions should be conservative to avoid overstating a project’s effects. The effects of a project on GHG emissions must be comprehensively accounted for, including 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>unintended effects (often referred to as “leakage”). To ensure that GHG reductions are real, CARB requires the reduction to be a direct reduction within a confined project boundary.</p> <p>b. Additional: GHG reductions must be additional to any that would have occurred in the absence of the Climate Action Reserve, or of a market for GHG reductions generally. “Business as usual” reductions (i.e., those that would occur in the absence of a GHG reduction market) should not be eligible for registration.</p> <p>c. Permanent: To function as offsets to GHG emissions, GHG reductions must effectively be “permanent.” This means, in general, that any net reversal in GHG reductions used to offset emissions must be fully accounted for and compensated through the achievement of additional reductions.</p> <p>d. Quantifiable: The ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary, while accounting for uncertainty and activity-shifting leakage and market-shifting leakage.</p> <p>e. Verified: GHG reductions must result from activities that have been verified. Verification requires third-party (or peer review if UC-developed voluntary carbon offset projects) of monitoring data for a project to ensure the data are complete and accurate.</p> <p>f. Enforceable: The emission reductions from offset must be backed by a legal instrument or contract that defines exclusive ownership and can be enforced within the legal system in the country in which the offset project occurs or through other compulsory means. Please note that for this mitigation measure, only credits originating within the United States are allowed.</p> <p><i>Mitigation Reporting.</i> As a CARB-covered entity, UC Berkeley will ensure emissions generated by the cogeneration plant and other stationary sources comply with CARB’s Cap and Trade Program.</p>	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		Likewise, UC Berkeley will implement the UC Sustainable Practices Policy to meet the requirement of carbon neutrality for Scope 1 and 2 emissions by 2025 and carbon neutrality for Scope 3 emissions by 2045, as described above. These commitments will be incorporated into UC Berkeley's annual GHG inventory, which is used to track GHG emissions and sources on the UC Berkeley campus. GHG reductions achieved by the on-site and off-site actions will be incorporated into the annual GHG inventory and annual reporting practices established by the UC Sustainable Practices Policy. As part of this reporting, the estimated annual emissions shall then be compared to the measure performance standards (i.e., 67 percent reduction by 2036 and 100 percent by 2045) to determine the level of additional GHG reductions (if any) that may be required.	
HAZARDS AND HAZARDOUS MATERIALS			
<i>No significant impacts</i>			
HYDROLOGY AND WATER QUALITY			
<i>No significant impacts</i>			
LAND USE AND PLANNING			
<i>No significant impacts</i>			
NOISE			
NOI-1: Noise from construction equipment could expose sensitive receptors to noise that exceeds the thresholds of significance.	S	NOI-1: For construction projects that last longer than 30 days, and where construction noise could exceed the applicable noise thresholds of significance (see City of Berkeley Municipal Code Section 13.40.070, Prohibited Acts, and City of Oakland Municipal Code Section 17.120.050(A), Noise (Residential Zone Noise Level Standards)) for maximum construction noise levels (dBA L _{max}), or that involve impulse equipment such as jackhammers, hoe rams, and pile driving, temporary noise barriers at least 12 feet high will be erected, as necessary and feasible, to reduce construction noise levels. Temporary noise barriers will be constructed with solid material with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the temporary noise barrier and may be lined on	SU

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
<p>NOI-2: Construction could result in excessive groundborne vibration to nearby sensitive receptors.</p>	<p>S</p>	<p>the construction side with an acoustical blanket, curtain, or equivalent absorptive material. UC Berkeley shall verify compliance with this measure prior to issuance of demolition, grading, and/or building permits.</p>	<p>LTS</p>
		<p>NOI-2: If any vibration causing construction activities/equipment are anticipated to be used for future development projects, UC Berkeley shall implement the following steps to ensure impacts from vibration causing construction activities/equipment will be less than significant.</p> <ul style="list-style-type: none"> ▪ Step 1 (Activity/Equipment Screening Distances): UC Berkeley shall use the construction vibration screening standards shown below based on Federal Transit Administration criteria to determine if the construction activity/equipment is within the vibration screening distances that could cause building damage/human annoyance or sensitive equipment disturbance. If the construction activity/equipment is within the screening distance, then Step 2 (Alternative Methods/Equipment) shall be implemented. 	
<p>Screening Distances to PPV in/sec Threshold: Building Damage</p>			
Activity/Equipment	Reference Vibration Levels (in/sec PPV) at 25 feet	Screening Level Distance in feet for 0.20 in/sec PPV^a	Screening Level Distance in feet for 0.12 in/sec PPV^b
Pile Driving	1.518	97	136
Caisson Drilling	0.089	15	21
Vibratory Roller	0.21	26	37
Large Bulldozer	0.089	15	21
<p>Screening Distance to VdB Threshold: Human Annoyance and Sensitive Equipment Disturbance</p>			
Activity/Equipment	Reference Vibration Levels (VdB) at 25 feet	Screening Level Distance in feet for 72 VdB^c	Screening Level Distance in feet for 65 VdB^d
Pile Driving	112	520	890
Caisson Drilling	87	80	140
Vibratory Roller	94	140	240
Large Bulldozer	87	80	140
<p>Notes: Peak Particle Velocity inches per second (PPV in/sec); Vibration Decibel (VdB). a. FTA Building Category III, Non-engineered timber and masonry buildings (residential). b. FTA Building Category IV, Buildings extremely susceptible to vibration damage (historic). c. FTA Land Use Category 2, Residences and buildings where people normally sleep. d. FTA Land Use Category 1, Buildings where vibration would interfere with interior operations. Source: Federal Transit Administration, 2018, Transit Noise and Vibration Impact Assessment.</p>			

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<ul style="list-style-type: none"> ▪ Step 2 (Alternative Methods/Equipment): When the anticipated vibration-causing construction activity/equipment is within the screening standards in Step 1 (Activity/Equipment Screening Distances), UC Berkeley shall consider whether alternative methods/equipment are available and shall verify that the alternative method/equipment is shown on the construction plans prior to the beginning of construction. Alternative methods/equipment may include, but are not limited to: <ul style="list-style-type: none"> ▪ For pile driving, the use of caisson drilling (drill piles), vibratory pile drivers, oscillating or rotating pile installation methods, pile pressing, “silent” piling, and jetting or partial jetting of piles into place using a water injection at the tip of the pile shall be used, where feasible. ▪ For paving, use of a static roller in lieu of a vibratory roller shall be implemented. ▪ For grading and earthwork activities, off-road equipment shall be limited to 100 horsepower or less. <p>Where alternative methods/equipment to vibration causing activities/equipment are not feasible, then Step 3 (Construction Vibration Monitoring Program) shall be implemented.</p> <ul style="list-style-type: none"> ▪ Step 3 (Construction Vibration Monitoring Program): Prior to any project-related excavation, demolition or construction activity for projects within the screening distances listed in Step 1 (Activity/Equipment Screening Distances) and where alternative methods/equipment to vibration causing activities/equipment are not feasible pursuant to Step 2 (Alternative Methods/Equipment), UC Berkeley shall prepare a construction vibration monitoring program. The program shall be prepared and implemented by a qualified acoustical consultant or structural engineer. Where the vibration sensitive receptors are historic resources, the program shall be prepared and implemented by a structural engineer with a minimum of five years of experience in the rehabilitation and restoration of historic buildings and a historic preservation architect meeting the Secretary of the Interior’s Standards and 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards. The program shall include the following:</p> <ul style="list-style-type: none"> ▪ Prepare an existing conditions study to establish the baseline condition of the vibration sensitive resources in the form of written descriptions with a photo survey, elevation survey, and crack-monitoring survey for the vibration-sensitive building or structure. The photo survey shall include internal and external crack monitoring in the structure, settlement, and distress, and document the condition of the foundation, walls and other structural elements in the interior and exterior of the building or structure. Surveys will be performed prior to, in regular intervals during, and after completion of all vibration-generating activity. Where receptors are historic resources, the study shall describe the physical characteristics of the resources that convey their historic significance. ▪ Determine the number, type, and location of vibration sensors and establish a vibration velocity limit (as determined based on a detailed review of the proposed building), method (including locations and instrumentation) for monitoring vibrations during construction, and method for alerting responsible persons who have the authority to halt construction should limits be exceeded or damaged observed. ▪ Perform monitoring surveys prior to, in regular intervals during, and after completion of all vibration-generating activity and report any changes to existing conditions, including, but not limited to, expansion of existing cracks, new spalls, other exterior deterioration, or any problems with character-defining features of a historic resource are discovered. UC Berkeley shall establish the frequency of monitoring and reporting, based upon the recommendations of the qualified acoustical consultant or structural engineer or if there are historic buildings, the historic architect and structural engineer. Monitoring reports shall be submitted to UC Berkeley’s designated representative responsible for construction activities. 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<ul style="list-style-type: none"> <li data-bbox="1014 363 1650 651">▪ Develop a vibration monitoring and construction contingency plan, which shall identify where monitoring would be conducted, establish a vibration monitoring schedule, define structure-specific vibration limits, and require photo, elevation, and crack surveys to document conditions before and after demolition and construction activities. Construction contingencies would be identified for when vibration levels approach the limits. If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structure. <li data-bbox="1014 667 1650 1317">▪ Report substantial adverse impacts to vibration sensitive buildings including historic resources related to construction activities that are found during construction to UC Berkeley’s designated representative responsible for construction activities. UC Berkeley’s designated representative shall adhere to the monitoring team’s recommendations for corrective measures, including halting construction or using different methods, in situations where demolition, excavation/construction activities would imminently endanger historic resources. UC Berkeley’s designated representative would respond to any claims of damage by inspecting the affected property promptly, but in no case more than five working days after the claim was filed and received by UC Berkeley’s designated representative. Any new cracks or other damage to any of the identified properties will be compared to pre-construction conditions and a determination made as to whether the proposed project could have caused such damage. In the event that the project is demonstrated to have caused any damage, such damage would be repaired to the pre-existing condition. Site visit reports and documents associated with claims processing would be provided to the relevant government body with jurisdiction over the neighboring historic resource, as necessary. <li data-bbox="1014 1333 1650 1382">▪ Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage and make 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>appropriate repairs where damage has occurred as a result of construction activities.</p> <ul style="list-style-type: none"> ▪ Prepare a construction vibration monitoring report that summarizes the results of all vibration monitoring and submit the report after the completion of each phase identified in the project construction schedule. The vibration monitoring report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims. The construction vibration monitoring report shall be submitted to UC Berkeley within two weeks upon completion of each phase identified in the project construction schedule. ▪ Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted in one or more locations at the construction site. 	
<p>NOI-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to construction noise.</p>	S	<p>NOI-3: Implement Mitigation Measure NOI-1.</p>	SU
POPULATION AND HOUSING			
<p>POP-1: As a result of both direct population growth (from the construction of new UC Berkeley housing) and indirect population growth (from students and faculty/staff seeking non-UC Berkeley housing in Berkeley), the LRDP Update would accommodate a level of population growth that would exceed the current ABAG Projections for Berkeley.</p>	S	<p>POP-1: UC Berkeley shall, on an annual basis, provide a summary of LRDP enrollment and housing production data, including its LRDP enrollment projections and housing production projections, to the City of Berkeley and the Association of Bay Area Governments, for the purpose of ensuring that local and regional planning projections account for UC Berkeley-related population changes. UC Berkeley's Office of Physical & Environmental Planning shall verify compliance with this measure.</p>	LTS
<p>POP-2: Future development projects could result in the displacement of existing residents.</p>	S	<p>POP-2: Prior to issuance of any permits for construction of projects that have the potential to displace existing residents or businesses, UC Berkeley shall comply with the UC Relocation Assistance Act Policy for Real Estate Acquisitions and Leases. UC Berkeley's Real Estate Office shall verify compliance with this measure.</p>	LTS

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
PUBLIC SERVICES			
<i>No significant impacts</i>			
PARKS AND RECREATION			
<i>No significant impacts</i>			
TRANSPORTATION			
TRAN-1: Implementation of the proposed project would not be consistent with the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan.	S	<p>TRAN-1: UC Berkeley shall continue to survey the transportation practices of both students and employees at least once every 3 years and use the survey results to adjust the travel demand management programs, parking pricing, education and outreach, support for telecommuting, and other measures to achieve the vehicle mode share goals in the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan. To meet these goals as of 2020, UC Berkeley's single-occupant vehicle (SOV) targets are:</p> <ul style="list-style-type: none"> ▪ 2025: Employees SOV rate of 36 percent, Student SOV rate of 5 percent ▪ 2050: Employee SOV rate of 36 percent, Employee and Student SOV rate of 13 percent <p>UC Berkeley's Office of Physical & Environmental Planning shall verify compliance with this measure and may update these targets over time to ensure ongoing compliance with the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan.</p>	LTS
TRAN-3: New buildings and structures that are 100 feet or more in height, based on final exterior design, could create wind hazards at the pedestrian (ground) level.	S	<p>TRAN-3: Prior to final exterior design approval of new buildings or structures that are 100 feet or more in height, the building or structure shall be analyzed for potential wind hazards at the pedestrian level in the public right-of-way around the project site. The wind hazards analysis shall be conducted by a qualified wind engineer using the final exterior plans. The analysis shall apply the industry-acceptable Lawson Criteria for pedestrian-level wind distress (safety) to identify locations where wind speeds may be hazardous to pedestrians in the public right-of-way around the project site. Where wind hazards are identified based on the final building or structure</p>	SU

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>exterior designs, UC Berkeley, in consultation with the qualified wind engineer, shall identify feasible building or structure design refinements to reduce the hazardous wind effects to an acceptable level as determined by the qualified wind engineer using the Lawson Criteria. Feasible industry-standard wind reduction design refinements may include, but are not limited to, adjusted building setbacks, upper-floor building stepbacks, terraces, rounded or redesigned building corners, screens, canopies, or landscaping. Following the identification of feasible design refinements by UC Berkeley in consultation with the qualified wind engineer, the qualified wind engineer shall provide evidence of acceptable (i.e., nonhazardous) wind effects with the incorporation of the feasible building or structure exterior design refinements. The results of the wind analysis and the feasible and effective design refinements to reduce wind hazards shall be submitted to the UC Berkeley project manager for review prior to final design approval.</p>	
TRAN-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to wind hazards at the pedestrian (ground) level.	S	TRAN-5: Implement Mitigation Measure TRAN-3.	SU
TRIBAL CULTURAL RESOURCES			
TCR-1: Ground-disturbing activities could encounter and cause a substantial adverse change to tribal cultural resources.	S	TCR-1: Implement Mitigation Measure CUL-2.	LTS
UTILITIES AND SERVICE SYSTEMS			
<i>No significant impacts</i>			
WILDFIRE			
WF-2: Development under the proposed LRDP Update could include an increase in academic life space, utility infrastructure upgrades, and energy resilience projects within the Hill Campus East, which is in a Very High FHSZ and has steep terrain and heavy vegetation. Development within this area could exacerbate wildfire risks.	S	<p>WF-2a: Project sponsors for new UC Berkeley development within a Very High Fire Hazard Severity Zone shall prepare and implement a Wildfire Management Plan to prevent wildfires from construction and operation of new development. A Wildfire Management Plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> ▪ The objectives of the plan. ▪ Responsibilities of persons responsible for executing the plan. 	SU

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<ul style="list-style-type: none"> ▪ Location of applicable infrastructure covered under the plan. ▪ Plans for vegetation management, and incorporation of vegetation management strategies from the UC Berkeley’s Wildland Vegetative Fuel Management Plan. ▪ Plans for emergency access and evacuation that ensure adequate access to and throughout the site for emergency responders, and adequate egress from the site for evacuation events. ▪ A list that identifies, describes, and prioritizes all wildfire risks associated with the infrastructure. ▪ Plans for post-fire hazard mitigation, including for protection of areas downslope from debris slides. ▪ Plans for regular inspections of electrical infrastructure. <p>The Wildfire Management Plan shall be submitted to the UC Berkeley project manager and the Campus Fire Marshal for review and approval prior to initiation of construction activities.</p> <p>WF-2b: Vegetation and wildland management activities shall comply with Public Resources Code Section 4442, which requires that engines that use hydrocarbon fuels be equipped with a spark arrester, and that these engines be maintained in effective working order to help prevent fire. These activities shall also comply with the Environmental Protection Measures in the UC Berkeley Wildland Vegetative Fuel Management Plan. UC Berkeley shall verify compliance with this measure for ongoing UC Berkeley vegetation management activities and for future development projects.</p>	
<p>WF-3: The proposed LRDP Update could involve the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines, or other utilities associated with potential development within the Very High FHSZ, including with the potential addition of a solar array installation in the Hill Campus East. Construction and operation of these improvements could exacerbate fire risk through construction</p>	S	<p>WF-3: Electrical lines associated with future electrical infrastructure shall be undergrounded, where feasible. UC Berkeley shall verify compliance with this measure as part of plan review prior to construction.</p>	SU

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-2 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR THE LONG RANGE DEVELOPMENT PLAN

Environmental Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
and maintenance activities and/or through the introduction of additional electrical infrastructure.			
WF-4: The proposed LRDP Update could involve development within the Hill Campus East, which is in a Very High FHSZ, contains steep terrain, and is largely undeveloped, and which abuts existing residential areas. Therefore, potential development could expose people or structures to downslope landslides as a result of postfire slope instability.	S	WF-4: Implement Mitigation Measure WF-2a.	SU
WF-5: Potential development under the proposed LRDP Update could, in combination with other surrounding and future projects in the SRA or Very High FHSZ, result in cumulative impacts associated with the exposure of project occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire due to slope, prevailing winds, or other factors; the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or exposure of people or structures to significant risks including downslope landslides as a result of postfire slope instability.	S	WF-5: Implement Mitigation Measures WF-2a, WF-2b, WF-3, and WF-4. No additional feasible mitigation measures are available to reduce this cumulative impact to a less-than-significant level.	SU

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2.5 HOUSING PROJECT #1 SIGNIFICANT IMPACT SUMMARY

This table provides a brief review of the significant impact conclusions identified from the project-level environmental analysis for the proposed Housing Project #1 component of the LRDP Update in Chapters 5.1 through 5.18 of the Draft EIR. As described in Chapter 3, Revisions to the Draft EIR, of this Final EIR, revisions were made to impacts and/or mitigation measures for air quality, biological resources, cultural resources, and noise. Table 2-3 lists the finalized impacts and mitigation measures. As shown in Table 2-3, Housing Project #1 would result in significant impacts related to air quality, biological resources, cultural resources, noise, transportation, and tribal cultural resources.

TABLE 2-3 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #1

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
AESTHETICS			
<i>No significant impacts</i>			
AIR QUALITY			
AIR-3: Construction activities associated with potential future development projects accommodated under the proposed LRDP Update could expose nearby receptors to substantial concentrations of toxic air contaminants.	S	AIR-3.2: Implement Mitigation Measure AIR-2.1.	LTS
BIOLOGICAL RESOURCES			
BIO-4: New buildings and structures would create potential impacts associated with increased risk of bird collisions.	S	BIO-4: Structures and buildings that are new or are taller than existing structures and buildings shall be designed to minimize the potential risk of bird collisions. This should at a minimum include the following design considerations and management strategies: (1) avoid the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds; (2) limit reflectivity and prevent exterior glass from attracting birds in building plans by utilizing low-reflectivity glass and providing other non-attractive surface treatments; (3) use low-reflectivity glass or other bird safe glazing treatments for the majority of the building's glass surface, not just the lower levels; (4) for office and commercial buildings, interior light "pollution" should be reduced during evening hours through the use of a lighting control system programmed to shut off during non-work hours and between 10 p.m. and sunrise; (5) exterior lighting should be directed downward and screened to	LTS

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-3 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #1

		<p>minimize illuminating the exterior of the building at night, except as needed for safety and security; (6) untreated glass skyways or walkways, freestanding glass walls, and transparent building corners should be avoided; (7) transparent glass should not be allowed at the rooflines of buildings, including in conjunction with green roofs; and (8) all roof mechanical equipment should preferably be covered by low-profile angled roofing or other treatments so that obstacles to bird flight are minimized. These strategies shall be incorporated at the direction of the Campus Architect during plan review, and the Campus Architect shall confirm the incorporation of these strategies into architectural plans prior to building construction. The Campus Architect shall incorporate additional strategies to avoid or reduce avian collisions that are indicated by the best available science.</p>	
CULTURAL RESOURCES			
<p>CUL-1.2: Housing Project #1 would demolish the University Garage (1952 Oxford Street), a designated City of Berkeley Historical Landmark and eligible for listing in the California Register, which would result in a substantial adverse change to a historic resource.</p>	S	<p>CUL-1.2a: Implement Mitigation Measure CUL-1.1b.</p> <p>CUL-1.2b: Implement Mitigation Measure CUL-1.1d.</p>	SU
<p>CUL-2: The proposed project has the potential to disturb unknown archaeological resources that could exist beneath the depth of previous ground disturbances and result in a significant impact to an archaeological resource.</p>	S	<p>CUL-2: For construction projects that include substantial ground-disturbing activities (including, but not limited to, soil removal, parcel grading, new utility trenching, and foundation-related excavation), UC Berkeley shall implement the following steps to ensure impacts to archaeological resources will be less than significant.</p> <ul style="list-style-type: none"> ▪ All Projects with Ground-Disturbing Activities. <ul style="list-style-type: none"> ▪ Prior to soil disturbance, UC Berkeley shall confirm that contractors have been notified of the procedures for the identification of federal- or State-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological resources or tribal cultural resources on site, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work. ▪ If a resource is discovered during construction (whether or not an archaeologist is present), the following measures shall be implemented: <ul style="list-style-type: none"> ▪ All soil disturbing work within 35 feet of the find shall cease. 	LTS

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-3 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #1

- UC Berkeley shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project.
 - Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archaeologist.
 - If the resource is a tribal cultural resource, the consulting archaeologist, approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission, shall consult with the appropriate tribe to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations.
 - If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented.
 - If the resource is a non-tribal resource determined significant under CEQA, a qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant.
 - The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources if appropriate.
 - The report shall be submitted to the relevant city (if it falls under Berkeley or Oakland boundaries), California Historic Resources Information System Northwest Information Center, and the State Historic Preservation Office, if required.
 - **Areas with High Archaeological Sensitivity.** In addition to the requirements above for all construction projects with ground-disturbing activities, for projects in areas with moderately high to
-

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-3 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #1

extreme archaeological sensitivity (as shown on the confidential Figure 11, Prehistoric Cultural Sensitivity Overlay Analysis Results, prepared for the 2021 LRDP Update EIR) ground-disturbing activities shall be monitored from the outset. Monitoring shall occur for soil removal, parcel grading, new utility trenching, and foundation-related excavation in those areas that extend into previously undisturbed soils. If the resources are tribal, archaeological monitoring must be undertaken by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission or the appropriate tribe, who is familiar with a wide range of prehistoric archaeological or tribal remains and is conversant in artifact identification, human and faunal bone, soil descriptions, and interpretation. Based on project-specific daily construction schedules, field conditions, and archaeological observations, full-time monitoring may not be warranted following initial observations.

- **Sites with Known Archaeological Resources.** In the event the disturbance of a site with known archaeological or tribal cultural resources cannot be avoided, in addition to the requirements above for all construction projects with ground-disturbing activities, for project sites with known on-site archaeological or tribal cultural resources, the following additional actions shall be implemented prior to ground disturbance:
 - UC Berkeley, in consultation with the appropriate tribe, will retain a qualified archaeologist to conduct a subsurface investigation of the project site, and to ascertain the extent of the deposit of any buried archaeological materials relative to the project's area of potential effects. The archaeologist shall prepare a site record and, upon tribal approval, it shall be filed with the California Historical Resource Information System.
 - If the resource extends into the project's area of potential effects, the resource shall be evaluated by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe. UC Berkeley shall consider this evaluation in determining whether the resource qualifies as a historical resource or a unique archaeological resource under the criteria of California Environmental Quality Act (CEQA) Guidelines Section 15064.5.
-

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-3 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #1

		<ul style="list-style-type: none"> ▪ If the resource does not qualify, no further mitigation is required unless there is a discovery of additional resources during construction (as required above for all construction projects with ground-disturbing activities). ▪ If a resource is determined to qualify as an historical resource or a unique archaeological resource in accordance with CEQA, UC Berkeley shall consult with the appropriate tribe (in the case of Native American sites) and a qualified archaeologist, approved by UC Berkeley in consultation with the appropriate tribe, to mitigate the effect through data recovery if appropriate to the resource or, if data recovery is infeasible, to consider means of avoiding or reducing ground disturbance within the site boundaries, including where and if feasible, minor modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or other means that would permit avoidance or substantial preservation in place of the resource. A written report of the results of investigations shall be prepared by a qualified archaeologist and, upon tribal approval, filed with the University Archives/ Bancroft Library and the California Historic Resources Information System Northwest Information Center. 	
CUL-4: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to cultural resources.	S	CUL-4: Implement Mitigation Measures CUL-1.1a through CUL-1.1e; CUL-1.2a and CUL-1.2b; CUL-1.3a and CUL-1.3b; CUL-1.4; and CUL-2.	SU
ENERGY			
<i>No significant impacts</i>			
GEOLOGY AND SOILS			
<i>No significant impacts</i>			
GREENHOUSE GAS EMISSIONS			
<i>No significant impacts</i>			
HAZARDS AND HAZARDOUS MATERIALS			
<i>No significant impacts</i>			
HYDROLOGY AND WATER QUALITY			

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-3 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #1

<i>No significant impacts</i>			
LAND USE AND PLANNING			
<i>No significant impacts</i>			
NOISE			
NOI-1: Noise from construction equipment could expose sensitive receptors to noise that exceeds the thresholds of significance.	S	NOI-1: For construction projects that last longer than 30 days, and where construction noise could exceed the applicable noise thresholds of significance (see City of Berkeley Municipal Code Section 13.40.070, Prohibited Acts, and City of Oakland Municipal Code Section 17.120.050(A), Noise (Residential Zone Noise Level Standards)) for maximum construction noise levels (dBA L _{max}), or that involve impulse equipment such as jackhammers, hoe rams, and pile driving, temporary noise barriers at least 12 feet high will be erected, as necessary and feasible, to reduce construction noise levels. Temporary noise barriers will be constructed with solid material with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the temporary noise barrier and may be lined on the construction side with an acoustical blanket, curtain, or equivalent absorptive material. UC Berkeley shall verify compliance with this measure prior to issuance of demolition, grading, and/or building permits.	SU
NOI-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to construction noise.	S	NOI-3: Implement Mitigation Measure NOI-1.	SU
POPULATION AND HOUSING			
<i>No significant impacts</i>			
PUBLIC SERVICES			
<i>No significant impacts</i>			
PARKS AND RECREATION			
<i>No significant impacts</i>			
TRANSPORTATION			
TRAN-3: New buildings and structures that are 100 feet or more in height, based on final exterior design, could create wind hazards at the pedestrian (ground) level.	S	TRAN-3: Prior to final exterior design approval of new buildings or structures that are 100 feet or more in height, the building or structure shall be analyzed for potential wind hazards at the pedestrian level in the public right-of-way around the project site. The wind hazards analysis shall be conducted by a qualified wind engineer using	SU

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-3 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #1

		the final exterior plans. The analysis shall apply the industry-acceptable Lawson Criteria for pedestrian-level wind distress (safety) to identify locations where wind speeds may be hazardous to pedestrians in the public right-of-way around the project site. Where wind hazards are identified based on the final building or structure exterior designs, UC Berkeley, in consultation with the qualified wind engineer, shall identify feasible building or structure design refinements to reduce the hazardous wind effects to an acceptable level as determined by the qualified wind engineer using the Lawson Criteria. Feasible industry-standard wind reduction design refinements may include, but are not limited to, adjusted building setbacks, upper-floor building stepbacks, terraces, rounded or redesigned building corners, screens, canopies, or landscaping. Following the identification of feasible design refinements by UC Berkeley in consultation with the qualified wind engineer, the qualified wind engineer shall provide evidence of acceptable (i.e., nonhazardous) wind effects with the incorporation of the feasible building or structure exterior design refinements. The results of the wind analysis and the feasible and effective design refinements to reduce wind hazards shall be submitted to the UC Berkeley project manager for review prior to final design approval.	
TRAN-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to wind hazards at the pedestrian (ground) level.	S	TRAN-5: Implement Mitigation Measure TRAN-3.	SU
TRIBAL CULTURAL RESOURCES			
TCR-1: Ground-disturbing activities could encounter and cause a substantial adverse change to tribal cultural resources.	S	TCR-1: Implement Mitigation Measure CUL-2.	LTS
UTILITIES AND SERVICE SYSTEMS			
<i>No significant impacts</i>			
WILDFIRE			
<i>No significant impacts</i>			

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2.6 HOUSING PROJECT #2 SIGNIFICANT IMPACT SUMMARY

This table provides a brief review of the significant impact conclusions identified from the project-level environmental analysis for the proposed Housing Project #2 component of the LRDP Update in Chapters 5.1 through 5.18 of the Draft EIR. As described in Chapter 3, Revisions to the Draft EIR, of this Final EIR, revisions were made to impacts and/or mitigation measures for air quality, biological resources, cultural resources, and noise. Table 2-4 lists the finalized impacts and mitigation measures. As shown in Table 2-4, Housing Project #2 would result in significant impacts related to air quality, biological resources, cultural resources, noise, transportation, and tribal cultural resources.

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
AESTHETICS			
<i>No significant impacts</i>			
AIR QUALITY			
AIR-3: Construction activities associated with potential future development projects accommodated under the proposed LRDP Update could expose nearby receptors to substantial concentrations of toxic air contaminants.	S	AIR-3.3: Implement Mitigation Measure AIR-2.1.	LTS
BIOLOGICAL RESOURCES			
BIO-4: New buildings and structures would create potential impacts associated with increased risk of bird collisions.	S	BIO-4: Structures and buildings that are new or are taller than existing structures and buildings shall be designed to minimize the potential risk of bird collisions. This should at a minimum include the following design considerations and management strategies: (1) avoid the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds; (2) limit reflectivity and prevent exterior glass from attracting birds in building plans by utilizing low-reflectivity glass and providing other non-attractive surface treatments; (3) use low-reflectivity glass or other bird safe glazing treatments for the majority of the building's glass surface, not just the lower levels; (4) for office and commercial buildings, interior light "pollution" should be reduced during evening hours through the use of a lighting control system programmed to shut off during non-work hours and between 10 p.m. and sunrise; (5) exterior lighting should be directed downward and screened to	LTS

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
<p>minimize illuminating the exterior of the building at night, except as needed for safety and security; (6) untreated glass skyways or walkways, freestanding glass walls, and transparent building corners should be avoided; (7) transparent glass should not be allowed at the rooflines of buildings, including in conjunction with green roofs; and (8) all roof mechanical equipment should preferably be covered by low-profile angled roofing or other treatments so that obstacles to bird flight are minimized. These strategies shall be incorporated at the direction of the Campus Architect during plan review, and the Campus Architect shall confirm the incorporation of these strategies into architectural plans prior to building construction. The Campus Architect shall incorporate additional strategies to avoid or reduce avian collisions that are indicated by the best available science.</p>			
CULTURAL RESOURCES			
CUL-1.3: Housing Project #2 would demolish and reconfigure People’s Park, a designated City of Berkeley Historical Landmark, which would result in a substantial adverse change to a historic resource.	S	CUL-1.3a: Implement Mitigation Measure CUL-1.1b CUL-1.3b: Implement Mitigation Measure CUL-1.1d	SU
CUL-1.4: The design of Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People’s Park through incompatible design.	S	CUL-1.4: Prior to approval of final design plans for Housing Project #2, UC Berkeley shall retain an architect meeting the National Park Service Professional Qualifications Standards for historic architecture to review plans for the proposed student housing and affordable and supportive housing buildings. The historic architect shall provide input and refinements to the design team regarding fenestration patterns, entry design, and the palette of exterior materials to improve compatibility with neighboring historical resources and to enhance compliance with the Secretary of the Interior’s Standards and the City of Berkeley Southside Design Guidelines.	SU
CUL-2: The proposed project has the potential to disturb unknown archaeological resources that could exist beneath the depth of previous ground disturbances and result in a significant impact to an archaeological resource.	S	CUL-2: For construction projects that include substantial ground-disturbing activities (including, but not limited to, soil removal, parcel grading, new utility trenching, and foundation-related excavation), UC Berkeley shall implement the following steps to ensure impacts to archaeological resources will be less than significant. ▪ All Projects with Ground-Disturbing Activities.	LTS

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<ul style="list-style-type: none"> ▪ Prior to soil disturbance, UC Berkeley shall confirm that contractors have been notified of the procedures for the identification of federal- or State-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological resources or tribal cultural resources on site, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work. ▪ If a resource is discovered during construction (whether or not an archaeologist is present), the following measures shall be implemented: <ul style="list-style-type: none"> ▪ All soil disturbing work within 35 feet of the find shall cease. ▪ UC Berkeley shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project. ▪ Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. ▪ If the resource is a tribal cultural resource, the consulting archaeologist, approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission, shall consult with the appropriate tribe to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations. ▪ If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented. 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<ul style="list-style-type: none"> ▪ If the resource is a non-tribal resource determined significant under CEQA, a qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. ▪ The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources if appropriate. ▪ The report shall be submitted to the relevant city (if it falls under Berkeley or Oakland boundaries), California Historic Resources Information System Northwest Information Center, and the State Historic Preservation Office, if required. ▪ Areas with High Archaeological Sensitivity. In addition to the requirements above for all construction projects with ground-disturbing activities, for projects in areas with moderately high to extreme archaeological sensitivity (as shown on the confidential Figure 11, Prehistoric Cultural Sensitivity Overlay Analysis Results, prepared for the 2021 LRDP Update EIR) ground-disturbing activities shall be monitored from the outset. Monitoring shall occur for soil removal, parcel grading, new utility trenching, and foundation-related excavation in those areas that extend into previously undisturbed soils. If the resources are tribal, archaeological monitoring must be undertaken by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission or the appropriate tribe, who is familiar with a wide range of prehistoric archaeological or tribal remains and is conversant in artifact identification, human and faunal bone, soil descriptions, and interpretation. Based on project-specific daily construction schedules, field conditions, and archaeological observations, full-time monitoring may not be warranted following initial observations. ▪ Sites with Known Archaeological Resources. In the event the disturbance of a site with known archaeological or tribal cultural 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>resources cannot be avoided, in addition to the requirements above for all construction projects with ground-disturbing activities, for project sites with known on-site archaeological or tribal cultural resources, the following additional actions shall be implemented prior to ground disturbance:</p> <ul style="list-style-type: none"> ▪ UC Berkeley, in consultation with the appropriate tribe, will retain a qualified archaeologist to conduct a subsurface investigation of the project site, and to ascertain the extent of the deposit of any buried archaeological materials relative to the project's area of potential effects. The archaeologist shall prepare a site record and, upon tribal approval, it shall be filed with the California Historical Resource Information System. ▪ If the resource extends into the project's area of potential effects, the resource shall be evaluated by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe. UC Berkeley shall consider this evaluation in determining whether the resource qualifies as a historical resource or a unique archaeological resource under the criteria of California Environmental Quality Act (CEQA) Guidelines Section 15064.5. ▪ If the resource does not qualify, no further mitigation is required unless there is a discovery of additional resources during construction (as required above for all construction projects with ground-disturbing activities). ▪ If a resource is determined to qualify as an historical resource or a unique archaeological resource in accordance with CEQA, UC Berkeley shall consult with the appropriate tribe (in the case of Native American sites) and a qualified archaeologist, approved by UC Berkeley in consultation with the appropriate tribe, to mitigate the effect through data recovery if appropriate to the resource or, if data recovery is infeasible, to consider means of avoiding or reducing ground disturbance within the site boundaries, including where and if feasible, minor modifications of building footprint, landscape modification, the placement of protective fill, the 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		establishment of a preservation easement, or other means that would permit avoidance or substantial preservation in place of the resource. A written report of the results of investigations shall be prepared by a qualified archaeologist and, upon tribal approval, filed with the University Archives/Bancroft Library and the California Historic Resources Information System Northwest Information Center.	
CUL-4: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to cultural resources.	S	CUL-4: Implement Mitigation Measures CUL-1.1a through CUL-1.1e; CUL-1.2a and CUL-1.2b; CUL-1.3a and CUL-1.3b; CUL-1.4; and CUL-2.	SU
ENERGY			
<i>No significant impacts</i>			
GEOLOGY AND SOILS			
<i>No significant impacts</i>			
GREENHOUSE GAS EMISSIONS			
<i>No significant impacts</i>			
HAZARDS AND HAZARDOUS MATERIALS			
<i>No significant impacts</i>			
HYDROLOGY AND WATER QUALITY			
<i>No significant impacts</i>			
LAND USE AND PLANNING			
<i>No significant impacts</i>			
NOISE			
NOI-1: Noise from construction equipment could expose sensitive receptors to noise that exceeds the thresholds of significance.	S	NOI-1: For construction projects that last longer than 30 days, and where construction noise could exceed the applicable noise thresholds of significance (see City of Berkeley Municipal Code Section 13.40.070, Prohibited Acts, and City of Oakland Municipal Code Section 17.120.050(A), Noise (Residential Zone Noise Level Standards)) for maximum construction noise levels (dBA L _{max}), or that	SU

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
<p>NOI-2: Construction could result in excessive groundborne vibration to nearby sensitive receptors.</p>	<p>S</p>	<p>involve impulse equipment such as jackhammers, hoe rams, and pile driving, temporary noise barriers at least 12 feet high will be erected, as necessary and feasible, to reduce construction noise levels. Temporary noise barriers will be constructed with solid material with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the temporary noise barrier and may be lined on the construction side with an acoustical blanket, curtain, or equivalent absorptive material. UC Berkeley shall verify compliance with this measure prior to issuance of demolition, grading, and/or building permits.</p> <p>NOI-2: If any vibration causing construction activities/equipment are anticipated to be used for future development projects, UC Berkeley shall implement the following steps to ensure impacts from vibration causing construction activities/equipment will be less than significant.</p> <ul style="list-style-type: none"> ▪ Step 1 (Activity/Equipment Screening Distances): UC Berkeley shall use the construction vibration screening standards shown below based on Federal Transit Administration criteria to determine if the construction activity/equipment is within the vibration screening distances that could cause building damage/human annoyance or sensitive equipment disturbance. If the construction activity/equipment is within the screening distance, then Step 2 (Alternative Methods/Equipment) shall be implemented. 	<p>LTS</p>

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
Screening Distances to PPV in/sec Threshold: Building Damage			
	Reference Vibration Levels (in/sec PPV) at 25 feet	Screening Level Distance in feet for 0.20 in/sec PPV ^a	Screening Level Distance in feet for 0.12 in/sec PPV ^b
Activity/Equipment			
Pile Driving	1.518	97	136
Caisson Drilling	0.089	15	21
Vibratory Roller	0.21	26	37
Large Bulldozer	0.089	15	21
Screening Distance to VdB Threshold: Human Annoyance and Sensitive Equipment Disturbance			
	Reference Vibration Levels (VdB) at 25 feet	Screening Level Distance in feet for 72 VdB ^c	Screening Level Distance in feet for 65 VdB ^d
Activity/Equipment			
Pile Driving	112	520	890
Caisson Drilling	87	80	140
Vibratory Roller	94	140	240
Large Bulldozer	87	80	140
<p>Notes: Peak Particle Velocity inches per second (PPV in/sec); Vibration Decibel (VdB).</p> <p>a. FTA Building Category III, Non-engineered timber and masonry buildings (residential).</p> <p>b. FTA Building Category IV, Buildings extremely susceptible to vibration damage (historic).</p> <p>c. FTA Land Use Category 2, Residences and buildings where people normally sleep.</p> <p>d. FTA Land Use Category 1, Buildings where vibration would interfere with interior operations.</p> <p>Source: Federal Transit Administration, 2018, Transit Noise and Vibration Impact Assessment.</p> <ul style="list-style-type: none"> ▪ Step 2 (Alternative Methods/Equipment): When the anticipated vibration-causing construction activity/equipment is within the screening standards in Step 1 (Activity/Equipment Screening Distances), UC Berkeley shall consider whether alternative methods/equipment are available and shall verify that the alternative method/equipment is shown on the construction plans prior to the beginning of construction. Alternative methods/equipment may include, but are not limited to: <ul style="list-style-type: none"> ▪ For pile driving, the use of caisson drilling (drill piles), vibratory pile drivers, oscillating or rotating pile installation methods, pile pressing, “silent” piling, and jetting or partial jetting of piles into place using a water injection at the tip of the pile shall be used, where feasible. ▪ For paving, use of a static roller in lieu of a vibratory roller shall be implemented. 			

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<ul style="list-style-type: none"> ▪ For grading and earthwork activities, off-road equipment shall be limited to 100 horsepower or less. <p>Where alternative methods/equipment to vibration causing activities/equipment are not feasible, then Step 3 (Construction Vibration Monitoring Program) shall be implemented.</p> <ul style="list-style-type: none"> ▪ Step 3 (Construction Vibration Monitoring Program): Prior to any project-related excavation, demolition or construction activity for projects within the screening distances listed in Step 1 (Activity/Equipment Screening Distances) and where alternative methods/equipment to vibration causing activities/equipment are not feasible pursuant to Step 2 (Alternative Methods/Equipment), UC Berkeley shall prepare a construction vibration monitoring program. The program shall be prepared and implemented by a qualified acoustical consultant or structural engineer. Where the vibration sensitive receptors are historic resources, the program shall be prepared and implemented by a structural engineer with a minimum of five years of experience in the rehabilitation and restoration of historic buildings and a historic preservation architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards. The program shall include the following: <ul style="list-style-type: none"> ▪ Prepare an existing conditions study to establish the baseline condition of the vibration sensitive resources in the form of written descriptions with a photo survey, elevation survey, and crack-monitoring survey for the vibration-sensitive building or structure. The photo survey shall include internal and external crack monitoring in the structure, settlement, and distress, and document the condition of the foundation, walls and other structural elements in the interior and exterior of the building or structure. Surveys will be performed prior to, in regular intervals during, and after completion of all vibration-generating activity. Where receptors are historic resources, the study shall describe the physical characteristics of the resources that convey their historic significance. 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<ul style="list-style-type: none"> <li data-bbox="1016 363 1650 565">▪ Determine the number, type, and location of vibration sensors and establish a vibration velocity limit (as determined based on a detailed review of the proposed building), method (including locations and instrumentation) for monitoring vibrations during construction, and method for alerting responsible persons who have the authority to halt construction should limits be exceeded or damaged observed. <li data-bbox="1016 574 1650 927">▪ Perform monitoring surveys prior to, in regular intervals during, and after completion of all vibration-generating activity and report any changes to existing conditions, including, but not limited to, expansion of existing cracks, new spalls, other exterior deterioration, or any problems with character-defining features of a historic resource are discovered. UC Berkeley shall establish the frequency of monitoring and reporting, based upon the recommendations of the qualified acoustical consultant or structural engineer or if there are historic buildings, the historic architect and structural engineer. Monitoring reports shall be submitted to UC Berkeley's designated representative responsible for construction activities. <li data-bbox="1016 937 1650 1230">▪ Develop a vibration monitoring and construction contingency plan, which shall identify where monitoring would be conducted, establish a vibration monitoring schedule, define structure-specific vibration limits, and require photo, elevation, and crack surveys to document conditions before and after demolition and construction activities. Construction contingencies would be identified for when vibration levels approach the limits. If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structure. <li data-bbox="1016 1240 1650 1414">▪ Report substantial adverse impacts to vibration sensitive buildings including historic resources related to construction activities that are found during construction to UC Berkeley's designated representative responsible for construction activities. UC Berkeley's designated representative shall adhere to the monitoring team's recommendations for corrective measures, 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		<p>including halting construction or using different methods, in situations where demolition, excavation/construction activities would imminently endanger historic resources. UC Berkeley's designated representative would respond to any claims of damage by inspecting the affected property promptly, but in no case more than five working days after the claim was filed and received by UC Berkeley's designated representative. Any new cracks or other damage to any of the identified properties will be compared to pre-construction conditions and a determination made as to whether the proposed project could have caused such damage. In the event that the project is demonstrated to have caused any damage, such damage would be repaired to the pre-existing condition. Site visit reports and documents associated with claims processing would be provided to the relevant government body with jurisdiction over the neighboring historic resource, as necessary.</p> <ul style="list-style-type: none"> ▪ Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage and make appropriate repairs where damage has occurred as a result of construction activities. ▪ Prepare a construction vibration monitoring report that summarizes the results of all vibration monitoring and submit the report after the completion of each phase identified in the project construction schedule. The vibration monitoring report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims. The construction vibration monitoring report shall be submitted to UC Berkeley within two weeks upon completion of each phase identified in the project construction schedule. ▪ Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such 	

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		person shall be clearly posted in one or more locations at the construction site.	
NOI-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to construction noise.	S	NOI-3: Implement Mitigation Measure NOI-1.	SU
POPULATION AND HOUSING			
<i>No significant impacts</i>			
PUBLIC SERVICES			
<i>No significant impacts</i>			
PARKS AND RECREATION			
<i>No significant impacts</i>			
TRANSPORTATION			
TRAN-3: New buildings and structures that are 100 feet or more in height, based on final exterior design, could create wind hazards at the pedestrian (ground) level.	S	TRAN-3: Prior to final exterior design approval of new buildings or structures that are 100 feet or more in height, the building or structure shall be analyzed for potential wind hazards at the pedestrian level in the public right-of-way around the project site. The wind hazards analysis shall be conducted by a qualified wind engineer using the final exterior plans. The analysis shall apply the industry-acceptable Lawson Criteria for pedestrian-level wind distress (safety) to identify locations where wind speeds may be hazardous to pedestrians in the public right-of-way around the project site. Where wind hazards are identified based on the final building or structure exterior designs, UC Berkeley, in consultation with the qualified wind engineer, shall identify feasible building or structure design refinements to reduce the hazardous wind effects to an acceptable level as determined by the qualified wind engineer using the Lawson Criteria. Feasible industry-standard wind reduction design refinements may include, but are not limited to, adjusted building setbacks, upper-floor building stepbacks, terraces, rounded or redesigned building corners, screens, canopies, or landscaping. Following the identification of feasible design refinements by UC Berkeley in consultation with the qualified wind engineer, the qualified	SU

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

2. EXECUTIVE SUMMARY

TABLE 2-4 SIGNIFICANT IMPACTS AND MITIGATION MEASURES FOR HOUSING PROJECT #2

Impact	Significance without Mitigation	Mitigation Measures	Significance with Mitigation
		wind engineer shall provide evidence of acceptable (i.e., nonhazardous) wind effects with the incorporation of the feasible building or structure exterior design refinements. The results of the wind analysis and the feasible and effective design refinements to reduce wind hazards shall be submitted to the UC Berkeley project manager for review prior to final design approval.	
TRAN-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to wind hazards at the pedestrian (ground) level.	S	TRAN-5: Implement Mitigation Measure TRAN-3.	SU
TCR-1: Ground-disturbing activities could encounter and cause a substantial adverse change to tribal cultural resources.	S	TCR-1: Implement Mitigation Measure CUL-2.	LTS
UTILITIES AND SERVICE SYSTEMS			
<i>No significant impacts</i>			
WILDFIRE			
<i>No significant impacts</i>			

LTS = LESS THAN SIGNIFICANT; S = SIGNIFICANT; SU = SIGNIFICANT AND UNAVOIDABLE

3. Revisions to the Draft EIR

This chapter contains text revisions to the Draft EIR that were made in response to comments from agencies, organizations, and the public as well as staff-directed changes. These text revisions include typographical corrections, insignificant modifications, and amplifications and clarifications of the Draft EIR. In each case where a revision has been made, the revised page and location on the page is presented, followed by the textual, tabular, or graphical revision. Underlined text represents language that has been added to the EIR; text with ~~striketrough~~ represents language that has been deleted from the Draft EIR. None of the revisions to the Draft EIR constitutes significant new information as defined in CEQA Guidelines Section 15088.5; therefore, the Draft EIR does not need to be recirculated.

TABLE OF CONTENTS

The title of Appendix L on page iii of the Draft EIR is hereby amended as follows:

Appendix L: ~~Public Services Data~~ Agency Correspondence

CHAPTER 1, INTRODUCTION

Footnote 1 on page 1-1 of the Draft EIR is hereby amended as follows:

¹ University of California, Berkeley, certified Long Range Development Plan & Chang-Lin Tien Center for East Asian Studies EIR, ~~2004~~ 2005, State Clearinghouse Number 2003082131.

CHAPTER 2, EXECUTIVE SUMMARY

The title of Appendix L on page 2-3 of the Draft EIR is hereby amended as follows:

- Appendix L: ~~Public Services Data~~ Agency Correspondence

Footnote 4 on page 2-3 of the Draft EIR is hereby amended as follows:

⁴ University of California, Berkeley, certified Long Range Development Plan & Chang-Lin Tien Center for East Asian Studies EIR, ~~2004~~ 2005, State Clearinghouse Number 2003082131.

The last paragraph on page 2-3, continuing onto page 2-4, of the Draft EIR is hereby amended as follows:

1. **LRDP Update:** The proposed project would replace UC Berkeley’s existing LRDP, which was evaluated in the certified EIR¹ for a horizon year of 2020. The proposed LRDP Update would guide land use and capital investment decisions for UC Berkeley to meet its academic goals and objectives moving forward. A buildout horizon year of the 2036–37 school year is used to provide a basis for evaluating associated environmental impacts in this EIR. The proposed LRDP Update does not determine future UC Berkeley enrollment or population, or set a future population limit for UC Berkeley, but guides land development and physical infrastructure to support enrollment projections and activities coordinated by University of California Office of the President (UCOP). The proposed LRDP Update, like the current LRDP, does not commit UC Berkeley to any specific project, but provides a strategic framework for decisions on those projects. The development program does, however, establish a maximum amount of net new growth in UC Berkeley’s space inventory during this time frame, which the UC Berkeley campus may not substantially exceed without amending the LRDP. The proposed LRDP Update planning projection for the UC Berkeley population is 48,200 students and 19,000 faculty and staff in the 2036–37 academic year. The LRDP Update proposed development program includes approximately 8,096,249 gross square feet of academic life, campus life, residential, and parking spaces, including approximately 11,073 student beds and 549 employee housing ~~units~~ beds (see Table 3-1, Proposed LRDP Update Buildout Projections, and Table 3-5, Proposed LRDP Update Housing Program, respectively, in Chapter 3, Project Description, of this Draft EIR).

The first paragraph on page 2-10 of the Draft EIR is hereby amended as follows. The corrections below are clerical and do not affect the conclusions of the Draft EIR:

This table provides a brief review of the significant impact conclusions identified from the program-level environmental analysis for the proposed LRDP Update contained in Chapters 5.1 through 5.18 of this Draft EIR. As shown in Table 2-2, the LRDP Update would result in significant impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, noise, population and housing, transportation, tribal cultural resources, and wildfire.

The last paragraph on page 2-33 of the Draft EIR is hereby amended as follows. The corrections below are clerical and do not affect the conclusions of the Draft EIR:

This table provides a brief review of the significant impact conclusions identified from the project-level environmental analysis for the proposed Housing Project #1 contained in Chapters 5.1 through 5.18 of this Draft EIR. As shown in Table 2-3, ~~the LRDP Update~~ Housing Project #1 would result in significant impacts

¹ University of California, Berkeley, certified Long Range Development Plan & Chang-Lin Tien Center for East Asian Studies EIR, 2004, State Clearinghouse Number 2003082131.

related to air quality, biological resources, cultural resources, and noise, transportation, and tribal cultural resources.

The first paragraph under the heading for Section 2.6.4 on page 2-44 of the Draft EIR is hereby amended as follows. The corrections below are clerical and do not affect the conclusions of the Draft EIR:

This table provides a brief review of the significant impact conclusions identified from the project-level environmental analysis for the proposed Housing Project #2 contained in Chapters 5.1 through 5.18 of this Draft EIR. As shown in Table 2-3, the LRDP Update Housing Project #2 would result in significant impacts related to air quality, biological resources, cultural resources, and noise, transportation, and tribal cultural resources.

CHAPTER 3, PROJECT DESCRIPTION

The portion of Table 3-1, Proposed LRDP Update Buildout Projections, on page 3-25 of the Draft EIR that lists the number of parking spaces for horizon year 2036–37 is hereby amended as follows:

Horizon Year 2036–37	Parking Spaces ^d
Campus Park	2,023
Hill Campus West	366
Hill Campus East	558
Clark Kerr Campus	299
City Environs Properties ^e	5,316 4,334
<i>Total</i>	8,562 <u>7,580</u>

The number of beds shown for Housing Project #1 in Table 3-2, Potential Areas of New Development and Redevelopment, on page 3-28 of the Draft EIR is hereby amended as follows:

No.	Project Name *	Beds
		Proposed
CE15	Housing Project #1 * ^h	770 <u>772</u>

The bulleted paragraphs on page 3-22 of the Draft EIR are hereby amended as follows:

- **Option 1 - Central Cogeneration Plant.** This system would replace the existing cogeneration system with a new central cogeneration plant with hot water distribution. The new cogeneration plant would produce electricity and hot water from natural gas. The central utility plant would be in a central area of the Campus Park and be approximately 37,000 square feet. Additional space would be required within a mechanical room or on the roof of every building tied into the system for cooling equipment, such as chillers or packaged units. It would involve installation of new distribution piping, including heating hot water pipes installed from the plant to each building it would serve across the Campus Park. This new

3. REVISIONS TO THE DRAFT EIR

cogeneration system would be resilient to electricity outage. For purposes of the Campus Energy Plan, implementation of this option is assumed to occur by August 2027.

- **Option 2 – Central Heat Recovery System.** This system would replace the existing cogeneration system with a new central heat recovery system. The system would include a central electric heat pump plant supplying hot and chilled water with thermal storage. The new utility plant would potentially be developed at a central location on the Campus Park and be approximately 51,000 square feet. It would include the installation of underground piping and would require two sets of pipes for heating and cooling to be installed from the new central plant to the buildings it serves across the Campus Park. The new cogeneration system would require two thermal storage tanks with associated piping; the location of the thermal storage tanks is flexible. This new system would be all electric, carbon neutral, resilient to natural gas outage, and consistent with the University of California Office of the President (UCOP) mandates. For purposes of the Campus Energy Plan, implementation of this option is assumed to occur by August 2028.
- **Option 3 - Hybrid Nodal Heat Recovery System.** This system would upgrade the existing cogeneration plant with a new hybrid nodal heat recovery system. This system would add one or two electric heat pump plants supplying hot and chilled water on the northern side of the Campus Park. The existing cogeneration plant would continue to serve the southern side of the Campus Park through natural gas cogeneration and would be replaced at a future date. Improvements to the existing cogeneration plant would be made to the turbine and boilers, as well as to address leaky steam piping, and the existing plant would serve as power backup during emergencies. The one or two new plants would be located on the northwest and northeast sides of the Campus Park, would total 45,000 square feet. They could be developed within new buildings or as stand-alone buildings. In-building cooling space would be required for buildings on the southern half of the Campus Park that remain on the existing plant system. The existing steam pipes on the southern side of the Campus Park would continue to be used, but some piping would need replacement or repair due to age. Two sets of piping, for heating and cooling, would be installed on the northern side of the Campus Park from each of the new nodal plants to the buildings they serve across the Campus Park. Two sets of thermal storage tanks would be required for each new nodal plant, and would be located ideally adjacent to its plant. This upgraded cogeneration system would be an efficient, low-carbon system. The new systems on the north side of the Campus Park would be all-electric, and the systems on the south side of the Campus Park would remain on the existing cogeneration plant; together, the complete system would provide resilience to both power and natural gas outages. For purposes of the Campus Energy Plan, implementation of this option is assumed to occur by November 2027.

Table 3-5, Proposed LRDP Update Housing Program, on page 3-33 of the Draft EIR is hereby amended as follows:

Zones	Undergraduate Beds	Graduate Beds	Faculty/ Staff Beds	Non-University Beds	Total Beds
Existing Conditions 2018-19					
Campus Park	-	-	-	-	-
Hill Campus West	1,502	-	-	-	1,502
Hill Campus East	-	-	-	-	-
Clark Kerr Campus	972	-	28	-	1,000
City Environs Properties	6,248	250	4	16	6,518
Housing Project #1	-	-	-	16	16
Housing Project #2	-	-	-	-	-
Other City Environs Properties	6,248	250	4	-	6,502
Total	8,722	250	32	16	9,020
Horizon Year 2036-37					
Campus Park	-	-	-	-	-
Hill Campus West	1,502	-	-	-	1,502
Hill Campus East	-	-	-	-	-
Clark Kerr Campus	3,339	-	25	-	3,364
City Environs Properties	12,889	2,315	556	125	15,885
Housing Project #1	770	-	-	-	770
Housing Project #2	1,179	-	8	125	1,312
Other City Environs Properties	10,940	2,315	548	-	13,803
	<u>10,938</u>				<u>13,801</u>
Total	17,730	2,315	581	125	20,751
Net Change					
Campus Park	-	-	-	-	-
Hill Campus West	-	-	-	-	-
Hill Campus East	-	-	-	-	-
Clark Kerr Campus	2,367	-	(3)	-	2,364
City Environs Properties ^a	6,641	2,065	552	109	9,367
Housing Project #1	770	-	-	(16)	754
Housing Project #2	1,179	-	8	125	1,312
Other City Environs Properties	4,692	2,065	544	-	7,301
	<u>4,690</u>				<u>7,299</u>
Total	9,008	2,065	549	109	11,731

Source: University of California, Berkeley, PlaceWorks, 2020.

The numbers of beds and students shown for Housing Project #1 in Table 3-6, Housing Project #1 Proposed Development, on page 3-34 of the Draft EIR, is hereby amended as follows:

Table 3-6 Housing Project #1 Proposed Development

Land Use		Number	Population	Employees	Gross Square Footage
Residential	Beds	770 <u>772</u>	770 <u>772</u> students	-	235,000

The first paragraph on page 3-47 of the Draft EIR is hereby amended as follows:

The proposed Housing Project #1 would involve construction of approximately 245 apartments for students in a combination of studios, two-bedroom apartments, and four-bedroom apartments and with up to ~~770~~ 772 beds. Apartment units would be on floors 4 through 14. All apartments would include private restrooms, kitchens, and laundry appliances. One new resident per bed is assumed; therefore, this project would accommodate up to ~~770~~ 772 students on the site.

The last paragraph on page 3-64, continuing onto page 3-65, of the Draft EIR is hereby amended as follows:

The proposed Housing Project #2 would demolish all existing structures on-site, including the public restroom, basketball courts, and stage. The site would be reconfigured and trees affected by building construction would be removed, but an effort would be made to preserve significant trees in good condition in place, where possible. The project site has the potential to preserve 21 trees, relocate up to 24 trees, and remove a minimum of 30 trees depending on how many are successfully transplanted, if transplanting is a viable option. Trees to be preserved are primarily along the frontage and on the southeastern portion of the project site; however, other trees throughout may also be preserved when possible. Debris hauled off-site would include approximately ~~11,000~~ 10,927 cubic yards of soil, and ~~1,700~~ 1,645 cubic yards of soil would be imported for planting. Typical equipment to be used for demolition, grading, and trenching could include backhoes, excavators, concrete saws, graders, dozers, scrapers, and water trucks.

CHAPTER 5, ENVIRONMENTAL ANALYSIS

The notes for Table 5-1 on page 5-10 of the Draft EIR are hereby amended as follows:

Table 5-1 City and Regional Population and Housing Projections

Jurisdiction	2010	2018 ^a	2020	2030	2037 ^a	2018–2037	
						Difference	Percent Change

Note:

a. Data for 2018 are interpolated from 2015 and 2020 data. Data for 2037 are interpolated from 2035 and 2040 data.

Source: Association of Bay Area Governments, 2019, Projections 2040 by Jurisdiction, https://data.bayareametro.gov/api/views/grqz-amra/files/bf2d7a33-b68e-473d-800f-956d08207b77?download=true&filename=formatd_tables_juris.xlsx, accessed October 21, 2020.

The text regarding Albany Village Grad Student Housing in Table 5-3 on page 5-12 of the Draft EIR is hereby amended as follows:

Table 5-3 Pending UC Berkeley Projects

Campus Zone	Project Name	Description	Construction/Implementation	
			Start	Finish
Outside of EIR Study Area (Albany)	Albany Village Grad Student Housing	Approximately 700 <u>825</u> single bedrooms in apartments for graduate students in 6-story building with 275 <u>240</u> parking spaces	September 2022	August 2024

CHAPTER 5.1, AESTHETICS

Mitigation Measure AES-3 on page 5.1-17 of the Draft EIR is hereby amended as follows:

Mitigation Measure AES-3: In the event that UC Berkeley installs a solar array in the Hill Campus East, or elsewhere in the LRDP Planning Area, prior to the installation of the photovoltaic panels the Campus Architect shall review the panel specifications and construction plans ~~to ensure so that~~ to ensure the panels are designed and installed to ensure the following:

- The angle at which panels are installed precludes, or minimizes to the maximum extent practicable, glare observed by viewers on the ground.
- The reflectivity of materials used shall not be greater than the reflectivity of standard materials used in residential and commercial developments.
- The project would not have potential significant glare or reflectivity impacts to viewers on the ground.

CHAPTER 5.2, AIR QUALITY

Figure 5.2-5, UC Berkeley Off-Campus Sensitive Receptor Locations, on page 5.2-26 of the Draft EIR has been amended to include additional hospital and early childcare education locations and is hereby replaced with the figure on page 3-10.

The first paragraph on page 5.2-27 of the Draft EIR is hereby amended as follows:

The closest sensitive receptor to Housing Project #2 is a multifamily building along the western project site boundary. Other nearby sensitive receptors include the residential uses south of the project site along Dwight Way, and UC Berkeley’s Maximino Martinez Commons building north of the project site along Haste Street. Other sensitive receptors within 1,000 feet of the site are the Berkeley Rose Waldorf School south of the project site along Hillegass Avenue, Dwight Way CDC west of the site at 2427 Dwight Way, and the Cornerstone Children’s Center northwest of the project site at the intersection of Dana Street and Channing Way. (see Figure 5.2-8, Project Site and Off-Site Receptor Locations of Housing Project #2 Construction HRA, shown in impact discussion AIR-3).

Table 5.2-10, Control Measures from the BAAQMD 2017 Clean Air Plan, on page 5.2-42, continuing onto page 5.2-43, of the Draft EIR is hereby amended as follows:

Table 5.2-10 Control Measures from the BAAQMD 2017 Clean Air Plan

Type	LRDP Update Consistency
Stationary Source Control Measures	<p>Stationary and area sources are regulated directly by BAAQMD; therefore, as the implementing agency, new stationary and area sources at UC Berkeley would be required to comply with BAAQMD’s <u>applicable regulations. The control measures for stationary sources include: SS1 (Fluid Catalytic Cracking in Refineries), SS2 (Equipment Leaks), SS3 (Cooling Towers), SS4 (Refinery Flares), SS5 (Sulfur Recovery Units), SS6 (refinery Fuel Gas), SS7 (Sulfuric Acid Plants), SS8 (Sulfur Dioxide from Coke Calcining), SS9 (Enhanced NSR Enforcement for Changes in Crude Slate), SS10 (Petroleum Refining Emissions Tracking), SS11 (Petroleum Refining Facility-Wide Emissions Limits), SS12 (Petroleum Refining Climate Impact Limits), SS13 (Oil and Gas Production, Processing, and Storage), SS14 (Methane from Capped Wells), SS15 (Natural Gas Processing and Distribution), SS16 (Basin-Wide Methane Strategy), SS17 (GHG BACT Threshold), SS18 (Basin-wide Combustion Strategy), SS19 (Portland Cement), SS20 (Air Toxics Risk Cap and Reduction from Existing Facilities), SS21 (New Source Review for Toxics), SS22 (Stationary Gas Turbines), SS23 (Biogas Flares), SS24 (Sulfur Content Limits of Liquid Fuels), SS25 (Coatings, Solvents, Lubricants, Sealants and Adhesives), SS26 (Surface Prep and Cleaning Solvent), SS27 (Digital Printing), SS28 (LPG, Propane, Butane), SS29 (Asphalt Concrete), SS30 (Residential Fan Type Furnaces), SS31 (General PM Emission Limitation), SS32 (Emergency Backup Generators), SS33 (Commercial Cooking Equipment), SS34 (Wood Smoke), SS35 (PM from Bulk Material Storage, Handling, and Transport, Including Coke and Coal), SS 36 (PM from Track Out), SS37 (PM from Asphalt Operations), SS 38 (Fugitive Dust), SS39 (Enhanced Air Quality Monitoring), and SS40 (Odors).</u> BAAQMD routinely adopts/revises rules or regulations to implement the stationary source control measures to reduce stationary source emissions. New stationary sources of emissions on and off campus (e.g., emergency generators, boilers) would require review by BAAQMD for permitted sources of air toxics, which would ensure consistency with the 2017 Clean Air Plan <u>and the applicable stationary source control measures above, including SS3, SS17, SS18, SS20, SS21, SS31, SS32, SS39, and SS40.</u> The 2020 Campus Energy Plan identified several options for replacing and/or upgrading the cogeneration plant at the UC Berkeley campus. Improvements proposed by UC Berkeley for the cogeneration plant would be done in consultation with BAAQMD and would result in a reduction in on-campus stationary source emissions. <u>Additionally, construction activities on campus are required to</u></p>

Table 5.2-10 Control Measures from the BAAQMD 2017 Clean Air Plan

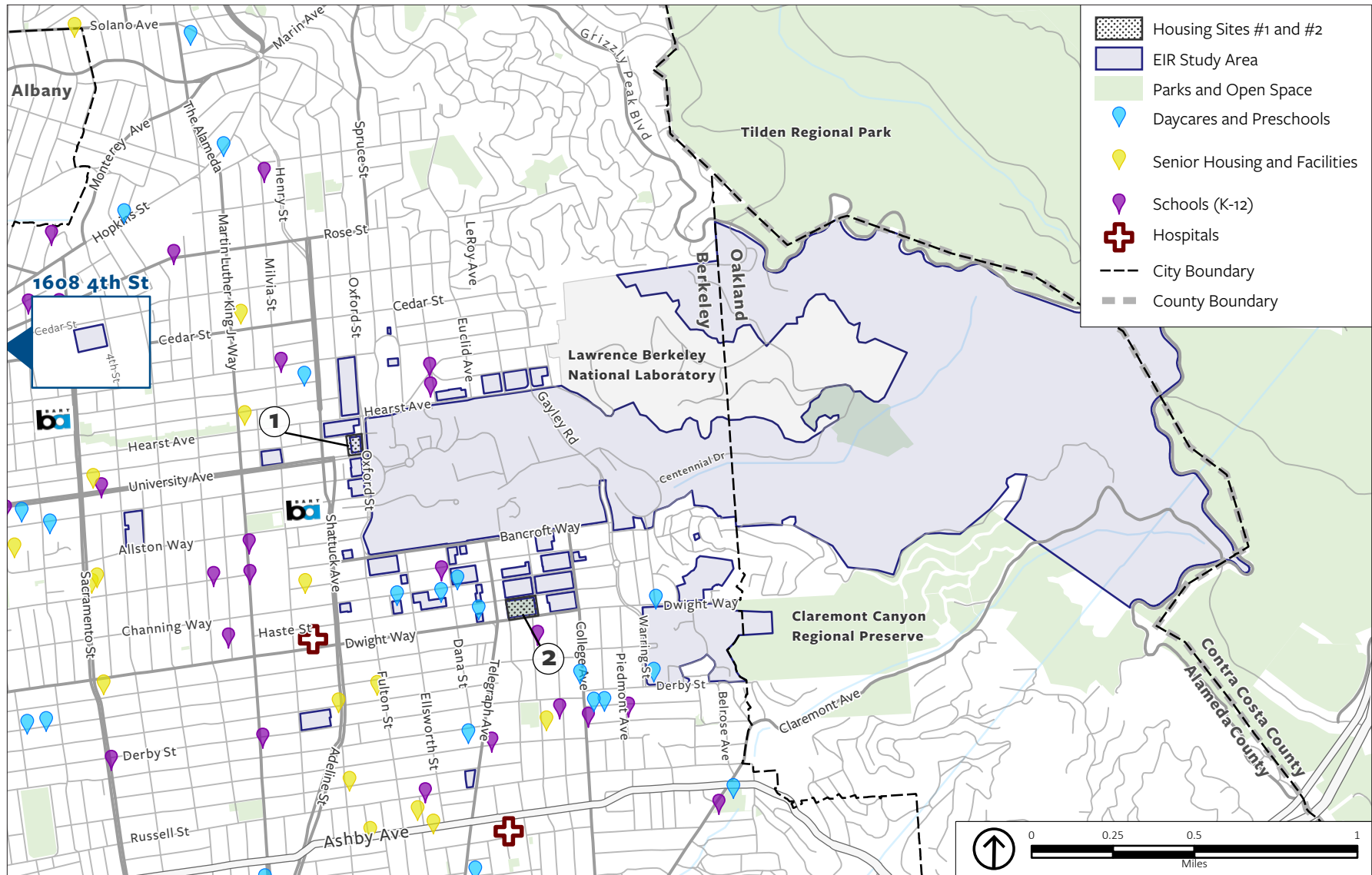
Type	LRDP Update Consistency
	<p><u>comply with the BAAQMD best management practices for fugitive dust control and would ensure consistency with control measures SS36, SS37, and SS38.</u> As a result, the proposed LRDP Update would be consistent with the 2017 Clean Air Plan stationary source control measures. As described in Chapter 3, Project Description, the proposed LRDP Update contains goals to reduce emissions by reducing vehicle usage, promoting sustainable transportation, and prioritizing nonvehicular circulation.</p>
Transportation Control Measures	<p>Transportation control measures are strategies to reduce vehicle trips, vehicle use, VMT, vehicle idling, and traffic congestion for the purpose of reducing motor vehicle emissions. <u>Control measures include TR1 (Clean Air Teleworking), TR2 (Trip Reduction Programs), TR3 (Local and Regional Bus Service), TR4 (Local and Regional Rail Services), TR5 (Transit Efficiency and Use), TR6 (Freeway and Arterial Operations), TR7 (Safe routes to Schools and Transit), TR8 (Ridesharing, Last Mile Connection), TR9 (Bicycle Access and Pedestrian Facilities), TR10 (Land Use Strategies), TR11 (Value Pricing), TR12 (Smart Driving), TR13 (Parking Policies), TR14 (Cars and Light Trucks), TR15 (Public Outreach), TR16 (Indirect Source Review), TR17 (Planes), TR18 (Goods Movement), TR19 (Medium and Heavy Duty Trucks), TR20 (Ocean Going Vessels), TR21 (Commercial Harbor Craft), TR22 (Construction, Freight and Farming Equipment), and TR23 (Lawn Care Equipment).</u> Although most of the transportation measures are implemented at the regional level—that is, by MTC or Caltrans—the 2017 Clean Air Plan relies on local communities to assist with implementation of some measures. The UC Berkeley 2020 Sustainability Plan identifies several transportation measures that would ensure consistency of the proposed LRDP Update with the transportation control measures of the 2017 Clean Air Plan. UCOP has goals and policies regarding UC Berkeley’s fleet and transportation commute. Specifically, the UCOP has a goal to reduce single-occupant-vehicle (SOV) use to no more than 40 percent of employees by 2050.</p>
Energy and Climate Control Measures	<p>The energy and climate control measures are intended to reduce energy use and decarbonize the energy sector as a means of reducing adverse air quality emissions. <u>They include EN1 (Decarbonize Electricity Production) and EN2 (Decrease Electricity Demand).</u> The UC Berkeley 2020 Sustainability Plan and UCOP have specific goals with regard to use of carbon neutral energy sources, including procuring 100 percent clean electricity for eligible accounts by 2020. Therefore, implementation of the proposed LRDP Update would not conflict with energy and climate control measures.</p>
Buildings Control Measures	<p>The buildings control measures focus on working with local governments to facilitate adoption of best GHG emissions control practices and policies. <u>They include BL1 (Green Buildings), BL2 (Decarbonize Buildings), BL3 (Market-Based solutions), and BL4 (Urban Heat Island Mitigation).</u> The UC Berkeley 2020 Sustainability Plan identifies several measures to reduce energy use from the built and natural environment <u>that are consistent with control measures BL1 through BL4.</u> New buildings at the UC Berkeley campus are designed to achieve LEED Gold ratings. Under the UCOP sustainability goals and policies, new buildings and major modifications are also designed to achieve building energy targets and/or outperform the California Building Energy Title 24 energy-efficiency standards by at least 20 percent. Therefore, implementation of the proposed LRDP Update would not conflict with energy and climate control measures.</p>
Agriculture Control Measures	<p>Agricultural practices account for a small portion, roughly 1.5 percent, of the Bay Area GHG emissions inventory. The GHGs from agriculture include methane and nitrous oxide, in addition to carbon dioxide. The agriculture control measures target larger scale farming practices that are not proposed under the project. <u>Therefore, the following individual control measures are not directly applicable to the proposed project: AG1 (Agricultural Guidance and Leadership), AG2 (Dairy Digesters), AG3 (Enteric Fermentation, and AG4 (Livestock Waste).</u> The proposed LRDP Update does not have large-scale farming at the UC Berkeley campus that would fall under the BAAQMD agricultural control measures. Therefore, implementation of the proposed LRDP Update would not conflict with these agricultural control measures.</p>

3. REVISIONS TO THE DRAFT EIR

Table 5.2-10 Control Measures from the BAAQMD 2017 Clean Air Plan

Type	LRDP Update Consistency
Natural and Working Lands Control Measures	<p>The control measures for the natural and working lands sector focus on increasing carbon sequestration on rangelands and wetlands. <u>They include NW1 (Carbon Sequestration in Rangelands), NW2 (Urban Tree Planting), and NW3 (Carbon Sequestration in Wetlands).</u> An estimate of carbon sequestration benefits at UC Berkeley have been included in Chapter 5.7, Greenhouse Gas Emissions. Campus growth associated with the proposed LRDP Update would occur primarily in the City Environs Properties, the Campus Park, and the Clark Kerr Campus, and growth would be limited in open space areas of the Hill Campus East. Because the proposed LRDP Update focuses on infill development and not greenfield development, it would not conflict with the natural and working lands control measures of the 2017 Clean Air Plan.</p>
Waste Management Control Measures	<p>The waste management control measures include strategies to increase waste diversion rates through efforts to reduce, reuse, and recycle. <u>Control Measures include WA1 (Landfills), WA2 (Composting and Anaerobic Digesters), WA3 (Green Waste Diversion), and WA4 (Recycling and Waste Reduction).</u> The UC Berkeley 2020 Sustainability Plan includes sustainable services waste reduction measures, including UC Berkeley goals to replace single use plastic food ware with locally compostable and reusable food ware at dine-in facilities on the UC Berkeley campus. The UCOP 2019 Sustainability Policies include zero waste reduction goals to reduce 50 percent of per capita solid waste levels by 2030 and waste-diversion goal of 90 percent for the UC campuses. Implementation of the ongoing UC Berkeley policies to reduce waste would ensure that implementation of the proposed project would not conflict with these waste management control measures.</p>
Water Control Measures	<p>The 2017 Clean Air Plan includes measures to reduce water use, <u>including WR1 (Limit GHGs from POTWs) and WR2 (Support Water Conservation).</u> The UC Berkeley 2020 Sustainability Plan includes built and natural environment goals and policies targeting water reductions. The UCOP 2019 Sustainability Policies include targets of a 36 percent reduction in potable water use by 2025 for the UC system. Implementation of the ongoing UC Berkeley policies to achieve the potable water consumption reduction targets would ensure that implementation of the proposed project would not conflict with these water control measures.</p>
Super-GHG Control Measures	<p>Super-GHGs include methane, black carbon, and fluorinated gases. The compounds are sometimes referred to as short-lived climate pollutants because their lifetimes in the atmosphere are generally shorter than most GHGs. Measures to reduce super-GHGs are addressed on a sector-by-sector basis in the 2017 Clean Air Plan. <u>These control measures include SL1 (Super-GHGs), SL2 (Guidance for Local Planners), and SL3 (GHG Monitoring and Emissions Measurement Network).</u> UC Berkeley monitors refrigerant use on campus and includes it as part of its annual inventory reporting.</p>
Further Study Control Measures	<p>The majority of the further study control measures apply to sources regulated directly by BAAQMD. Because BAAQMD is the implementing agency, new and existing sources of stationary and area sources at UC Berkeley would be required to comply with these additional further study control measures in the 2017 Clean Air Plan.</p>

Source: Bay Area Air Quality Management District, 2017 Revised, *California Environmental Quality Act Air Quality Guidelines*.



Source: Alameda County, 2019; GooglePlaces API, 2020; ESRI, 2020; PlaceWorks, 2021; Sasaki and Page, 2019.

Figure 5.2-5

Note: All residential areas are also considered to be sensitive land uses.

UC Berkeley Off-Campus Sensitive Receptor Locations

Mitigation Measure AIR-2.1 on page 5.2-48, continuing onto page 5.2-49, of the Draft EIR is hereby amended as follows:

Mitigation Measure AIR-2.1: UC Berkeley shall use equipment that meets the United States Environmental Protection Agency Tier 4 Final emissions standards or higher for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to UC Berkeley that such equipment is not commercially available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the city occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction and (ii) geographic proximity to the project site of Tier 4 Final equipment. Where such equipment is not commercially available, as demonstrated by the construction contractor, Tier 4 interim equipment shall be used. Where Tier 4 interim equipment is not commercially available, as demonstrated by the contractor, Tier 3 equipment retrofitted with a California Air Resources Board’s Level 3 Verified Diesel Emissions Control Strategy (VDECS) shall be used. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Tier 4 interim emissions standard for a similarly sized engine, as defined by the California Air Resources Board’s regulations. The requirement to use Tier 4 interim Final equipment or higher for engines over 50 horsepower shall be identified in construction bids: and the following shall also be completed:

- Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for United States Environmental Protection Agency Tier 4 interim Final or higher emissions standards for construction equipment over 50 horsepower.
- During construction, the construction contractor shall maintain a list of all operating equipment in use over 20 hours on the construction site for verification by UC Berkeley.
- The construction equipment list shall state the makes, models, and numbers of construction equipment on-site.
- To the extent that equipment is available and cost-effective, contractors shall use electric, hybrid, or alternate-fueled off-road construction equipment.
- Contractors shall use electric construction tools, such as saws, drills, and compressors, where grid electricity is available.
- Construction activities shall be prohibited when the Air Quality Index (AQI), as measured by the closest Bay Area Air Quality Management District monitoring station (e.g., Berkeley Aquatic Center), is greater than 150 for particulates and ozone in the project area.
- Contractors shall provide information on transit and ridesharing programs and services to construction employees. Additionally, meal options on-site and/or shuttles between the facility and nearby meal destinations for construction employees shall be provided.

Mitigation Measure AIR-3 on page 5.2-60, continuing onto page 5.2-61, of the Draft EIR is hereby amended as follows:

Mitigation Measure AIR-3.1: Construction of projects subject to CEQA on sites one acre or greater, within 1,000 feet of residential and other sensitive land use projects (e.g., hospitals, schools, nursing homes, day care centers), as measured from the property line of the project to the property line of the source/edge of the sensitive land use, that utilize off-road equipment of 50 horsepower or more and, that occur for more than 12 months of active construction (i.e., exclusive of interior renovations), shall require preparation of a construction health risk assessment (HRA) prior to future discretionary project approval, as recommended in the current HRA Guidance ~~Manual~~ Manual prepared by the California Office of Environmental Health Hazard Assessment (OEHHA). Additionally, UC Berkeley shall consider whether unusual circumstances warrant evaluation of construction health risks for projects with construction durations of less than 12 months or on development sites smaller than one acre. For example, unusual circumstances would include sites that require extensive site preparation with more than 10,000 cubic yards of excavation. The construction HRA shall generally be prepared in accordance with policies and procedures of the OEHHA and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the construction HRA shows that the incremental cancer risk exceeds 10 in a million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the construction HRA shall be required to identify all feasible measures capable of reducing potential cancer and noncancer risks to an acceptable level to the extent feasible (i.e., below 10 in a million, ~~or a hazard index of 1.0, or 0.3 µg/m³ of PM_{2.5}~~), including appropriate enforcement mechanisms. Examples of feasible measures include use of U.S. Environmental Protection Agency rated Tier 4 construction equipment, diesel particulate filters, and electric equipment.

The construction health risk assessment shall be submitted to UC Berkeley's Office of Environment, Health & Safety for review and approval. Measures identified in the health risk assessment shall be included in bid documents, purchase orders, contracts, and grading plans prepared for the development projects. Compliance with these measures shall be verified during regular construction site inspections.

3. REVISIONS TO THE DRAFT EIR

Table 5.2-18, LRDP Update Operational Health Risk Assessment Results, on page 5.2-63 of the Draft EIR are hereby amended as follows:

Table 5.2-18 LRDP Update Operational Health Risk Assessment Results

Receptor	Project Level Risk		
	Cancer Risk (per million)	Chronic Hazards	Acute Hazards
Point of Maximum Impact (PMI)	24.6	0.064	0.20
Maximum Exposed Individual Resident (MEIR)	7.3 7.4	0.018 0.016	0.084 0.090
Maximum Exposed Individual Worker (MEIW)	0.7	0.052	0.12
Maximum Exposed Sensitive Receptor (Montessori Family School)	0.9	0.011 0.009	0.072 0.074
BAAQMD Threshold for Individual Sources	10	1.0	1.0
Exceeds Threshold?	No	No	No

Note: Cancer risk calculated using 2015 OEHHA Guidance Manual.

PMI and MEIR cancer risks are calculated for the 30-yr residential scenario. MEIW cancer risk calculated for 25-yr worker scenario. Maximum exposed sensitive receptor cancer risk calculated for 12-year student scenario (ages 3 to 14).

Source: HARP2, Air Dispersion Model and Risk Tool.

The paragraph before Table 5.2-20 on page 5.2-67 of the Draft EIR is hereby amended as follows. This impact was discussed as significant in the Draft EIR but was not properly formatted. The revision below corrects the formatting error and does not constitute significant new information as defined in CEQA Guidelines Section 15088.5; therefore, the Draft EIR does not need to be recirculated.

As shown in Table 5.2-19, prior to implementation of Mitigation Measure AIR-2.1, cancer risk impacts at the MEIR could be *significant* [emphasis added] because the cancer risk of 20.2 in a million at the MEIR would exceed the BAAQMD 10 in a million significance threshold.

Impact: Same as Impact AIR-3.

Mitigation Measure 3.2: Implement Mitigation Measure AIR-2.1.

Significance with Mitigation: Less than significant. Implementation However, implementation of Mitigation Measure AIR-2.1, which requires Tier 4 equipment for engines 50 horsepower and higher, would reduce cancer risk impacts to the MEIR from 20.2 in a million to 1.1 in a million. Thus, cancer risk at the MEIR would be reduced to below the BAAQMD cancer risk threshold of 10 in a million. The health risk values with implementation Mitigation Measure AIR-2.1 are summarized in Table 5.2-20, Housing Project #1 Construction Health Risk Assessment Results: with Mitigation. Therefore, cancer risk impacts from project-related construction activities would be reduced to less-than-significant levels.

The statement of significance without mitigation after Table 5.2-20 on page 5.2-67 of the Draft EIR is hereby amended as follows:

~~Significance without Mitigation: Less than significant.~~

Table 5.2-21, Housing Project #2 Construction Health Risk Assessment Results: without Mitigation, on page 5.2-69 of the Draft EIR is hereby amended as follows:

Table 5.2-21 Housing Project #2 Construction Health Risk Assessment Results: without Mitigation

Receptor	Cancer Risk (per million)	Chronic Hazards	Construction Exhaust PM _{2.5} (µg/m ³)
Maximum Exposed Individual Resident (MEIR)	12.3	0.03	0.11
Maximum Exposed Sensitive Receptor – Cornerstone Children’s Center (Day Care Student)	0.36	0.01	0.003
Maximum Exposed Sensitive Receptor – Berkeley Rose Waldorf School (Student)	1.4	0.3	0.12
<u>Maximum Exposed Sensitive Receptor – Dwight Way Child Development Center (Day Care Student)</u>	<u>0.72</u>	<u>0.002</u>	<u>0.006</u>
BAAQMD Threshold	10	1.0	0.30
Exceeds Threshold?	Yes	No	No

Notes: micrograms per cubic meter = µg/m³; PM_{2.5} – fine particulate matter. Modeling does not include Mitigation Measure AIR-2.1, which requires use of Tier 4 equipment for engines 50 horsepower and higher. Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual.
Source: PlaceWorks, 2020.

The first paragraph and bulleted list on page 5.2-71 of the Draft EIR is hereby amended as follows:

The health risk results from Housing Project #2 construction activities are summarized as follows:

- Cancer risk for the maximum exposed individual resident (MEIR), a multifamily development immediately south of the site along Dwight Way, from unmitigated construction activities related to the proposed project were calculated to be 12.3 in a million, which exceeds the 10 in a million significance threshold. Using the latest 2015 OEHHA Guidance Manual, the calculated total cancer risk conservatively assumes that the risk for the MER consists of a pregnant woman in the third trimester who gives birth during the approximately 18-month construction period; therefore, all calculated risk values were multiplied by a factor of 10. In addition, it was conservatively assumed that the residents were outdoors eight hours a day, 260 construction days per year and were exposed to all of the daily construction emissions.
- The cancer risks for the maximum exposed sensitive receptors at the Dwight Way CDC, Cornerstone Children’s Center and the Berkeley Rose Waldorf School were 0.7, 0.36 and 1.4 in a million, respectively, and would not exceed the 10 in a million significance threshold.
- For noncarcinogenic effects, the chronic hazard index identified for each toxicological endpoint totaled less than one for all the off-site sensitive receptors. Therefore, chronic noncarcinogenic hazards are less than significant.
- For the MEIR, the maximum annual PM_{2.5} concentration of 0.11 µg/m³ does not exceed the BAAQMD significance threshold of 0.3 µg/m³.
- For the maximum exposed sensitive receptors at the Dwight Way CDC, Cornerstone Children’s Center and the Berkeley Rose Waldorf School, the maximum annual PM_{2.5} concentrations of 0.006, 0.003

$\mu\text{g}/\text{m}^3$ and $0.12 \mu\text{g}/\text{m}^3$, respectively, do not exceed the threshold of $0.3 \mu\text{g}/\text{m}^3$. Therefore, impacts from $\text{PM}_{2.5}$ concentrations are less than significant.

The paragraph before Table 5.2-22 on page 5.2-71 of the Draft EIR is hereby amended as follows. This impact was discussed as significant in the Draft EIR but was not properly formatted. The revision below corrects the formatting error and does not constitute significant new information as defined in CEQA Guidelines Section 15088.5; therefore, the Draft EIR does not need to be recirculated.

As shown in Table 5.2-21, prior to implementation of Mitigation Measure AIR-2.1, cancer risk impacts at the MEIR could be *significant* [emphasis added] because the cancer risk of 12.3 in a million at the MEIR would exceed the BAAQMD 10 in a million significance threshold.

Impact: Same as Impact AIR-3.

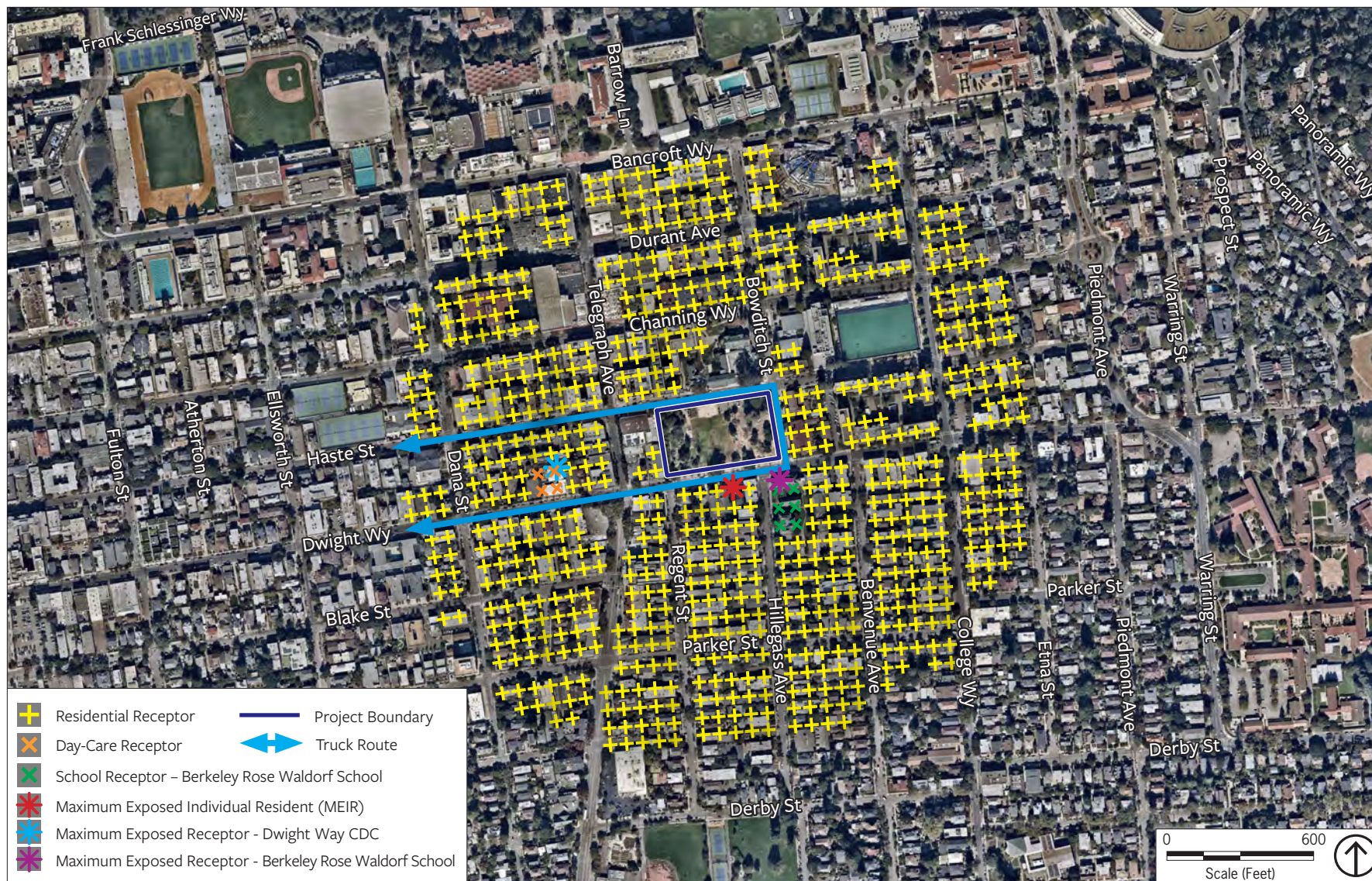
Mitigation Measure 3.3: Implement Mitigation Measure AIR-2.1.

Significance with Mitigation: Less than significant. Implementation However, implementation of Mitigation Measure AIR-2.1 requires Tier 4 equipment for engines 50 horsepower and higher, would reduce cancer risk impacts to the MEIR from 12.3 in a million to 5.2 in a million. Thus, cancer risk at the MEIR would be reduced to below the BAAQMD cancer risk threshold of 10 in a million. The health risk values with implementation of Mitigation Measure AIR-2.1 are summarized in Table 5.2-22, Housing Project #2 Construction Health Risk Assessment Results: with Mitigation. Therefore, cancer risk impacts from project-related construction activities would be reduced to *less-than-significant* levels.

The statement of significance without mitigation after Table 5.2-22 on page 5.2-71 of the Draft EIR is hereby amended as follows:

~~Significance without Mitigation: Less than significant.~~

Figure 5.2-8, Project Site and Off-Site Receptor Locations for Housing Project #2, on page 5.2-70 of the Draft EIR has been amended to include the Dwight Way Child Development Center (CDC) and is hereby replaced with the figure on the following page.



Source: Nearmap, 2020. PlaceWorks, 2021.

Figure 5.2-8
Project Site and Off-Site Receptor Locations of Housing Project #2 Construction HRA

The paragraphs under the heading “Toxic Air Contaminants” on page 5.2-75 of the Draft EIR are hereby amended as follows:

Additional major sources of TACs in the vicinity of UC Berkeley include emissions from Lawrence Berkeley National Laboratory and mobile sources such as freeways (I-80, I-580, SR-24), railroads, and major high-volume roadways (> 310,000 average daily trips). Additionally, stationary sources within 1,000 feet of the EIR Study Area were identified. BAAQMD provides screening tools to assess cancer risks (370-year residential exposure) and fine particulate matter (PM_{2.5}) concentrations within the air basin.⁶¹

The cumulative health risk values were determined by adding the health risk values from the proposed LRDP Update to the screening-level health risk values for several additional major emission sources (see Table 5.2-24, Cumulative Operational Health Risk Assessment Results). Included in this table is construction risk from two large, concurrent projects at UC Berkeley. As identified previously, health risk associated with construction activities is driven by DPM, and the effect of DPM is largely a factor of how close construction activities are to sensitive receptors, how many large off-road diesel construction equipment are needed, and the duration of construction activities. While future site-specific circumstances are not known for this program-level evaluation, Table 5.2-24 reflects the maximum potential construction health risk from cumulative activities at a single receptor at any one time. This is because construction of individual projects associated with the LRDP Update would take one to two years on average, and the results in Table 5.2-24 are based on the MEIR, which would not be the same receptor since construction activities would be located throughout the EIR Study Area. As a result, this provides a conservative estimate from construction activities associated with the LRDP Update.

Table 5.2-24, Cumulative Operational Health Risk Assessment Results, on page 5.2-76 of the Draft EIR is hereby amended as follows:

Table 5.2-24 Cumulative Operational Health Risk Assessment Results

Source	Cancer Risk (per million)	Chronic Hazards	Acute Hazards	PM _{2.5} (µg/m ³)
LRDP Update ^a	7.3 <u>7.4</u>	0.018 <u>0.016</u>	0.084 <u>0.090</u>	n/a
Construction: Housing Project ^a	1.1	0.004	n/a	0.007
Construction: Housing Project ^{b a}	5.2	0.010	n/a	0.04
<u>Pacific Bell</u> ^b	<u>0.9</u>	<u>0.001</u>	<u>0.001</u>	<u>n/a</u>
<u>Hustead's Collision Center</u> ^b	<u>0.0</u>	<u>0.001</u>	<u>0.001</u>	<u>n/a</u>
<u>Pacifica Foundation/KPFA</u> ^b	<u>0.02</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>Peralta Community College District</u> ^b	<u>0.04</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>Berkeley Central</u> ^b	<u>0.05</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>City of Berkeley Public Safety Building</u> ^b	<u>0.48</u>	<u>0.001</u>	<u>n/a</u>	<u>0.001</u>
<u>City of Berkeley Fire Station #2</u> ^b	<u>0.19</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>City of Berkeley Civic Center</u> ^b	<u>0.26</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>Berkeley Touchless Carwash</u> ^b	<u>0.14</u>	<u>0.001</u>	<u>0.001</u>	<u>n/a</u>

Table 5.2-24 Cumulative Operational Health Risk Assessment Results

Source	Cancer Risk (per million)	Chronic Hazards	Acute Hazards	PM _{2.5} (µg/m ³)
<u>Campus Mini-Mart</u> ^b	<u>0.11</u>	<u><0.001</u>	<u><0.001</u>	<u>n/a</u>
<u>Number One Gas</u> ^b	<u>0.09</u>	<u><0.001</u>	<u><0.001</u>	<u>n/a</u>
<u>University Valero</u> ^b	<u>0.07</u>	<u><0.001</u>	<u><0.001</u>	<u>n/a</u>
<u>City of Berkeley Public Library</u> ^b	<u>0.06</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>Stonefire Apartments</u> ^b	<u>0.39</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>ACC OP (Bancroft Way) LP</u> ^b	<u>0.06</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>Hearst Avenue, west of Arch Street</u> ^c	<u>16.0</u>	<u>0.030</u>	<u>0.030</u>	<u>0.23</u>
<u>Oxford Street, north of Berkeley Way</u> ^c	<u>4.88</u>	<u>0.030</u>	<u>0.030</u>	<u>0.07</u>
<u>Shattuck Avenue, south of Hearst Avenue</u> ^c	<u>1.65</u>	<u>0.030</u>	<u>0.030</u>	<u>0.02</u>
Lawrence Berkeley National Laboratory ^{b,d}	8.0	0.1	0.1	n/a
Freeways ^{e,g}	3.7	<1.0	<1.0	0.09
Railroads ^{e,g}	1.3	<1.0	<1.0	0.002
Major Surface Streets ^e	46.5	<1.0	<1.0	0.17
<i>Total – All Sources</i>	73.7	0.13	0.18	0.37
	<u>52.1</u>	<u>0.23</u>	<u>0.28</u>	<u>0.47</u>
BAAQMD Threshold	100	10.0	10.0	0.80
Exceeds Threshold?	No	No	No	No

Notes: micrograms per cubic meter = µg/m³; PM_{2.5} – fine particulate matter; Cancer risk calculated residential receptors using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual.

Sources:

a. HARP2, Air Dispersion Model and Risk Tool.

b. BAAQMD Permitted Stationary Sources Risk and Hazards Webtool (2018), with distance multipliers from BAAQMD’s Health Risk Calculator, Beta 4, revised 4/3/2020 at <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>.

c. BAAQMD Roadway Screening Calculator (2015). On April 27, 2021, BAAQMD staff communicated the 2015 roadway screening calculator may continue to be used for roadways 10,000 average daily trips and higher with incorporation of a 1.3744 breathing-rate adjustment factor, per the 2015 OEHA HRA Guidance.

d. Lawrence Berkeley National Laboratory, EIR for 2006 LRDP, Section IV.B. Air Quality. Dated January 22, 2007. Prepared by ESA.

e.g. BAAQMD, Cancer Risk/PM_{2.5} Screening-Level Raster Files for Highway and Railroad and Major Streets (2020).

CHAPTER 5.3, BIOLOGICAL RESOURCES

The last full paragraph, under the heading “UC Berkeley Continuing Best Practices,” on page 5.3-7 of the Draft EIR is hereby amended as follows:

UC Berkeley applies CBPs relevant to biological resources as part of the project approval process. As part of the proposed ~~LRDP~~ LRDP Update, some existing CBPs would be updated to carry forward through implementation of the proposed LRDP Update. A comprehensive list of CBP updates is provided in Appendix B, UC Berkeley 2021 LRDP Continuing Best Practices, of this Draft EIR. Applicable CBPs are

identified and assessed for their potential to result in an adverse physical impact later in this chapter under Section 5.5.3, Impact Discussion.

CBP BIO-1 on page 5.3-25 of the Draft EIR is hereby amended as follows:

- **CBP BIO-1 (Updated):** Avoid disturbance or removal of bird nests protected under the federal Migratory Bird Treaty Act and California Department of Fish and Game Code when in active use. This will be accomplished by taking the following steps.
 - If tree removal and initial construction is proposed during the nesting season (February 1 to August 31), a focused survey for nesting raptors and other migratory birds will be conducted by a qualified biologist within 14 days prior to the onset of tree and vegetation removal in order to identify any active nests on the site and surrounding area within up to 500 feet of proposed construction, with the distance to be determined by a qualified biologist based on project location. The site will be resurveyed to confirm that no new nests have been established if vegetation removal and demolition has not been completed or if construction has been delayed or ~~curtailed~~ stopped for more than seven consecutive days during the nesting season.
 - If no active nests are identified during the construction survey period, or development is initiated during the non-breeding season (September 1 to January 31), tree and vegetation removal and building construction may proceed with no restrictions.
 - If bird nests are found, an adequate setback will be established around the nest location and vegetation removal, building demolition, and other construction activities shall be restricted within this no-disturbance zone until the qualified biologist has confirmed that birds have either not begun egg-laying and incubation, or that the juveniles from those nests are foraging independently and capable of survival outside the nest location. Required setback distances for the no-disturbance zone will be based on input received from the California Department of Fish and Wildlife and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone will be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the site.
 - A report of findings will be prepared by the qualified biologist and submitted to the UC Berkeley's Office of Physical & Environmental Planning for review and approval prior to initiation of vegetation removal, building demolition and other construction activities during the nesting season. The report will either confirm absence of any active nests or confirm that any young are located within a designated no-disturbance zone and construction can proceed. No report of findings is required if vegetation removal and other construction activities ~~is~~ are initiated during the non-nesting season and continues uninterrupted according to the above criteria.

Mitigation Measure BIO-4 on page 5.3-33 of the Draft EIR is hereby amended as follows:

Mitigation Measure BIO-4: Structures and buildings that are new or are taller than existing structures and buildings shall be designed to minimize the potential risk of bird collisions. This should at a minimum include the following design considerations and management strategies: (1) avoid the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds; (2) limit reflectivity and prevent exterior glass from attracting birds in building plans by utilizing low-reflectivity glass and providing other non-attractive surface treatments; (3) use

low-reflectivity glass or other bird safe glazing treatments for the majority of the building’s glass surface, not just the lower levels; (4) for office and commercial buildings, interior light “pollution” should be reduced during evening hours through the use of a lighting control system programmed to shut off during non-work hours and between 10 p.m. and sunrise; (5) exterior lighting should be directed downward and screened to minimize illuminating the exterior of the building at night, except as needed for safety and security; (6) untreated glass skyways or walkways, freestanding glass walls, and transparent building corners should be avoided; (7) transparent glass should not be allowed at the rooflines of buildings, including in conjunction with green roofs; and (8) all roof mechanical equipment should preferably be covered by low-profile angled roofing or other treatments so that obstacles to bird flight are minimized. These strategies shall be incorporated at the direction of the Campus Architect during plan review, and the Campus Architect shall confirm the incorporation of these strategies into architectural plans prior to building construction. The Campus Architect shall incorporate additional strategies to avoid or reduce avian collisions that are indicated by the best available science.

CHAPTER 5.4, CULTURAL RESOURCES

Table 5.4-5, Pre-World War II Evaluated Resources, on page 5.4-20 of the Draft EIR is hereby amended as follows:

Table 5.4-5 Pre-World War II Evaluated Resources

Resource Name	LRDP Zone	Year Built	Architect	Historic Status
Bernard Moses Hall	Campus Park	1931	George W. Kelham	Likely Eligible
Robert Gordon Sproul Hall	Campus Park	1941	Arthur Brown Jr.	Likely Eligible
Frederick G. Hesse Hall	Campus Park	1924	John Galen Howard	Potentially Eligible Not Eligible
2334 Bowditch Street	City Environs Properties	1920	Unknown	Not Eligible
Architects & Engineers Building	Campus Park	1929	W. P. Stephenson	Not Eligible
Central Heating Plant	Campus Park	1930	George W. Kelham	Not Eligible
Dwinelle Hall Annex	Campus Park	1920	John Galen Howard	Not Eligible

Sources: Architectural Resources Group, November 2020. Historical Resources Technical Report, Long Range Development Plan Update, University of California, Berkeley; Page & Turnbull, 2020, University of California, Berkeley, Historic Resource Evaluations for: Architects and Engineers Building, Central Heating Plant, Dwinelle Hall Annex.

Table 5.4-10, Potentially Eligible Resources Identified as Potential Redevelopment or Renovation Projects, on page 5.4-33 of the Draft EIR is hereby amended as follows:

Table 5.4-10 Potentially Eligible Resources Identified as Potential Redevelopment or Renovation Projects

Site ID ^a	Name	Project Type	Historic Status
CP7	Bechtel Addition ^b	Redevelopment	Likely eligible
CP12	Davis Hall	Redevelopment	Likely eligible
CP20	Hesse/O'Brien Halls	Redevelopment	Hesse: Potentially eligible O'Brien: Not eligible
CP22	Anthropology and Art Practice	Redevelopment	Potentially eligible
CP23	Lewis Hall ^b	Redevelopment	Likely eligible
CP26	Morgan Hall	Redevelopment	Potentially eligible
CP32	Barker Hall	Redevelopment	Potentially eligible
CE4	2111 Bancroft Way	Redevelopment	Potentially eligible
CE8	Channing/Bowditch	Redevelopment	2334 Bowditch: Not eligible 2515 Channing Way: City of Berkeley Structure of Merit Other addresses: Not evaluated
CP-1	Sproul Hall	Renovation	Likely eligible
CE-a	Etcheverry Hall	Renovation	Likely eligible
HW-a	Haas Clubhouse	Renovation	Likely eligible

Notes.

a. Site IDs are shown on Figure 3-3, Potential Areas of New Development and Redevelopment, and Figure 3-4, Potential Areas of Renovation, in Chapter 3, Project Description, of this Draft EIR.

b. These potential areas of redevelopment could also include additions and/or renovations.

Source: Architectural Resources Group, November 2020. Historical Resources Technical Report, Long Range Development Plan Update, University of California, Berkeley

Mitigation Measure CUL-1.1a on page 5.4-35 of the Draft EIR is hereby amended as follows:

Mitigation Measure CUL-1.1a: If a project could cause a substantial adverse change in features that convey the significance of a historical resource that is designated or has been found eligible or potentially eligible for designation, or has not been evaluated but is more than 45 years of age, UC Berkeley shall engage the services of a professional meeting the Secretary of the Interior’s Professional Qualification Standards in Architectural History to complete a historic resource assessment, overseen by the UC Berkeley Office of Physical & Environmental Planning Office. The assessment shall provide background information on the history and development of the resource and, in particular, shall evaluate whether the resource appears to be eligible for National Register, California Register, or local landmark listing. The assessment shall also evaluate whether the proposed treatment of the historical resource is in conformance with the Secretary of the Interior’s Standards for Rehabilitation (the Standards). If the proposed project is found to not be in conformance with the Standards, this assessment shall include recommendations for how to modify the project design so as to bring it into conformance. The Campus Architect shall verify compliance with this measure prior to the initiation of any site or building demolition or construction activities.

Mitigation Measure CUL-1.1b on page 5.4-35, continuing onto page 5.4-36, of the Draft EIR is hereby amended as follows:

Mitigation Measure CUL-1.1b: For projects that would cause a substantial adverse change in features that convey the significance of a historical resource that is designated or has been found eligible for designation, UC Berkeley shall have Historic American Building Survey Level II documentation completed for the historical resource and its setting. ~~To ensure public access,~~ UC Berkeley shall submit digital copies of the documentation to an appropriate historical repository, including UC Berkeley's Bancroft Library, and UC Berkeley Environmental Design Archives, Berkeley Architectural Heritage Association, the Berkeley Historical Society, and or the California Historical Resources Information System Northwest Information Center. This documentation shall include, ~~photographs, and/or a historical narrative~~ a historical narrative, photographs, and/or drawings:

- ~~Drawings:~~ Existing historic drawings of the historical resource, if available, will be photographed with large-format negatives or photographically reproduced on Mylar. In the absence of existing drawings, full-measured drawings of the building's plan and exterior elevations shall be prepared prior to demolition.
- ~~Photographs:~~ Photo documentation of the historical resource will be prepared to Historic American Building Survey standards for archival photography, prior to demolition. Historic American Building Survey standards require large-format black and white photography, with the original negatives having a minimum size of four inches by five inches. Digital photography, roll film, film packs, and electronic manipulation of images are not acceptable. All film prints, a minimum of four inches by five inches, must be hand-processed according to the manufacturer's specifications and printed on fiber base, single-weight paper and dried to a full gloss finish. A minimum of 12 photographs shall be taken, detailing the site, building exterior, building interior, and character-defining features. Photographs must be identified and labeled using Historic American Building Survey standards.
- **Historical Overview:** A professional meeting the Secretary of the Interior's Professional Qualification Standards in Architectural History or History shall assemble historical background information relevant to the historical resource.
- Photographs: Photo-documentation of the historical resource will be prepared to Historic American Building Survey standards for archival photography, prior to demolition. Historic American Building Survey standards require large-format black-and-white photography, with the original negatives having a minimum size of four inches by five inches. Digital photography, roll film, film packs, and electronic manipulation of images are not acceptable. All film prints, a minimum of four inches by five inches, must be hand processed according to the manufacturer's specifications and printed on fiber-base, single-weight paper and dried to a full gloss finish. A minimum of 12 photographs shall be taken, detailing the site, building exterior, building interior, and character-defining features. Photographs must be identified and labeled using Historic American Building Survey standards.
- Drawings: Existing historic drawings of the historical resource, if available, will be digitally scanned or photographed with large-format negatives. In the absence of existing drawings, full-measured drawings of the building's plan and exterior elevations shall be prepared prior to demolition.

The Campus Architect shall verify compliance with this mitigation measure prior to the initiation of any site or building demolition or construction activities.

Mitigation Measure CUL-1.1d on page 5.4-36 of the Draft EIR is hereby amended as follows:

Mitigation Measure CUL-1.1d: For projects that would result in demolition of historic resources, prior to demolition the UC Berkeley Campus Architect shall determine which resources merit on-site interpretation, with consideration of available historic resource assessments and other relevant materials. For historic resources that will be demolished that the UC Berkeley Campus Architect has determined to be culturally significant, UC Berkeley shall incorporate an exhibit or display of the resource and a description of its historical significance into a publicly accessible portion of any subsequent development on the site. The display shall be developed with the assistance of the Campus Architect and one or more professionals experienced in creating such historical exhibits or displays.

The last paragraph on page 5.4-37, continuing onto page 5.4-38, of the Draft EIR is hereby amended as follows:

Significance with Mitigation: Significant and unavoidable. Mitigation Measure CUL-1.1a is not required because an historical resources technical report was prepared for Housing Project #1 as part of this Draft EIR. Housing Project #1 would be required to comply with Mitigation Measure CUL-1.1b, which requires the preparation and submittal of Historic American Building Survey Level II documentation, and Mitigation Measure CUL-1.1d, which requires on-site interpretation by installing an exhibit or display of University Garage and a description of its historical significance in a publicly accessible portion of the project site. Though the 2018 joint historical assessment completed by Knapp Architects for the University Garage identified the building's character-defining features—including its clay tile roofs, Moorish arched openings, brick construction, and skylights²⁵—it was determined that due to the type and quality of the building materials, it would not be feasible to salvage them. Accordingly, since it is not feasible to salvage these materials, compliance with Mitigation Measure ~~CUL-1.1d~~ CUL-1.1c requiring the salvaging of character defining materials when feasible is not required. Though these mitigation measures would reduce impacts from the demolition of the University Garage, the proposed Housing Project #1 would still result in permanent removal of the University Garage, and therefore impacts would remain *significant and unavoidable*.

The first full paragraph on page 5.4-38 of the Draft EIR is hereby amended as follows:

Construction activities can cause substantial adverse change in the significance of historical resources in the immediate vicinity of the site because demolition, excavation, and other construction activities could result in substantial ground vibration or soil movement under or adjacent to the foundation of a historical resource. Construction impacts typically consist of destabilization associated with groundborne vibration in the vicinity of a historic building, or destabilization associated with demolition or new construction directly abutting a historic building. As discussed in Chapter 5.11, Noise, ~~there are no historic buildings or structures within the screening distance for building damage shown in Mitigation Measure NOI-2 that would be subject to vibration damage as a result of construction of the proposed project~~ no types of construction equipment, such as pile drivers, would be used that could cause damage to historic buildings in the vicinity of Housing Project #1. Therefore, impacts would be *less than significant*.

The second paragraph on page 5.4-40 of the Draft EIR is hereby amended as follows:

Significance with Mitigation: Significant and unavoidable. Mitigation Measure CUL-1.1a is not required because an historical resources technical report was prepared for Housing Project #2 as part of this Draft EIR. Housing Project #2 would be required to comply with Mitigation Measure CUL-1.1b, which requires the preparation and submittal of Historic American Building Survey Level II documentation, and Mitigation Measure CUL-1.1d, which requires on-site interpretation by installing an exhibit or display of People’s Park and a description of its historical significance in a publicly accessible portion of the project site. Even though the Historical Resources Technical Report for the site found that there were character-defining features that convey the site’s historic significance, these features cannot be feasibly salvaged. Accordingly, since it is not feasible to salvage these materials, compliance with Mitigation Measure ~~CUL-1.1d~~ CUL-1.1c requiring the salvaging of character defining materials when feasible is not required. These mitigation measures would reduce impacts from the demolition and redevelopment of the site, but the proposed Housing Project #2 would still result in the site’s permanent and significant alteration, and impacts would remain *significant and unavoidable*.

The first paragraph under the heading “Construction (Vibration Damage)” on page 5.4-40 of the Draft EIR is hereby amended as follows:

As discussed above for Housing Project #1, construction impacts typically consist of destabilization associated with groundborne vibration in the vicinity of a historic building or destabilization associated with demolition or new construction directly abutting a historic building. Only destabilization due to groundborne vibration in the vicinity of a historic building would apply for Housing Project #2. As discussed in Chapter 5.11, Noise, because no pile driving is proposed, groundborne vibrations associated with project construction ~~could~~ would not result in excessive groundborne vibration at nearby historic buildings and ~~could~~ would not be strong enough to destabilize any historical resource in the project vicinity. ~~As described in Chapter 5.11, Noise, in impact discussion NOI 2 for Housing Project #2, implementation of Mitigation Measure NOI 2 is required to determine if an alternative to pile driving is available for the project that would eliminate the impact. If such an alternative is not available, a vibration monitoring program would be prepared that is specific to monitoring vibration impacts to historic buildings. As demonstrated in impact discussion NOI 2, construction vibration impacts to nearby historic buildings, including the Anna Head Alumnae Hall and residences to the north; the Vedanta Society and the First Church of Christ, Scientist to the east; and the First Baptist Church to the south, would be less than significant. Therefore, without implementation Mitigation Measure NOI 2, impacts~~ Impacts to the nearby historic buildings would be *potentially less than significant*.

Significance without Mitigation: Less than significant.

~~Impact CUL 1.4:~~ ~~The proposed use of pile driving during construction of Housing Project #2 could produce significant ground vibration or soil movement under or adjacent to the existing foundations of nearby historical resources, compromising their structural integrity.~~

~~Mitigation Measure CUL 1.4:~~ ~~Implement Mitigation Measure CUL 1.1e.~~

~~Significance without Mitigation:~~ Less than significant.

The discussion of Impact ~~CUL-1.5~~ CUL-1.4 at the bottom of page 5.4-41 of the Draft EIR is hereby amended as follows:

Impact ~~CUL-1.5~~ CUL-1.4: The design of Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People's Park through incompatible design.

Mitigation Measure ~~CUL-1.5~~ CUL-1.4: Prior to approval of final design plans for Housing Project #2, UC Berkeley shall retain an architect meeting the National Park Service Professional Qualifications Standards for historic architecture to review plans for the proposed student housing and affordable and supportive housing buildings. The historic architect shall provide input and refinements to the design team regarding fenestration patterns, entry design, and the palette of exterior materials to improve compatibility with neighboring historical resources and to enhance compliance with the Secretary of the Interior's Standards and the City of Berkeley Southside Design Guidelines.

Significance with Mitigation: Significant and unavoidable. Though Mitigation Measure ~~CUL-1.4~~ NOI-2 would reduce impacts to nearby historical resources, the scale and proportion of the Housing Project #2 as proposed would likely not be compatible with those resources, and impacts would remain *significant and unavoidable*.

Mitigation Measure CUL-2 on page 5.4-42, continuing onto page 5.4-44, of the Draft EIR is hereby amended as follows:

Mitigation Measure CUL-2: For construction projects that include substantial ground-disturbing activities (including, but not limited to, soil removal, parcel grading, new utility trenching, and foundation-related excavation), UC Berkeley shall implement the following steps to ensure impacts to archaeological resources will be less than significant.

- **All Projects with Ground-Disturbing Activities.**
 - Prior to soil disturbance, UC Berkeley shall confirm that contractors have been notified of the procedures for the identification of federal- or State-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological resources or tribal cultural resources on site, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work.
 - If a resource is discovered during construction (whether or not an archaeologist is present), the following measures shall be implemented:
 - All soil disturbing work within 35 feet of the find shall cease.
 - UC Berkeley shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project.

- Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archaeologist.
 - If the resource is a tribal cultural resource, the consulting archaeologist, approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission, shall consult with the appropriate tribe to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations.
 - If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented.
 - If the resource is a non-tribal resource determined significant under CEQA, ~~the~~ a qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant.
 - The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources if appropriate.
 - The report shall be submitted to the relevant city (if it falls under Berkeley or Oakland boundaries), California Historic Resources Information System Northwest Information Center, and the State Historic Preservation Office, if required.
- **Areas with High Archaeological Sensitivity.** In addition to the requirements above for all construction projects with ground-disturbing activities, for projects in areas with moderately high to extreme archaeological sensitivity (as shown on the confidential Figure 11, Prehistoric Cultural Sensitivity Overlay Analysis Results, prepared for the 2021 LRDP Update EIR) ~~ground-disturbing disturbance~~ activities shall be monitored from the outset. Monitoring shall occur for soil removal, parcel grading, new utility trenching, and foundation-related excavation in those areas that extend into previously undisturbed soils. ~~Archaeological~~ If the resources are tribal, archaeological monitoring must be undertaken by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission or the appropriate tribe, ~~if the resources are tribal,~~ who is familiar with a wide range of prehistoric archaeological or tribal remains; and is conversant in artifact identification, human and faunal bone, soil descriptions, and interpretation. Based on project-specific daily construction schedules, field conditions, and archaeological observations, full-time monitoring may not be warranted following initial observations.
- **Sites with Known Archaeological Resources.** In the event the disturbance of a site with known archaeological or tribal cultural resources cannot be avoided, in addition to the requirements above for all construction projects with ground-disturbing activities, for project sites with known on-site archaeological or tribal cultural resources, the following additional actions shall be implemented prior to ground disturbance:
 - UC Berkeley, in consultation with the appropriate tribe, will retain a qualified archaeologist to conduct a subsurface investigation of the project site, and to ascertain the extent of the deposit of any buried archaeological materials relative to the project's area of potential effects.

- The archaeologist shall prepare a site record and, upon tribal approval, it shall be filed ~~it~~ with the California Historical Resource Information System.
- If the resource extends into the project’s area of potential effects, the resource shall be evaluated by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe. UC Berkeley shall consider this evaluation in determining whether the resource qualifies as a historical resource or a unique archaeological resource under the criteria of California Environmental Quality Act (CEQA) Guidelines Section 15064.5.
 - If the resource does not qualify, no further mitigation is required unless there is a discovery of additional resources during construction (as required above for all construction projects with ground-disturbing activities).
 - If a resource is determined to qualify as an historical resource or a unique archaeological resource in accordance with CEQA, UC Berkeley shall consult with the appropriate tribe (in the case of Native American sites) and a qualified archaeologist, approved by UC Berkeley in consultation with the appropriate tribe, to mitigate the effect through data recovery if appropriate to the resource or, if data recovery is infeasible, to consider means of avoiding or reducing ground disturbance within the site boundaries, including where and if feasible, minor modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or other means that would permit avoidance or substantial preservation in place of the resource. A written report of the results of investigations shall be prepared by a qualified archaeologist and, upon tribal approval, filed with the University Archives/ Bancroft Library and the California Historic Resources Information System Northwest Information Center.

Mitigation Measure CUL-4 on page 5.4-48 of the Draft EIR is hereby amended as follows:

Mitigation Measure CUL-4: Implement Mitigation Measures CUL-1.1a through CUL-1.1e; CUL-1.2a and CUL-1.2b; CUL-1.3a and CUL-1.3b; CUL-1.4; ~~CUL-1.5~~; and CUL-2.

CHAPTER 5.5, ENERGY

The paragraph under the heading “UC Berkeley Continuing Best Practices” on page 5.5-11 of the Draft EIR is hereby amended as follows:

UC Berkeley applies CBPs relevant to energy use and conservation as part of the project approval process. As part of the proposed ~~LRDP~~ LRDP Update, some existing CBPs would be updated to carry forward through implementation of the proposed LRDP Update. A comprehensive list of CBP updates is provided in Appendix B, UC Berkeley 2021 LRDP Continuing Best Practices, of this Draft EIR. Applicable CBPs are identified and assessed for their potential to result in an adverse physical impact later in this chapter under Section 5.5.3, Impact Discussion.

The following heading is hereby added to impact discussion ENE-2 before the subheading “LRDP Update” on page 5.5-28 of the Draft EIR:

Consistency with California RPS

The following text is hereby added to the end of impact discussion ENE-2 on page 5.5-29 of the Draft EIR:

Consistency with UC Plans and Policies

LRDP Update

The proposed LRDP Update is an overarching planning document to guide long-term development of the entire LRDP Planning Area. Upon adoption, the proposed LRDP Update would be implemented in conjunction with the ongoing implementation of the UC Sustainable Practices Policy, UC Berkeley Sustainability Plan, UC Berkeley Energy Policy, UC Strategic Energy Plan, and UC Berkeley Campus Design Standards. Growth and individual projects accommodated under the proposed LRDP Update would be subject to the current UC Berkeley plans, policies, and standards where applicable. For example, the UC Berkeley Energy Policy creates requirements for UC Berkeley departments and a specific framework to support energy- and carbon-efficient decisions in accordance with the UC Sustainable Practices Policy, UC Berkeley LRDP, Campus Master Plan, and Climate Action Plan. Furthermore, Section 01 81 13(2) of the UC Berkeley Campus Design Standards requires projects to comply with applicable policies in the most recent version of the UC Policy on Sustainable Practices in addition to applicable UC Berkeley-specific guidelines. Aside from growth and future projects that would be subject to the current UC Berkeley plans, policies, and standards, as discussed in Impact ENE-1, the proposed LRDP Update includes Infrastructure, Resilience, and Emergency Systems objectives focused on reducing energy consumption, transitioning to carbon-free energy sources, evaluating on-site renewable energy generation, and striving to meet or exceed UC Sustainable Practices Policy building energy efficiency requirements. Therefore, overall, implementation of the proposed LRDP Update would not conflict with or obstruct implementation of the existing UC plans and policies, and *no impact* would occur.

Significance without Mitigation: *No impact.*

Housing Project #1

As previously discussed, Housing Project #1 would include a rooftop solar PV system, which would provide up to 28.75 kWh/yr of renewable electricity on-site. It would incorporate water-efficiency measures, such as low-flow toilets, sinks, and showers and efficient laundry washing machines as well as native and drought-tolerant landscaping, all of which would reduce the energy required to treat, transport, and distribute water. Additionally, proposed Housing Project #1 would be LEED-certified Gold. These features would support the objective of Housing Project #1 to provide sustainability features to support meeting or exceeding the UC system and UC Berkeley sustainability goals. In general, these features would be consistent with UC plans, policies, and standards regarding renewable energy and energy efficiency. Therefore, development of

Housing Project #1 would not conflict with or obstruct implementation of the existing UC plans and policies, and no impact would occur.

Significance without Mitigation: No impact.

Housing Project #2

Similar to Housing Project #1, proposed Housing Project #2 includes the objective to provide sustainability features to support meeting or exceeding the UC system and UC Berkeley sustainability goals. Housing Project #2 would also include a solar PV system, native and/or adaptive and drought-resistant plant materials, and incorporate water-efficiency measures such as low-flow toilets, sinks, and showers and efficient laundry washing machines. In addition, lighting controls would be incorporated to reduce energy usage. These sustainability measures would apply to the student housing building, which would pursue design credits for LEED Gold certification and achieve a 20 percent energy use reduction from the 2019 California Building Code Building and Energy Efficiency Standards. In consideration of these features, Housing Project #2 would not conflict with or obstruct implementation of the existing UC plans and policies, and no impact would occur.

Significance without Mitigation: No impact.

CHAPTER 5.6, GEOLOGY AND SOILS

Mitigation Measure GEO-5 on page 5.6-35 of the Draft EIR is hereby amended as follows:

Mitigation Measure GEO-5: For ground-disturbing activities within highly sensitive geologic formations (i.e., Franciscan Assemblage, Great Valley Sequence, Orinda Formation, Claremont Chert, unnamed mudstone, or older alluvium, as shown on Figure 5.6-1, Geologic Map, of the 2021 LRDP Update EIR), if pre-construction testing does not take place, ground-disturbing activities shall implement the following measures. “Ground-disturbing activities” shall include soil removal, parcel grading, utility trenching, and foundation-related excavation in those areas that extend into previously undisturbed soils.

- UC Berkeley shall provide a paleontological resources awareness training program to all construction personnel active on the project site during earth moving activities. The first training will be provided prior to the initiation of ground-disturbing activities by a qualified paleontologist. The program will include relevant information regarding fossils and fossil-bearing formations that may be encountered. The training will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site.
- If any paleontological resources are encountered during ground-disturbing activities, the contractor shall ensure that activities in the immediate area of the find are halted and that UC Berkeley is informed. UC Berkeley shall retain a qualified paleontologist to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology, including development and implementation of a paleontological resource

impact mitigation program by a qualified paleontologist for treatment of the particular resource, if applicable. These measures may include, but not be limited to the following:

- salvage of unearthened fossil remains and/or traces (e.g., tracks, trails, burrows);
- screen washing to recover small specimens;
- preparation of salvaged fossils to a point of being ready for curation (e.g., removal of enclosing matrix, stabilization and repair of specimens, and construction of reinforced support cradles); and
- identification, cataloging, curation, and provision for repository storage of prepared fossil specimens.

CBP GEO-10 on page 5.6-34 of the Draft EIR is hereby amended as follows:

CBP GEO-10 (Updated): In the event that a unique paleontological resource is identified during project planning or construction, the work will stop immediately in the area of effect, and the find will be protected until its significance can be determined by a qualified paleontologist. If the resource is determined to be a “unique resource,” a mitigation plan will be formulated pursuant to guidelines developed by the Society of Vertebrate Paleontology and implemented to appropriately protect the significance of the resource by preservation, documentation, and/or removal, prior to recommencing activities in the area of effect. The plan will be prepared by the qualified paleontologist and submitted to the UC Berkeley project manager for review and approval prior to initiation or recommencement of construction activities in the area of effect.

CHAPTER 5.7, GREENHOUSE GAS EMISSIONS

Mitigation Measure GHG-2 on page 5.7-41, continuing onto page 5.7-43, of the Draft EIR is hereby amended as follows:

Mitigation Measure GHG-2: UC Berkeley shall make the following separate, though overlapping, greenhouse gas (GHG) emission reduction commitments (1) By 2036, UC Berkeley shall offset 67 percent of GHG emissions; and (2) By 2045 and thereafter, UC Berkeley shall achieve carbon neutrality (100 percent offset). Years 2036 and 2045 reduction targets are required to be achieved based on actual emission calculations completed in the future, as discussed below under “Measure Monitoring and Reporting,” and may therefore change over time.

UC Sustainable Practices Policy. UC Berkeley will purchase voluntary carbon credits as the final action to reach the GHG emission reduction targets outlined in the UC Sustainable Practices Policy. As part of the University Carbon Neutrality Initiative, internal guidelines have been developed to ensure that any use of credits for this purpose will result in additional, verified GHG emissions reductions from actions that align as much as possible with UC Berkeley’s research, teaching, and public service mission.

Emissions Reduction Options. UC Berkeley shall do one or more of the following options to reduce GHG emissions generated by the proposed LRDP Update to achieve the measure performance standards.

3. REVISIONS TO THE DRAFT EIR

1. **Option 1: On-site GHG Reduction Actions.** Implement on-site GHG reduction actions at UC Berkeley specified in the UC Sustainable Practices Policy and UC Berkeley sustainability plans, standards and policies.
2. **Option 2: Voluntary and UC Developed Carbon Offsets.** In addition to compliance offsets required by cap and trade, UC Berkeley may purchase GHG carbon offsets from a voluntary GHG carbon offset provider with an established protocol that requires projects generating GHG carbon offsets to demonstrate that the reduction of GHG emissions are real, permanent, quantifiable, verifiable, enforceable, and additional (per the definition in California Health and Safety Code Sections 38562(d)(1) and (2)). UC Berkeley may purchase GHG carbon offsets from UC developed voluntary carbon offset projects that are real, permanent, quantifiable, peer verifiable, enforceable, and additional. Definitions for these terms follow.
 - a. **Real:** Estimated GHG reductions should not be an artifact of incomplete or inaccurate emissions accounting. Methods for quantifying emission reductions should be conservative to avoid overstating a project’s effects. The effects of a project on GHG emissions must be comprehensively accounted for, including unintended effects (often referred to as “leakage”).⁵² To ensure that GHG reductions are real, CARB requires the reduction to be a direct reduction within a confined project boundary.
 - b. **Additional:** GHG reductions must be additional to any that would have occurred in the absence of the Climate Action Reserve, or of a market for GHG reductions generally. “Business as usual” reductions (i.e., those that would occur in the absence of a GHG reduction market) should not be eligible for registration.
 - c. **Permanent:** To function as offsets to GHG emissions, GHG reductions must effectively be “permanent.” This means, in general, that any net reversal in GHG reductions used to offset emissions must be fully accounted for and compensated through the achievement of additional reductions.
 - d. **Quantifiable:** The ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary, while accounting for uncertainty and activity-shifting leakage and market-shifting leakage.
 - e. **Verified:** GHG reductions must result from activities that have been verified. Verification requires third-party (or peer review if UC-developed voluntary carbon offset projects) of monitoring data for a project to ensure the data are complete and accurate.
 - f. **Enforceable:** The emission reductions from offset must be backed by a legal instrument or contract that defines exclusive ownership and can be enforced within the legal system in the country in which the offset project occurs or through other compulsory means. Please note that for this mitigation measure, only credits originating within the United States are allowed.

Mitigation Reporting. As a CARB-covered entity, UC Berkeley will ensure emissions generated by the cogeneration plant and other stationary sources comply with CARB’s Cap and Trade Program. Likewise, UC Berkeley will implement the UC Sustainable Practices Policy to meet the requirement of carbon

neutrality for Scope 1 and 2 emissions by 2025 and carbon neutrality for Scope 3 emissions by 2045, as described above. These commitments will be incorporated into UC Berkeley’s annual GHG inventory, which is used to track GHG emissions and sources on the UC Berkeley campus. GHG reductions achieved by the on-site and off-site actions will be incorporated into the annual GHG inventory and annual reporting practices established by the UC Sustainable Practices Policy. As part of this reporting, the estimated annual emissions shall then be compared to the measure performance standards (i.e., 67 percent reduction by 2036 and 100 percent by 2045) to determine the level of additional GHG reductions (if any) that may be required.

⁵²To ensure that GHG reductions are real, CARB requires the reduction be a direct reduction within a confined project boundary.

Footnote 55 on page 5.7-44 of the Draft EIR is hereby amended as follows:

⁵⁵ California Air Pollution Control Officer’s Association. ~~2018~~ 2008, January. CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.

CHAPTER 5.8, HAZARDS AND HAZARDOUS MATERIALS

The last full paragraph on page 5.8-36 of the Draft EIR is hereby amended as follows:

Additionally, the use, storage, transport, and disposal of hazardous materials would be governed by existing regulations of several agencies, including the EPA, DTSC, USDOT, IATA, Cal/OSHA, and EH&S programs and policies as noted in CBP HAZ-1 ~~through HAZ-3~~. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts.

The third full paragraph on page 5.8-39 of the Draft EIR is hereby amended as follows:

Adherence to federal, State, and local regulations; BAAQMD’s District Regulation 11, Rules 1 and 2; current UC Berkeley policies; CBP HAZ-1 ~~through and~~ and CBP HAZ-4; and the requirements of the project-specific SGMP would minimize the exposure of construction workers or the public to contaminated building materials and soil and groundwater, and impacts would be *less than significant*.

The last full paragraph on page 5.8-40 of the Draft EIR is hereby amended as follows:

Adherence to federal, State, and local regulations; BAAQMD’s District Regulation 11, Rules 1 and 2; current UC Berkeley policies; and CBP HAZ-1 ~~through and~~ and CBP HAZ-4 would minimize the exposure of construction workers or the public to contaminated building materials, and impacts would be *less than significant*.

CHAPTER 5.9, HYDROLOGY AND WATER QUALITY

The first paragraph on page 5.9-29 of the Draft EIR is hereby amended as follows:

Compliance with the F.5.g provisions of the Phase II Small MS4 permit and adherence to UC Berkeley’s policies and CBPs ~~HYD-1 through CBP HYD-6~~ would reduce operational impacts to water quality to *less than significant*.

The second paragraph on page 5.9-29 of the Draft EIR is hereby amended as follows:

Housing Project #2 would involve changing the land use of People’s Park, which currently consists of demonstration gardens, lawn space, a paved basketball court, a picnic area, a small wooden stage, and a public restroom building. The proposed project would include a student housing building, a separate affordable and supportive housing building, and public open space. As described in Chapter 3, Project Description, the proposed project would be designed to preserve 67 percent of the site, approximately 82,000 square feet (1.8 acres), for continued use as public open space. ~~Over~~ Therefore, over 50 percent of the project site would be devoted to open space, landscaping, ~~hardscape~~, and the incorporation of a People’s Park commemorative program.

CBP HYD-10 on page 5.9-35 of the Draft EIR is hereby amended as follows:

- **CBP HYD-10:** For projects in the City Environs Properties that affect drainage systems or patterns, improvements will be coordinated with the City of Berkeley’s Public Works Department.

CHAPTER 5.10, LAND USE AND PLANNING

The heading for impact discussion LU-3 on page 5.10-13 of the Draft EIR is hereby amended as follows:

LUP-3 <u>LU-3</u>	The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impact with respect to land use and planning.
--------------------------	--

The first full paragraph on page 5.10-14 of the Draft EIR is hereby amended as follows:

Compliance with relevant UC Berkeley policies and standards, for UC Berkeley projects, or local land use policies, for non-university projects, would minimize the potential for impacts with respect to land use and planning. In addition, redevelopment and intensification of land uses within TPAs and PDAs from the proposed project and other projects in the cumulative setting of Berkeley and the surrounding Bay Area region, complies with Plan Bay Area for increased development within these areas. Furthermore, the EIR Study Area and the surrounding region is largely urbanized, in which case many projects in the area, though not all, would not result in major land use changes.

CHAPTER 5.11, NOISE

The last paragraph, under the heading “UC Berkeley Continuing Best Practices,” on page 5.11-9 of the Draft EIR is hereby amended as follows:

UC Berkeley applies CBPs relevant to noise and vibration as part of the project approval process. As part of the proposed ~~LRPD~~ LRDP Update, some existing CBPs would be updated to carry forward through implementation of the proposed LRDP Update. A comprehensive list of CBP updates is provided in Appendix B, UC Berkeley Continuing Best Practices, of this Draft EIR. Applicable CBPs are identified and assessed for their potential to result in an adverse physical impact later in this chapter under Section 5.11.3, Impact Discussion.

The first paragraph on page 5.11-18 of the Draft EIR is hereby amended as follows:

The Bay Area Rapid Transit (BART) is the predominant one source of rail noise in the EIR Study Area. In addition to BART, the 1608 4th Street UC Berkeley property is adjacent to the Union Pacific rail line, which services freight (including BNSF) and commuter rail such the Amtrak and Capitol Corridor. When trains approach a passenger station or at-grade crossing, they are required to sound their warning whistle within a quarter mile. Train warning whistles typically generate maximum noise levels of 105 to 110 dBA at 100 feet. The day-night average noise level at locations immediately adjacent to at-grade crossings and exposed to multiple train pass-by events per day can exceed ~~85~~ 80 dBA Ldn/CNEL.³

³City of Berkeley General Plan Environmental Management Element.

A column heading for Table 5.11-11, Traffic Noise Increases: EIR Study Area, on page 5.11-11, continuing onto page 5.11-12, of the Draft EIR is hereby amended as follows:

Table 5.11-11 Traffic Noise Increases: EIR Study Area

Roadway Segment	Existing	2040 Existing	L _{dn} (dBA) Increase	Potentially Significant?
	L _{dn} (dBA) at 50 Feet	Plus LRDP Buildout L _{dn} (dBA) at 50 Feet		

CBP NOI-2 on page 5.11-31 of the Draft EIR is hereby amended as follows:

- **CBP NOI-2 (Updated):** UC Berkeley will require the following measures for all construction projects:
 - Construction activities will be limited to a schedule that minimizes disruption to uses surrounding the project site as much as possible. Construction outside the Campus Park will be scheduled within the allowable construction hours designated in the noise ordinance of the local jurisdiction to the full feasible extent, and exceptions will be avoided except where necessary. As feasible, construction equipment will be required to be muffled or controlled.
 - The intensity of potential noise sources will be reduced where feasible by selection of quieter equipment (e.g., gas or electric equipment instead of diesel powered, low noise air compressors).

3. REVISIONS TO THE DRAFT EIR

- Functions such as concrete mixing and equipment repair will be performed off-site whenever possible.
- Stationary equipment such as generators and air compressors will be located as far as feasible from nearby noise-sensitive uses.
- At least 10 days prior to the start of construction activities, a sign will be posted at the entrance(s) to the job site, clearly visible to the public, that includes ~~permitted construction days and hours, as well as the telephone numbers of UC Berkeley's and contractor's authorized representatives that are assigned to respond~~ contact information for UC Berkeley's authorized representative in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, they will investigate, take appropriate corrective action, and report the action to UC Berkeley.
- During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only. The construction manager will use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.

For projects requiring pile driving:

- With approval of the project structural engineer, pile holes will be pre-drilled to minimize the number of impacts necessary to seat the pile.
- Pile driving will be scheduled to have the least impact on nearby sensitive receptors.
- Pile drivers with the best available noise control technology will be used. For example, pile driving noise control may be achieved by shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler.
- Alternatives to impact hammers, such as oscillating or rotating pile installation systems, will be used where possible feasible.

The last paragraph on page 5.11-32 of the Draft EIR is hereby amended as follows:

Significance with Mitigation: Significant and unavoidable. The effective use of temporary noise barriers, as required under Mitigation Measure NOI-1 can achieve up to 20 dBA of noise reduction.^{8,9} However, the greatest reduction would be at ground-floor receptors, and they may not be as effective for residential, classroom, or commercial buildings with multiple stories. CBP NOI-2 would require that alternatives to pile driving be used where possible. Because construction activities associated with potential future projects may occur near noise-sensitive receptors and because, depending on the project type, equipment list, time of day, and phasing and overall construction duration, noise disturbances may occur for prolonged periods of time, during the more sensitive nighttime hours, or may exceed ~~UC~~ the City of Berkeley's or the City of Oakland's adopted construction noise standards even with project-level mitigation, construction noise impacts associated with implementation of the proposed LRDP Update would be *significant and unavoidable*. The identification of this program-level

impact does not preclude the finding of less-than-significant impacts for subsequent projects analyzed at the project level that do not exceed the noise thresholds.

⁸ Bies, Hansen, Howard, 2018, Engineering Noise Control, Fifth Edition.

⁹ Harris, Cyril, 1991, Handbook of Acoustical Measurements and Noise Control, Third Edition.

Step 2 (Alternative Methods/Equipment) and Step 3 (Construction Vibration Monitoring Program) of Mitigation Measure NOI-2 on page 5.11-47 of the Draft EIR is hereby amended as follows:

- **Step 2 (Alternative Methods/Equipment):** When the anticipated vibration-causing construction activity/equipment is within the screening standards in Step 1 (Activity/Equipment Screening Distances), UC Berkeley shall consider whether alternative methods/equipment are available and shall verify that the alternative method/equipment is shown on the construction plans prior to the beginning of construction. Alternative methods/equipment may include, but are not limited to:
 - For pile driving, the use of caisson drilling (drill piles), vibratory pile drivers, oscillating or rotating pile installation methods, pile pressing, “silent” piling, and jetting or partial jetting of piles into place using a water injection at the tip of the pile shall be used, where feasible.
 - For paving, use of a static roller in lieu of a vibratory roller shall be implemented.
 - For grading and earthwork activities, off-road equipment ~~that~~ shall be limited to 100 horsepower or less.

Where alternative methods/equipment to vibration causing activities/equipment are not feasible, then Step 3 (Construction Vibration Monitoring Program) shall be implemented.

- **Step 3 (Construction Vibration Monitoring Program):** Prior to any project-related excavation, demolition or construction activity for projects within the screening distances listed in Step 1 (Activity/Equipment Screening Distances) and where alternative methods/equipment to vibration causing activities/equipment are not feasible pursuant to Step 2 (Alternative Methods/Equipment), UC Berkeley shall prepare a construction vibration monitoring program. The program shall be prepared and implemented by a qualified acoustical consultant or structural engineer. Where the vibration sensitive receptors are historic resources, the program shall be prepared and implemented by a structural engineer with a minimum of five years of experience in the rehabilitation and restoration of historic buildings and a historic preservation architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards. The program shall include the following:
 - Prepare an existing conditions study to establish the baseline condition of the vibration sensitive resources in the form of written descriptions with a photo survey, elevation survey, and crack-monitoring survey for the vibration-sensitive building or structure. The photo survey shall include internal and external crack monitoring in the structure, settlement, and distress, and document the condition of the foundation, walls and other structural elements in the interior and exterior of the building or structure. Surveys will be performed prior to, in regular intervals during, and after completion of all vibration-generating activity. Where receptors are historic resources, the study shall describe the physical characteristics of the resources that convey their historic significance.

- Determine the number, type, and location of vibration sensors and establish a vibration velocity limit (as determined based on a detailed review of the proposed building), method (including locations and instrumentation) for monitoring vibrations during construction, and method for alerting responsible persons who have the authority to halt construction should limits be exceeded or damaged observed.
- Perform monitoring surveys prior to, in regular intervals during, and after completion of all vibration-generating activity and report any changes to existing conditions, including, but not limited to, expansion of existing cracks, new spalls, other exterior deterioration, or any problems with character-defining features of a historic resource are discovered. UC Berkeley shall establish the frequency of monitoring and reporting, based upon the recommendations of the qualified acoustical consultant or structural engineer or if there are historic buildings, the historic architect and structural engineer. Monitoring reports shall be submitted to UC Berkeley's designated representative responsible for construction activities.
- Develop a vibration monitoring and construction contingency plan, which shall identify where monitoring would be conducted, establish a vibration monitoring schedule, define structure-specific vibration limits, and require photo, elevation, and crack surveys to document conditions before and after demolition and construction activities. Construction contingencies would be identified for when vibration levels approach the limits. If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structure.
- Report substantial adverse impacts to vibration sensitive buildings including historic resources related to construction activities that are found during construction to UC Berkeley's designated representative responsible for construction activities. UC Berkeley's designated representative shall adhere to the monitoring team's recommendations for corrective measures, including halting construction or using different methods, in situations where demolition, excavation/construction activities would imminently endanger historic resources. UC Berkeley's designated representative would respond to any claims of damage by inspecting the affected property promptly, but in no case more than five working days after the claim was filed and received by UC Berkeley's designated representative. Any new cracks or other damage to any of the identified properties will be compared to pre-construction conditions and a determination made as to whether the proposed project could have caused such damage. In the event that the project is demonstrated to have caused any damage, such damage would be repaired to the pre-existing condition. Site visit reports and documents associated with claims processing would be provided to the relevant government body with jurisdiction over the neighboring historic resource, as necessary.
- Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage and make appropriate repairs where damage has occurred as a result of construction activities.
- Prepare a construction vibration monitoring report that summarizes the results of all vibration monitoring and submit the report after the completion of each phase identified in the project construction schedule. The vibration monitoring report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded

vibration limits shall be included together with proper documentation supporting any such claims. The construction vibration monitoring report shall be submitted to UC Berkeley within two weeks upon completion of each phase identified in the project construction schedule.

- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted in one or more locations at the construction site.

The section under the heading “Vibration Damage,” including Table 5.11-20, on page 5.11-49, continuing onto page 5.11-50, of the Draft EIR is hereby amended as follows:

As described under impact discussion NOI-1, preliminary construction estimates for Housing Project #1 were prepared for the purpose of evaluating the project under CEQA. ~~While the site plans are preliminary for the purposes of CEQA, this analysis conservatively assumes that pile driving would be required for Housing Project #1 because it has the greatest potential for vibration damage, as demonstrated in Table 5.11-19, Reference Vibration Levels for Construction Equipment.~~ Since no parking lots or driveways are proposed for Housing Project #1, paving activity is anticipated to be minimal. Further, because Housing Project #1 includes two subterranean levels, grading is also anticipated to be minimal. Table 5.11-20, Vibration Levels (PPV) from Typical Construction Equipment: Housing Project #1, summarizes vibration levels for typical construction equipment that may be used for the proposed project at a reference distance of 25 feet.

Table 5.11-20 Vibration Levels (PPV) from Typical Construction Equipment: Housing Project #1

Equipment	Reference Vibration Level PPV (in/sec) at 25 feet	PPV (in/sec) at Residential Building 65 feet north	PPV (in/sec) at Academic Building ^a 150 feet east	PPV (in/sec) at Academic Building 100 feet south	PPV (in/sec) at Residential Building 60 feet west
Pile Driver	1.518	0.362	0.103	0.190	0.408
Clam Shovel	0.20	0.048	0.014	0.025	0.054
Hoe Ram	0.089	0.021	0.006	0.011	0.024
Large Bulldozer	0.089	0.021	0.006	0.011	0.024
Caisson Drilling	0.089	0.021	0.006	0.011	0.024
Loaded Trucks	0.076	0.018	0.005	0.010	0.020
Jackhammer	0.035	0.008	0.002	0.004	0.009
Small Bulldozer	0.003	0.001	<0.001	<0.001	0.001
Vibratory Roller	0.210	0.050	0.014	0.026	0.056

Notes:

- Peak Particle Velocity (PPV). The peak rate of speed at which soil particles move (e.g., inches per second) due to ground vibration.
 - Distances are measured from the edge of proposed building to the nearest sensitive receptor building façade.
- a. The academic building (Li Ka Sing Center for Biomedical and Health Sciences) is assumed to have sensitive laboratory equipment.
 Source: Federal Transit Administration. 2018, September. Transit Noise and Vibration Impact Assessment.

3. REVISIONS TO THE DRAFT EIR

As shown on Table 5.11-20, ~~construction equipment can generate vibration levels ranging up to 1.518 in/sec PPV at 25 feet for pile driving, however~~ typical equipment for paving and grading (vibratory roller and bulldozers) can generate vibration levels ranging up to 0.210 in/sec PPV at 25 feet.

~~There are no nearby historic buildings or structures that would be subject to vibration damage during construction of Housing Project #1. The nearest non-historical structures to proposed construction activities is the residential building currently under construction (Modera Acheson Commons), which is approximately 60 feet to the west, and the existing residential building, which is approximately 65 feet to the north. As shown in Table 5.11-20, construction vibration is projected to reach up to 0.408 0.056 in/sec PPV at the residential building to the west and 0.362 0.050 in/sec PPV at the residential building to the north due to pile driving, if required the vibratory roller. The construction vibration 0.2 in/sec PPV threshold for building damage could be would not be exceeded at these two locations. Accordingly, building damage from construction vibration is considered potentially significant if pile driving is required less than significant.~~

The section under the heading “Vibration Annoyance,” including Table 5.11-21, on page 5.11-50, continuing onto page 5.11-51, of the Draft EIR is hereby amended as follows:

A significant impact would occur if vibration levels would exceed 72 VdB at residences or places where people sleep or exceed 65 VdB at locations with potentially sensitive laboratory equipment.

For potential annoyance, vibration levels are calculated using the spatially averaged distances from the construction site to the nearest receptor building facade. Because equipment would be mobile throughout the site, the center of construction activities best represents the potential average construction vibration levels at the various sensitive receptors. ~~In the case of pile driving, which is stationary, the distance from the edge of the nearest proposed building to the sensitive receptor building facade is used.~~ Table 5.11-21, Vibration Levels (VdB) of Project Construction Equipment: Housing Project #1, shows FTA reference VdB levels for typical construction equipment and the estimated vibration levels at nearby sensitive receptors.

Table 5.11-21 Vibration Levels (VdB) of Project Construction Equipment: Housing Project #1

Equipment	FTA Reference	VdB at Nearest Sensitive Receptor			Greater than 72 VdB at Residential Buildings and Potentially Significant?	Greater than 65 VdB at Academic Building and Potentially Significant?
		Residential Building	Academic Building ^a	Residential Building		
Pile Driving^b	25 feet	65 feet north	150 feet east	60 feet west		
Impact Pile Driver	112	100	89	101	Yes	Yes
All Other Equipment^c	25 feet	180 feet north	230 feet east	140 feet west		
Hoe Ram	87	61	58	65	No	No
Large Bulldozer	87	61	58	65	No	No
Caisson Drilling	87	61	58	65	No	No
Loaded Trucks	86	60	57	64	No	No
Jackhammer	79	53	50	57	No	No

Table 5.11-21 Vibration Levels (VdB) of Project Construction Equipment: Housing Project #1

Small Bulldozer	58	32	29	36	No	No
Vibratory Roller	94	68	65	72	No	No

Notes: Vibration Decibel (VdB). A unitless measure of vibration, expressed on a logarithmic scale and with respect to a defined reference vibration velocity. In the U.S., the standard reference velocity is one microinch per second (1x10⁻⁶ in/sec).

a. The academic building (Li Ka Sing Center for Biomedical and Health Sciences) is assumed to have sensitive laboratory equipment.

b. Measured from the edge of proposed building to the nearest sensitive receptor building façade.

c. Measured from the center of the site to the nearest sensitive receptor building façade.

Source: Federal Transit Administration, 2018, Transit Noise and Vibration Impact Assessment.

If the use of a pile driver is required for Housing Project #1, Table 5.11-21 shows that vibration levels could exceed the threshold of 72 VdB at the residential building currently under construction (Modera Acheson Commons) to the west and at the existing residential building to the north. In addition, the use of a pile driver could exceed the threshold of 65 VdB at the academic building (Li Ka Sing Center for Biomedical and Health Sciences) to the east. All other equipment would attenuate to 65 VdB or less at the academic building and 72 VdB or less at residential buildings. Accordingly, if pile driving is required, impacts would be potentially significant. As shown in Table 5.11-21, no construction equipment would exceed the vibration threshold, and impacts would be less than significant.

Significance without Mitigation: Less than significant.

Impact: Same as Impact NOI-2.

Mitigation Measures: Same as Mitigation Measure NOI-2.

Significance with Mitigation: Less than significant. Step 1 (Activity/Equipment Screening Distances) of Mitigation Measure NOI-2 requires UC Berkeley to use construction vibration screening standards to determine if construction activities and equipment are within vibration screening distances that could cause building damage/human annoyance or sensitive equipment disturbance. Through the preparation of this EIR, Step 1 of Mitigation Measure NOI-2 has already been completed for Housing Project #1, and only Step 2 and Step 3 would be required to address vibration impacts at the nearby residential buildings to the north and west, and the academic building to the east if pile driving is required. If no pile driving is required, then impacts would be less than significant and no mitigation would be required.

The section under the heading “Vibration Damage,” including Table 5.11-22, on page 5.11-51, continuing onto page 5.11-53, of the Draft EIR is hereby amended as follows:

As described under impact discussion NOI-1, preliminary construction estimates for Housing Project #2 were prepared for the purpose of evaluating the project under CEQA. While the site plans are preliminary for the purposes of CEQA, this analysis conservatively assumes that pile driving would be required for Housing Project #2 because it has the greatest potential for vibration damage, as demonstrated in Table 5.11-19, Reference Vibration Levels for Construction Equipment. In addition, Housing Project #2 would include a larger area for grading and surface paving. Therefore, this discussion is organized by pile driving, paving, and grading activities since they have the greatest potential to cause vibration impacts.

Pile-Driving

Housing Project #2 may require pile-driving for the building support columns of the student housing and, affordable and supportive housing buildings; however, pile-driving at the affordable and supportive housing is less likely given this building is proposed to be five stories above ground. This analysis assumes that piles would be driven at the foundation columns of these two buildings. The upper range of vibration levels generated by impact pile drivers is 1.518 in/sec PPV at a distance of 25 feet.

The nearest nonhistorical structure to the foundation columns is 55 feet to the west (residences) of the affordable and supportive housing building, and the nearest historic building to the foundation columns is 75 feet to the north (Anna Head Alumnae Hall) of the student housing building. Table 5.11-22, Vibration Levels for Impact Pile Driving Activity: Housing Project #2, shows the estimated vibration levels at the nearest receptors. As shown in Table 5.11-22, construction vibration would exceed the construction vibration 0.2 in/sec PPV threshold for nearby non-historical and exceed the 0.12 in/sec PPV threshold for nearby historical structures. Accordingly, building damage from construction vibration is considered *potentially significant*, if pile-driving is required.

Table 5.11-22 — Vibration Levels for Impact Pile Driving Activity: Housing Project #2

Reference Levels	Distance in feet	PPV (in/sec)	Greater Than 0.20 in/sec PPV and Potentially Significant?	Greater Than 0.12 in/sec PPV and Potentially Significant?
FTA Reference	25	1.518	NA	NA
Nearest Sensitive Receptors^a				
Anna Head Alumnae Hall and residences to the north ^{b,c}	75	0.292	Yes	Yes
Vedanta Society to the east ^b	93	0.212	NA	Yes
First Church of Christ, Scientist to the east ^b	100	0.190	NA	Yes
Residential structures to the south	225	0.056	No	NA
First Baptist Church to the south ^b	250	0.048	NA	No
Residential structure to the west	55	0.465	Yes	NA

Notes: NA = not applicable, PPV (in/sec) = inches per second peak particle velocity. See Appendix J, Noise Data, of this Draft EIR.

a. Distance measured from the nearest proposed foundation column to sensitive receptor (structure).

b. Nearest sensitive receptors in this direction are historical buildings and a vibration threshold of 0.12 in/sec is applicable.

c. The distance to Anna Head Alumnae Hall is approximately the same or less than the nearest nonhistorical structure where 0.20 in/sec PPV threshold applies.

Source: Federal Transit Administration (FTA), 2018, Transit Noise and Vibration Impact Assessment.

The section under the heading “Grading,” including Table 5.11-23, on page 5.11-52, continuing onto page 5.11-53, of the Draft EIR is hereby amended as follows:

Table 5.11-23 Table 5.11-22, Vibration Levels for Grading Equipment: Housing Project #2, shows typical vibration levels for construction equipment used for grading and the estimated vibration levels at the nearest sensitive receptors. Bulldozers would be associated with grading activity. The nearest receptors are residential buildings to the west within approximately 10 feet of grading activity. As shown in Table 5.11-23

Table 5.11-22, construction vibration during grading activity could reach up to 0.352 in/sec PPV, which would exceed the threshold of 0.20 in/sec PPV. Accordingly, impacts would be *potentially significant*.

Table 5.11-23 22 Vibration Levels for Grading Equipment: Housing Project #2

Equipment	PPV (in/sec) at Nearest Sensitive Receptor ^a						Greater than 0.20 in/sec PPV and Potentially Significant?	Greater than 0.12 in/sec PPV and Potentially Significant?
	At 25 feet	Residential and Historical 50 feet north ^b	Worship and Historical 95 feet east ^b	Worship, Historical, and Residential 50 feet south ^b	Residential < 10 feet west ^c	Residential		
Large Bulldozer	0.089	0.031	0.012	0.031	0.352	Yes ^c	NA ^c	
Small Bulldozer	0.003	0.001	<0.001	0.001	0.012	No	No	

Notes: NA = not applicable, PPV = peak particle velocity. See Appendix J, Noise Data, of this Draft EIR.

a. Distance measured from the nearest edge of construction site to sensitive receptor (structure).

b. Distance to a historical and nonhistorical receptor is the same, or where the distance to nearest non-historical receptor is closer than the historical receptor in that direction, the closer distance is applied to the historical receptor to provide a conservative analysis.

c. Nonhistorical receptors to the west.

Source: Federal Transit Administration, 2018, Transit Noise and Vibration Impact Assessment.

The section under the heading “Vibration Annoyance,” including Table 5.11-24, on page 5.11-53, continuing onto page 5.11-54, of the Draft EIR is hereby amended as follows:

A significant impact would occur if vibration levels would exceed 72 VdB at nearby sensitive receptors. There are no buildings with sensitive laboratory equipment, such as optical microscopes, in the vicinity of Housing Project #2. For potential annoyance, vibration levels are calculated using the spatially averaged distances from the construction activity to the nearest receptor building façade. Because equipment would be mobile throughout the site, the center of construction activities best represents the potential average construction vibration levels at the various sensitive receptors. ~~In the case of pile driving, which is stationary, the distance from the nearest foundation column to the sensitive receptor building façade is used.~~ Table 5.11-24 Table 5.11-23, Vibration Levels (VdB) of Project Construction Equipment: Housing Project #2, shows FTA reference VdB levels for typical construction equipment and the estimated vibration levels at nearby sensitive receptors.

As shown in ~~Table 5.11-24~~ Table 5.11-23, vibration levels could exceed the 72 VdB threshold at various receptors during ~~pile driving and paving~~. Grading activity is not projected to exceed the 72 VdB threshold. Accordingly, impacts would be *potentially significant*.

Impact: Same as Impact NOI-2.

Mitigation Measures: Same as Mitigation Measure NOI-2.

Significance with Mitigation: Less than significant. Step 1 (Activity/Equipment Screening Distances) of Mitigation Measure NOI-2 requires UC Berkeley to use construction vibration screening standards to determine if construction activities and equipment are within vibration screening distances that could cause building damage/human annoyance or sensitive equipment disturbance. Through the preparation of this EIR, Step 1 of Mitigation Measure NOI-2 has already been completed for Housing Project #2, and only

3. REVISIONS TO THE DRAFT EIR

Step 2 and Step 3 would be required to address vibration impacts at the nearby sensitive receptors from grading and if ~~pile driving or~~ use of a vibratory roller for paving ~~are is~~ required.

Table 5.11-24 ~~23~~ Vibration Levels (VdB) of Project Construction Equipment: Housing Project #2

Activity/Equipment	VdB at Nearest Sensitive Receptor ^a					Greater than 72 VdB and Potentially Significant?
	FTA Reference at 25 feet	67 feet north	85 feet east	230 feet south	55 feet west	
Foundation/Impact Pile Driving	112	99	96	83	102	Yes
Activity/Equipment	FTA Reference at 25 feet	160 feet north	500 feet to east	230 feet south	<10 feet to west	--
Paving/Vibratory Roller	94	70	55	65	106	Yes
Activity/Equipment	FTA Reference at 25 feet	180 feet north	270 feet east	180 feet south	230 feet west	--
Grading/Large Bulldozer	87	61	56	61	58	No
Grading/Small Bulldozer	58	32	27	32	29	No

Notes: VdB re 1 micro-in/sec. RMS (root mean squared) velocity; See Appendix J, Noise Data, of this Draft EIR.

a. Distance measured from the center of activity to sensitive receptor property line, ~~except for pile driving. Pile driving is measured from the nearest sensitive receptor to the nearest proposed foundation column.~~

Source: Federal Transit Administration, 2018, Transit Noise and Vibration Impact Assessment.

The last paragraph on page 5.11-54 of the Draft EIR is hereby amended as follows and Table 5.11-24 is hereby added to page 5.11-24:

A significant cumulative traffic noise increase would occur if project traffic were calculated to contribute 1 dBA or more under Cumulative Plus Project conditions to a significant traffic noise increase over existing conditions. That is, if a cumulative traffic noise increase of greater than the 1.5 dBA, 3 dBA, and 5 dBA is calculated, and the relative contribution from project traffic is calculated to contribute 1 dBA or more to this cumulative impact, it would be considered cumulatively considerable. As shown in ~~Table 5.11-11~~ Table 5.11-24, Traffic Noise Increases: EIR Study Area, traffic noise would increase up to ~~2.5~~ 2.9 dBA L_{dn} along Addison Street from Shattuck Avenue to Oxford Street under cumulative 2040 conditions. The existing noise environment along Addison Street is 55 dBA L_{dn}, so the 5 dBA increase threshold would apply. All other noise increases are less than 2.9 dBA L_{dn}. Roadway segments that result in a cumulative noise increase greater than 1.5 dBA L_{dn} occur where the existing ambient is less than 65 dBA L_{dn}, so the 3 dBA or 5 dBA increase thresholds would apply. Traffic noise increases along all other roadway segments would be less than 1.5 dBA L_{dn}. The existing noise environment along Addison Street is 55 dBA L_{dn}, so the 5 dBA increase threshold would apply. The traffic noise increase along Addison Street all study roadway segments would not exceed the thresholds of significance, and the cumulative traffic noise increases would be less than significant.

Table 5.11-24 Cumulative Traffic Noise Increases: EIR Study Area

<u>Roadway Segment</u>	<u>Existing</u>	<u>2040 Plus</u>	<u>L_{dn} (dBA)</u> <u>Increase</u>	<u>Potentially</u> <u>Significant?</u>
	<u>L_{dn} (dBA)</u> <u>at 50 Feet</u>	<u>LRDP Buildout</u> <u>L_{dn} (dBA)</u> <u>at 50 Feet</u>		
<u>Addison Street - Shattuck Avenue to Oxford Street</u>	<u>55.0</u>	<u>58.0</u>	<u>2.9</u>	<u>No</u>
<u>Adeline Street - Ashby Avenue to Martin Luther King Junior Way</u>	<u>62.8</u>	<u>64.1</u>	<u>1.3</u>	<u>No</u>
<u>Adeline Street - south of Alcatraz Avenue</u>	<u>67.9</u>	<u>68.9</u>	<u>1.0</u>	<u>No</u>
<u>Adeline Street - Ward Street to Oregon Street</u>	<u>64.9</u>	<u>66.2</u>	<u>1.2</u>	<u>No</u>
<u>Alcatraz Avenue - west of Adeline Street</u>	<u>62.4</u>	<u>63.3</u>	<u>0.9</u>	<u>No</u>
<u>Alcatraz Avenue - west of College Avenue</u>	<u>63.5</u>	<u>64.4</u>	<u>0.9</u>	<u>No</u>
<u>Ashby Avenue - east of Adeline Street</u>	<u>63.9</u>	<u>64.9</u>	<u>1.0</u>	<u>No</u>
<u>Ashby Avenue - west of San Pablo Avenue</u>	<u>67.0</u>	<u>68.0</u>	<u>1.0</u>	<u>No</u>
<u>Bancroft Way - College Avenue to Piedmont Avenue</u>	<u>61.2</u>	<u>62.8</u>	<u>1.6</u>	<u>No</u>
<u>Bancroft Way - Bowditch Street to College Avenue</u>	<u>63.4</u>	<u>64.9</u>	<u>1.5</u>	<u>No</u>
<u>Bancroft Way - Telegraph Avenue to Bowditch Street</u>	<u>65.2</u>	<u>66.6</u>	<u>1.4</u>	<u>No</u>
<u>Bancroft Way - Dana Street to Telegraph Avenue</u>	<u>66.6</u>	<u>67.7</u>	<u>1.1</u>	<u>No</u>
<u>Bancroft Way - Ellsworth Street to Fulton Street</u>	<u>65.4</u>	<u>66.5</u>	<u>1.1</u>	<u>No</u>
<u>Bancroft Way - Shattuck Avenue to Fulton Street</u>	<u>60.7</u>	<u>62.1</u>	<u>1.4</u>	<u>No</u>
<u>Berkeley Way - Shattuck Avenue to Fulton Street</u>	<u>55.6</u>	<u>57.2</u>	<u>1.5</u>	<u>No</u>
<u>Bowditch Street - south of Bancroft Way</u>	<u>55.6</u>	<u>57.3</u>	<u>1.7</u>	<u>No</u>
<u>Bowditch Street - south of Haste Street</u>	<u>58.0</u>	<u>59.5</u>	<u>1.4</u>	<u>No</u>
<u>Cedar Street - Shattuck Avenue to Milvia Street</u>	<u>57.8</u>	<u>58.7</u>	<u>0.9</u>	<u>No</u>
<u>Center Street - west of Oxford Street</u>	<u>54.5</u>	<u>56.0</u>	<u>1.5</u>	<u>No</u>
<u>Channing Way - east of Shattuck Avenue</u>	<u>60.9</u>	<u>62.3</u>	<u>1.4</u>	<u>No</u>
<u>Claremont Avenue - north of Alcatraz Avenue</u>	<u>64.8</u>	<u>65.7</u>	<u>0.9</u>	<u>No</u>
<u>Claremont Boulevard - north of Russel Street</u>	<u>65.9</u>	<u>67.0</u>	<u>1.1</u>	<u>No</u>
<u>College Avenue - south of Alcatraz Avenue</u>	<u>63.8</u>	<u>64.9</u>	<u>1.1</u>	<u>No</u>
<u>College Avenue - south of Bancroft Way</u>	<u>56.6</u>	<u>58.3</u>	<u>1.8</u>	<u>No</u>
<u>Dana Street - south of Bancroft Way</u>	<u>55.9</u>	<u>57.4</u>	<u>1.5</u>	<u>No</u>
<u>Durant Avenue - east of Shattuck Avenue</u>	<u>58.0</u>	<u>59.9</u>	<u>1.9</u>	<u>No</u>
<u>Dwight Way - east of Seventh Street</u>	<u>57.0</u>	<u>58.0</u>	<u>1.0</u>	<u>No</u>
<u>Dwight Way - east of Telegraph Street</u>	<u>60.8</u>	<u>61.9</u>	<u>1.0</u>	<u>No</u>
<u>Dwight Way - west of Telegraph Street</u>	<u>64.4</u>	<u>65.4</u>	<u>1.1</u>	<u>No</u>
<u>Ellsworth Street - south of Bancroft Way</u>	<u>54.7</u>	<u>56.7</u>	<u>1.9</u>	<u>No</u>
<u>Euclid Avenue - north of Hearst Avenue</u>	<u>58.5</u>	<u>59.9</u>	<u>1.4</u>	<u>No</u>
<u>Fulton Street - south of Bancroft Way</u>	<u>64.0</u>	<u>65.1</u>	<u>1.1</u>	<u>No</u>
<u>Gayley Road - north of University Drive</u>	<u>64.6</u>	<u>65.7</u>	<u>1.1</u>	<u>No</u>
<u>Gayley Road - Stadium Rim Way to University Drive</u>	<u>64.6</u>	<u>65.7</u>	<u>1.1</u>	<u>No</u>
<u>Gilman Street - Between Peralta Ave and Ordway Street</u>	<u>59.5</u>	<u>60.5</u>	<u>1.0</u>	<u>No</u>
<u>Grizzly Peak Boulevard - north of Euclid Avenue</u>	<u>52.5</u>	<u>53.6</u>	<u>1.1</u>	<u>No</u>
<u>Haste Street - Bowditch Street to Telegraph Avenue</u>	<u>61.1</u>	<u>62.4</u>	<u>1.3</u>	<u>No</u>
<u>Hearst Avenue - east of Shattuck Avenue</u>	<u>58.6</u>	<u>59.8</u>	<u>1.1</u>	<u>No</u>

3. REVISIONS TO THE DRAFT EIR

Table 5.11-24 Cumulative Traffic Noise Increases: EIR Study Area

<u>Roadway Segment</u>	<u>Existing</u>	<u>2040 Plus</u>	<u>L_{dn} (dBA)</u> <u>Increase</u>	<u>Potentially</u> <u>Significant?</u>
	<u>L_{dn} (dBA)</u> <u>at 50 Feet</u>	<u>LRDP Buildout</u> <u>L_{dn} (dBA)</u> <u>at 50 Feet</u>		
<u>Hearst Avenue - west of Arch Street</u>	<u>64.1</u>	<u>65.2</u>	<u>1.1</u>	<u>No</u>
<u>Hearst Avenue - Euclid Avenue to Scenic Avenue</u>	<u>65.9</u>	<u>67.1</u>	<u>1.1</u>	<u>No</u>
<u>Hearst Avenue - east of Le Roy Avenue</u>	<u>65.4</u>	<u>66.5</u>	<u>1.2</u>	<u>No</u>
<u>I 580 NB On-Ramp - north of Gilman Street</u>	<u>72.7</u>	<u>73.6</u>	<u>0.9</u>	<u>No</u>
<u>I 580 SB Off-Ramp - north of Gilman Street</u>	<u>71.7</u>	<u>72.6</u>	<u>0.9</u>	<u>No</u>
<u>Kittredge Street - Shattuck Avenue to Fulton Street</u>	<u>55.1</u>	<u>56.2</u>	<u>1.1</u>	<u>No</u>
<u>La Loma Avenue - north of Hearst Avenue</u>	<u>61.9</u>	<u>62.9</u>	<u>1.0</u>	<u>No</u>
<u>Le Roy Avenue - north of Hearst Avenue</u>	<u>52.6</u>	<u>53.7</u>	<u>1.1</u>	<u>No</u>
<u>Martin Luther King Jr Way - Allston Way to Bancroft Way</u>	<u>67.1</u>	<u>68.0</u>	<u>0.9</u>	<u>No</u>
<u>Martin Luther King Jr Way - north of University Avenue</u>	<u>67.1</u>	<u>68.0</u>	<u>0.9</u>	<u>No</u>
<u>Oxford Street - north of Cedar Street</u>	<u>58.3</u>	<u>59.2</u>	<u>1.0</u>	<u>No</u>
<u>Oxford Street - north of Hearst Avenue</u>	<u>64.2</u>	<u>65.3</u>	<u>1.1</u>	<u>No</u>
<u>Oxford Street - north of Berkeley Way</u>	<u>66.7</u>	<u>67.7</u>	<u>1.0</u>	<u>No</u>
<u>Oxford Street - south of Center Street</u>	<u>66.5</u>	<u>67.5</u>	<u>1.0</u>	<u>No</u>
<u>Oxford Street - north of University Avenue</u>	<u>67.7</u>	<u>68.7</u>	<u>1.0</u>	<u>No</u>
<u>Piedmont Avenue - Bancroft Way to Durant Avenue</u>	<u>63.3</u>	<u>64.4</u>	<u>1.1</u>	<u>No</u>
<u>Piedmont Avenue - Bancroft Way to Optometry Lane</u>	<u>64.1</u>	<u>65.1</u>	<u>1.1</u>	<u>No</u>
<u>Sacramento St - South of Hopkins Street</u>	<u>60.7</u>	<u>61.6</u>	<u>0.9</u>	<u>No</u>
<u>San Pablo Avenue - Gilman St to Monroe Street</u>	<u>68.7</u>	<u>69.6</u>	<u>0.9</u>	<u>No</u>
<u>San Pablo Avenue - Delaware Street to Hearst Avenue</u>	<u>68.3</u>	<u>69.2</u>	<u>0.9</u>	<u>No</u>
<u>San Pablo Avenue - north of Ashby Avenue</u>	<u>68.4</u>	<u>69.3</u>	<u>0.9</u>	<u>No</u>
<u>San Pablo Avenue - south of Ashby Avenue</u>	<u>69.3</u>	<u>70.2</u>	<u>0.9</u>	<u>No</u>
<u>Scenic Avenue - north of Hearst Avenue</u>	<u>52.6</u>	<u>53.6</u>	<u>1.0</u>	<u>No</u>
<u>Seventh Street - south of Dwight Way</u>	<u>61.9</u>	<u>62.8</u>	<u>0.9</u>	<u>No</u>
<u>Shattuck Avenue - Allston Way to Kittredge Street</u>	<u>66.7</u>	<u>67.8</u>	<u>1.1</u>	<u>No</u>
<u>Shattuck Avenue - Derby Street to Ward Street</u>	<u>66.6</u>	<u>67.7</u>	<u>1.1</u>	<u>No</u>
<u>Shattuck Avenue - Durant Avenue to Channing Way</u>	<u>66.9</u>	<u>68.0</u>	<u>1.1</u>	<u>No</u>
<u>Shattuck Avenue - Hearst Avenue to University Avenue</u>	<u>63.7</u>	<u>64.8</u>	<u>1.2</u>	<u>No</u>
<u>Shattuck Avenue - University Avenue to Addison Street</u>	<u>64.6</u>	<u>65.7</u>	<u>1.2</u>	<u>No</u>
<u>Sixth Street - Hearst Avenue to University Avenue</u>	<u>63.5</u>	<u>64.4</u>	<u>0.9</u>	<u>No</u>
<u>Sixth Street - University Ave to Bancroft way</u>	<u>63.0</u>	<u>63.9</u>	<u>0.9</u>	<u>No</u>
<u>Stadium Rim Way - east of Piedmont Avenue</u>	<u>62.0</u>	<u>63.2</u>	<u>1.2</u>	<u>No</u>
<u>Telegraph Avenue - north of Dwight Way</u>	<u>61.8</u>	<u>62.9</u>	<u>1.1</u>	<u>No</u>
<u>Telegraph Avenue - south of Bancroft Way</u>	<u>60.0</u>	<u>61.1</u>	<u>1.1</u>	<u>No</u>
<u>Telegraph Avenue - south of Derby Street</u>	<u>66.2</u>	<u>67.3</u>	<u>1.0</u>	<u>No</u>
<u>University Avenue - east of Martin Luther King Jr.</u>	<u>66.0</u>	<u>67.1</u>	<u>1.1</u>	<u>No</u>
<u>University Avenue - east of San Pablo Avenue</u>	<u>66.0</u>	<u>67.0</u>	<u>1.0</u>	<u>No</u>
<u>University Avenue - Shattuck Avenue to Oxford Street</u>	<u>64.8</u>	<u>66.3</u>	<u>1.6</u>	<u>No</u>
<u>University Avenue - Sixth Street to San Pablo Avenue</u>	<u>68.3</u>	<u>69.2</u>	<u>0.9</u>	<u>No</u>

Table 5.11-24 Cumulative Traffic Noise Increases: EIR Study Area

<u>Roadway Segment</u>	<u>Existing</u>	<u>2040 Plus</u>	<u>L_{dn} (dBA)</u> <u>Increase</u>	<u>Potentially</u> <u>Significant?</u>
	<u>L_{dn} (dBA)</u> <u>at 50 Feet</u>	<u>LRDP Buildout</u> <u>L_{dn} (dBA)</u> <u>at 50 Feet</u>		
<u>University Avenue - west of Shattuck Avenue</u>	<u>64.7</u>	<u>65.9</u>	<u>1.1</u>	<u>No</u>
<u>Warring Street - north of Derby Street</u>	<u>61.8</u>	<u>63.0</u>	<u>1.2</u>	<u>No</u>

Notes:

- A-Weighted Decibel (dBA). An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- Day-Night Sound Level (L_{dn} or DNL). The energy-average of the A-weighted sound levels during a 24-hour period, with 10 dB added from 10:00 p.m. to 7:00 a.m.
- Manual summation may not add up to the total due to rounding.

Source: Based on the Federal Highway Administration's traffic noise prediction model methodology using roadway volumes, vehicle mix, time of day splits, speeds, and number of lanes provided by Fehr & Peers, 2020.

The mitigation measure for Housing Projects #1 and #2 for impact discussion NOI-3 on page 5.11-55 of the Draft EIR is hereby amended as follows:

Mitigation Measure: No feasible mitigation measures are available to reduce this impact to a less-than-significant level. Implement Mitigation Measure NOI-1.

CHAPTER 5.12, POPULATION AND HOUSING

The text and footnote on page 5.12-22 of the Draft EIR are hereby amended as follows:

The anticipated indirect population growth in the cities of Oakland, Albany, El Cerrito, Richmond, and San Francisco would be negligible when compared to the overall population growth anticipated in those jurisdictions by the 2036–37 school year.²⁴ In addition, this analysis does not account for UC Berkeley housing outside of the EIR Study Area (including University Village) and affiliate housing, which helps to absorb some of the UC Berkeley population and reduce the number of unaccommodated students and faculty/staff who seek housing in nearby jurisdictions. Further, all indirect growth under the proposed LRDP Update would occur in heavily urbanized areas already served by local services and infrastructure; there would be no expansion of roads or utilities that could induce new urban growth in areas not already planned for growth. Thus, there would be no indirect growth impacts from the increased population that could reside in these jurisdictions. Other indirect effects of population growth, such as increased vehicular usage, utilities, transit demand, and demand for public services, are discussed elsewhere in Chapter 5 (see Chapters 5.15, Transportation, and 5.13, Public Services, of this Draft EIR).

In the city of Albany, population growth under the LRDP Update would occur as a result of indirect growth from unaccommodated students and faculty/staff who may seek housing in the city (estimated to be 327 people, as shown in Table 5.12-11, Change in Unaccommodated University Population Residing in Nearby Jurisdictions). This growth would represent less than 2 percent of Albany's projected 2037 population of 20,278 and approximately 31 percent of the projected 2018 to 2037 population increase of 1,063 (based on interpolated data from ABAG Projections 2040).

In the city of Berkeley, overall population growth under the LRDP Update would be a combination of the direct growth resulting from construction of new housing (which could result in a total of up to 13,902 new city of Berkeley residents by 2037, as shown in Table 5.12-8, Projected Population Increase due to Housing Production) and indirect growth from unaccommodated students and faculty/staff seeking housing in the city (estimated to be 2,291 people, as shown in Table 5.12-11, Change in Unaccommodated University Population Residing in Nearby Jurisdictions).

Therefore, based on the analysis herein, future development under the proposed LRDP Update could add up to 16,193 people to the city of Berkeley population (13,902 direct population growth + 2,291 indirect population growth). This combined increase in city of Berkeley residents would represent 12 percent of the projected 2037 city of Berkeley population of 138,982 and would exceed the projected 2018 to 2037 population increase of 14,660 in ABAG's Projections 2040. This population growth within the city of Berkeley could indirectly increase demand for population-serving uses, such as retail and other establishments, and could also create temporary construction jobs. However, as this indirect employment growth would be minor compared to the existing and projected employment population in the city of Berkeley, it is expected that these employees would already live in the region and that the number of employees would not be an amount substantial enough to generate population growth.

It is reasonable to assume that some of UC Berkeley's student and employee population already reside in the city of Berkeley, city of Albany, and nearby jurisdictions, and therefore would not represent a net increase in the local population. However, as previously stated, this analysis conservatively assumes that all net new population growth represents people who are new residents.

²⁴ Table 5.12-11 shows a population growth of 1,243 in Oakland, which is less than 1 percent of Oakland's population increase of 148,224 by 2037; ~~a population growth of 327 in Albany, which is less than 2 percent of Albany's population increase of 19,215;~~ a population growth of 331 in El Cerrito, which is approximately 11 percent of El Cerrito's population increase of 2,931; a population increase of 333 in Richmond, which is 1 percent of Richmond's population increase of 34,676; and a population growth of 582 in San Francisco, which is less than 1 percent of San Francisco's population increase of 180,307. Population projections for 2037 were interpolated from 2035 and 2040 data from ABAG *Projections 2040*.

CHAPTER 5.13, PUBLIC SERVICES

The third paragraph under the heading “Berkeley Unified School District” on page 5.13-23 of the Draft EIR is hereby amended as follows:

Table 5.13-1, Berkeley Unified School District Enrollment Data, shows enrollment data in BUSD between the 2014–15 academic school year and the 2019–20 academic school year. Overall enrollment has decreased over the last five years. Table 5.13-2, Berkeley Unified School District Capacity Data, shows the current and available capacity data for BUSD schools based on data provided by BUSD for the 2018-19 school year.

Table 5.13-2, Berkeley Unified School District Capacity Data, is hereby added after Table 5.13-1, Berkeley Unified School District Enrollment Data, on page 5.13-23 of the Draft EIR:

Table 5.13-2 Berkeley Unified School District Capacity Data

<u>School</u>	<u>Current Capacity</u> ^a	<u>2018-2019 Enrollment</u>	<u>Available Capacity</u>
<u>Elementary Schools</u>			
<u>Thousand Oaks</u>	<u>437</u>	<u>400</u>	<u>+37</u>
<u>Jefferson</u>	<u>414</u>	<u>424</u>	<u>-10</u>
<u>Rosa Parks</u>	<u>460</u>	<u>445</u>	<u>+15</u>
<u>Cragmont</u>	<u>391</u>	<u>363</u>	<u>+28</u>
<u>Oxford</u>	<u>322</u>	<u>279</u>	<u>+43</u>
<u>Washington</u>	<u>460</u>	<u>424</u>	<u>+36</u>
<u>Berkeley Arts Magnet</u>	<u>437</u>	<u>425</u>	<u>+12</u>
<u>Emerson</u>	<u>322</u>	<u>313</u>	<u>+9</u>
<u>John Muir</u>	<u>322</u>	<u>319</u>	<u>+3</u>
<u>Malcom X</u>	<u>598</u>	<u>534</u>	<u>+64</u>
<u>West Campus</u>	<u>345</u>	<u>0</u>	<u>+345</u>
<u>Sylvia Mendez</u>	<u>368</u>	<u>393</u>	<u>-25</u>
<u>Total for Elementary Schools</u>	<u>4,876</u>	<u>4,319</u>	<u>+557</u>
<u>Middle Schools</u>			
<u>MLK Jr.</u>	<u>1,256</u>	<u>988</u>	<u>+268</u>
<u>Willard</u>	<u>864</u>	<u>667</u>	<u>+197</u>
<u>Longfellow</u>	<u>896</u>	<u>497</u>	<u>+399</u>
<u>Total for Middle Schools</u>	<u>3,016</u>	<u>2,152</u>	<u>+864</u>
<u>High Schools</u>			
<u>Berkeley</u>	<u>3,888</u>	<u>3,042</u>	<u>+846</u>
<u>Berkeley Tech Academy</u>	<u>336</u>	<u>47</u>	<u>+289</u>
<u>Total for High Schools</u>	<u>4,224</u>	<u>3,089</u>	<u>+1,135</u>
<u>Total for All Schools</u>	<u>12,116</u>	<u>9,560</u>	<u>+2,556</u>

Notes:

a. Where data for total maximum capacity and total operational capacity were given, total maximum capacity is included in this table.

Source: Berkeley Unified School District, 2019, Berkeley Unified School District Facilities Assessment.

The heading for impact discussion PS-5 on page 5.13-24 of the Draft EIR is hereby amended as follows:

PS-5	Implementation of the proposed project could <u>would not</u> result in the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.
------	---

The last three paragraphs on page 5.13-25 of the Draft EIR are hereby amended as follows:

Potential future housing development under the proposed LRDP Update that could accommodate families with school-aged children attending local public schools would be located within the city of Berkeley. Though undergraduate housing would not accommodate families, some faculty and graduate student housing could, and therefore could contribute to BUSD enrollment numbers. In addition, unaccommodated graduate and faculty/staff households who reside in Berkeley could contribute to BUSD enrollment; however, these households would be expected to reside in existing housing that has potentially already undergone previous environmental review depending on time of construction, or new housing that would be subject to its own separate environmental review under CEQA. These non-UC Berkeley housing are also assumed to have paid school impact fees that the California State Legislature has deemed sufficient to provide full and complete school facilities mitigation. ~~Depending~~ Generally, depending on which school in the BUSD that new students ~~would~~ attend, an increase in enrollment could result in the need for new or physically altered school facilities.

Enrollment growth associated with the increased UC Berkeley population in new ~~housing units~~ beds would be gradual as housing projects are constructed. As shown in Table 5.12-7, Projected Housing Changes in the EIR Study Area, in Chapter 5.12, Population and Housing, the proposed LRDP Update is expected to result in a net new increase of approximately 549 new faculty/staff ~~housing units~~ beds and 11,073 new student ~~housing units~~ beds; of the student ~~housing units~~ beds, 2,065 would be for graduate students. Therefore, it is expected that the proposed LRDP Update would add 2,614 new ~~housing units~~ beds that could contribute to increased enrollment in BUSD (549 faculty/staff ~~units~~ beds + 2,065 graduate students ~~housing units~~ beds).

As shown in Table 5.13-1, Berkeley Unified School District Enrollment Data, enrollment in BUSD has been decreasing over the last five years. Because of this downward trend, it is possible that enrollment in BUSD due to the proposed LRDP Update would be within school capacity levels and BUSD could accommodate the increase in students. In communications regarding the proposed project, BUSD staff stated that it does not currently use enrollment projections in its Facilities Master Plan because BUSD enrollment has remained relatively static in recent years.³² ~~BUSD staff did not indicate what current school capacity levels are.~~ A 2014 student population projections report prepared by Davis Demographics & Planning for BUSD, based on information provided by BUSD including school location and capacity, indicated that BUSD student population ~~is~~ was projected to increase by 1,588 potential students (including all school grades) by 2020, from an enrollment of 9,572 students in fall of 2013.³³ As enrollment has decreased in recent years, BUSD has not reached ~~these~~ this level anticipated or planned for by 2020. Furthermore, as shown in Table 5.13-2, BUSD schools have not reached nor exceeded building capacity. Overall, there is remaining capacity for 2,556 students throughout all grade levels.

The text and footnote on page 5.13-26 of the Draft EIR are hereby amended as follows:

While it is not known where all students potentially generated from UC Berkeley faculty/staff and graduate housing would attend schools, the following discussion conservatively assumes that all new students would attend BUSD schools. Applying the student yield factor used in the 2014 Davis Demographics & Planning report, 0.076, to the 2,614 potential new housing units that could accommodate families with school-aged children under the proposed LRDP Update, would result in approximately 199 students that could attend BUSD as a result of the proposed project. This would be well under the available capacity and would therefore not result in the construction of new or expanded schools.

In addition, UC Berkeley would implement CBP PS-3, which would provide regular updates to the BUSD for facility planning purposes, ensuring that BUSD facility plans are prepared with knowledge of UC Berkeley faculty/staff and graduate housing projections.

CBP PS-3 (New): UC Berkeley will, on an annual basis, provide housing production projections to the Berkeley Unified School District (BUSD) for the purpose of ensuring that BUSD enrollment projections account for UC Berkeley-related population changes, when UC Berkeley anticipates increasing its housing stock that would serve families which could potentially attend the BUSD. UC Berkeley's Office of Physical & Environmental Planning shall verify compliance with this measure.

The current LRDP EIR listed a total capacity of BUSD schools of 11,904 students.³⁴ Assuming capacity has not decreased (i.e., BUSD schools have permanently closed) since the 2005 certification of the current LRDP EIR, the potential increase of 199 BUSD students resulting from the LRDP Update would not likely exceed capacity, nor do so to the extent that construction of new or modified facilities would need to occur. However, because of a lack of recent BUSD capacity information, this evaluation conservatively assumes that the proposed faculty/staff and graduate housing from implementation of the proposed LRDP Update could exceed the existing capacity of BUSD to the extent that the construction or expansion of school facilities is needed. Furthermore, an impact could occur because facility requirements for BUSD also depend on where future students reside, which is unknown at the programmatic level of the LRDP Update. Therefore, Because BUSD schools would be able to accommodate potential additional students generated by the proposed project without the need to physically expand, impacts are considered *less than significant*.

Impact PS-5: Student population growth contributed to Berkeley Unified School District from construction of housing under the LRDP Update that could support families has the potential to result in the need for new or modified school facilities, the construction of which could result in environmental impacts.

Mitigation Measure PS-5: UC Berkeley will, on an annual basis, provide housing production projections to the Berkeley Unified School District (BUSD) for the purpose of ensuring that BUSD enrollment projections account for UC Berkeley related population changes, when UC Berkeley anticipates increasing its housing stock that would serve families which could potentially attend the BUSD. UC Berkeley's Office of Physical & Environmental Planning shall verify compliance with this measure.

Significance with Mitigation: Significant and unavoidable. Through Mitigation Measure PS-1, UC Berkeley would provide regular updates to the BUSD for facility planning purposes, ensuring that BUSD

3. REVISIONS TO THE DRAFT EIR

facility plans are prepared with knowledge of UC Berkeley faculty/staff and graduate housing projections. Because it is unknown which BUSD school future school-aged children would potentially attend and because the current student capacity of the BUSD is unknown, no additional mitigation measures are available to ensure construction of a new BUSD school or modification of an existing school may be required. The identification of this program-level impact does not preclude the finding of less than significant impacts for subsequent projects that demonstrate they would not generate school-age children that exceed BUSD capacity. However, due to the programmatic nature of the proposed LRDP Update, no additional mitigation measures are available, and the impact is considered *significant and unavoidable*.

³⁴University of California, Berkeley, certified Long Range Development Plan & Chang Lin Tien Center for East Asian Studies EIR, 2005, State Clearinghouse Number 2003082131.

Impact discussion PS-6 for the LRDP Update on page 5.13-27, continuing onto page 5.13-28, of the Draft EIR is hereby amended as follows:

PS-6	Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, could <u>would not</u> result in significant cumulative impacts with respect to school services.
------	---

LRDP Update

As described under impact discussion PS-5, potential future faculty/staff and graduate housing under the proposed LRDP Update could contribute to increased enrollment in public school facilities, particularly for the BUSD. ~~Because the current capacity levels of BUSD facilities are unknown and due to the programmatic nature of the LRDP Update it is unknown which school students would attend, impacts to BUSD were considered significant. Implementation Mitigation Measure PS-1 would be required to inform BUSD planning efforts to ensure BUSD schools have adequate capacity. However, it would not do so to the extent that would warrant the need for new or expanded schools.~~

Potential future cumulative projects identified in Chapter 5, Environmental Evaluation, would have the potential to also generate school-aged children that could attend BUSD ~~and OUSD~~ schools. Additional enrollment could result in the need for the construction of new or expanded public school facilities, which could cause environmental impacts. The cumulative projects would be subject to developer fees pursuant to SB 50 which the California State Legislature has deemed sufficient to provide full and complete school facilities mitigation. However, since UC Berkeley is not subject to these fees, it could contribute to cumulative impacts.

As listed in Table 5-1, City and Regional Population and Housing Projections, the city of Berkeley is projected to increase by 3,128 housing units by the year 2037, as projected by the Association of Bay Area Governments (ABAG). Applying the student yield factor of 0.076, this would result in potentially 238 additional students that could attend BUSD. ABAG indirectly accounts for UC Berkeley housing in its projections, through including planned dormitory projects and market-rate apartments and housing from

various datasets.³⁴ However, conservatively adding the estimated 199 students that could be generated from the LRDP Update, to the 238 students that could result from the increase of housing in the city of Berkeley through ABAG’s projections, the combined 437 potential students that would be added to the BUSD through cumulative projects would still be well within BUSD’s remaining capacity. Therefore, the proposed project would not contribute to cumulative impacts to public schools, and impacts would be *less than significant*.

Therefore, the proposed project could result in a cumulatively considerable impact to school facilities and cumulative impacts would be *significant*.

Impact PS-6: Student population growth contributed to Berkeley Unified School District from construction of housing under the LRDP Update, in combination with past, present, and reasonably foreseeable projects, has the potential to result in the need for new or modified school facilities, the construction of which could result in environmental impacts.

Mitigation Measure PS-6: Implement Mitigation Measure PS-5.

Significance with Mitigation: Significant and unavoidable. Through Mitigation Measure PS-5, UC Berkeley would provide regular updates to the BUSD for facility planning purposes, ensuring that BUSD facility plans are prepared with knowledge of UC Berkeley faculty/staff and graduate housing projections. Because it is unknown which BUSD school future school aged children would potentially attend and because the current student capacity of the BUSD is unknown, no additional mitigation measures are available to ensure construction of a new BUSD school or modification of an existing school may be required. However, due to the programmatic nature of the proposed LRDP Update, no additional mitigation measures are available, and the impact is considered *significant and unavoidable*.

³⁴ Reilly, Michael. Metropolitan Transportation Commission. Personal email communication with UC Berkeley, February 2, 2021.

CHAPTER 5.14, PARKS AND RECREATION

The last full paragraph on page 5.14-8 of the Draft EIR is hereby amended as follows:

The proposed LRDP Update would result in the creation of approximately one acre of open space and three acres of formal athletic and recreational space. These include changes to recreational space throughout the EIR Study Area, excluding the Hill Campus East, and thus are primarily in the city of Berkeley. Because the proposed LRDP Update is not anticipated to result in major changes to the EIR Study Area in Oakland—except for up to 175,000 square feet of increased academic life space and utility infrastructure improvements, including potential photovoltaic solar installation—and particularly since the Hill Campus East will primarily be maintained as a natural area in line with City of Oakland OSCAR policies, the proposed project is not anticipated to result in impacts to city of Oakland parks and recreational services. Furthermore, residents in the region have additional access to parks and recreational space through parks in Alameda and Contra Costa counties maintained by EBRPD.

CHAPTER 5.15, TRANSPORTATION

The paragraph under the heading “UC Berkeley Continuing Best Practices” on page 5.15-4 of the Draft EIR is hereby amended as follows:

UC Berkeley applies CBPs relevant to transportation as part of the project approval process. As part of the proposed LRPD LRDP Update, some existing CBPs would be updated to carry forward through implementation of the proposed LRDP Update. A comprehensive list of CBP updates is provided in Appendix B, UC Berkeley 2021 LRDP Continuing Best Practices, of this Draft EIR. Applicable CBPs are identified and assessed for their potential to result in an adverse physical impact later in this chapter under Section 5.15.3, Impact Discussion.

CHAPTER 5.17, UTILITIES AND SERVICE SYSTEMS

The last paragraph on page 5.17-8 of the Draft EIR is hereby amended as follows:

Currently EBMUD supplies recycled water for irrigation, industrial cooling, and toilet flushing. The recycled water system currently provides approximately 9 MGD to customers in the cities of Alameda, Richmond, San Ramon, and Oakland, ~~and Albany~~, with plans to expand to 20 MGD by 2040. Currently, no recycled water is provided to the City of Berkeley or UC Berkeley, although there are plans to extend a recycled water pipeline into the City of Berkeley along San Pablo Avenue.¹⁰ Although Phase 2 of EBMUD’s Recycled Water Master Plan includes the extension of the recycled water distribution system to UC Berkeley,¹¹ subsequent conversations with EBMUD indicate that this is not likely to occur.¹²

The following text is hereby added to page 5.17-26 of the Draft EIR following the section “City of Berkeley Private Sewer Lateral Ordinance:”

City of Berkeley Sewer System Management Plan

The City of Berkeley has updated its SSMP (May 2019) pursuant to the requirements of SWRCB Order No. 2006-003-DWQ. The goal of the SSMP is to minimize the frequency and severity of sanitary sewer overflows. The UC Berkeley sewer collection system is owned and maintained by the University but discharges to the City’s sewer collection system, as do the sewer collection systems serving Lawrence Berkeley National Laboratory and Golden Gate Fields. The City’s sewer collection system also receives wastewater from small adjacent areas of the cities of Albany, Oakland, and the Stege Sanitary District (Kensington).

The SSMP provides a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system; provide adequate capacity to convey the peak wastewater flows, and minimize the frequency of sanitary sewer overflows. The SSMP describes the City’s operation and maintenance program; design and performance standards for sewer system facilities; an overflow emergency response plan; a fats, oils, and grease control program; a systems evaluation program; and a monitoring and measurements program. The

City submits annual reports to the USEPA, SWRCB, and RWQCB documenting its compliance with the requirements of the Consent Decree, its performance during each calendar year, and any planned changes to the program for the following year.

The first full paragraph on page 5.17-31 of the Draft EIR is hereby amended as follows:

Wastewater from Housing Project #1 would be discharged into the City's sanitary sewer system beneath the adjacent streets. There are eight-inch sewer pipelines beneath Berkeley Way, University Avenue, and Walnut Street. There is also a 27-inch sewer line beneath Oxford Street.¹ The engineering drawings indicate that wastewater from the site would be directed to the existing sanitary sewer beneath Oxford Street.² Existing sewer capacity would need to be evaluated by the City of Berkeley Public Works Department to verify that the existing system can accept the wastewater generated by the project.

The first full paragraph on page 5.17-37 of the Draft EIR is hereby amended as follows:

Furthermore, these two projects would pay sewer connection and wastewater collection fees to the City and EBMUD. The internal sewer system that would serve these projects would be designed, constructed, and operated in accordance with UC Berkeley's Campus Design Standards. Discharged wastewater would be coordinated with EBMUD and the City of Berkeley. CBP ~~USS-2~~ USS-3 through CBP USS-5 would also be implemented. Furthermore, compliance with the CALGreen Building Code and LEED certification requirements would reduce the volume of wastewater generated. To be conservative, these reductions were not included in the wastewater demand calculations. Therefore, the implementation of these housing projects would not require new or expanded wastewater treatment facilities, and the impacts would be *less than significant*.

CHAPTER 5.18, WILDFIRE

Mitigation Measure WF-2b on page 5.18-23 of the Draft EIR is hereby amended as follows:

Mitigation Measure WF-2b: Vegetation and wildland management activities shall comply with Public Resources Code Section 4442, which requires that engines that use hydrocarbon fuels be equipped with a spark arrester, and that these engines be maintained in effective working order to help prevent fire. These activities shall also comply with the Environmental Protection Measures in the UC Berkeley Wildland Vegetative Fuel Management Plan. ~~UC Berkeley's Office of Physical & Environmental Planning~~ shall verify compliance with this measure for ongoing UC Berkeley vegetation management activities and for future development projects.

CHAPTER 6, ALTERNATIVES TO THE PROPOSED PROJECT

The heading “Housing Projects #1 and #1 Preservation or Partial Preservation” on page 6-6 of the Draft EIR is hereby amended as follows:

Housing Projects #1 and #1 #2 Preservation or Partial Preservation

The second bulleted item on page 6-3 of the Draft EIR is hereby amended as follows:

Impact ~~CUL-1.5~~ CUL-1.4: The design of Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People’s Park through incompatible design.

CHAPTER 7, CEQA-REQUIRED ASSESSMENT CONCLUSIONS

The text for Impacts PS-5 and PS-6, as well as Impact CUL-1.5 in Table 7-1, Significant and Unavoidable Impacts by Project Component, of the Draft EIR is hereby amended as follows:

TABLE 7-1 SIGNIFICANT AND UNAVOIDABLE IMPACTS BY PROJECT COMPONENT

Impact Statement by Chapter # and Environmental Topic	LRDP Update	Housing Project #1	Housing Project #2
5.13 Public Services (PS)			
PS-5: Student population growth contributed to Berkeley Unified School District from construction of housing under the LRDP Update that could support families has the potential to result in the need for new or modified school facilities, the construction of which could result in environmental impacts.	SU	--	--
PS-6: Student population growth contributed to Berkeley Unified School District from construction of housing under the LRDP Update, in combination with past, present, and reasonably foreseeable projects, has the potential to result in the need for new or modified school facilities, the construction of which could result in environmental impacts.	SU	--	--
5.4 Cultural Resources (CUL)			
CUL-1.5 <u>CUL-1.4</u> : The design of Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People’s Park through incompatible design.	--	--	SU

CHAPTER 8, ORGANIZATIONS AND PERSONS CONSULTED

The list under the heading “University of California, Berkeley” on page 8-1 of the Draft EIR is hereby amended as follows:

- Capital Strategies
- Office of Environment, Health & Safety
- Facilities Services and Campus Operations
- Supply Chain Management
- ~~Office of Sustainability~~
- Sustainability & Carbon Solutions
- UC Police Department
- Parking & Transportation
- Government and Community Relations and Local Government and Community Relations
- Communications and Public Affairs
- Residential & Student Service Programs
- Office of Legal Affairs

APPENDIX B, 2021 LRDP CONTINUING BEST PRACTICES

The Biological Resources table in Appendix B is hereby amended as follows. Revisions are highlighted in gray because this table contains strikethrough and underline formatting.

BIOLOGICAL RESOURCES

Previous CBPs	Proposed Edits	Updated CBPs
Biological Resources (BIO)		
<p>[Previously 2020 LRDP EIR mitigation measure.]</p> <ul style="list-style-type: none"> ▪ 2020 LRDP EIR Mitigation Measure BIO-1-a: UC Berkeley will, to the full feasible extent, avoid the disturbance or removal of nests of raptors and other special-status bird species when in active use. A preconstruction nesting survey for loggerhead shrike or raptors, covering a 100 yard perimeter of the project site, would be conducted during the months of March through July prior to commencement of any project that may impact suitable nesting habitat on the Campus Park and Hill Campus. The survey would be 	<p>LRDP Mitigation Measure BIO-1-a <u>CBP BIO-1:</u> UC Berkeley will, to the full feasible extent, avoid the <u>Avoid</u> disturbance or removal of <u>bird</u> nests of raptors and other special-status bird species <u>protected under the federal Migratory Bird Treaty Act and California Department of Fish and Game Code</u> when in active use. <u>This will be accomplished by taking the following steps.</u> A <u>preconstruction nesting survey for loggerhead shrike or raptors, covering a 100 yard perimeter of the project site, would be conducted during the months of March through July prior to commencement of any project that may impact suitable nesting habitat on the Campus Park and Hill Campus. The survey would be conducted by a qualified biologist no more than 30 days prior to</u></p>	<p>CBP BIO-1 (Updated): Avoid disturbance or removal of bird nests protected under the federal Migratory Bird Treaty Act and California Department of Fish and Game Code when in active use. This will be accomplished by taking the following steps.</p> <ul style="list-style-type: none"> ▪ If tree removal and initial construction is proposed during the nesting season (February 1 to August 31), a focused survey for nesting raptors and other migratory birds will be conducted by a qualified biologist within 14 days prior to the onset of tree and vegetation removal in order to identify any active nests on the site and surrounding area within up to 500 feet of proposed construction, with the distance to be

3. REVISIONS TO THE DRAFT EIR

Previous CBPs	Proposed Edits	Updated CBPs
Biological Resources (BIO)		
<p>conducted by a qualified biologist no more than 30 days prior to initiation of disturbance to potential nesting habitat. In the Hill Campus, surveys would be conducted for new construction projects involving removal of trees and other natural vegetation. In the Campus Park, surveys would be conducted for construction projects involving removal of mature trees within 100 feet of a Natural Area, Strawberry Creek, and the Hill Campus. If any of these species are found within the survey area, grading and construction in the area would not commence, or would continue only after the nests are protected by an adequate setback approved by a qualified biologist. To the full feasible extent, the nest location would be preserved, and alteration would only be allowed if a qualified biologist verifies that birds have either not begun egg-laying and incubation, or that the juveniles from those nests are foraging independently and capable of survival. A pre-construction survey is not required if construction activities commence during the non-nesting season (August through February).</p>	<p>initiation of disturbance to potential nesting habitat. In the Hill Campus, surveys would be conducted for new construction projects involving removal of trees and other natural vegetation. In the Campus Park, surveys would be conducted for construction projects involving removal of mature trees within 100 feet of a Natural Area, Strawberry Creek, and the Hill Campus. If any of these species are found within the survey area, grading and construction in the area would not commence, or would continue only after the nests are protected by an adequate setback approved by a qualified biologist. To the full feasible extent, the nest location would be preserved, and alteration would only be allowed if a qualified biologist verifies that birds have either not begun egg-laying and incubation, or that the juveniles from those nests are foraging independently and capable of survival. A pre-construction survey is not required if construction activities commence during the non-nesting season (August through February).</p> <ul style="list-style-type: none"> ▪ <u>If tree removal and initial construction is proposed during the nesting season (February 1 to August 31), a focused survey for nesting raptors and other migratory birds will be conducted by a qualified biologist within 14 days prior to the onset of tree and vegetation removal in order to identify any active nests on the site and surrounding area within up to 500 feet of proposed construction, with the distance to be determined by a qualified biologist based on project location. The site will be resurveyed to confirm that no new nests have been established if vegetation removal and demolition has not been completed or if construction has been delayed or curtailed stopped for more than seven consecutive days during the nesting season.</u> ▪ <u>If no active nests are identified during the construction survey period, or development is initiated during the non-breeding season (September 1 to</u> 	<p>determined by a qualified biologist based on project location. The site will be resurveyed to confirm that no new nests have been established if vegetation removal and demolition has not been completed or if construction has been delayed or stopped for more than seven consecutive days during the nesting season.</p> <ul style="list-style-type: none"> ▪ If no active nests are identified during the construction survey period, or development is initiated during the non-breeding season (September 1 to January 31), tree and vegetation removal and building construction may proceed with no restrictions. ▪ If bird nests are found, an adequate setback will be established around the nest location and vegetation removal, building demolition, and other construction activities shall be restricted within this no-disturbance zone until the qualified biologist has confirmed that birds have either not begun egg-laying and incubation, or that the juveniles from those nests are foraging independently and capable of survival outside the nest location. Required setback distances for the no-disturbance zone will be based on input received from the California Department of Fish and Wildlife and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone will be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the site. ▪ A report of findings will be prepared by the qualified biologist and submitted to the UC Berkeley's Office of Physical & Environmental Planning for review and approval prior to initiation of vegetation removal, building demolition and other construction activities during the nesting season. The report will either confirm absence of any active nests or confirm that any young are located within a designated no-disturbance

Previous CBPs	Proposed Edits	Updated CBPs
Biological Resources (BIO)	<p><u>January 31), tree and vegetation removal and building construction may proceed with no restrictions.</u></p> <ul style="list-style-type: none"> ▪ <u>If bird nests are found, an adequate setback will be established around the nest location and vegetation removal, building demolition, and other construction activities shall be restricted within this no-disturbance zone until the qualified biologist has confirmed that birds have either not begun egg-laying and incubation, or that the juveniles from those nests are foraging independently and capable of survival outside the nest location. Required setback distances for the no-disturbance zone will be based on input received from the California Department of Fish and Wildlife and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone will be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the site.</u> ▪ <u>A report of findings will be prepared by the qualified biologist and submitted to the UC Berkeley's Office of Physical & Environmental Planning for review and approval prior to initiation of vegetation removal, building demolition and other construction activities during the nesting season. The report will either confirm absence of any active nests or confirm that any young are located within a designated no-disturbance zone and construction can proceed. No report of findings is required if vegetation removal and other construction activities is are initiated during the non-nesting season and continue uninterrupted according to the above criteria.</u> 	<p>zone and construction can proceed. No report of findings is required if vegetation removal and other construction activities are initiated during the non-nesting season and continue uninterrupted according to the above criteria.</p>

The Geology and Soils table in Appendix B is hereby amended as follows. Revisions are highlighted in gray because this table contains strikethrough and underline formatting.

GEOLOGY AND SOILS

Previous CBPs	Proposed Edits	Updated CBPs
Geology and Soils (GEO)		
<p>[Previously in Cultural Resources section.]</p> <ul style="list-style-type: none"> ▪ CBP CUL-1: In the event that paleontological resource evidence or a unique geological feature is identified during project planning or construction, the work would stop immediately and the find would be protected until its significance can be determined by a qualified paleontologist or geologist. If the resource is determined to be a “unique resource,” a mitigation plan would be formulated and implemented to appropriately protect the significance of the resource by preservation, documentation, and/or removal, prior to recommencing activities. 	<ul style="list-style-type: none"> ▪ CBP CUL-1 GEO-10: In the event that a <u>paleontological resource evidence or a unique geological feature</u> is identified during project planning or construction, the work would <u>will</u> stop immediately <u>in the area of effect</u>, and the find would <u>will</u> be protected until its significance can be determined by a qualified paleontologist or geologist. If the resource is determined to be a “unique resource,” a mitigation plan would <u>will</u> be formulated <u>pursuant to guidelines developed by the Society of Vertebrate Paleontology</u> and implemented to appropriately protect the significance of the resource by preservation, documentation, and/or removal, prior to recommencing activities <u>in the area of effect</u>. <u>The plan will be prepared by the qualified paleontologist and submitted to the UC Berkeley project manager for review and approval prior to initiation or recommencement of construction activities in the area of effect.</u> 	<ul style="list-style-type: none"> ▪ CBP GEO-10 (Updated): In the event that a unique paleontological resource is identified during project planning or construction, the work will stop immediately <u>in the area of effect</u>, and the find will be protected until its significance can be determined by a qualified paleontologist. If the resource is determined to be a “unique resource,” a mitigation plan will be formulated pursuant to guidelines developed by the Society of Vertebrate Paleontology and implemented to appropriately protect the significance of the resource by preservation, documentation, and/or removal, prior to recommencing activities <u>in the area of effect</u>. The plan will be prepared by the qualified paleontologist and submitted to the UC Berkeley project manager for review and approval prior to initiation or recommencement of construction activities in the area of effect.

The Hydrology and Water Quality table in Appendix B is hereby amended as follows. Revisions are highlighted in gray because this table contains strikethrough and underline formatting.

HYDROLOGY AND WATER QUALITY

Previous CBPs	Proposed Edits	Updated CBPs
Hydrology and Water Quality (HYD)		
<ul style="list-style-type: none"> ▪ CBP HYD-4-b: For 2020 LRDP projects in the City Environs (excluding the Campus Park or Hill Campus) improvements would be coordinated with the City Public Works Department 	<ul style="list-style-type: none"> ▪ CBP HYD-4-b HYD-10: For 2020 LRDP projects in the City Environs <u>Properties that affect drainage systems or patterns</u>, (excluding the Campus Park or Hill Campus) improvements would <u>will</u> be coordinated with the City <u>of Berkeley’s</u> Public Works Department. 	<ul style="list-style-type: none"> ▪ CBP HYD-10: For projects in the City Environs Properties that <u>affect drainage systems or patterns</u>, improvements will be coordinated with the City of Berkeley’s Public Works Department.

The Noise table in Appendix B is hereby amended as follows. Revisions are highlighted in gray because this table contains strikethrough and underline formatting.

NOISE

Previous CBPs	Proposed Edits	Updated CBPs
Noise (NOI)		
<p>CBP NOI-4-a: The following measures would be included in all construction projects:</p> <ul style="list-style-type: none"> ▪ Construction activities will be limited to a schedule that minimizes disruption to uses surrounding the project site as much as possible. Construction outside the Campus Park area will be scheduled within the allowable construction hours designated in the noise ordinance of the local jurisdiction to the full feasible extent, and exceptions will be avoided except where necessary. ▪ As feasible, construction equipment will be required to be muffled or controlled. ▪ The intensity of potential noise sources will be reduced where feasible by selection of quieter equipment (e.g. gas or electric equipment instead of diesel powered, low noise air compressors). ▪ Functions such as concrete mixing and equipment repair will be performed off-site whenever possible. <p>For projects requiring pile driving:</p> <ul style="list-style-type: none"> ▪ With approval of the project structural engineer, pile holes will be pre-drilled to minimize the number of impacts necessary to seat the pile. ▪ Pile driving will be scheduled to have the least impact on nearby sensitive receptors. ▪ Pile drivers with the best available noise control technology will be used. For example, pile driving noise control may be achieved by shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, 	<p>CBP NOI-4-a <u>NOI-2:</u> The <u>UC Berkeley will require the following measures would be included in for all construction projects:</u></p> <ul style="list-style-type: none"> ▪ Construction activities will be limited to a schedule that minimizes disruption to uses surrounding the project site as much as possible. Construction outside the Campus Park area will be scheduled within the allowable construction hours designated in the noise ordinance of the local jurisdiction to the full feasible extent, and exceptions will be avoided except where necessary. As feasible, construction equipment will be required to be muffled or controlled. ▪ The intensity of potential noise sources will be reduced where feasible by selection of quieter equipment (e.g., gas or electric equipment instead of diesel powered, low noise air compressors). ▪ Functions such as concrete mixing and equipment repair will be performed off-site whenever possible. ▪ <u>Stationary equipment such as generators and air compressors will be located as far as feasible from nearby noise-sensitive uses.</u> ▪ <u>At least 10 days prior to the start of construction activities, a sign will be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of UC Berkeley's and contractor's authorized representatives that are assigned to respond contact information for UC Berkeley's <u>authorized representative in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, they will investigate, take appropriate corrective action, and report the action to UC Berkeley.</u></u> ▪ <u>During the entire active construction period and to the extent feasible, the</u> 	<p>CBP <u>NOI-2 (Updated):</u> UC Berkeley will require the following measures for all construction projects:</p> <ul style="list-style-type: none"> ▪ Construction activities will be limited to a schedule that minimizes disruption to uses surrounding the project site as much as possible. Construction outside the Campus Park will be scheduled within the allowable construction hours designated in the noise ordinance of the local jurisdiction to the full feasible extent, and exceptions will be avoided except where necessary. As feasible, construction equipment will be required to be muffled or controlled. ▪ The intensity of potential noise sources will be reduced where feasible by selection of quieter equipment (e.g., gas or electric equipment instead of diesel powered, low noise air compressors). ▪ Functions such as concrete mixing and equipment repair will be performed off-site whenever possible. ▪ Stationary equipment such as generators and air compressors will be located as far as feasible from nearby noise-sensitive uses. ▪ At least 10 days prior to the start of construction activities, a sign will be posted at the entrance(s) to the job site, clearly visible to the public, that includes contact information for UC Berkeley's authorized representative in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, they will investigate, take appropriate corrective action, and report the action to UC Berkeley. ▪ During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning

3. REVISIONS TO THE DRAFT EIR

Previous CBPs	Proposed Edits	Updated CBPs
<p>Noise (NOI)</p> <p>and/or by reducing exhaust noise with a sound-absorbing muffler.</p> <ul style="list-style-type: none"> Alternatives to impact hammers, such as oscillating or rotating pile installation systems, will be used where possible. 	<p><u>use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only. The construction manager will use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.</u></p> <p>For projects requiring pile driving:</p> <ul style="list-style-type: none"> With approval of the project structural engineer, pile holes will be pre-drilled to minimize the number of impacts necessary to seat the pile. Pile driving will be scheduled to have the least impact on nearby sensitive receptors. Pile drivers with the best available noise control technology will be used. For example, pile driving noise control may be achieved by shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler. Alternatives to impact hammers, such as oscillating or rotating pile installation systems, will be used where possible <u>feasible</u>. 	<p>purposes only. The construction manager will use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.</p> <p>For projects requiring pile driving:</p> <ul style="list-style-type: none"> With approval of the project structural engineer, pile holes will be pre-drilled to minimize the number of impacts necessary to seat the pile. Pile driving will be scheduled to have the least impact on nearby sensitive receptors. Pile drivers with the best available noise control technology will be used. For example, pile driving noise control may be achieved by shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler. Alternatives to impact hammers, such as oscillating or rotating pile installation systems, will be used where feasible.

The Public Service table in Appendix B is hereby amended as follows. Revisions are highlighted in gray because this table contains strikethrough and underline formatting.

Previous CBPs	Proposed Edits	Updated CBPs
Public Services (PS)		
N/A	<u>CBP PS-3 (New): UC Berkeley will, on an annual basis, provide housing production projections to the Berkeley Unified School District (BUSD) for the purpose of ensuring that BUSD enrollment projections account for UC Berkeley-related population changes, when UC Berkeley anticipates increasing its housing stock that would serve families which could potentially attend the BUSD. UC Berkeley's Office of Physical & Environmental Planning shall verify compliance with this measure.</u>	CBP PS-3 (New): UC Berkeley will, on an annual basis, provide housing production projections to the Berkeley Unified School District (BUSD) for the purpose of ensuring that BUSD enrollment projections account for UC Berkeley-related population changes, when UC Berkeley anticipates increasing its housing stock that would serve families which could potentially attend the BUSD. UC Berkeley's Office of Physical & Environmental Planning shall verify compliance with this measure.

APPENDIX C, AIR QUALITY AND GREENHOUSE GAS EMISSIONS DATA

Appendix C of the Draft EIR is hereby amended to include Section C.4, Supplemental Data, which includes the following:

- GHG Accounting Methodology Memo
- UC Berkeley Campus Fleet
- Air Quality and GHG 2007 Baseline
- UC Berkeley Campus Fleet

APPENDIX D1, LRDP UPDATE HEALTH RISK ASSESSMENT

Figure 2, UC Berkeley Off-Campus Sensitive Receptor Locations, was amended to include additional hospital and early childcare education locations.

The proposed building square footage for CP20 Hesse/O'Brien Replacement and CP21 Koshland Hall Redevelopment was revised In Table 1, LRDP Update Wet Laboratory Space on page 11 of the revised report, to reflect on page 3-27 of the Draft EIR are hereby amended as follows:

Table 1 LRDP Update Wet Laboratory Space

Building	Lab Type	Existing Building (SF)	Proposed Building (SF)	Percent Change	Wet Lab Space (SF)
CP1 – Chemistry (Heathcock Hall) ¹	I	n/a	143,000	n/a	30,030

3. REVISIONS TO THE DRAFT EIR

Table 1 LRDP Update Wet Laboratory Space

Building	Lab Type	Existing Building (SF)	Proposed Building (SF)	Percent Change	Wet Lab Space (SF)
CP10 – Cory Hall ²	III	206,054	233,000	13% increase	11,274
CP12 – Davis Hall ²	III	137,806	138,000	0.1% increase	56,379
CP13 – Donner Lab ³ (Joint Chemistry & Engineering Buildings)	I	n/a	n/a	n/a	35,688
CP20 – Hesse/O’Brien Replacement ²	III	82,660	245,000 265,000	196% increase 221% increase	63,603 68,795
CP21 – Koshland Hall Redevelopment ²	II	153,700	155,000 129,000	1% increase 16% decrease	49,873 41,507
CP22 – Anthropology and Art Practice-Bancroft Redevelopment ²	III	156,800	459,000	193% increase	23,556
CP23 – Lewis Hall Redevelopment ²	I	68,146	146,000	114% increase	30,727
CP24 – McCone Hall Redevelopment ²	III	123,612	146,000	18% increase	9,246
CP26 – Morgan Hall Redevelopment ²	II	56,637	131,200	132% increase	28,074
Woo Han Fai Hall, Bakar BioEnginuity Hub ⁴	II	n/a	n/a	n/a	21,000

Sources:

1 CP1 wet laboratory square footage (SF) estimated using the fraction of wet lab space per building SF for similar lab type (i.e., Lewis Hall, Lab Type I, 21% of building SF as wet lab SF). 21 percent of proposed building SF (143,000) is 30,030 SF.

2 Draft Environmental Impact Report (DEIR), LRDP Project Description, Table 3-2.

3 UC Berkeley, 2017. Detailed Program Report for Joint Chemistry and Engineering Building, Table 2.5-1.

4 Yorke Engineering, LLC, 2018. Health Risk Assessment for Woo Hon Fai Hall. Dated February 2018.

The health risk values were revised in Table 3, LRDP Update Operational Health Risk Assessment Results on page 21 of the revised report are hereby amended as follows:

Table 3 LRDP Update Operational Health Risk Assessment Results

Receptor	Cancer Risk (per million)	Chronic Hazard Index	Acute (1-hr) Hazards
Point of Maximum Impact (PMI)	24.6	0.064	0.20
Maximum Exposed Individual Resident (MEIR)	7.3 <u>7.4</u>	0.018 <u>0.016</u>	0.084 <u>0.090</u>
Maximum Exposed Individual Worker (MEIW)	0.7	0.052	0.12
Maximum Exposed Sensitive Receptor (Montessori Family School)	0.9	0.011 <u>0.009</u>	0.072 <u>0.074</u>
BAAQMD Threshold for Individual Sources	10	1.0	1.0
Exceeds Threshold?	No	No	No

Note: Cancer risk calculated using 2015 OEHHA Guidance Manual.

PMI and MEIR cancer risks are calculated for the 30-yr residential scenario. MEIW cancer risk calculated for 25-yr worker scenario. Maximum exposed sensitive receptor cancer risk calculated for 12-year student scenario (ages 3 to 14).

Source: HARP2, Air Dispersion Model and Risk Tool.

The text and health risk values in Table 4, Cumulative Health Risk Results, on pages 23 and 24 of the revised report are hereby amended as follows:

Additional major sources of TACs in the vicinity of UC Berkeley include emissions from Lawrence Berkeley National Laboratory (LBNL), mobile sources such as freeways (I-80, I-580, SR-24), railroads, and major high-volume roadways (> 310,000 average daily trips). Additionally, stationary sources within 1,000 feet of the EIR Study Area were identified. BAAQMD provides screening tools to assess cancer risks (70-year residential exposure) and fine particulate matter (PM_{2.5}) concentrations within the air basin (BAAQMD, 2020c).

The cumulative health risks values were determined by adding the health risk values from the LRDP Update to the screening-level health risk values for several additional major emission sources (see Table 4). The cumulative health risk values are less than the BAAQMD threshold of 100 in a million for a lifetime cancer risk and less than the non-carcinogenic chronic or acute hazard index of 10.0. Additionally, the PM_{2.5} concentrations for all emission sources are below the cumulative BAAQMD significance threshold of 0.8 µg/m³.

It should be noted that the maximum health risk values in Table 4 for the various emission sources were determined at different locations than the MEIR location for the LRDP Update HRA. For instance, the MEIR location for the LRDP Update analysis is along Hearst Avenue (see Figure 6), whereas the maximum exposed residential receptor for the Construction of Housing Project #1 is along Berkeley Way (DEIR, Section 5.2.3, Impact Discussion, Impact AIR-3). It is likely that the summed cumulative health risks at any one location would be less than the summed total provided in Table 4, as pollutant concentrations decrease with distance from the emission source. As identified in the DEIR, health risk associated with construction activities is driven by DPM, and the effect of DPM is largely a factor of how close construction activities are to sensitive receptors, how many large off-road diesel construction equipment are needed, and the duration of construction activities. While future site-specific circumstances are not known for this program-level evaluation, Table 4 reflects the maximum potential construction health risk from cumulative activities at a single receptor at any one time. This is because construction of individual projects associated with the LRDP Update would take one to two years on average, and the results in Table 4 are based on the MEIR, which would not be the same receptor since construction activities would be located throughout the EIR Study Area. As a result, this provides a conservative estimate from construction activities associated with the LRDP Update.

Therefore, the project would not result in cumulative health risk impacts since the project’s health risks when summed with the screening-level risks from surrounding major emission sources would not exceed BAAQMD’s cumulative significance thresholds.

Table 4 Cumulative Health Risk Results

Receptor	Cancer Risk (per million)	Chronic Hazard Index	Acute Hazard Index	PM _{2.5} (µg/m ³)
LRDP Update ¹	73 <u>74</u>	0.018 <u>0.016</u>	0.084 <u>0.090</u>	n/a

3. REVISIONS TO THE DRAFT EIR

Table 4 Cumulative Health Risk Results

Receptor	Cancer Risk (per million)	Chronic Hazard Index	Acute Hazard Index	PM _{2.5} (µg/m ³)
Construction: Housing Project #1 ¹	1.1	0.004	n/a	0.007
Construction: Housing Project #2 ¹	5.2	0.010	n/a	0.04
<u>Pacific Bell²</u>	<u>0.9</u>	<u>0.001</u>	<u>0.001</u>	<u>n/a</u>
<u>Hustead's Collision Center²</u>	<u>0.0</u>	<u>0.001</u>	<u>0.001</u>	<u>n/a</u>
<u>Pacifica Foundation/KPFA²</u>	<u>0.02</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>Peralta Community College District²</u>	<u>0.04</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>Berkeley Central²</u>	<u>0.05</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>City of Berkeley Public Safety Building²</u>	<u>0.48</u>	<u>0.001</u>	<u>n/a</u>	<u>0.001</u>
<u>City of Berkeley Fire Station #2²</u>	<u>0.19</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>City of Berkeley Civic Center²</u>	<u>0.26</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>Berkeley Touchless Carwash²</u>	<u>0.14</u>	<u>0.001</u>	<u>0.001</u>	<u>n/a</u>
<u>Campus Mini-Mart²</u>	<u>0.11</u>	<u><0.001</u>	<u><0.001</u>	<u>n/a</u>
<u>Number One Gas²</u>	<u>0.09</u>	<u><0.001</u>	<u><0.001</u>	<u>n/a</u>
<u>University Valero²</u>	<u>0.07</u>	<u><0.001</u>	<u><0.001</u>	<u>n/a</u>
<u>City of Berkeley Public Library²</u>	<u>0.06</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>Stonefire Apartments²</u>	<u>0.39</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>ACC OP (Bancroft Way) LP²</u>	<u>0.06</u>	<u><0.001</u>	<u>n/a</u>	<u><0.001</u>
<u>Hearst Avenue, west of Arch Street³</u>	<u>16.0</u>	<u>0.030</u>	<u>0.030</u>	<u>0.23</u>
<u>Oxford Street, north of Berkeley Way³</u>	<u>4.88</u>	<u>0.030</u>	<u>0.030</u>	<u>0.07</u>
<u>Shattuck Avenue, south of Hearst Avenue³</u>	<u>1.65</u>	<u>0.030</u>	<u>0.030</u>	<u>0.02</u>
Lawrence Berkeley National Laboratory ⁴	8.0	0.1	0.1	n/a
Freeways ⁵	3.7	<1.0	<1.0	0.09
Railroads ⁵	1.3	<1.0	<1.0	0.002
Major Surface Streets ⁶	46.5	<1.0	<1.0	0.17
Total – All Sources	73.1 <u>52.1</u>	0.13 <u>0.23</u>	0.18 <u>0.28</u>	0.31 <u>0.47</u>
BAAQMD Threshold – Cumulative	100	10.0	10.0	0.8
Exceeds Threshold?	No	No	No	No

Note: micrograms per cubic meter = µg/m³; PM_{2.5} – fine particulate matter; Cancer risk calculated residential receptors using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual.

Sources:

1 HARP2, Air Dispersion Model and Risk Tool.

2 BAAQMD Permitted Stationary Sources Risk and Hazards Webtool (2018), with distance multipliers from BAAQMD's Health Risk Calculator, Beta 4, revised 4/3/2020 at <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>.

3 BAAQMD Roadway Screening Calculator (2015). On April 27, 2021, BAAQMD staff communicated the 2015 roadway screening calculator may continue to be used for roadways 10,000 average daily trips and higher with incorporation of a 1.3744 breathing-rate adjustment factor, per the 2015 OEHHA HRA Guidance.

4 Lawrence Berkeley National Laboratory (LBNL), EIR for 2006 LRDP, Section IV.B. Air Quality. Dated January 22, 2007. Prepared by ESA.

5 BAAQMD, Cancer Risk/PM_{2.5} Screening-Level Raster Files for Highway and Railroad and Major Streets (2020c).

APPENDIX D₃, CONSTRUCTION HEALTH RISK ASSESSMENT FOR HOUSING PROJECT #2

The text on page 1 of the revised report is hereby amended as follows:

Other sensitive receptors within 1,000 feet of the site are the students at the Berkeley Rose Waldorf School south of the project site along Hillegass Avenue, Dwight Way Child Development Center (CDC) west of the site at 2427 Dwight Way and the Cornerstone Children's Center northwest of the project site at the intersection of Dana Street and Channing Way.

The text on page 3 of the revised report is hereby amended as follows:

The MEIR is the multifamily residence south of the site along Dwight Way. The maximum exposed receptor (MER) for ~~Cornerstone Children's Center~~ the Dwight Way CDC is situated in the northeastern corner of the facility while the MER for the Berkeley Rose Waldorf School is situated in the northwestern corner of the school.

Revisions and health risks for Dwight Way Child Development Center was added to Table 1, Construction Risk Summary – Unmitigated, on page 7 of the revised report and text were hereby amended as follows:

Table 1. Construction Risk Summary - Unmitigated

Receptor	Cancer Risk (per million)	Chronic Hazards	PM _{2.5} (µg/m ³)
Maximum Exposed Individual Resident (MEIR)	12.3	0.03	0.11
<u>Maximum Exposed Sensitive Receptor – Dwight Way Child Development Center (Day Care Student)</u>	<u>0.72</u>	<u>0.002</u>	<u>0.006</u>
Maximum Exposed Sensitive Receptor – Cornerstone Children's Center (Day Care Student)	0.36	0.04 <u>0.001</u>	0.003
Maximum Exposed Sensitive Receptor – Berkeley Rose Waldorf School (Student)	1.4	0.3 <u>0.036</u>	0.12
BAAQMD Threshold	10	1.0	0.30
Exceeds Threshold?	Yes	No	No

Note: Cancer risk calculated using 2015 OEHHA HRA guidance. Modeling does not include Mitigation Measure AIR-2.1, which requires use of Tier 4 equipment for engines 50 horsepower and higher.

The cancer risks for the maximum exposed sensitive receptors at the Dwight Way CDC, Cornerstone Children's Center and Berkeley Rose Waldorf School would not exceed 10 per million.

APPENDIX L: REVISED AGENCY CORRESPONDENCE

Appendix L of the Draft EIR is hereby amended to include the new information provided by the Berkeley Unified School District after the release of the Draft EIR, including email correspondence between March 19, 2021 and April 19, 2021; Berkeley Unified School District

enrollment data between 2017 and 2022; student projections data for the 2021-22 school year; and the Berkeley Unified School District Facilities Assessment dated June 17, 2019.

4. List of Commenters

This section lists all the agencies, organizations, and people who submitted comments on the Draft EIR during the public review period. As a result of COVID-19 and restrictions placed on in-person gatherings throughout California, UC Berkeley hosted an online public hearing to receive public comments on the Draft EIR, rather than hold an in-person event. The online public hearing was held on March 29, 2021, starting at 6:00 p.m. via live video feed. Persons who submitted written comments are grouped according to whether they represent a public agency or a private organization or individual, as well as persons who provided comments to be read at the public hearing.

For each commenter on the Draft EIR, the person’s name, agency or organization as applicable, comment format (email or letter), comment date, and a commenter identifier are provided. Where a commenter has included an attachment or series of attachments as a part of their comment, these are listed as well. Each comment letter and comment has been assigned an identification letter and a number as indicated below. The comments are organized and categorized by:

- A = Public Agencies
- B = Private Organizations
- C = Individuals
- D = Comments Read at the Public Hearing

4.1 PUBLIC AGENCIES

Table 4-1 lists the public agencies that provided comments in writing on the Draft EIR.

TABLE 4-1 PUBLIC AGENCIES THAT COMMENTED ON THE DRAFT EIR

ID	Name of Person and Agency	Format	Date
A1	David J. Rehnstrom, Manager of Water Distribution Planning, East Bay Municipal Utility District (EBMUD)	Letter	04/07/2021
	▪ EBMUD’s May 13, 2020 Response to the Project’s Notice of Preparation of a Draft EIR	Attachment	04/07/2021
	▪ EBMUD’s February 8, 2021 Response to the UC Berkeley Confirming the Project’s Water Demand is Accounted for in EBMUD’s Urban Water Management Plan 2015	Attachment	04/07/2021
A2	Jeff Bond, Community Development Director, City of Albany Community Development Department	Letter	04/21/2021
A3	Jordan Klein, Director, City of Berkeley Planning and Development Department	Letter	04/21/2021
	▪ Exhibit A. Kittelson & Associates, Inc. Report dated April 14, 2021	Attachment	04/21/2021
	▪ Exhibit B. Baseline Environmental, Inc. Report dated April 16, 2021.	Attachment	04/21/2021

4. LIST OF COMMENTERS

TABLE 4-1 PUBLIC AGENCIES THAT COMMENTED ON THE DRAFT EIR

ID	Name of Person and Agency	Format	Date
	<ul style="list-style-type: none"> ▪ Exhibit C. Captioner’s Record from Berkeley City Council hearing on the LRDP EIR, April 13, 2021. ▪ Exhibit D. Letter from Timothy Burroughs, City of Berkeley, to Raphael Breines, UC Berkeley, dated April 12, 2019. ▪ Exhibit E. Letter from Timothy Burroughs, City of Berkeley, to Raphael Breines, UC Berkeley, dated May 13, 2019. ▪ Exhibit F. How Additional Is the Clean Development Mechanism? Analysis of the application of current tools and proposed alternatives, Institute of Applied Ecology, March, 2016. ▪ Exhibit G. Carbon Credits Likely Worthless in Reducing Emissions, Study Says, Inside Climate News, April 19, 2017. 	Attachment	04/21/2021
		Attachment	04/21/2021
		Attachment	04/21/2021
		Attachment	04/21/2021
		Attachment	04/21/2021
A4	Christopher Adams, Chairperson, City of Berkeley Landmarks Preservation Commission	Letter	04/21/2021

Source: UC Berkeley and PlaceWorks, 2021.

4.2 PRIVATE ORGANIZATIONS

Table 4-2 lists the private organizations that provided comments in writing on the Draft EIR.

TABLE 4-2 PRIVATE ORGANIZATIONS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person and Organization	Format	Date
B1	The Anna Head School Steering Committee	Email	04/14/2021
	<ul style="list-style-type: none"> ▪ PDF version of The Anna Head School Steering Committee email (identical copy) 	Attachment	04/21/2021
B2	Alex Knox, Telegraph Business Improvement District	Letter	04/21/2021
B3	Harvey Smith, People’s Park Historic District Advocacy Group	Email	04/21/2021
B4	David Shiver, Southside Neighborhood Consortium (received two copies)	Email	04/21/2021
B5	American Federation of State, County, and Municipal Employees Local 3299 represented by Lozeau Drury LLP	Letter	04/21/2021
	<ul style="list-style-type: none"> ▪ Exhibit A Comments from Shawn Smallwood, consulting biologist ▪ Exhibit B Comments from Deborah A. Jue, noise consultant from Wilson Ihrig ▪ Exhibit C Comments from Francis J. Offermann, air quality consultant ▪ Exhibit D Comments from Matt Hagermann and Paul E. Rosenfeld, air quality, greenhouse gas, and health risk consultants 	Attachment	04/21/2021
		Attachment	04/21/2021
		Attachment	04/21/2021
		Attachment	04/21/2021
B6	Berkeley Tenants Union	Email	04/21/2021
B7	Lesley Emmington, Make UC a Good Neighbor	Letter	04/21/2021
	<ul style="list-style-type: none"> ▪ Comments from Kara Brunzell of Brunzell Historical 	Attachment	
B8	Maxina Ventura, East Bay Pesticides	Email	04/21/2021

TABLE 4-2 PRIVATE ORGANIZATIONS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person and Organization	Format	Date
	<ul style="list-style-type: none"> ▪ People’s Park Committee Scoping Comments Regarding EIR for UC Berkeley LRDP Update and Housing Projects at People’s Park and Hill Campus, 4/27/20 [pages 3 to 4] ▪ Links to news article and Response to Comments from 2020 LRDP EIR [page 5] ▪ Comments Regarding UC Berkeley NOP of an EIR Sent on Behalf of East Bay Pesticide Alert, 12/20/19 [pages 6 to 34] ▪ East Bay Pesticide Alert’s Formal Comments in Response to the UC Hill Campus DEIR, 10/5/2020 [pages 35 to 36] ▪ Comments Regarding Addendum to the UC Berkeley 2020 LRDP EIR (Levine-Fricke Softball Field Improvements Project), 1/17/20 [pages 37 to 58] ▪ East Bay Pesticide Alert’s Comments in Response to UC Development of an EIR for UC Berkeley’s LRDP and its Threats to People’s Park, Oxford Tract, Gill Tract, and Neighbors of Oxford Tract, 5/15/20 [pages 59 to 68] ▪ People’s Park aerial photos [pages 69 to 70] 	Attachment	04/21/2021
B9	Mike Kelly, Panoramic Hill Association	Letter	04/21/2021
	<ul style="list-style-type: none"> ▪ Review Article: Environmental Noise-Induced Effects on Stress Hormones, Oxidative Stress, and Vascular Dysfunction: Key Factors in the Relationship between Cerebrocardiovascular and Psychological Disorders ▪ Oak Woodland Impact Decision Matrix, A Guide for Planner’s to Determine Significant Impacts to Oaks as Required by SB 1334. (Public Resources Code 21083.4) ▪ UC Berkeley Softball Stadium Addendum – Traffic Comments dated January 16, 2020 ▪ National Register of Historic Places Registration Form for Panoramic Hill dated October 21, 2005 ▪ Comments from Shawn Smallwood, consulting biologist, on the Levine-Fricke Softball Field Improvement, dated January 14, 2020 ▪ Comments from Derek L. Watry, noise consultant from Wilson Ihrig, on the Levine-Fricke Softball Field Improvement, dated July 30, 2020 ▪ Comments from Kara Brunzell, consulting Architectural Historian, on the Levine-Fricke Softball Field Improvements Project, dated January 16, 2020 ▪ Comments from Nadia Burleson, noise consultant from Burleson Consulting, on the Levine-Fricke Softball Field Improvements Project, dated January 15, 2020 	Attachment	04/21/2021
B10	Carrie B. Olson, Berkeley Architectural Heritage Association (BAHA)	Letter	4/21/2021
	<ul style="list-style-type: none"> ▪ Documentation between UC Berkeley and the Helen Diller Foundation regarding Housing Project #1 (Anchor House) [pages 1 to 342; 1st copy] ▪ Letter from BAHA to UC Berkeley regarding the site of Housing Project #1 (Anchor House) dated May 19, 2020 [pages 343 to 345] ▪ Pages from City of Berkeley’s Physical Design Framework [pages 346 to 348] ▪ Letters to/from BAHA to/from UC Berkeley regarding the project site for Housing Project #1 dated March 31, 1987 and January 9, 1987 [pages 349 to 350] ▪ Documentation between UC Berkeley and the Helen Diller Foundation regarding Housing Project #1 (Anchor House) [pages 351 to 480; 2nd copy] 	1 st Attachment	04/21/2021

4. LIST OF COMMENTERS

TABLE 4-2 PRIVATE ORGANIZATIONS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person and Organization	Format	Date
	▪ State of California Department of Parks and Recreation documents for the site of Housing Project #1 (Anchor House) [pages 481 to 484]	1 st Attachment	04/21/2021
	▪ Letter to UC Berkeley from City of Berkeley Landmarks Preservation Committee dated May 1, 1986 [pages 485 to 486]	1 st Attachment	04/21/2021
	▪ Letters to Senator Mitchell from UC Berkeley regarding the UC's annual budget dated September 16, 2020 and October 30, 2020 [pages 487 to 520]	1 st Attachment	04/21/2021
	▪ BAHA articles: "East Bay, Now and Then" dated November 11, 2008 and November 6, 2012 and "When Berkeley's Home Street was a Street of Homes" dated March 2, 1999, [pages 521 to 541]	1 st Attachment	04/21/2021
	▪ The 2020-21 Budget: Analyzing UC and CSU Cost Pressures report dated December 18, 2019 [pages 542 to 561]	1 st Attachment	04/21/2021
	▪ Documentation between UC Berkeley and the Helen Diller Foundation regarding Housing Project #1 (Anchor House) [pages 562 to 767; 3 rd copy]	1 st Attachment	04/21/2021
	▪ Emergency Permit to treat reactive waste at the UC Berkeley Campus dated May 28, 1999 [pages 768 to 770]	1 st Attachment	04/21/2021
	▪ Various materials regarding Moffett Field [pages 771 to 778; 1 st copy]	1 st Attachment	04/21/2021
	▪ Article titled "Damage Effects of Pile Driving Vibration" not dated [pages 779 to 785; 1 st copy]	1 st Attachment	04/21/2021
	▪ Article titled "The Preservation and Repair of Historic Stained and Leaded Glass" not dated [pages 786 to 801; 1 st copy]	1 st Attachment	04/21/2021
	▪ Article titled "Successful Preservation Implementation: A Planned Approach to Risk Management" not dated [pages 802 to 807; 1 st copy]	1 st Attachment	04/21/2021
	▪ Article titled "It's not just People's Park that will see housing..." dated May 11, 2018 <i>Note the copy of the article provided is incomplete.</i> [pages 808 to 809]	1 st Attachment	04/21/2021
	▪ Urban Design Brief & Design Guidelines People's Park Development dated May 2018 [pages 810 to 819; 1 st copy]	1 st Attachment	04/21/2021
	▪ UC Office of the President Construction Services: CEQA Procedures dated March 20, 1989; Policy on Capital Project Matters; Academic and Enrollment Planning [pages 820 to 828]	1 st Attachment	04/21/2021
	▪ Documentation between UC Berkeley and the Helen Diller Foundation regarding Housing Project #1 (Anchor House) [pages 821 to 946; 4 th copy]	1 st Attachment	04/21/2021
	▪ Various materials regarding Moffett Field [pages 947 to 954; 1 st copy]	1 st Attachment	04/21/2021
	▪ US Census City of Berkeley dated July 1, 2019 [pages 955 to 956]	1 st Attachment	04/21/2021
	▪ UC Berkeley Art Museum and Pacific Film Archives Historic Resources Study dated June 28, 2010 [pages 957 to 1,001; 1 st copy]	1 st Attachment	04/21/2021
	▪ University Village Master Plan dated June 15, 2004 and other related materials [pages 1,002 to 1,042; 1 st copy]	1 st Attachment	04/21/2021
	▪ UC Berkeley Housing Master Plan and other related materials [pages 1,003 to 1,093]	1 st Attachment	04/21/2021
	▪ Materials related to the Upper Hearst Development for the Goldman School of Public Policy project [pages 1,094 to 1,121]	1 st Attachment	04/21/2021
	▪ Letter from UC Berkeley College of Natural Resources to Chancellor Christ related to the Oxford Tract site dated May 22, 2019 [pages 1,122 to 1,123]	1 st Attachment	04/21/2021
	▪ Article titled "ISSI, Home to Generations of Berkeley Scholars of Color is Set to Close in June Next Year" dated October 25, 2020 and other materials related to the Anna Head Building [pages 1,124 to 1,155]	1 st Attachment	04/21/2021

TABLE 4-2 PRIVATE ORGANIZATIONS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person and Organization	Format	Date
	<ul style="list-style-type: none"> ▪ Articles titled “Investing in Public Higher Education” dated October 2019 and “After Years of Deferred Maintenance, Will One-Time Cash Infusion be Enough to Fix the University of California?” [pages 1,156 to 1,165] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Various materials related to waste management [pages 1,166 to 1,173] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Materials on UC Berkeley’s 2020 to 2026 financial planning [pages 1,174 to 1,181] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ State of California Department of Parks and Recreation documents for the site of First Church of Christ Scientists [pages 1,182 to 1,195] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Materials and letters to/from BAHA to/from UC Berkeley regarding the project site for Housing Project #1 dated January 9, 1987, May 9, 1986, January 27, 1987, March 31, 1987, and January 22, 2020 [pages 1,196 to 1,207] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Assessing UC and CSU Enrollment and Capacity report dated January 19, 2017 [pages 1,208 to 1,260] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Capital Strategies information on University Terrace [page 1,1261] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Letter to UC Berkeley from City of Berkeley with comments on the Upper Hearst Development for the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan Draft Supplemental Environmental Impact Report to the UC Berkeley Long Range Development Plan EIR, SCH #2003082131, dated April 12, 2019 [pages 1,262 to 1,303] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Letter to City of Berkeley Landmarks Commission from Jenifer McDougal, UC Berkeley, dated March 2013 RE: Girton Hall move to UC Botanical Garden [pages 1,304 to 1,305] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Letter to Phil Kamlarz, City Manager, City of Berkeley from Edward J. Denton, Vice Chancellor – Facilities Services dated February 2, 2009 RE: Purchase of 1995 University Avenue (Golden Bear Building) [pages 1,306 to 1,309] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Capital Strategies Featured Projects: Planning & Design webpages dated April 8, 2021 [pages 1,310 to 1,311] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Construction Phasing: Housing Project #2 Modeling Sheet [page 1,312] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ City of Berkeley, Everyone Counts! 2019 Homeless Count and Survey [pages 1,313 to 1,399] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Hill Campus Wildland Vegetative Fuel Management Plan Draft EIR materials [pages 1,400 to 1,488] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Letters from California Department of Fish and Wildlife, Michael Katz, EBMUD to UC Berkeley on the proposed LRDP Update and Housing Projects #1 and #2 Notice of Preparation dated May 7, 2020 and May 13, 2020 [pages 1,488 to 1,498] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Pages from the Caltrans State Scenic Highway System Map dated April 6, 2021 [pages 1,499 to 1,502] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Article titled Studentification in Stellenbosch, South Africa dated 2019 [pages 1,503 to 1,513] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Materials related to the Upper Hearst Development for the Goldman School of Public Policy project Draft EIR [pages 1,514 to 1,515] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Articles on housing site in Emeryville to be donated to UC Berkeley dated April 27, 2020 [pages 1,516 to 1,518] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ Pioneering Inequality report dated April 2018 [pages 1,519 to 1,558] 	1 st Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ UC CEQA Checklist Template [pages 1,559 to 1,578] 	1 st Attachment	04/21/2021

4. LIST OF COMMENTERS

TABLE 4-2 PRIVATE ORGANIZATIONS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person and Organization	Format	Date
	▪ Article titled “The Gas Station as Architectural Landmark” dated November 25, 1981 [page 1,579]	1 st Attachment	04/21/2021
	▪ Documentation between UC Berkeley and the Helen Diller Foundation regarding Housing Project #1 (Anchor House) [pages 1,580 to 1,694; 5 th copy]	1 st Attachment	04/21/2021
	▪ Guidance for School Site Risk Assessment Pursuant to Health and Safety Code Section 901(f) dated February 2004 [pages 1,695 to 1,765]	1 st Attachment	04/21/2021
	▪ UC Berkeley Art Museum and Pacific Film Archives Historic Resources Study dated June 28, 2010 [pages 1,766 to 1,817; 2 nd copy]	1 st Attachment	04/21/2021
	▪ Article titled “The Preservation and Repair of Historic Stained and Leaded Glass” not dated [pages 1,818 to 1,833; 2 nd copy]	1 st Attachment	04/21/2021
	▪ Article titled “Successful Preservation Implementation: A Planned Approach to Risk Management” not dated [pages 1,834 to 1,839; 1 st copy]	1 st Attachment	04/21/2021
	▪ Two copies of the article titled “Damage Effects of Pile Driving Vibration” not dated [pages 1,840 to 1,853; 2 nd and 3 rd copy]	1 st Attachment	04/21/2021
	▪ Various materials regarding Moffett Field [pages 1,854 to 1,859; 2 nd copy]	1 st Attachment	04/21/2021
	▪ UC Berkeley Oxford Tract Planning Committee Report dated February 1, 2018 [pages 1,860 to 1,875]	1 st Attachment	04/21/2021
	▪ Materials for Housing Project #2 (People’s Park) January 22, 2020 outreach event [pages 1,876 to 1,899]	1 st Attachment	04/21/2021
	▪ University Village Master Plan dated June 15, 2004 and other related materials [pages 1,900 to 1,942; 1 st copy]	1 st Attachment	04/21/2021
	▪ Urban Design Brief & Design Guidelines People’s Park Development dated May 2018 [pages 1,943 to 1,952; 2 nd copy]	1 st Attachment	04/21/2021
	▪ UC Berkeley Housing Survey Findings dated Fall 2017 [pages 1,953 to 1,994]	1 st Attachment	04/21/2021
	▪ Materials related to the Upper Hearst Development for the Goldman School of Public Policy project [pages 1,995 to 2,028; repeats some earlier information]	1 st Attachment	04/21/2021
	▪ Letter from Chancellor Christ to UC Berkeley College of Natural Resources related to the Oxford Tract site no date [page 2,029]	1 st Attachment	04/21/2021
	▪ Article titled “Remembering Schoolhouse Creek” dated December 2, 2 [sic] [pages 2,030 to 2,044]	1 st Attachment	04/21/2021
	▪ Historical Distribution and Current Status of Steelhead/Rainbow Trout (<i>Oncorhynchus mykiss</i>) in Streams of the San Francisco Estuary, California report dated 2005 [pages 2,045 to 2,094]	1 st Attachment	04/21/2021
	▪ Long Range Development Plan and Campus Master Plan Campus Survey Findings: Housing report/presentation dated May 2020 DRAFT [pages 2,095 to 2,113]	1 st Attachment	04/21/2021
	▪ Articles titled “Do Transportation Network Companies Decrease or Increase Congestion?” dated May 8, 2019 and “Just a Better Taxi? A Survey-Based Comparison of Taxis, Transit, and Ridesourcing Services in San Francisco” dated 2016 [pages 2,114 to 2,150]	1 st Attachment	04/21/2021
	▪ The University of California Office of the President It Has Not Adequately Ensured Compliance with Its Employee Displacement and Services Contract Police Report 2016-125,1 dated August 2017 [pages 2,151 to 2,210]	1 st Attachment	04/21/2021
	▪ Long Range Development Plan and Campus Master Plan Virtual Open House report/presentation dated November 2020 [pages 2,211 to 2,225]	1 st Attachment	04/21/2021

TABLE 4-2 PRIVATE ORGANIZATIONS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person and Organization	Format	Date
	▪ Long Range Development Plan and Campus Master Plan Initiatives Fall 2019 Workshop Summaries – Resilience & Sustainability dated December 3, 2019 [pages 2,226 to 2,264]	1 st Attachment	04/21/2021
	▪ UC Berkeley College of Engineering Master Plan dated May 2020 [pages 2,265 to 2,356]	1 st Attachment	04/21/2021
	▪ UC Berkeley Strategic Plan for Equity, Inclusion, and Diversity: Pathway to Excellence dated 2009 (two copies are provided) and Full Participation: Equity, Inclusion, and Diversity in the Division of undergraduate Education dated May 2015 [pages 2,357 to 2,454]	1 st Attachment	04/21/2021
	▪ 2020 LRDP Litigation Settlement Agreement dated May 25, 2005 [pages 2,455 to 2,475]	1 st Attachment	04/21/2021
	▪ Berkeley Environmental Health and Safety, Radiation Safety Manual dated August 2017 [pages 2,476 to 2,554]	1 st Attachment	04/21/2021
	▪ State of California Indicators of Climate Change in California report dated May 2018 [pages 2,555 to 2,905]	1 st Attachment	04/21/2021
	▪ Public Health Assessment Final Release: Evaluation of Exposure to Contaminants at the UC Berkeley Richmond Field Station dated March 17, 2010 [pages 2,906 to 3,080]	1 st Attachment	04/21/2021
	▪ The Regents of the University of California Finance and Capital Strategies Committee minutes dated July 17, 2019 [pages 3,081 to 3,123]	1 st Attachment	04/21/2021
	▪ University Policy on Management of Health, Safety and the Environment dated October 28, 2005 and Storage and Removal of Regulated Waste document [pages 3,124 to 3,713]	1 st Attachment	04/21/2021
	▪ UC Berkeley Wildfire Smoke and Air Quality dated September 2019 [pages 3,219 to 3,275]	1 st Attachment	04/21/2021
	▪ Creating On-Campus Housing, Supporting UC Berkeley Students and Our Community report dated March 2020 [pages 3,275 to 3,278]	1 st Attachment	04/21/2021
	▪ On Shade and Shadow, A Case Study on the Impacts of Overshadowing by tall buildings on Toronto’s Greenspaces dated November 30, 2018 and City of Berkeley’s Shadow Study Instructions dated March 2018 [pages 3,279 to 3,306]	1 st Attachment	04/21/2021
	▪ UC Capital Financial Plan 2018-28, a UC Berkeley Campus Map and Key, and UC Capital Financial Plan 2019-25 [pages 3,307 to 3,575]	1 st Attachment	04/21/2021
	▪ University of California, The Facts: Federal Financial Aid for UC Students dated April 2020 [pages 3,576 to 3,577]	1 st Attachment	04/21/2021
	▪ Pages from Draft 12-15-06 Berkeley Lab Long Range Development Plan [pages 3,578 to 3,590]	1 st Attachment	04/21/2021
	▪ The History of Berkeley Beach no date [pages 3,591 to 3,599]	1 st Attachment	04/21/2021
	▪ Revised CEQA Findings in Connection with the Approval of the Welcome Center Building Project, UC LBNL no date [pages 3,600 to 3,606]	1 st Attachment	04/21/2021
	▪ Handwritten correspondence dated 1879 to 1886 [pages 3,607 to 3,714]	1 st Attachment	04/21/2021
	▪ California State Auditor Letter to the Governor of California, March 2016 [pages 1 to 126]	2 nd Attachment	04/27/2021
	▪ California State Auditor Letter to the Governor of California, August 2017 [pages 127 to 186]	2 nd Attachment	04/27/2021
	▪ Native American Graves Protection and Repatriation Act : The University of California is not adequately overseeing its return of native American remains and artifacts, California State Auditor Report, June 2020 [pages 187 to 246]	2 nd Attachment	04/27/2021

4. LIST OF COMMENTERS

TABLE 4-2 PRIVATE ORGANIZATIONS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person and Organization	Format	Date
	▪ Recommendation Letter: Resolution in Support of 1921 Walnut Street, from Councilmember Harrison and Councilmember Hahn to Berkeley City Mayor and City Council, June 28, 2020 [pages 247 to 254]	2 nd Attachment	04/27/2021
	▪ The Art Museum’s Interactive Urban Planning Exhibit Takes a Look at Social, Physical Aspects of Redesigning Cities, March 15, 1995 [pages 255 to 256]	2 nd Attachment	04/27/2021
	▪ Berkeley Wildfire of 1923 Left 1,000 Students Homeless by Steven Finacom, September 16, 1998 [pages 257 to 259]	2 nd Attachment	04/27/2021
	▪ UC Berkeley, City of Berkeley and School District form new alliance, December 1, 1997 [pages 260 to 261]	2 nd Attachment	04/27/2021
	▪ Going out on a limb for Berkeley’s venerable trees, UC Berkeley News, January 26, 2004 [pages 262 to 263]	2 nd Attachment	04/27/2021
	▪ Campus, city generate cost sharing ideas, UC Berkeley News, April 9, 2003 [pages 264 to 265]	2 nd Attachment	04/27/2021
	▪ City of Berkeley and UC Berkeley announce landmark agreement on campus’s growth plan, May 25, 2005 [pages 266 to 267]	2 nd Attachment	04/27/2021
	▪ Chancellor’s Community Partnership Fund Awards announced, UC Berkeley News, July 29, 2009 [pages 268 to 269]	2 nd Attachment	04/27/2021
	▪ A note of thanks from the chancellor to the City of Berkeley, April 28, 2017 [pages 270 to 274]	2 nd Attachment	04/27/2021
	▪ From the Berkeley Hills to Bishop Peak: Acquisition and Use of Land at Cal Poly and UC Berkeley, no date [pages 275 to 294]	2 nd Attachment	04/27/2021
	▪ An update from the Chancellor Christ on two UC Berkeley student housing project February 22, 2021 [pages 295 to 308]	2 nd Attachment	04/27/2021
	▪ ‘We need to stand together as tenants’: Protesters oppose 1921 Walnut St. eviction, The Daily Californian, [pages 309 to 311]	2 nd Attachment	04/27/2021
	▪ Adoption of Findings and Approval of Design, Anna Head West Student Housing, Berkeley Campus, November 19, 2009 [pages 312 to 318]	2 nd Attachment	04/27/2021
	▪ “Equally in View” The University of California, Its Women and the Schools, 1995 [pages 318 to 444; 1 st copy]	2 nd Attachment	04/27/2021
	▪ Berkeley as a land grant university, The Daily Californian, April 11, 2013 [pages 445 to 449]	2 nd Attachment	04/27/2021
	▪ First Church of Christ, Scientist, 2016 [pages 450 to 455]	2 nd Attachment	04/27/2021
	▪ Boykin was pioneer at Oakland’s Anna Head, February 1, 2013 [pages 456 to 462]	2 nd Attachment	04/27/2021
	▪ Campus, civic leaders toast town-gown ties and training effort [pages 463 to 470]	2 nd Attachment	04/27/2021
	▪ City of Berkeley plan sets stage for future, development blueprint poses opportunity to coordinate campus, city visions, December 5, 2001 [pages 471 to 473]	2 nd Attachment	04/27/2021
	▪ Campus Historic Resources Survey, 1978 [pages 474 to 651]	2 nd Attachment	04/27/2021
	▪ Effort Reporting, UC Berkeley, no date (accessed April 29, 2021) [pages 652 to 654]	2 nd Attachment	04/27/2021
	▪ First Church of Christ Scientist, no date (accessed April 29, 2021) [pages 655 to 657]	2 nd Attachment	04/27/2021
	▪ Effort Reporting, UC Berkeley no date (accessed April 29, 2021) [pages 658 to 664]	2 nd Attachment	04/27/2021

TABLE 4-2 PRIVATE ORGANIZATIONS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person and Organization	Format	Date
	▪ First Church of Christ, Scientist Bernard Maybeck, Architect 1910, no date (accessed April 29, 2021) [pages 665 to 667]	2 nd Attachment	04/27/2021
	▪ Frequently asked questions about the plan for People’s Park, May 3, 2018 [pages 668 to 687]	2 nd Attachment	04/27/2021
	▪ Take a Peek at the Interior and Recent Restoration, no date (accessed April 29, 2021) [pages 688 to 689]	2 nd Attachment	04/27/2021
	▪ California Environmental Quality Act Findings in Connection with Approval of Design, Berkeley Art Museum and Pacific Film Archive Berkeley Campus, no date [pages 690 to 704]	2 nd Attachment	04/27/2021
	▪ Public Comment: Housing and History of Anna Head, January 7, 2009 [pages 705 to 706]	2 nd Attachment	04/27/2021
	▪ Unitarian Universalist Retired Ministers and Partners Association: The Rev. Margaret D. “Margo” Tyndall [pages 705 to 706]	2 nd Attachment	04/27/2021
	▪ DSA Application Summary: Alteration to Anna Head Building D; Anna Head Building A, April 21, 2021 [pages 711 to 713]	2 nd Attachment	04/27/2021
	▪ ISSI, Home to generations of Berkeley scholars of color, is set to close in June next year, October 25, 2020 [pages 714 to 720]	2 nd Attachment	04/27/2021
	▪ LCA Architects shares a first new look at UC Berkeley’s completed Enclave Apartments, no date (accessed April 29, 2021) [pages 721 to 739]	2 nd Attachment	04/27/2021
	▪ UC Institute threatened with closure following years of supporting students of color [pages 740 to 756]	2 nd Attachment	04/27/2021
	▪ Biz Journal, no date [pages 757 to 765]	2 nd Attachment	04/27/2021
	▪ New UC Berkeley plans for People’s Park call for student, homeless housing, May 3, 2021 [pages 766 to 780]	2 nd Attachment	04/27/2021
	▪ Knave: Oakland Tribune, February 18, 1962 [page 781]	2 nd Attachment	04/27/2021
	▪ UC Berkeley Capital Project Invites Students, Neighbors and Community Members to a Community Discussion about the Anna Head Student Housing Project, May 11, 2019 [pages 782 to 793]	2 nd Attachment	04/27/2021
	▪ Superior Court of California County of Alameda: Panoramic Hill Association vs. The Regents of the University [pages 794 to 796]	2 nd Attachment	04/27/2021
	▪ Legislative Analyst’s Office: Second Round of Federal Higher Education Relief Funding, January 20, 2021 [pages 797 to 803]	2 nd Attachment	04/27/2021
	▪ Site Environmental Report for 2019: Lawrence Berkeley National Laboratory Environment, Health & Safety Division, September 2020 [pages 804 to 887]	2 nd Attachment	04/27/2021
	▪ Lawrence Berkeley National Laboratory Vegetation Management Guide: Berkeley LAB, February 11, 2021 [pages 788 to 943]	2 nd Attachment	04/27/2021
	▪ The Compass Rose: Bernard Maybeck and his First Church of Christ Scientist, Part 1 [pages 944 to 949]	2 nd Attachment	04/27/2021
	▪ UC Berkeley Anna Head Residences [pages 950 to 952]	2 nd Attachment	04/27/2021
	▪ UC Berkeley is negotiating to buy and potentially tear down 111-year-old-rent-controlled building, Berkeley, May 4, 2020 [pages 953 to 973; 1 st copy]	2 nd Attachment	04/27/2021
	▪ UC Berkeley reverses plans to shut down Institute for the Study of Societal Issues, The Daily Californian, January 20, 2021 [pages 974 to 978]	2 nd Attachment	04/27/2021
	▪ UC Berkeley reverses course and will not close institute helping students of color, January 18, 2021 [pages 979 to 990]	2 nd Attachment	04/27/2021

4. LIST OF COMMENTERS

TABLE 4-2 PRIVATE ORGANIZATIONS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person and Organization	Format	Date
	▪ UC Berkeley shutting down rare pipeline for doctorates of color. Its supporters are fighting back, April 25, 2021 [pages 991 to 1,007]	2 nd Attachment	04/27/2021
	▪ UC Berkeley tells tenants of 112-year-old rent controlled building they must leave, Berkeleyside, January 27, 2021 [pages 1,008 to 1,026]	2 nd Attachment	04/27/2021
	▪ UC Berkeley to demolish 1921 Walnut St., faces widespread opposition, the Daily Californian, January 28, 2021 [pages 1,027 to 1,032]	2 nd Attachment	04/27/2021
	▪ “Equally in View” The University of California, Its Women and the Schools, 1995 [pages 1,033 to 1,159; 2 nd copy]	2 nd Attachment	04/27/2021
	▪ UC Berkeley to Hire Builder for Anna Head Housing, August 13, 2009 [pages 1,160 to 1,162]	2 nd Attachment	04/27/2021
	▪ University resumes tree maintenance at People’s Park, UC Berkeley, January 15, 2009 [pages 1,162 to 1,173]	2 nd Attachment	04/27/2021
	▪ Historic Structure Report Anna Head School, UC Berkeley, June 2008 [pages 1,174 to 1,590]	2 nd Attachment	04/27/2021
	▪ Chronicle of the University of California, Vol 1., Fall 1998 [pages 1,592 to 1,776]	2 nd Attachment	04/27/2021
	▪ Letter to Charles Enchill, Re: New Fence around First Church of Christ, Scientist Berkeley, April 11, 2017 [pages 1,777 to 1,781]	2 nd Attachment	04/27/2021
	▪ City of Berkeley Downtown Area Plan 2012 [pages 1,782 to 1,935]	2 nd Attachment	04/27/2021
	▪ Legislative Analyst’s Office, CalFacts 2018 [pages 1,936 to 1,992]	2 nd Attachment	04/27/2021
	▪ The 2019-20 Budget: Student Food and Housing Insecurity at the University of California, Legislative Analyst, April 2019 [pages 1,993 to 2,098]	2 nd Attachment	04/27/2021
	▪ The 2021-22 Budget: Analysis of the Major University Proposals [pages 2,098 to 2,119]	2 nd Attachment	04/27/2021
	▪ The 2021-22 Budget: University Capital Outlay, March 2021 [pages 1,782 to 2,125]	2 nd Attachment	04/27/2021
	▪ Letter to University of California, Department of Finance, December 14, 2018 [pages 2,126 to 2,127]	2 nd Attachment	04/27/2021
	▪ University of California Sustainability Plan to Eliminate the Operating Deficit at the University of California, Berkeley, no date [pages 2,128 to 2,131]	2 nd Attachment	04/27/2021
	▪ Landmark Preservation Commission Structural Alteration Permit & Design Review Submittal Requirements, no date [pages 2,132 to 2,133]	2 nd Attachment	04/27/2021
	▪ The Secretary of the Interior’s Standards for the Treatment of Historic Properties: Standards of Preservation, 1995 [pages 2,134 to 2,137]	2 nd Attachment	04/27/2021
	▪ A Generation of Jayhawks, Head-Royce School, Spring 2011 [pages 2,138 to 2,189]	2 nd Attachment	04/27/2021
	▪ Anchor House, no date [pages 2,190 to 2,196]	2 nd Attachment	04/27/2021
	▪ Letter to Senator Ducheny, Joint Legislative Budget Committee, March 3, 2009 [page 2,197]	2 nd Attachment	04/27/2021
	▪ Report on Mitigation of Off-campus Impacts for Current and Future Projects, 2008-09 Legislative Session, March 2009 [pages 2,198 to 2,283]	2 nd Attachment	04/27/2021
	▪ Berkeley Draft Southside Plan EIR IV Setting, Impacts and Mitigation Measures H Paleontological and Cultural Resources, March 2008 [pages 2,284 to 2,305]	2 nd Attachment	04/27/2021
	▪ Action Under Presidential Authority – Amendment of the Budget, Anna Head West Student Housing, Berkeley Campus, Executive Summary, February 16, 2012 [pages 2,306 to 2,327]	2 nd Attachment	04/27/2021

TABLE 4-2 PRIVATE ORGANIZATIONS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person and Organization	Format	Date
	<ul style="list-style-type: none"> ▪ Old Photographs of Anna Head site, August 11, 1990 [pages 2,328 to 2,369] 	2 nd Attachment	04/27/2021
	<ul style="list-style-type: none"> ▪ Letter to Raphael Breines, Senior Planner, RE: Long Range Development Plan (LRPD) Update and Housing Project #1 and #2 Environmental Impact Report (EIR), May 15, 2020 [pages 2,370 to 2,397] 	2 nd Attachment	04/27/2021
	<ul style="list-style-type: none"> ▪ UC Berkeley is negotiating to buy and potentially tear down 111-year-old rent-controlled building May 4, 2020 [pages 2,395 to 2,403; 2nd copy] 	2 nd Attachment	04/27/2021
	<ul style="list-style-type: none"> ▪ State Water Resources Control Board, Site Name: UC Berkeley Site Garage, 1952 Oxford St. Berkeley, CA 94704, April 26, 2020 [pages 2,404 to 2,407] 	2 nd Attachment	04/27/2021
	<ul style="list-style-type: none"> ▪ List of Historic and Cultural Resources, no date [pages 2,408 to 2,409] 	2 nd Attachment	04/27/2021
	<ul style="list-style-type: none"> ▪ California Environmental Quality Act Findings in Connection with the Approval of the Design of the Anna Head West Student Housing Project, Berkeley Campus, no date [pages 2,410 to 2,422] 	2 nd Attachment	04/27/2021
	<ul style="list-style-type: none"> ▪ This is the original comment letter submitted that the commenter requested be replaced. The second copy of the letter is shown as Letter B10. 	3 rd Attachment	04/21/2021
	<ul style="list-style-type: none"> ▪ This is another copy of the comment letter that the commenter stated has been cleaned up to correct formatting and typos, and reduce the file size but no substantive alterations. 	4 th Attachment	04/27/2021
	<ul style="list-style-type: none"> ▪ This is a copy of the emails sent to UC Berkeley between April 21 and April 29, 2021. 	5 th Attachment	04/21-29/2021
B11	Leila Moncharsh, Berkeley Architectural Heritage Association [10 pages]	Letter	04/21/2021
B12	Sierra Club	Letter	04/21/2021

Source: UC Berkeley and PlaceWorks, 2021.

4.3 INDIVIDUALS

Table 4-3 lists the individuals that provided comments in writing on the Draft EIR.

TABLE 4-3 INDIVIDUALS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person	Format	Date
C1	Amanda Hill	Email	03/29/2021
C2	Bev Von Dohre	Email	03/29/2021
C3	Michael Fullerton	Email	04/09/2021
C4	Christine Youn	Email	04/10/2021
C5	Christine Youn	Email	04/10/2021
C6	Sanah Basrai	Email	04/10/2021
C7	Sohyun Cho	Email	04/10/2021
C8	Julie Guifoy	Email	04/10/2021
C9	Zahra Anwar	Email	04/10/2021

4. LIST OF COMMENTERS

TABLE 4-3 INDIVIDUALS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person	Format	Date
C10	Bob Sciotto	Email	04/10/2021
C11	Jo Ann Driscoll	Email	04/12/2021
C12	Mark Chekal	Email	04/12/2021
C13	Tom Miller	Email	04/12/2021
C14	Omowale Fowles	Email	04/13/2021
C15	Priyanka Vatturi	Email	04/13/2021
C16	Rachael Rovinsky	Email	04/13/2021
C17	Sioban Lettow	Email	04/13/2021
C18	Pam May	Email	04/15/2021
C19	Richard Wallace	Email	04/15/2021
C20	Diane Bohn	Email	04/16/2021
C21	Elsa Tranter	Email	04/16/2021
C22	Eric Johnson	Email	04/16/2021
C23	Linda Dondero	Email	04/16/2021
C24	Michelle LePaule	Email	04/16/2021
C25	Ellen Peterson	Email	04/18/2021
C26	Paul Newacheck	Email	04/18/2021
C27	Paul Teicholz	Email	04/18/2021
C28	Susan Jin	Email	04/18/2021
C29	Tamara Gurin	Email	04/18/2021
C30	Yun Park	Email	04/18/2021
C31	Amanda Lee	Email	04/19/2021
C32	Elizabeth Waters	Email	04/19/2021
C33	Kenda Harpold	Email	04/19/2021
C34	Kristen and Mike Barneich	Email	04/19/2021
C35	Maria Briggs	Email	04/19/2021
C36	Michael Katz	Email	04/19/2021
C37	Vladimira and Andrei Doran	Email	04/19/2021
C38	Anna Lorenz	Email	04/20/2021
C39	Tara Blossom	Email	04/20/2021
C40	Bonnie Feldberg	Email	04/20/2021
C41	Christine Dull	Email	04/20/2021
C42	Clifford Fred	Email	04/20/2021
C43	Daniella Thompson	Letter	04/20/2021
C44	Daniel Mulutin	Email	04/20/2021
C45	Emma Gobler	Email	04/20/2021

TABLE 4-3 INDIVIDUALS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person	Format	Date
C46	Stephen Born	Email	04/20/2021
C47	John Selawsky	Email	04/20/2021
C48	Lon Michael Saum	Email	04/20/2021
C49	Priya Vasu	Email	04/20/2021
C50	Rohan Prasad	Email	04/20/2021
C51	Robert Breuer	Email	04/21/2021
C52	Jessica McGinley	Email	04/21/2021
C53	Andrea Prichett	Email	04/21/2021
C54	Anne-Lise Francois	Email	04/21/2021
C55	Ayrton	Email	04/21/2021
C56	Jerry Wachtel	Email	04/21/2021
C57	John Stenzel	Email	04/21/2021
C58	Catherine Lopez	Email	04/21/2021
C59	Charlene Woodcock	Email	04/21/2021
C60	Sylvie Nelson	Email	04/21/2021
C61	Chuck Palley	Email	04/21/2021
C62	Daisy Sessions	Email	04/21/2021
C63	Tessa Stapp	Email	04/21/2021
C64	Emily Culling	Email	04/21/2021
C65	Gabbi Sharp	Email	04/21/2021
C66	Isabela Colmenar	Email	04/21/2021
C67	Isis Feral	Email	04/21/2021
	<ul style="list-style-type: none"> ▪ Comments on the University of California Berkeley Hill Campus Wildland Vegetative Fuel Management Plan Draft Environmental Impact Report dated October 5, 2020 ▪ Comments on the University of California Berkeley Hill Campus Wildland Vegetative Fuel Management Plan Draft Environmental Impact Report dated September 19, 2020 ▪ Comments on the University of California Berkeley Hill Campus Wildland Vegetative Fuel Management Plan Environmental Impact Report Scoping Period dated December 20, 2019 	Attachment	04/21/2021
C68	James Hendry	Email	04/21/2021
C69	June Nelson	Email	04/21/2021
C70	Henry Gehman	Email	04/21/2021
C71	Henry Gehman	Email	04/21/2021
C72	Henry Gehman	Email	04/21/2021
C73	Henry Gehman	Email	04/21/2021
C74	Henry Gehman	Email	04/21/2021

4. LIST OF COMMENTERS

TABLE 4-3 INDIVIDUALS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person	Format	Date
C75	Henry Gehman	Email	04/21/2021
C76	Henry Gehman	Email	04/21/2021
C77	Henry Gehman	Email	04/21/2021
C78	Henry Gehman	Email	04/21/2021
C79	Henry Gehman	Email	04/21/2021
C80	Kathryn Raphael	Email	04/21/2021
C81	Janice Thomas	Letter	04/21/2021
C82	Janice Thomas	Email	04/21/2021
	▪ Photographs	Attachment	04/21/2021
C83	Janice Thomas	Email	04/21/2021
	▪ Map of Strawberry Canyon and Vicinity by Frank Soule, Jr.	Attachment	04/21/2021
C84	Janice Thomas	Email	04/21/2021
	▪ Strawberry Canyon “a mountain gorge” Preservation Discourse, Berkeley Architectural Heritage Association	Attachment	04/21/2021
C85	Zach Stewart	Email	04/21/2021
C86	Kelly Hammargren	Email	04/21/2021
C87	K. L. Branson	Email	04/21/2021
C88	Lesley Emmington and Gale Garcia	Letter	04/21/2021
	▪ Exhibit A Photograph and Narrative of Golden Bear Center	Attachment	04/21/2021
	▪ Exhibit B Photograph and Narrative of Channing Tennis Courts and Ellsworth Parking Structure	Attachment	04/21/2021
	▪ Exhibit C Photograph and Narrative of Lower Hearst Parking Structure	Attachment	04/21/2021
	▪ Exhibit D Photograph and Narrative of former Tolman Hall	Attachment	04/21/2021
	▪ Exhibit E Oakland Tribune article dated March 24, 1957	Attachment	04/21/2021
C89	Luca Giles	Email	04/21/2021
C90	Margaretta M. Lovell	Letter	04/21/2021
C91	Mary Lee Noonan	Email	04/21/2021
C92	Mikayla Tran	Email	04/21/2021
C93	Nigel Guest	Email	04/21/2021
C94	Noah Schwarz	Email	04/21/2021
C95	Norma Hanani	Email	04/21/2021
C96	Paul Chapman	Email	04/21/2021
C97	Paul Wallace	Email	04/21/2021
C98	Phil Allen	Email	04/21/2021
C99	Priyanka Bhakta	Email	04/21/2021
C100	Rachelle Chong	Email	04/21/2021
C101	Rachel Rovinsky	Email	04/21/2021

TABLE 4-3 INDIVIDUALS THAT COMMENTED ON THE DRAFT EIR

No.	Name of Person	Format	Date
C102	Renee Wachtel	Email	04/21/2021
C103	Samantha Long	Email	04/21/2021
C104	Shellie Wharton	Email	04/21/2021
C105	Shirley Dean	Email	04/21/2021
C106	Stefanie Williams	Email	04/21/2021
C107	Bev Von Dohre	Email	04/21/2021
C108	Barbara Robben	Letter	04/21/2021
C109	Sylvia Vx	Email	03/24/2021
C110	Mike Vandeman	Email	04/09/2021
C111	Elana Auerbach	Email	04/14/2021
C112	Cathy Mattison	Email	03/28/2021

Source: UC Berkeley and PlaceWorks, 2021.

4.4 COMMENTS READ AT THE PUBLIC HEARING

Table 4-4 lists the public agencies, private organizations, and private individuals that provided comments in writing to be read at the public hearing on the Draft EIR that was held on March 29, 2021. The commenters are listed in the order that their comment was read at the public hearing and the date represents when their comment was submitted to be read. While the comments read aloud at the public hearing were limited to the first 300 words of the comment, the entire comment letter is responded to in Chapter 5, Comments and Responses, of this Final EIR.

TABLE 4-4 PUBLIC AGENCIES, PRIVATE ORGANIZATIONS, AND INDIVIDUALS THAT SUBMITTED COMMENTS TO BE READ AT THE PUBLIC HEARING

ID	Name of Person and Agency	Format	Date
D1	Wende Williams Micco	Email	March 8, 2021
D2	Bryan Wilson	Email	March 11, 2021
D3	Aidan Hill	Email	March 23, 2021
D4	Alfred Twu	Email	March 18, 2021
D5	Bert Weinstein	Email	March 22, 2021
D6	Jordan Klein, Director, City of Berkeley Planning and Development Department	Email	March 10, 2021
D7	Anonymous	Email	March 10, 2021
D8	Charles Siegel	Email	March 26, 2021
D9	Lisa Teague	Email	March 29, 2021
D10	Natalie Logusch	Email	March 29, 2021

4. LIST OF COMMENTERS

TABLE 4-4 PUBLIC AGENCIES, PRIVATE ORGANIZATIONS, AND INDIVIDUALS THAT SUBMITTED COMMENTS TO BE READ AT THE PUBLIC HEARING

ID	Name of Person and Agency	Format	Date
D11	Isis Feral	Email	March 29, 2021
D12	Ivar Diehl	Email	March 29, 2021
D13	Maxina Ventura, East Bay Pesticide Alert	Email	March 29, 2021
D14	Laurel Halvorson	Email	March 29, 2021
D15	Michelle Yiu	Email	March 29, 2021
D16	Moni Law	Email	March 29, 2021
D17	Stephanie Thomas	Email	March 29, 2021
D18	Genna Fudin	Email	March 29, 2021

Source: UC Berkeley and PlaceWorks, 2021.

5. Comments and Responses

This chapter includes a reproduction of, and responses to, each significant environmental issue raised during the public review period. Comments are presented in their original format in Appendix N, Comment Letters, of this Final EIR along with annotations that identify each comment number.

Responses to those individual comments are provided in this chapter alongside the text of each corresponding comment. Letters follow the same order as listed in Chapter 4, List of Commenters, of this Final EIR and are categorized by:

- A = Public Agencies
- B = Private Organizations
- C = Individuals
- D = Comments Read at the Public Hearing

Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response, and/or to a master response (described below). Where a response requires revisions to information presented in the Draft EIR, these revisions are explained and shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. Exhibits referenced in responses to comments are included in the commenter's original comment letter and are included in Appendix N, Comment Letters, of this Final EIR.

All comments included in this document are formally acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project.

5.1 MASTER RESPONSES

Certain topics raised by commenters require a lengthy response, and certain topics addressed in this Final EIR require a detailed explanation. In addition, certain topics were raised repeatedly, albeit in slightly different forms, in comments on the Draft EIR. In order to minimize duplication and to provide a more comprehensive discussion, "master responses" have been prepared for some of these issues. Responses to individual comments reference these master responses as appropriate. A particular master response may provide more information than requested by any individual comment. Conversely, the master response may not provide a complete response to a given comment, and additional information may be contained in the individual response to that comment. Master responses in this Final EIR address the following issues:

1. Standards for Responses to Comments and Focus of Review of Commenters
2. Constitutional Exemption from Local Regulations
3. COVID-19
4. Programmatic Analysis

5. Mitigation
6. LRDP and LRDP Implementation
7. EIR Study Area
8. Population Projections
9. Changes to Housing Project #1
10. Changes to Housing Project #2
11. Public Resources Code Section 21099
12. Biological Resources on the Housing Project #2 Site
13. Consistency with Other Policy Documents
14. Displacement
15. Gentrification
16. Public Schools
17. 2005 LRDP EIR Population Projections
18. Alternatives
19. Evaluation of the Use of Federal Funds

MASTER RESPONSE 1. STANDARDS FOR RESPONSES TO COMMENTS AND FOCUS OF REVIEW OF COMMENTERS

PROJECT MERITS

Often during review of an EIR, the public raises issues that relate to qualities of the project itself (in this case, the project includes LRDP Update, Housing Project #1, and Housing Project #2) or the project's community consequences or benefits, personal wellbeing and quality of life, and economic or financial issues (referred to here as "project merits"), rather than the environmental analyses or impacts and mitigations raised in the EIR. However, consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15131, Economic and Social Effects, the Draft EIR is not meant to address these project merits, rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the project's potentially significant physical impacts on the environment to the extent feasible.

In accordance with Sections 15088 and 15132 of the CEQA Guidelines, a Final EIR must include a response to comments on the Draft EIR pertaining to environmental issues analyzed under CEQA. Several of the comments provided in response to the Draft EIR express an opinion for or against the project or a project alternative, but do not address the adequacy of the analysis or conclusions in the Draft EIR. Rather, these opinions relate to the merits of the project.

Lead Agency review of environmental issues and project merits are both important in the decision of what action to take on a project, and both are considered in the decision-making process for a project. However, as part of the environmental review process, a lead agency is only required by CEQA to respond to environmental issues that are raised. The Board of Regents of the University of California (the Regents) will hold a publicly noticed hearing to consider action on the merits of the proposed project for approval or

disapproval. The Regents will consider both the EIR and project merit issues that have been raised prior to acting to approve or disapprove the proposed project.

Section 15204(a), Focus of Review, of the State CEQA Guidelines provides direction for parties reviewing and providing comment on a Draft EIR, as follows:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Therefore, in accordance with CEQA Guidelines Section 15204(a), UC Berkeley is not required to respond to comments that express an opinion about the project merits, but do not relate to environmental issues covered in the Draft EIR. Although such opinions and comments on the project merits that were received during the EIR process do not require responses in the EIR, as previously noted, they do provide important input to the process of reviewing the project overall. Therefore, merits and opinion-based comment letters are included in the EIR to be available for consideration by the UC decision-makers at the merits stage of the project. UC decision-makers may consider these letters and issues as part of their deliberations on the merits of the project and whether to approve, modify, or disapprove the project.

SPECULATION WITHOUT SUBSTANTIAL EVIDENCE

Various commenters assert or request that impacts should be considered significant or that significance conclusions of the EIR should be revised, but fail to provide substantial evidence in support of their assertion. Predicting the project's physical impacts on the environment without substantial evidence based on facts to support the analysis would require a level of speculation that is inappropriate for an EIR.

CEQA Section 21082.2(a), Significant Effect on Environment; Determination; Environmental Impact Report Preparation, requires that the lead agency "shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record." CEQA Guidelines Section 15384(a), Substantial Evidence, clarifies that "'substantial evidence'... means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or

are not caused by physical impacts on the environment, does not constitute substantial evidence.” CEQA Guidelines Section 15384(b) goes on to state that “substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” Where there are no facts available to substantiate a commenter’s assertion that the physical environment could ultimately be significantly impacted as a result of the project, the Regents acting as the lead agency, is not required to analyze that effect, nor to mitigate for that effect. Section 15204(c) of the CEQA Guidelines advises reviewers that comments should be accompanied by factual support:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of the Draft EIR is based on scientific and factual data, which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151, Standards for Adequacy of an EIR, of the CEQA Guidelines states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.”

CEQA Guidelines Section 15145, Speculation, provides that:

If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

ADDITIONAL ANALYSIS

During the review period for the Draft EIR, members of the public submitted comments that requested additional analysis, mitigation measures, or revisions that are not provided in this Final EIR for reasons more specifically addressed in the individual comments. As described above, Section 15204(a) of the CEQA Guidelines provides that CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

Section 15003 of the CEQA Guidelines, Policies, also explains the emphasis of CEQA upon good-faith efforts at full disclosure rather than technical perfection:

(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR’s environmental conclusions, but only determines if the EIR is sufficient as an informational document. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692).

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or

advancement. (*Laurel Heights Improvement Assoc. v. Regents of U.C.* (1993) 6 Cal.4th 1112 and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553).

Sections 15204(a) and 15003 reflect judicial interpretation of CEQA. Under CEQA, lead agencies need only respond to significant environmental issues, and do not need to provide all information requested by reviewers, so long as a good faith effort at full disclosure is made in the EIR.

MASTER RESPONSE 2. CONSTITUTIONAL EXEMPTION FROM LOCAL REGULATIONS

Several comments were received regarding the evaluation of consistency and compliance with the City of Berkeley's land use regulations, such as the City of Berkeley General Plan, Downtown Berkeley Design Guidelines, the City of Berkeley Southside Plan, and the City of Berkeley Municipal Code. As discussed in Chapter 3, Project Description, of the Draft EIR, and in the regulatory framework sections of Chapters 5.1 through 5.18 of the Draft EIR, UC Berkeley is constitutionally exempt from local governments' regulations, including city and county general plans, and zoning regulations, whenever using property under its control in furtherance of its educational purposes. As such, potential future development on property owned or controlled by the University of California that implements the proposed LRDP Update, including Housing Projects #1 and #2, is generally exempt from conformance to local policies and regulations, and therefore it is generally not necessary for this EIR to include these local policies and regulations when considering potential impacts. UC Berkeley, in its discretion, may consider, for coordination purposes, aspects of local policies and regulations applicable to the communities adjacent to UC Berkeley properties when it is appropriate and feasible, although it is not bound by those policies and regulations. Therefore, some sections of the Draft EIR outline the policies and regulations of the Cities of Berkeley and Oakland and Counties of Alameda and Contra Costa that UC Berkeley may consider when evaluating future development projects that implement the proposed LRDP Update, including Housing Projects #1 and #2.

MASTER RESPONSE 3. COVID-19

Comments regarding the COVID-19 pandemic addressed a number of topics, including the CEQA baseline used in the Draft EIR to evaluate potential impacts, the effects of COVID-19 on various types of data, and the timeline for preparing and reviewing the LRDP Update and Draft EIR.

CEQA BASELINE

Some commenters requested that the Draft EIR be revised to address impacts of the COVID-19 pandemic itself, including the effect of the pandemic on vehicular traffic levels and population levels (i.e., the number of residents, students, faculty, and staff) in the city of Berkeley and at UC Berkeley.

As described in Chapter 5, Environmental Analysis, of the Draft EIR, the EIR evaluates the impacts of the proposed project relative to existing conditions, as required by CEQA Guidelines Section 15126.2, Consideration and Discussion of Significant Environmental Impacts. The baseline represents the existing conditions on the ground ("physical conditions") at the time that the Notice of Preparation was issued

(April 7, 2020). However, some baseline conditions in the Draft EIR, in particular those related to population, apply 2018 data due to the disruptions created by the COVID-19 pandemic.

The COVID-19 pandemic has introduced a substantial amount of change in all aspects of society; though some of these trends are considered short term and are expected to reverse, some changes may be permanent. As with individuals, institutions such as UC Berkeley are expected to make changes in the way they operate. As a result of the COVID-19 pandemic, UC Berkeley may consider operational changes, such as increases in telework and remote/online learning, that may affect the number of people on campus or traveling to and from campus. However, these changes are not yet certain and therefore the net effect of the COVID-19 pandemic on UC Berkeley's development and operations cannot be predicted at this time. Accordingly, the impact analysis in this EIR is based on the assumption that overall behavior within the horizon of the LRDP Update would be similar to conditions prior to the start of the COVID-19 pandemic.

It would be speculative to determine the long-term, permanent land use and operational changes resulting from the pandemic. As described in Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, CEQA does not condone speculation and does not require an evaluation of speculative issues or conditions (CEQA Guidelines Section 15145, Speculation). Because sufficient data and information is currently lacking to assess whether the changes created by the COVID-19 pandemic will be short term or permanent, these changes are considered speculative and, pursuant to the CEQA Guidelines, should not be considered in making environmental impact determinations. Therefore, use of pre-pandemic data for the baseline conditions in the Draft EIR are appropriate and no revisions to the Draft EIR are required.

CEQA TIMELINE

Some commenters requested that UC Berkeley extend the comment period for the Draft EIR, or postpone the project and the CEQA review process until the global COVID-19 pandemic is over. Many comments suggested that UC Berkeley should "take a pause" and re-envision the proposed LRDP Update when more is known about long-term effects of the COVID-19 pandemic on our society.

These comments are opinions that address policy considerations regarding the timing for approval of the proposed project and not the analysis of potential project related impacts provided in the EIR or the adequacy of the EIR. As such, they do not require response. However, these comments may be considered by UC Berkeley when acting on project approvals. In addition, it should be noted that the LRDP Update establishes UC Berkeley's development framework over a 15-year or longer period. The plan is likely to undergo changes and refinements over the time horizon in response to changing conditions. With this expectation, the EIR provides a "program-level" review based on the level of detail available at this time, and only evaluates certain initial projects with "project level" specificity (i.e., Housing Projects #1 and #2). As described in Section 3.1.3, Intended Uses of the EIR, on page 3-3 of the Draft EIR, "This EIR does not evaluate project-level impacts of other specific projects that may be proposed in the future other than Housing Projects #1 and #2. All future development projects that qualify as a "project" under the California Environmental Quality Act (CEQA) are subject to compliance with CEQA, which may require additional, project-specific environmental analysis for entitlement." Use of a program-level EIR ensures that the EIR's analysis will be supplemented as needed based on new information about individual projects and the

circumstances which exist at the time they are proposed. In this way, the EIR will provides a foundation for any further analysis needed as permanent impacts of the COVID-19 pandemic on our society and environment (if any) are experienced and understood, and as modifications to concepts and future projects included in the LRDP Update are proposed.

MASTER RESPONSE 4. PROGRAMMATIC ANALYSIS

Several comments were received regarding the level of detail of future UC Berkeley development as described in the Draft LRDP Update, including phasing, site-specific details, and commitments to development. Specifically, commenters asked for specific details regarding the potential areas for new development, redevelopment, and renovation that could accommodate the proposed buildout projections shown in Table 3-2, Potential Areas of New Development and Redevelopment, and Table 3-3, Potential Areas of Renovation Only. However, there is no specific concept or project identified for these sites other than Housing Projects #1 and #2. The proposed LRDP Update serves as a long-range, program-level document. As described on page 1-2 of the Draft EIR, the analysis presents a programmatic assessment of potential impacts of future development under the LRDP Update, to accommodate a larger UC Berkeley population through increased academic program, housing, and campus life space. Apart from the more detailed project-level analysis of Housing Projects #1 and #2, individual development sites are addressed at a programmatic level of detail; the focus of the EIR is on the entire LRDP Update and potential impacts resulting from construction and operation of anticipated land uses consistent with the LRDP Update. Additional UC Berkeley development projects would be determined based on need and available funding throughout implementation of the LRDP Update. While CEQA mandates consideration of “reasonably foreseeable indirect physical changes in the environment,” a change that is “speculative or unlikely to occur” is not reasonably foreseeable (CEQA Guidelines Section 15064, Determining the Significance of the Environmental Effects Caused by a Project). As a result, project-level environmental review of future development would occur only after a project is proposed and designed, as exemplified by the project-level analysis of Housing Projects #1 and #2 presented in the Draft EIR.

While a horizon year is identified for the proposed LRDP Update, it is to provide a defined period only for identifying the development needed to accommodate projected enrollment and population growth within the identified period. The proposed LRDP Update is not a detailed implementation plan for development and does not commit UC Berkeley to carrying out any particular development project or to development on any given timeline. Overall, defined implementation of specific developments is outside the scope of the proposed LRDP Update.

As described on pages 1-2 and 1-3 of the Draft EIR, CEQA and the CEQA Guidelines allow lead agencies to prepare different types of EIRs for varying situations. CEQA Guidelines Section 15161, Project EIR, states that project EIRs are appropriate for examining the environmental impacts of a specific development project. CEQA Guidelines Section 15168, Program EIR, states that program EIRs are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria. The Draft EIR consists of both a program-level analysis of the potential impacts from the approval and implementation of the proposed LRDP Update, pursuant to CEQA Guidelines Section 15168, as well as project-specific environmental review to analyze the potential impacts of the site-specific construction and operation for the Housing Projects #1 and #2, pursuant to CEQA Guidelines Section 15161.

As described on page 1-3 of the Draft EIR, the assessment of potential environmental impacts for the programmatic evaluation of the proposed LRDP Update is based on the various components of the LRDP that are required for implementation. The programmatic analysis in this EIR addresses the proposed LRDP Update's potential environmental impacts as specifically and comprehensively as is reasonably possible. Consistent with CEQA, subsequent projects that are consistent with the proposed LRDP Update will be reviewed to determine whether they are within the scope of the program EIR, including the effectiveness of the proposed mitigation measures in reducing impacts to less-than-significant levels. If no new significant effects would occur, and no previously identified significant impacts are made substantially more severe, additional environmental analysis would not be required. If it is determined that a future project would result in environmental impacts not addressed in this program EIR, additional CEQA review would be required through a mitigated negative declaration, EIR addendum, or subsequent or supplemental EIR. Where an EIR has been prepared or certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to effects that were not analyzed as significant in the prior EIR or that are susceptible to substantial reduction or avoidance (CEQA Guidelines Section 15152[d], Tiering).

The CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broad program-level EIR, with subsequent focused environmental documents for individual projects. CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished by eliminating repetitive analyses of issues that were adequately addressed in the program EIR and by incorporating those analyses by reference. CEQA Guidelines Section 15168(d) provides for simplifying the preparation of environmental documents by incorporating by reference analyses and discussions in the program EIR.

When tiering from the program EIR, the environmental analysis for a future project implementing the proposed LRDP Update would rely on the program EIR for the following:

1. A discussion of general background and setting information for environmental topic areas;
2. Overall growth-related issues;
3. Issues that were evaluated in sufficient detail in the program EIR for which there is no significant new information or change in circumstances that would require further analysis;
4. Assessment of cumulative impacts; and
5. Mitigation measures adopted and incorporated into the proposed project.

In addition to programmatic review of the proposed LRDP Update, this EIR evaluates two individual development projects within the LRDP Update: Housing Projects #1 and #2. As described on page 1-2 of the Draft EIR, according to CEQA Guidelines Section 15146(b), Degree of Specificity, an EIR on a construction project necessarily will be more detailed in the specific effects of the project than will an EIR on the approval of an LRDP or the adoption of a local general plan because the effects of the construction can be predicted with greater accuracy. Housing Projects #1 and #2 are analyzed at the project level, allowing for project approval following certification of this EIR. With greater detail available for these housing projects, as provided in Chapter 3, Project Description, in Section 3.5.2, Housing Project #1: Anchor House, and Section 3.5.3, Housing Project #2, People's Park, of the Draft EIR, project-specific impacts were identified for each housing project and specific mitigation measures are proposed to reduce the project-specific impacts.

Please see Chapter 6, Mitigation Monitoring and Reporting Program, for a complete list of project-specific mitigation measures for Housing Projects #1 and #2 in Table 6-2, Mitigation Monitoring and Reporting Program for Housing Project #1, and Table 6-3, Mitigation Monitoring and Reporting Program for Housing Project #2, respectively.

MASTER RESPONSE 5. MITIGATION

Several comments received on the Draft EIR expressed concerns about the mitigation measures identified in the Draft EIR and in some cases suggest additional mitigation measures. Responses to comments regarding mitigation measures, including discussions on infeasible mitigation measures, revisions to existing mitigation measures, and new mitigation measures have all been addressed in the individual comments, and have been provided in Table 5-1, Responses to Comments, below.

IDENTIFYING SIGNIFICANT IMPACTS AND FEASIBLE MITIGATION

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the Regents, acting as the lead agency, based on substantial evidence in the record as a whole, including the views held by members of the public. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. However, consistent with Section 15064 of the CEQA Guidelines, Determining the Significance of Impacts from Greenhouse Gas Emissions, the analysis in the Draft EIR, for greenhouse gas emissions impacts as well as the other environmental topic areas, is based on scientific and factual data, which has been reviewed by the lead agency and reflects its independent judgment and conclusions. Section 15126.4(a)(3), Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects, of the CEQA Guidelines does not require mitigation measures for impacts that are not found to be significant; therefore, the mitigation measures in this Final EIR are only for impacts that were found to be significant and additional mitigation is not required.

As described in Chapters 5.1 through 5.18 of the Draft EIR, implementation of the proposed project, including implementation of the LRDP Update, Housing Project #1, and Housing Project #2 in combination with long-term regional growth projections prepared by the Association of Bay Area Governments (ABAG) (see Table 5-1, City and Regional Population and Housing Projections, in the Draft EIR), supplemented by a list of City of Berkeley pending projects in the vicinity of Housing Projects #1 and #2 (see Table 5-2, Pending Projects in the City of Berkeley, in the Draft EIR), pending projects on the UC Berkeley campus (see Table 5-3, Pending UC Berkeley Projects, in the Draft EIR), and pending projects on the Lawrence Berkeley National Laboratory campus (see Table 5-4, Pending Lawrence Berkeley National Laboratory Projects, in the Draft EIR) has the potential to generate significant environmental impacts. Accordingly, consistent with Section 15126.4 of the CEQA Guidelines, the Draft EIR proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact whenever it is feasible to do so. The term “feasible” is defined in Section 15364, Feasible, of the CEQA Guidelines to mean, “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

Section 15370, Mitigation, of the CEQA Guidelines defines “mitigation” as including: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of an action and its implementation; (3) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (5) compensating for the impact by replacing or providing substitute resources or environments. In addition to mitigation measures, the Draft EIR identifies and evaluates implementation of continuing best practices (CBPs), which are intended to address potential environmental impacts during the planning and design phase of a project and which would be applied to each future development project, as applicable, as conditions of approval. The CBPs are discussed in detailed in Master Response 6, LRDP and LRDP Implementation.

Some comments suggested mitigation that changes the type of land use proposed (i.e., residential to park) or the design of the buildings (e.g., build around the University Garage) for Housing Projects #1 and #2, as well as for future projects under the LRDP Update. While, by definition, mitigation measures may be imposed to require changes be made to the proposed project for purposes of reducing environmental impacts, the proposed mitigation measures in this Final EIR do not alter the description of the project contained in Chapter 3, Project Description, of the Draft EIR, or the analysis. Rather, the purpose of the Draft EIR is to fully disclose the environmental impacts of the project as proposed. Consistent with Section 15126.2, Consideration and Discussion of Significant Environmental Impacts, of the CEQA Guidelines, where there are impacts that cannot be avoided without imposing changes to the project’s design, the EIR identifies the significant and unavoidable impact and the reasons why the project is being proposed, notwithstanding the impact.

Consistent with Section 15126.4(a)(4)(A) of the CEQA Guidelines, the mitigation measures in this Final EIR have a direct nexus (i.e., connection) with the identified significant impact (*Nollan v. California Coastal Commission*, 483 U.S. 825 (1987)). In addition, consistent with Section 15126.4(a)(4)(B) of the CEQA Guidelines, the mitigation measures are “roughly proportional” to the potential significant impacts of the project (*Dolan v. City of Tigard*, 512 U.S. 374 (1994)).

As part of the impact analysis process under CEQA, the lead agency must consider the feasibility of proposed mitigation measures. If the Regents, acting as the lead agency, determines that a mitigation measure is not feasible or cannot be legally imposed, the measure need not be proposed or analyzed. Instead, Section 15126.4(a)(5) of the CEQA Guidelines allows that the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency’s determination. When a lead agency approves a project that would result in significant and unavoidable impacts (where mitigation measures are either infeasible or do not reduce the impact to less-than-significant levels) the lead agency must prepare a statement of overriding considerations which discloses the reasons for supporting the approved action, (including the views held by members of the public) in spite of the identified significant environmental impact. This statement of overriding considerations must be supported by substantial evidence in the record, including the EIR, in compliance with Section 15043, Authority to Approve Projects Despite Significant Effects, of the CEQA Guidelines. As described in Section 15043, the Regents may approve the project even though the project would cause a significant effect on the environment if the Regents make a fully informed and publicly disclosed decision that describes how the merits of the project outweigh reducing or avoiding the significant environmental impacts. Because the proposed project would result in

significant and unavoidable impacts, the Regents would be required to adopt a statement of overriding considerations if it approves the proposed project, consistent with Section 15093, Statement of Overriding Considerations, of the CEQA Guidelines.

IMPLEMENTING MITIGATION MEASURES

The mitigation measures described in this Final EIR are fully enforceable through permit conditions, agreements, or other legally binding instruments. Under CEQA, an EIR is required to identify feasible mitigation measures that could reduce identified impacts to less-than-significant levels.

Under Public Resource Code Section 21081.6, a lead agency is required to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Section 15097, Mitigation Monitoring or Reporting, of the State CEQA Guidelines provides additional direction on mitigation monitoring or reporting). This program is often referred to as a Mitigation Monitoring and Reporting Program (MMRP). The Regents are the lead agency for the project and are, therefore, responsible for enforcing and monitoring the mitigation measures in the MMRP.

The MMRP for the LRDP Update and Housing Projects #1 and #2 is included in Chapter 6 of this Final EIR. The MMRP for each individual project (including Housing Projects #1 and #2) to be constructed or carried out pursuant to the LRDP Update will be imposed on such project, as applicable, as a condition of its approval by the UC Regents.

DEFERRED MITIGATION

Some comments suggest that some of the mitigation measures identified in the Draft EIR are deferred to a future time. Section 15126.4 of the CEQA Guidelines prohibits the formulation of mitigation measures to be deferred until some future time. Accordingly, pursuant to CEQA Guidelines Section 15126.4(a)(1)(B), the mitigation measures described in this Final EIR specify performance standards to mitigate the significant effect of the project or show how mitigation can be accomplished in more than one specified way.

PROPOSED CHANGES TO MITIGATION MEASURES

Some comments on the Draft EIR provided specific examples of modifications to recommended mitigation measures in the Draft EIR and suggest new mitigation measures that could reduce potentially significant impacts or further reduce the already less-than-significant environmental impacts of the project. Where commenters recommendations to change mitigation measures included typographical corrections, insignificant modifications, and amplifications and clarifications, these changes are shown in Chapter 3, Revisions to the Draft EIR. However, not all recommended new mitigation measures, or changes to mitigation measures, were accepted by UC Berkeley. Pursuant to CEQA Guidelines Section 15204(a), CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters, so long as a good faith effort at full disclosure is made in the EIR. Where impacts are already found to be less than significant, there is no direct nexus to an impact and no mitigation is required, as previously discussed in this master response. Therefore, suggestions to include additional mitigation measures were not accepted. Some recommendations were determined not to be

necessary because existing UC Berkeley procedures included in the Campus Design Guidelines, CBPs, or compliance with UC polices already address the concern. Therefore, suggestions to include additional mitigation measures were also not accepted. In some cases, UC Berkeley found the recommended mitigation measures to be infeasible, and those recommendations were not accepted as well. Responses are provided and the specific reason why a recommended change to a mitigation measure or new mitigation was not accepted are given in Table 5-14, Responses to Comments Received on the Draft EIR, later in this chapter.

Additionally, Table 2-2, Significant Impacts and Mitigation Measures for the Long Range Development Plan; Table 2-3, Significant Impacts and Mitigation Measures for Housing Project #1; and Table 2-4, Significant Impacts and Mitigation Measures for Housing Project #2 in Chapter 2, Executive Summary, of this Final EIR presents a summary of impacts and mitigation measures identified in the Draft EIR, including those that have been revised and any new mitigation measures that have been added in response to comments made on the Draft EIR. These tables are organized to correspond with the environmental issues discussed in Chapter 5.1 through 5.18 of the Draft EIR. These revisions do not affect any conclusions or significance determinations provided in the Draft EIR.

MASTER RESPONSE 6. LRDP AND LRDP IMPLEMENTATION

This master response provides an overview of the proposed LRDP Update and aspects of how it would be implemented. The proposed LRDP Update serves as a long-range, program-level planning document (see Master Response 4, Programmatic Analysis, for further details on program-level documents). Apart from the two project-level analyses included as Housing Projects #1 and #2, future development projects at individual sites are not evaluated in the Draft EIR.

LONG RANGE DEVELOPMENT PLAN

As described on page 3-1 of the Draft EIR, each campus in the UC system periodically prepares an LRDP to provide a high-level planning framework to guide land use and capital investment decisions in order to ensure adequate planning capacity and physical infrastructure to support future population levels. The LRDP does not mandate growth or the provision of new facilities or development projects. As described on page 3-2 of the Draft EIR, LRDPs do not expire but rather remain in effect until updated or replaced.

The LRDP Update is a high-level framework document, intended to guide future growth and development. It is not a detailed implementation plan for development and does not commit UC Berkeley to carrying out specific development projects or to any given timeline. However, as described on page 3-24 of the Draft EIR, the LRDP Update and Draft EIR consider a development program that establishes a maximum amount of net new growth in UC Berkeley's space inventory through the 2036–37 school year, which the UC Berkeley campus may not substantially exceed without amending the LRDP and conducting additional environmental review under CEQA, as necessary. Table 3-1, Proposed LRDP Update Buildout Projections, of the Draft EIR provides an overview of UC Berkeley's long-term space needs and shows the amount of development evaluated in the Draft EIR. Please see Master Response 8, Population Projections, for a detailed description of the population assumptions presented in the Draft EIR.

Some commenters suggested that this EIR be revised to assess the potential impacts of a scenario in which UC Berkeley does not realize the level of housing development evaluated in the Draft EIR. Such a scenario is evaluated in the Draft EIR as part of Alternative A: No Project (the “No Project Alternative”) and Alternative B: Reduced Development Program (the “Reduced Development Alternative”) included in Chapter 6, Alternatives to the Proposed Project. Under the No Project Alternative, development would occur up to the planned capacity of the existing 2005 LRDP. As shown in Table 6-2, Forecasted Net Growth Comparison of the Proposed Project, and Alternative A, of the Draft EIR, development under the No Project Alternative would include 1,530 beds instead of 11,731 beds. Under the Reduced Development Alternative, development would be similar to that of the proposed project but with a 25 percent reduction in undergraduate beds and academic life space square footage. As shown in Table 6-3, Forecasted Net Growth Comparison of the Proposed Project, and Alternative B, of the Draft EIR, development under the Reduced Development Alternative would include 9,479 beds instead of 11,731 beds. Chapter 6 of the Draft EIR discusses the impacts of this scenario in comparison to the proposed LRDP Update.

Some commenters questioned the parking numbers presented in the Draft EIR. Chapter 3, Revisions to the Draft EIR, of this Final EIR contains revisions to Table 3-1 of the Draft EIR to correct the number of horizon-year parking spaces presented in Table 3-1. As shown in Chapter 3 of this Final EIR, the projected number of parking spaces for the horizon year 2036-37 would be 7,580; the proposed project would add around 1,240 parking spaces to the existing 6,340 parking spaces. While UC Berkeley projects a net change of 1,240 parking spaces between the 2018-19 and 2036-37 school years, the actual number of parking spaces is expected to fluctuate over time throughout the span of the LRDP Update as development activities occur throughout the EIR Study Area. In some instances, replacement parking may be constructed before existing parking facilities are demolished, resulting in a temporary increase in the parking inventory.

While UC Berkeley has been successful in decreasing private vehicle trips, accommodating the development program for academic and campus life facility needs would result in the displacement of existing campus parking facilities, which would require the creation of replacement parking facilities and the implementation of additional transportation demand management (TDM) measures. Parking would also be relocated incrementally from the Campus Park, consistent with the LRDP Update’s goal to minimize private vehicle access, movement, and parking within the Campus Park and prioritize improvements for non-motorized mobility systems.

IMPLEMENTING THE LRDP THROUGH 2036

Development projects and capital improvements that implement the vision of the LRDP Update would involve several processes.

Chapter 5, Implementation, of the LRDP Update outlines the approval process for capital projects. The process is intended to ensure alignment with UC Berkeley’s programmatic needs, funding resources, and planning documents. Capital projects undergo a multi-phase, internal review process that involves the following four phases: concept review, feasibility and planning review, design review, and construction review. Projects are subject to review and evaluation from academic program, financial, and technical perspectives for each phase, depending on project scope and budget. Through this process, UC Berkeley administrators review capital projects relative to regulatory and planning considerations, including

5. COMMENTS AND RESPONSES

consistency with the LRDP, LRDP EIR, Physical Design Framework, Campus Master Plan, Capital Financial Plan, applicable UC and UC Berkeley policies (including Campus Design Standards and CBPs, discussed in further detail in this master response below), and applicable mitigation monitoring and reporting programs (MMRPs) from pertinent CEQA documents. Please also see Master Response 5, Mitigation, regarding implementation of mitigation measures. In ensuring consistency with applicable UC policies, CBPs, Campus Design Standards, MMRPs, and other applicable requirements, project-specific measures for avoiding adverse effects from development may be developed, such as construction traffic management plans, erosion control plans, and stormwater control plans.

UC Berkeley is the Authority Having Jurisdiction for code compliance matters for capital projects. UC Berkeley complies with Title 24, California Building Standards Code, Parts 1 through 12 and all amendments, consistent with the UC Sustainable Practices Policy. The UC Berkeley Campus Building Official issues permits for all capital projects on the UC Berkeley campus, consistent with Volume 3 of the UC Facilities Manual.

The capital project review process involves several UC Berkeley committees, including, but not limited to, the Capital Planning Committee, Design Review Committee, Seismic Review Committee, and Coordinating Committee for the Removal of Architectural Barriers.

CONTINUING BEST PRACTICES

The Draft EIR identifies and evaluates CBPs throughout the Draft EIR. As described on pages 3-23 to 3-24 of the Draft EIR, UC Berkeley currently implements CBPs to ensure environmental impacts from development and ongoing UC Berkeley operations are reduced and/or avoided to the greatest extent feasible. CBPs are imposed on both future projects and as part of UC Berkeley's standard, ongoing operations. In some cases, CBPs reference existing regulatory requirements that have been determined to be the most effective and practical means of preventing or reducing environmental impacts. The current CBPs were last updated as part of the 2020 LRDP EIR that was certified in 2005 and hereafter referred to as the current or 2005 LRDP EIR. The proposed project evaluated in the Draft EIR includes updates to the existing CBPs to reflect evolving standards, practices, and current regulations. Like the existing CBPs, the updated CBPs would be applied, as applicable, to future development as conditions of approval as they are brought forward for approval by the Regents, and CBPs would also apply to UC Berkeley's ongoing operations. CBPs are not mitigation measures. On the one hand, unlike mitigation measures, CBPs comprise regulations, applicable codes, best management practices, and UC Berkeley's Campus Design Standards that are implemented, as applicable, for all development projects. On the other hand, CBPs are similar to mitigation measures in that they are adopted by the Regents as part of the LRDP Update and UC Berkeley will apply them, as applicable, to all future development under the LRDP Update. In some cases, some mitigation measures identified as part of the 2005 LRDP EIR are continued as CBPs because UC Berkeley has consistently implemented these measures since 2005 and they are now standard procedure for UC Berkeley projects and daily operations.

Chapter 5, Environmental Analysis, of the Draft EIR reviews updated CBPs for their adequacy in reducing and/or avoiding impacts to the environment. The CBPs are listed where relevant in the impact discussions of Chapters 5.1 through 5.18 of the Draft EIR to illustrate how they would help to reduce and/or avoid environmental impacts from potential future development within the scope of the proposed LRDP Update.

A comprehensive list of proposed updated CBPs is provided in Appendix B, Revised UC Berkeley 2021 LRDP Continuing Best Practices, of this Final EIR.

In addition to reviewing CBPs for their adequacy in avoiding impacts to the environment, Chapter 5 of the Draft EIR evaluates whether the CBPs could create physical impacts on the environment. As described on page 5-4 of the Draft EIR, in some cases, CBPs involve temporary physical effects during construction or short-term physical effects during operation that would have the potential to create or contribute to an impact on the environment. For example, some CBPs require activities such as short-term vegetation maintenance during operation or the installation of physical features such as temporary acoustical barriers during construction. These activities and equipment use could involve water and energy consumption, generate noise, and/or create air emissions. In addition, physical features, such as temporary construction fencing for biological resource setbacks, could have temporary aesthetic impacts. The physical effects associated with any such CBPs incorporated into projects that would implement the proposed LRDP Update are evaluated throughout the Draft EIR, for example in Chapter 5.2, Air Quality; Chapter 5.7, Greenhouse Gas Emissions; Chapter 5.11, Noise; and Chapter 5.17, Utilities and Service Systems. The environmental effects of implementing the construction-phase CBPs would generally be nominal when compared to the overall effects of the operation of future development projects with which they are associated. In addition, implementation of the CBPs would be short term during operation or temporary during construction, when implemented as part of future development projects, including Housing Projects #1 and #2. The combined effect of CBPs, when implemented as part of construction and operation of future development projects or UC Berkeley daily operations, would be to reduce environmental effects as demonstrated where listed in each environmental topic of the Draft EIR (see Chapters 5.1 through 5.18).

MASTER RESPONSE 7. EIR STUDY AREA

Some commenters expressed concerns that the environmental setting for the program-level analysis of the LRDP Update in the EIR did not include all of the properties where UC Berkeley has operations. Specifically, these include Moffett Field, Richmond Bay Campus/Richmond Field Station, the Mills College Campus, Albany Village, satellite UC Berkeley campuses, and other off-campus sites. As in the previous 1990-2005 LRDP and current LRDP, the scope of the LRDP Update excludes University Village in the city of Albany and Richmond Field Station in the city of Richmond, as well as other UC Berkeley-owned sites entirely outside of the city of Berkeley. These sites are sufficiently distant and different from the Campus Park and its environs to merit separate planning and environmental review. The EIR Study Area is the project site evaluated in this EIR and it is described on page 3-8 of the Draft EIR as follows:

The EIR Study Area or “project site” is contiguous with the proposed LRDP Update Planning Area and includes the majority of UC Berkeley-owned properties. UC Berkeley-owned properties outside of the EIR Study Area include the University Village in the city of Albany, the Richmond Field Station in the city of Richmond, and various properties lying entirely outside the city of Berkeley, including numerous research reserves, field stations, and experimental forests throughout California. These areas are outside of the scope of the proposed LRDP Update because they are sufficiently distant from the Campus Park and its environs and, therefore, they are not evaluated in this EIR. The EIR Study Area is organized into the five zones described herein and shown on Figure 3-2, EIR Study Area.

The LRDP Update is focused on future growth and development within the LRDP Planning Area (which is the same as the EIR Study Area) and does not address future growth outside of this core planning area. The LRDP Planning Area includes a significant majority of all UC Berkeley facilities (approximately 85 percent), including all major instructional facilities, and the majority of research and residential facilities. Nearly all members of the campus population use the facilities located within the LRDP Planning Area for their primary university-related activities (e.g., instruction, research, extracurricular activities). The percentage of employees dedicated to facilities outside the LRDP Planning Area is less than 1 percent of the total UC Berkeley population. The majority of anticipated development across all UC Berkeley properties is expected to occur within the LRDP Planning Area. Since the purpose of the EIR is to address potential impacts resulting from buildout of the LRDP, the EIR study area is therefore limited to the LRDP Planning Area. Future development on other sites where UC Berkeley has operations would be subject to CEQA review at the time a project is proposed on those properties; these properties generally have separate planning documents associated with the given site.

Several comments inquired on the planning and timeline for future development at Moffett Field. In late 2020, UC entered into a ground lease with NASA to explore the potential to develop, as part of a joint venture, an approximately 36.2-acre site located at the NASA Ames Research Park, adjacent to the cities of Mountain View and Sunnyvale, with research and development, academic, clinical, housing, and retail uses. This site is not within the purview of the LRDP Update, as explained above, and any future UC project at Moffett Field would not be part of the LRDP or the analysis in this EIR. Future development at Moffett Field would require separate planning feasibility and design studies, and would be subject to separate CEQA review. Currently, there is no specific timeline for future development at Moffett Field, and any future UC action would require independent review and approval outside of the scope of the LRDP Update EIR.

Commenters also asked about planning for the Richmond Bay Campus, in Richmond, California. In 2014, UC Berkeley approved the Richmond Bay Campus LRDP to guide development of a new research campus for both UC Berkeley and Lawrence Berkeley National Laboratory. In 2016, UC Berkeley suspended its plans to develop the Richmond Bay Campus because of budgetary challenges, although construction of the Northern Regional Library Facility (a facility serving all northern UC campuses) was completed in November 2020. For LRDP-related documents, please see: <https://capitalstrategies.berkeley.edu/richmond-bay-campus-long-range-development-plan>.

Commenters also asked about planning at the site of Mills College. The site of Mills College is located in an area of the city of Oakland that is outside of the LRDP Planning Area. Mills College is not owned or managed by UC Berkeley and is not part of the existing LRDP or the proposed LRDP Update. Therefore, Mills College is located outside of the EIR Study Area and not evaluated in the Draft EIR.

MASTER RESPONSE 8. POPULATION PROJECTIONS

Several comments expressed concerns with the population projections evaluated for the program-level analysis of the LRDP Update in the Draft EIR, including the increase in projected enrollment from existing conditions, and the relationship between the proposed project and campus enrollment projections. As discussed under Section 3.1, Overview, of the Draft EIR, the LRDP does not determine future enrollment or population or set a future population limit for the UC Berkeley campus, but guides land development and

physical infrastructure to support enrollment projections. Consistent with CEQA requirements, the Draft EIR evaluates the potential physical effects on the environment associated with development to accommodate potential population growth and physical infrastructure that may be needed to support future population levels at UC Berkeley. As described on pages 3-1 to 3-2 of the Draft EIR, each of the 10 campuses in the UC system periodically updates its LRDPs to provide a high-level planning framework to guide land use and capital investment consistent with its mission, priorities, strategic goals, and enrollment projections. For the purposes of developing this strategic framework, the development program included in the LRDP Update establishes a maximum amount of net new growth in UC Berkeley's space inventory through the 2036–37 school year, which the UC Berkeley campus may not substantially exceed without amending the LRDP and conducting additional environmental review as necessary. The buildout projections shown in Table 3-1, Proposed LRDP Update Buildout Projections, provide a foundation for understanding UC Berkeley's long-term space needs as defined in the LRDP Update.

STUDENT ENROLLMENT

Several comments addressed enrollment at UC Berkeley and the process through which the UC system and UC Berkeley manage student enrollment. As described on page 5.12-1 of the Draft EIR, Section 66011(a) of the California Education Code provides that “all resident applicants to California institutions of public higher education, who are determined to be qualified by law or by admission standards established by the respective governing boards, should be admitted to either (1) a district of the California Community Colleges, in accordance with Section 76000, (2) the California State University, or (3) the University of California.” Section 66202.5 of the Education Code states, “The University of California and the California State University are expected to plan that adequate spaces are available to accommodate all California resident students who are eligible and likely to apply to attend an appropriate place within the system.”

As described on page 3-1 of the Draft EIR, the California Master Plan for Higher Education guarantees access to the UC campuses for the top 12.5 percent of the state's public high school graduates and qualified transfer students from California community colleges. However, these State policies do not apply to the UC Berkeley graduate program; therefore, UC Berkeley has more control over its graduate student population than it does over its undergraduate program.

UC enrollment planning is generally described on page 5.12-3 of the Draft EIR. UCOP coordinates a range of activities across the UC system that enable UC and the State to fulfill their respective commitments to admitting, enrolling, and graduating students from the UC system. Periodically, the UCOP conducts long-range enrollment planning to comprehensively assess enrollment-related issues such as workforce needs, academic programs, and the ability of UC facilities to meet future needs. The most recent Long Range Enrollment Plan was prepared in 2008 and outlined plans for a 13-year period. UCOP is currently developing a new plan, which will examine the physical, academic, and financial capacity to increase enrollment of undergraduate California residents and graduate population at both systemwide and the individual university level.

Some comments acknowledged UC's core mission to provide higher education to a growing population, but claimed that UC Berkeley's LRDP Update does not adequately consider a statewide response to enrollment needs. Contrary to these assertions, while LRDPs must be approved by the Regents, the requirement to

5. COMMENTS AND RESPONSES

prepare a LRDP is campus-specific, and each UC campus and medical center periodically updates their LRDP based on academic goals and projected student enrollment levels, to set the framework for physically accommodating projected student enrollment together with commensurate increases in faculty and staff. In general, enrollment growth at each campus is driven by a directive to absorb a reasonable proportion of the increasing enrollment in the UC system as a whole. Enrollment growth is also affected by campus-specific factors such as physical capacity, availability of and interest in specific academic programs, and the individual decisions of potential students. As noted in the LRDP Update, population projections are for planning purposes to establish the LRDP's physical development program, and do not mandate or commit UC Berkeley to any specific level of student enrollment or overall growth. However, as noted above, an exceedance of the development program evaluated in this EIR will require amendment of the LRDP and additional CEQA review, as necessary.

Other comments disputed the existence of a State mandate to accept undergraduate enrollment. The California Master Plan for Higher Education (originally adopted by the Legislature in 1960 and periodically reviewed) assigns UC the primary mission of providing undergraduate and graduate instruction in the liberal arts, sciences, and professional education. As noted above, the Master Plan directs UC to draw its entering freshmen from the top one-eighth (12.5 percent) of public high school graduates and to accept all qualified community college students. Such students are considered "eligible" for admission to the UC system as a whole, but are not guaranteed admission to any particular campus. Consistent with this direction, even during challenging budget times, the UC has continued to offer a seat on at least one of its nine undergraduate campuses to every California resident undergraduate applicant who meets the UC's minimum requirements. In years when enrollment growth is funded in the State budget, UC spreads this California resident enrollment growth across all campuses of the UC system, rather than concentrating it on campuses that are in less demand from out-of-state students. In fall 2016, through an agreement with the State, the UC enrolled more than 7,400 California residents, the largest year-to-year jump in California resident enrollment since the end of World War II. Those students were allocated amongst the individual UC campuses, including UC Berkeley.

The allocation of California resident enrollment takes place on an annual basis, and results from a year-long iterative process between UCOP and the campuses, wherein the parties engage in a collaborative effort to develop annual and multi-year enrollment projections, based on input by the State and the Regents around systemwide resident enrollment targets. These projections ultimately result in offers of admission by the Berkeley campus to individual students, approximately 50 percent of which are anticipated to be accepted, and the large majority of which are expected to attend in the fall.

At the same time that it gives highest priority to California residents, UC also recognizes that nonresident students enhance the educational experience of California residents, based on diversity of experience, cultures, and backgrounds. In addition, including nonresident students in the student population is consistent with UC Berkeley's role as a world class teaching and research institution. Providing opportunities to highly qualified nonresident students enhances the educational experience for all students and also enables UC Berkeley to attract the most qualified candidates for its graduate programs and faculty, which is consistent with UC Berkeley's role as a global leading academic institution and its objective of maintaining that position. Revenue from nonresident enrollment is critical to the UC's ability to provide a high-quality education to California students, particularly as the UC has received less State funding to

support continued growth compared to historical levels. At UC Berkeley, additional revenues from nonresident tuition have been specifically directed at improving the educational experience for all undergraduates. Nonresident tuition supports student services, such as the Student Learning Center, and the Common Good Curriculum, which has expanded access to foundational courses in writing and math. Nonresident enrollment also makes UC more affordable for California financial aid recipients. In 2017, the University of California agreed to cap out-of-state student enrollment at 24.4 percent of total undergraduate enrollment for UC Berkeley.¹ With the cap in place, the size of the out-of-state student population as a percentage of overall student enrollment at UC Berkeley would not increase on an ongoing basis once the cap is reached. Moreover, a proposed state budget bill would cap nonresident undergraduate enrollment at 18 percent at UC Berkeley over five years beginning in fall of 2022, which would provide opportunities for enrolling more California students.

Several comments claim that the LRDP effectively establishes an enrollment limitation, and that statements in the Draft EIR to the contrary are misleading. As stated in the Draft EIR, the LRDP does not cap or otherwise limit future student enrollment or total population at UC Berkeley. Instead, it makes reasonable assumptions about projected student enrollment and total campus population through the 2036-37 academic year, and analyzes the physical environmental effects of that population and the physical development required to sustain it in the Draft EIR. While the enrollment projections and development program set forth in the LRDP Update are intended to establish a maximum development envelope for purposes of the Draft EIR's analysis, UC Berkeley retains the discretion to update or amend the LRDP and conduct additional environmental review under CEQA, as necessary, in order to increase enrollment beyond the projections in the LRDP Update.

UC BERKELEY GROWTH PROJECTIONS

Several comments questioned the enrollment projections in the LRDP Update and requested background information to better understand their basis. As stated in the Draft EIR, the LRDP Update projects that the on-campus student population could grow from a baseline of approximately 39,710 (in the 2018-19 academic year) to approximately 48,200 by the 2036-37 academic year, and that the faculty and staff population could increase from approximately 15,420 to approximately 19,000 in the same time frame. Student enrollment is projected to grow by approximately 1 percent annually (compounded), in keeping with UC Berkeley's desire to be a low-growth campus. Specifically, the LRDP Update projects growth of slightly less than 1 percent per year for undergraduate students, approximately 2 percent per year for masters students, and an increase in PhD students proportional to tenure-track faculty. Faculty growth is projected to accommodate a 1:18 faculty-to-student ratio, representing annual compounded growth of approximately 1.3 percent, while staff growth is projected to be proportional to student growth at approximately 1 percent annually. The LRDP Update's population projection and accompanying development program would allow UC Berkeley to balance growth with physical and financial resource constraints, e.g., very limited land resources to accommodate new facilities, a significant seismic program to

¹ University of California Board of Regents, Regents Policy 2109: Policy on Nonresident Student Enrollment, <https://regents.universityofcalifornia.edu/governance/policies/2109.html>, accessed May 25, 2021.

be addressed, and the need for student housing, driven by high demand and limited availability in the City of Berkeley and surrounding communities.

EXISTING POPULATION ESTIMATES

The UC Berkeley population is comprised of students, faculty, and staff. The following subsections of this master response describe the categories of students, faculty, and staff included in the population estimates or headcounts reported for the existing conditions in the Draft EIR.

Student Headcount

UC Berkeley publishes its annual fall census each year in October, five weeks into the semester. The school year student enrollment numbers reported in the Draft EIR for baseline (2018-19) and future (2036-37) conditions reflect an average of the semester enrollment numbers for spring and fall. Student counts include both undergraduate and graduate students. Students enrolled in UC Berkeley educational programs in non-peak times, such as Summer Sessions students, and students enrolled in UC Berkeley educational programs that are online or held on campus on weekends or evening, were excluded from the baseline. Educational programs that are online or in the evenings are typically associated with self-supporting professional degree programs. The LRDP population projections include students who are off campus for a given semester because they are enrolled in study abroad programs, in order to provide a conservative estimate of student enrollment.

Faculty/Staff Headcount

Employee headcounts exclude those whose primary work location is outside of the LRDP Planning Area (comprising 31 staff members in the 2019 employee census, or less than 0.1 percent of the total campus population). However, employee headcounts include employees of all work schedules (e.g., telecommuting, part-time, flexible workdays, etc.), including contractors. Therefore, the population headcounts and projections are conservative in that they over-estimate the number of students and employees/staff who actually travel to or reside near the UC Berkeley campus.

VISITOR ESTIMATES

Visitor data included in the analysis of the Draft EIR include annual visitors in the following categories:

- Sporting event attendees
- Performance venue attendees
- Other event attendees
- Optometry clinic visitors
- Attendees at special events at the California Memorial Stadium
- Sather Tower visitors
- Koret Health and Recreation Center visitors
- Lawrence Hall of Science visitors
- Berkeley Art Museum and Pacific Film Archive visitors

Visitor data is included in Appendix O, Visitor Data, of this Final EIR.

MASTER RESPONSE 9. CHANGES TO HOUSING PROJECT #1

This master response provides an overview of changes to proposed Housing Project #1 since the publication of the Draft EIR. These changes do not constitute significant new information as defined in CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Circulation, for the reasons discussed below; therefore, the Draft EIR does not need to be recirculated.

CHANGE IN BED COUNT FROM 770 TO 772

Following publication of the Draft EIR, the plans for Housing Project #1 were revised to accommodate two extra beds, bringing the total planned bed count for Housing Project #1 from 770 to 772. This does not represent a substantial change to the project description that would require revision of analysis in the Draft EIR. The total bed count under the LRDP Update, which was analyzed in the Draft EIR, does not change. Rather, two extra beds would be accommodated under Housing Project #1 as opposed to a future unspecified project in the City Environs Properties. Revisions to the bed counts in Chapter 3, Project Description, of the Draft EIR, are listed in Chapter 3, Revisions to the Draft EIR, of this Final EIR to reflect this change.

The building envelope and exterior design of Housing Project #1 would remain the same and the addition of two extra beds to the interior design would represent a nominal change. Therefore, there would be no changes to the environmental topic areas of biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, tribal cultural resources, and wildfire. In addition, two extra people on-site would represent insignificant changes to the environmental topic areas of air quality, energy, greenhouse gas emissions, noise, population and housing, public services, parks and recreation, transportation, or utilities and service systems. As stated in the previous paragraph, these two beds that are added to Housing Project #1 were previously analyzed under the program as the total bed count under the LRDP Update would not change.

The revisions to Housing Project #1 would not result in any new significant impacts that were not already identified in the Draft EIR, nor would these changes substantially increase the severity of any impacts identified in the Draft EIR. The same mitigation measures identified in the Draft EIR for Housing Project #1 would continue to be required to reduce or avoid the significant environmental impacts. No new or modified measures would be required to mitigate the significant impacts identified for Housing Project #1 in the Draft EIR. Therefore, no further analysis is required.

CONSTRUCTION ACTIVITIES

Some commenters expressed concern about the use of pile driving and other vibration-causing construction equipment at the Housing Project #1 site because of its proximity to existing historic buildings. Since publication of the Draft EIR, the project sponsor for Housing Project #1 has confirmed that the foundation for the project does not require the installation of any driven or drilled piles. Based on foundation recommendations by the geotechnical engineer of record for the project, the foundation for Housing Project #1 would be designed as a continuous mat foundation that bears directly onto compacted soil.

The Draft EIR includes Mitigation Measure NOI-2 under impact discussion NOI-2 to reduce potential impacts associated with excessive groundborne vibration to less-than-significant levels. Mitigation Measure NOI-2 is required for the LRDP Update as well as for Housing Projects #1 and #2 and provides a three-step process to reduce the vibration effects of construction activities. Mitigation Measure NOI-2 applies to any construction activities or equipment that cause vibration. The three-step process required under Mitigation Measure NOI-2 is as follows:

- **Step 1, Activity/Equipment Screening Distances.** This step requires UC Berkeley to use construction vibration screening standards to determine if the construction activity or equipment is within vibration screening distances that could cause building damage, human annoyance, or sensitive equipment disturbance. If the construction activity or equipment is within the screening distance, then Step 2 is required.
- **Step 2, Alternative Methods/Equipment.** This step requires UC Berkeley to consider whether alternative construction methods or equipment are available and to ensure that the alternative methods/equipment are shown on construction plans prior to the beginning of construction. Mitigation Measure NOI-2 cites examples of alternative methods and equipment for consideration. If alternative methods/equipment are not feasible, then Step 3 is required.
- **Step 3, Construction Vibration Monitoring Program.** This step applies only to projects for which construction activities/equipment would create vibration within screening distances (as established in Step 1) and for which alternative methods/equipment are not feasible (as established in Step 2). For these projects, Step 3 requires UC Berkeley to prepare a construction vibration monitoring program and outlines the program requirements.

Because pile driving is no longer proposed for Housing Project #1, the vibration created by Housing Project #1 would be less intensive than evaluated in the Draft EIR. As shown in Table 5.11-21, Vibration Levels (VdB) of Project Construction Equipment: Housing Project #1, the vibration levels calculated for construction activities/equipment other than impact pile driving would be below Federal Transit Administration reference levels. Although pile driving and drilling would not be required for Housing Project #1, Mitigation Measure NOI-2 would still apply to the project for other vibration-causing construction equipment. Therefore, as described in the Draft EIR, all construction methods and equipment involved in the construction of Housing Project #1 will be required to comply with the three-step process contained in Mitigation Measure NOI-2 and summarized above. Because vibration levels would be less intensive than described in the Draft EIR, this change to the project does not constitute “significant new information” requiring recirculation pursuant to CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Circulation.

COMMERCIAL SUITES

Housing Project #1 includes 17,000 square feet of commercial space that could be configured into up to eight tenant suites used for UC Berkeley or leased to non-UC Berkeley vendors for a variety of uses depending on the tenant and what the market will bear, including, but not limited to, office, research, maker space, retail, cultural institution, education, or medical. In accordance with the November 1, 2020 Energy

Use Policy² new construction shall not use fusible fuel (e.g., natural gas) for space and water heating and UC Berkeley projects will not use on-site fossil fuel combustion for laundry or cooking. However, in order to accommodate potential requests for future tenant improvements for non-UC Berkeley restaurant tenants, Housing Project #1 has requested connections to natural gas infrastructure.

In accordance with the UC Berkeley Energy Policy, a major building modification that proposes to use natural gas for laundry or cooking needs approval from the Vice Chancellor of Administration. The request is required to include an explanation of why fossil fuel is required, what other alternatives were evaluated, and how the design accommodates for the future supply switch to non-fossil fuel. Additionally, the request is required to include an estimate of the annual electricity and natural gas use for the project. Potential use of natural gas for stoves, if requested by future restaurant tenants, would result in a *de minimis* natural gas use compared to the magnitude of natural gas use at the existing cogeneration plant evaluated in the Draft EIR. Furthermore, existing uses on the 0.92-acre site include office space and an 8-unit apartment complex that currently utilize natural gas for water heating, cooking, and space heating, which would be demolished to accommodate Housing Project #1, essentially netting out the potential natural gas use associated with up to eight tenant suites. Additionally, for GHG emissions, natural gas potentially used for stoves within the restaurant tenant spaces are Scope 2 emissions. In accordance with UC Sustainable Practices Policy, Scope 2 emissions are required to be offset by 2025. Therefore, approval of fossil fuel use for stoves for up to 17,000 square feet of commercial tenant spaces, if requested by a restaurant tenant within Housing Project #1, is a minor technical correction that would not substantially increase the emissions forecast and would not change the significance conclusions in the Draft EIR.

MASTER RESPONSE 10. CHANGES TO HOUSING PROJECT #2

Some commenters expressed concern about the use of pile driving and other vibration-causing construction equipment at the Housing Project #2 site because of its proximity to existing historic buildings. Since publication of the Draft EIR, the project sponsor for Housing Project #2 has confirmed that the foundation for the project does not require the installation of any driven piles. The proposed project design would rely on auger-cast piles instead of driven piles. Because pile driving is no longer proposed for Housing Project #2, the vibration created by Housing Project #2 would be less intensive than evaluated in the Draft EIR. As shown in Table 5.11-24, Vibration Levels (VdB) of Project Construction Equipment: Housing Project #2, of the Draft EIR (which has been renumbered as Table 5.11-23, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR), the vibration levels calculated for grading and paving would be below Federal Transit Administration reference levels, while the vibration levels for paving and pile driving would be above reference levels. Although pile driving would not be required for Housing Project #2, Mitigation Measure NOI-2 would still apply to the project for other vibration-causing construction equipment. Please see Master Response 9, Changes to Housing Project #1, for a detailed description of Mitigation Measure NOI-2. As described in the Draft EIR, all construction methods and equipment involved in the construction of Housing Project #2 would be required to comply with the three-step process contained in Mitigation Measure NOI-2 and summarized in Master Response 9. Because vibration levels would be less intensive than described in the Draft EIR, this change to the project does not constitute “significant new information”

² <https://campuspol.berkeley.edu/policies/energyuse.pdf>

requiring recirculation pursuant to CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Circulation.

MASTER RESPONSE 11. PUBLIC RESOURCES CODE SECTION 21099

Some comments questioned the applicability of Public Resources Code (PRC) Section 21099 and, therefore, asserted that the Draft EIR should have included a more detailed evaluation of potential aesthetics impacts of the LRDP Update, Housing Project #1, and Housing Project #2.

As explained in the Draft EIR on page 5-8 in Chapter 5, Environmental Analysis, PRC Section 21099(d) states that “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area (TPA) shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are not considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- Is located on an infill site which is defined as “a lot located within an urban area that has been previously developed or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.”
- Is a residential, mixed-use residential, or an employment-center project.
- Is in a TPA, which is defined as “an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or Section 450.322 of Title 23 of the Code of Federal Regulations.”

The Draft EIR explains that proposed Housing Projects #1 and #2 meet each of the above three criteria, and that, on this basis, the Draft EIR may not consider aesthetics and the adequacy of parking in determining the significance of project impacts of Housing Projects #1 and #2 under CEQA. The Draft EIR also explains that because the actual sites, designs and potential uses of other future development under the LRDP Update are not yet determined, the aesthetics analysis in the Draft EIR provides a programmatic analysis of the LRDP Update. However, the Draft EIR illustrates on Figure 5-1, Priority Development Areas and Transit Priority Areas, where there is the potential for future UC Berkeley projects that meet all three criteria to occur and therefore could be exempt from aesthetics evaluation in the future, as such individual projects are brought forward for approval.

Some comments expressed concern that the proposed LRDP Update does not meet the eligibility requirements for PRC Section 21099. As noted above, Chapter 3, Project Description, the Draft EIR is clear in describing the various plan- and project-level components of the proposed LRDP Update, including its proposed land use development program and Housing Projects #1 and #2. However, PRC Section 21099 does not exclude individual projects under the proposed LRDP Update from being eligible for this section. Rather, as indicated above, the eligibility requirements of proposed projects under the LRDP Update are associated with meeting those criteria specified in PRC Section 21099 related to such projects being in a transit priority area, being on an infill site, and consisting of either a residential, mixed-use residential or an

employment center. As described in Chapter 5.1, Aesthetics, of the Draft EIR, pages 5.1-11 and 5.1-12, potential future development projects under the proposed LRDP Update may also be infill and support residential, mixed-use residential, or employment-generating uses, depending on a specific project in question. Housing Projects #1 and #2 represent two such projects that are in the TPA on infill sites and are mixed-use residential projects, and thus are exempt from aesthetics analyses under PRC Section 21099. Similar to Housing Projects #1 and #2, any other future development under the proposed LRDP Update meeting these criteria would also not be considered significant aesthetic impacts on the environment under PRC Section 21099. However, as shown on Figure 5-1, Priority Development Areas and Transit Priority Areas, in Chapter 5, Environmental Analysis, some areas of the EIR Study Area are not in a TPA. These include the Hill Campus West, the Hill Campus East, the Clark Kerr Campus, and three sites in the City Environs Properties: 1608 4th Street in West Berkeley and the Foothill-La Loma and Upper Hearst properties, located across Hearst Avenue from the northeast corner of the Campus Park. These sites would not qualify for an exemption under PRC Section 21099.

As discussed in Draft EIR Chapter 5.1, the proposed LRDP Update is a land use plan intended to guide future physical development of the UC Berkeley campus and does not commit UC Berkeley to any specific project. Therefore, as discussed above, the aesthetics analysis in this chapter provides a programmatic analysis of the LRDP Update because the actual sites, uses, and designs of future development under the LRDP Update are not yet determined; however, individual future projects developed under the LRDP Update could be exempt from aesthetics under PRC Section 21099 if they meet all the criteria listed above. In addition, Housing Projects #1 and #2 are exempt from further aesthetics analysis because as discussed above, they meet all the criteria of PRC Section 21099.

MASTER RESPONSE 12. BIOLOGICAL RESOURCES ON THE HOUSING PROJECT #2 SITE

Several comments expressed concerns regarding potential impacts to biological resources, including the effects of tree removal and potential effects to wildlife (including red-tailed hawks and owls), at the Housing Project #2 site.

Chapter 5.3, Biological Resources, of the Draft EIR describes the existing vegetation and wildlife resources on the Housing Project #2 site. As stated on page 5.3-21 of the Draft EIR, an estimated 75 trees are present on the site and along the Haste Avenue, Bowditch Street, and Dwight Way frontages. No evidence of any nesting by red-tailed hawk or owls was observed during the field reconnaissance surveys conducted during preparation of the Draft EIR. In addition, no sensitive biological resources, including special-status animal or plant species, sensitive natural communities, or regulated wetlands were found on the Housing Project #2 site during field reconnaissance surveys conducted on August 20 and November 10, 2020.

The potential impacts associated with tree removal for Housing Project #2 are evaluated under impact discussion BIO-5 in the Draft EIR. As described on page 5.3-36 of the Draft EIR, existing trees would be removed and replaced in compliance with the UC Berkeley Campus Specimen Tree Program. As the Housing Project #2 site does not contain any special-status tree species, tree removal would not itself constitute a significant environmental impact.

As indicated on page 5.3-21 of the Draft EIR, while mature trees provide roosting and possible nesting locations for numerous species of birds, no evidence of active nests was observed during the field surveys in 2020. As discussed on page 5.3-27 of the Draft EIR, there is a remote possibility that one or more species of raptor or other native bird may establish a nest in the scattered trees on the site prior to construction of Housing Project #2. Implementation of CBP BIO-1 would ensure that appropriate preconstruction surveys are conducted and adequate avoidance of bird nests in active use is provided during construction at the site. Implementation of this and other CBPs would serve to address any potentially significant impacts on nesting birds or other special-status species and therefore the Draft EIR appropriately identified impacts as less than significant.

Commenters specifically expressed concern regarding compliance with the Migratory Bird Treaty Act. As discussed on page 5.3-24 of the Draft EIR, tree removal or construction in the immediate vicinity of a nest in active use could result in its abandonment, which would be a violation of the Migratory Bird Treaty Act and California Fish and Game Code. However, preconstruction surveys would typically be required to confirm whether proposed development or vegetation management activities would adversely affect nesting birds where suitable habitat is present, as called for in CBP BIO-1 listed on page 5.3-25 of the Draft EIR. Implementation of CBP BIO-1 would ensure that bird nests in active use are avoided, preventing their possible loss, and thereby preventing the theoretical interruption of bird nesting and young production.

MASTER RESPONSE 13. CONSISTENCY WITH OTHER POLICY DOCUMENTS

Comments addressed concerns regarding consistency between the LRDP Update, Housing Project #1, and Housing Project #2 and City of Berkeley plans and regulations, such as the City of Berkeley's General Plan, Bicycle Plan, Pedestrian Plan, Vision Zero Plan, and Municipal Code. As described in further detail in Master Response 2, Constitutional Exemption, UC Berkeley is not subject to local jurisdictional regulations or policies because of its constitutional autonomy whenever using property under its control in furtherance of its educational mission. Accordingly, the Draft EIR appropriately focuses on consistency between the proposed LRDP Update, Housing Project #1, and Housing Project #2 and applicable federal, State, and UC plans, policies, and regulations.

The current 2020 LRDP states on page 49 that "UC Berkeley serves the entire state of California, and thus has a mission that cannot always be met entirely within the parameters of municipal policy. In the City Environs, however, the objectives of UC Berkeley must be informed by the plans and policies of neighboring cities, to respect and enhance their character and livability through new university investment. The project design policy states that UC Berkeley will "use municipal plans and policies to inform the design of future capital projects in the city environs. Use the Southside Plan as a guide to the design of future capital projects in the southside. Prepare project specific design guidelines for each major new project." This same concept is carried through with the proposed LRDP Update's City Environs Land Use objectives listed on page 37, which states that UC Berkeley will "Consider City of Berkeley plans such as the Downtown Area Plan and the Southside Plan to the extent feasible in the planning and development of university properties within the City Environs, to support the vitality of surrounding neighborhoods."

Commenters requested that the Draft EIR be revised to address consistency between the LRDP Update and other UC and UC Berkeley planning documents, such as the New Century Plan, Landscape Heritage Plan,

Landscape Master Plan, Physical Design Framework, UC Sustainable Practices Policy, UC Berkeley Sustainability Plan, UC Strategic Energy Plan, and UC Berkeley Energy Policy. Similar to a city's general plan, the proposed LRDP Update is the overarching planning document for UC Berkeley to guide long-term development of the entire LRDP Planning Area. Policy consistency is evaluated in several sections of the Draft EIR. For example, the Draft EIR evaluates the LRDP Update's consistency with the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan in Chapter 5.7, Greenhouse Gas Emissions, under impact discussion GHG-2 and in Chapter 5.15, Transportation, under impact discussion TRAN-1. Consistent with CEQA Guidelines, the land use policy analysis in Chapter 5.10, Land Use and Planning, of the Draft EIR focuses on the following standard of significance: "Would the proposed project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation *adopted for the purpose of avoiding or mitigating an environmental effect?* [emphasis added]" Therefore, while the Draft EIR discusses the plans cited by commenters, the impact determination in the Draft EIR focuses on consistency with applicable land use policies and regulations intended to avoid environmental impacts. As described on page 5.10-12 of the Draft EIR, the proposed LRDP Update, if adopted, would supersede the current LRDP as the applicable UC Berkeley land use plan and, as UC is the only agency with jurisdiction over the approval of UC Berkeley projects, potential future development that implements the proposed LRDP Update would not conflict with adopted plans, policies, and/or regulations set forth by the UC or UC Berkeley. Once approved, the proposed LRDP Update would be implemented in conjunction with implementation of other UC and UC Berkeley plans, policies, and standards, such as the Strawberry Creek Management Plan. Please see Master Response 6, LRDP and LRDP Implementation, for a more detailed description of how the LRDP will be implemented and how UC Berkeley's capital projects are developed. In line with UC Berkeley's capital projects review process, which is described on page 72 of the Draft 2021 LRDP, individual development projects need to comply with all applicable policies in the most recent version of relevant planning documents.

MASTER RESPONSE 14. DISPLACEMENT

Several commenters expressed concerns regarding the displacement of people as a result of implementing Housing Projects #1 and #2. The potential displacement effects of the proposed project, including Housing Projects #1 and #2, are addressed under impact discussion POP-2 in Chapter 5.12, Population and Housing, of the Draft EIR.

Consistent with CEQA Guidelines, impact discussion POP-2 addresses the following standard of significance: "Would the proposed project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?" Therefore, consistent with CEQA Guidelines, the displacement of people is considered to be significant if the project would displace a substantial amount of people or housing such that the construction of new housing would be required elsewhere.

As described under impact discussion POP-2, the Draft EIR identifies a significant impact related to displacement for the LRDP Update. As described on pages 5.12-25 to 5.12-26 of the Draft EIR, although the proposed LRDP Update, at full development, would result in a substantial net increase in housing at UC Berkeley, it is possible that housing development will be less than projected or that individual future projects may involve the displacement of existing people or housing. In addition, although housing development under the LRDP Update would occur on sites already owned by UC Berkeley, and the buildout

evaluated in this EIR can be realized within the potential development sites listed in Table 3-2, Potential Areas of New Development and Redevelopment, of the Draft EIR, due to the programmatic nature of the LRDP Update and the Draft EIR analysis, it is possible that future development projects under the LRDP Update could occur on sites not yet identified. Therefore, the Draft EIR conservatively identifies a potentially significant impact on housing displacement. The impact was found to be less-than-significant with implementation of Mitigation Measure POP-2. Mitigation Measure POP-2 requires that prior to issuance of any permits for construction of projects that have the potential to displace existing residents or businesses, UC Berkeley shall comply with the UC Relocation Assistance Act Policy for Real Estate Acquisitions and Leases. UC Berkeley's Real Estate Office shall verify compliance with this measure. The UC Relocation Assistance Act Policy for Real Estate Acquisitions and Leases is described on page 5.12-4 of the Draft EIR and below. Mitigation Measure POP-2 would ensure that UC Berkeley complies with this policy prior to the issuance of any permits for construction of projects that have the potential to displace existing residents or businesses, and that UC Berkeley's Real Estate Office verifies compliance with the Mitigation Measure POP-2.

The UC's Relocation Assistance Act Policy for Real Estate Acquisitions and Leases applies to situations in which people or businesses are required to vacate property as a result of acquisition or lease by the Regents and is intended to implement State regulations and guidelines addressing relocation assistance. The policy establishes that, for residential projects of 15 or fewer households, the UC may complete the Department of Housing and Community Development's Model Relocation Plan. The policy also establishes minimum requirements related to noticing displaced persons (with timelines), survey and analysis of relocation needs, payment of moving expenses, relocation payments (typically not to exceed \$5,250), and other aspects of relocation assistance. The policy also includes procedures for providing last-resort housing in the event that comparable replacement housing is not available or is not available within the monetary limits established in the Government Code.

DISPLACEMENT EFFECTS OF HOUSING PROJECT #1

As described in page 5.12-26 of the Draft EIR, the Housing Project #1 site currently contains an eight-unit apartment building at 1921 Walnut Street, which would be demolished to allow construction of Housing Project #1, resulting in the loss of eight rent-controlled multifamily housing units in the private housing market. The loss of eight units would not be considered substantial, or enough to require construction of replacement housing under CEQA. In addition, while Housing Project # 1 would result in the loss of eight rent-controlled multifamily units in the private housing market, it will result in the creation of approximately 772 beds for UC Berkeley students housing needs. Therefore, the Draft EIR appropriately identifies this as a less-than-significant impact.

The UC purchased 1921 Walnut Street in 2020 after being approached by the former owner. To help mitigate the student housing shortage and to meet a core LRDP Update objective of providing additional housing, UC Berkeley seeks to efficiently redevelop the 1921 Walnut Street property and its adjacent lots. The demolition of the 1921 Walnut Street building enables an efficient building design that would occupy the entire block, which maximizes the number of new beds for UC Berkeley students and optimizes the livability of the new bedrooms. The Draft EIR evaluates the fact that Housing Project #1 necessitates the permanent relocation of the building's tenants. While the UC needs to move as quickly as possible to

address a severe housing crisis that is impacting the City of Berkeley and UC Berkeley communities, UC Berkeley seeks to reduce the impact of relocation. For that reason, no tenants are required to move while either a State-ordered eviction moratorium or a City of Berkeley shelter-in-place order is in effect. UC Berkeley is following the University of California Relocation Assistance Act Policy for Real Estate Acquisitions and Leases throughout the relocation process. That policy can be found online at: <https://policy.ucop.edu/doc/3100600/Relocation%20Assistance>. At a minimum, relocation benefits packages for 1921 Walnut Street tenants will include:

- Assistance with locating comparable and available housing that is safe, sanitary and decent. The UC has agreed to consider each unit in 1921 Walnut to be a two-bedroom apartment. This ensures that every tenant will have an opportunity to relocate to a comparable home at UC Berkeley's expense.
- A lump sum or reimbursement for reasonable moving expenses.
- The UC's rental assistance provision provides eligible tenants with a payment equal to 42 months up to the difference between a survey of market-rate housing and current rent, or the difference between the market rate survey and 30 percent of total household income, whichever would provide the greater benefit.
- Option for a one-time, lump-sum payment equal to the total rental assistance payment to use towards purchasing a home in the community of the tenant's choice.

DISPLACEMENT EFFECTS OF HOUSING PROJECT #2

As described in page 5.12-26 to 5.12-27 of the Draft EIR, although the Housing Project #2 site is occupied by people without housing (homeless), the site does not contain residential buildings or formal housing facilities. Camping or staying overnight is not permitted on UC Berkeley property, and the illegal occupation of the Housing Project #2 site poses potential liabilities for UC Berkeley. Individuals who currently reside on the Housing Project #2 site are part of the population that the affordable and supportive housing component of Housing Project #2 seeks to serve, although it is unknown how many of the site's existing inhabitants would seek to live in the proposed project or be eligible for housing. Although existing occupants of the Housing Project #2 site would be displaced by the proposed project, the project's proposed development of affordable and supportive housing would help to offset the demand for housing with the creation of 125 affordable and supportive beds in a mix of unit types. Therefore, Housing Project #2 would not necessitate the construction of replacement housing elsewhere and the displacement that would occur is not considered a significant impact under CEQA.

MASTER RESPONSE 15. GENTRIFICATION

Several comments raised concerns regarding various socio-economic issues related to the housing crisis, including housing affordability, homelessness, gentrification, and displacement due to limited housing supply and commensurate housing costs. As described on page 5.12-10 of the Draft EIR, the San Francisco Bay Area is experiencing a decades-long housing crisis. Since the mid-1970s, housing construction in the region has not kept pace with employment growth. This dynamic, coupled with a widening gap in income between high-income and low-income households, has resulted in a housing market in which it is difficult

5. COMMENTS AND RESPONSES

for low-income and middle-income households to compete for market-rate housing.³ Neighborhoods with increasing housing prices and an insufficient supply of affordable housing units could see increased gentrification, an associated increase in housing prices, and displacement of existing residents who can no longer afford to live in the neighborhood.

CEQA Guidelines define the parameters under which consideration of socio-economic impacts shall be included in an EIR. Section 15131(a), Economic and Social Effects, of the CEQA Guidelines states, “Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” Based on the CEQA Guidelines and the requirements of CEQA, this EIR does not address the effects of the project on the potential for increased gentrification or population changes due to economic effects such as housing affordability.

As shown in the Draft EIR in Table 5.12-9, UC Berkeley Population Compared to UC Berkeley Housing in the EIR Study Area, UC Berkeley currently provides 9,004 beds in the EIR Study for its student and faculty/staff population of 55,129 people. Therefore, UC Berkeley provides housing for approximately 16 percent of its population, leaving the majority of its population (84 percent) unaccommodated.^{4,5} Table 5.12-9 of the Draft EIR also shows the projected number of beds to be provided in the 2036-37 school year with the residential development projected to occur under the LRDP Update. By 2036-37, it is projected that UC Berkeley would provide 20,626 beds for a total population of up to 67,200 people, which would accommodate approximately 31 percent of the campus population and leave approximately 69 percent unaccommodated.^{6,7} While the proposed housing production planned to occur by the 2036-37 school year would decrease the proportion of the UC Berkeley population that is not accommodated in university-provided housing, the majority of the population would still need to seek housing in the private housing market.

While local jurisdictions address affordable housing through State-mandated Housing Elements as part of their General Plans, as a State agency the University of California is not subject to the same planning requirements. Section 5.12.1.1, Regulatory Framework, in Chapter 5.12 of the Draft EIR and Master Response 8 provides an overview of the various State requirements that affect enrollment levels in the UC system.

³ Association of Bay Area Governments, The Bay Area Today, <http://2040.planbayarea.org/the-bay-area-today>, accessed on March 2, 2021.

⁴ $9,004 / 55,129 = 16.3$ percent.

⁵ The number of beds provided by UC Berkeley (9,004 beds) is conservatively low because it only includes UC Berkeley housing within the EIR Study Area; it does not include the existing 16 beds on the Housing Project #1 site, housing outside of the EIR Study Area (including University Village), some affiliate housing, or housing that UC Berkeley provides through a master lease agreement.

⁶ $20,626 / 67,200 = 30.7$ percent.

⁷ The number of beds provided by UC Berkeley (20,626 beds) is conservatively low because it only includes UC Berkeley housing within the EIR Study Area; it does not include the existing 16 beds on the Housing Project #1 site, housing outside of the EIR Study Area (including University Village), some affiliate housing, housing that UC Berkeley provides through a master lease agreement, or the affordable and supportive housing units proposed for Housing Project #2.

Housing affordability is an economic and social issue that may inform decisions made by UC Berkeley, but it is not treated as a significant effect on the environment (CEQA Guidelines Section 15064(e), Determining the Significance of the Environmental Effects Caused by a Project) and, therefore, does not require analysis under CEQA. According to CEQA Guidelines Sections 15064(d) and 15064(e), a CEQA document must consider the reasonably foreseeable environmental consequences of physical changes resulting from a project's economic or social changes. That is, social and economic effects are only relevant under CEQA if they would result in, or are caused by, an adverse physical impact to the environment. A shortage in the supply of affordable housing units is not, in and of itself, a physical impact on the environment. A project's potential effects on property values or housing prices are also not a physical impact on the environment, unless they would result in reasonably foreseeable physical impacts on the environment (e.g., urban blight). However, the effects of future development planned for under the proposed project on the existing affordable housing supply would be relevant under CEQA if, for example, the project would have a physical adverse effect on affordable housing units (e.g., if the project physically removed existing affordable units on a project site and necessitated the construction of replacement housing). For this reason, the Draft EIR evaluates the potential impacts associated with demolition activities such as the removal of the apartment building at 1921 Walnut and identifies Impact POP-2. Impact POP-2 would be less than significant with implementation of Mitigation Measure POP-2, which would require compliance with the UC Relocation Assistance Act Policy for Real Estate Acquisitions and Leases prior to the issuance of any permits for projects that have the potential to displace existing residences or businesses.

Because the LRDP Update is a long-range planning tool and does not control UC Berkeley enrollment levels or employment decisions, it would be speculative for this EIR to determine the demographics of future university students and employees and their housing needs. While the Draft EIR describes and evaluates the potential place of residence of future students and employees based on existing place of residence data, it would be speculative to determine precisely where students and employees who are not accommodated in university-provided housing would choose to live. In accordance with CEQA Guidelines Section 15145, Speculation, the Draft EIR is not required to consider issues that are too speculative for evaluation. Therefore, this EIR does not quantify the number or percentage of existing residents who could be economically displaced if housing costs in the EIR Study Area and region continue to increase, or the extent to which that number may be affected by an increase in the UC Berkeley population. Furthermore, under CEQA, the issue of displacement is focused on the demolition of existing housing that requires the construction of new housing for the persons displaced by the removal of housing, which is evaluated in the Draft EIR. Because the number of residents who could be economically displaced is unknown, this EIR also does not speculate on the potential secondary physical impacts that might result from indirect displacement, such as increased commute distances and associated increases in air emissions, traffic noise, and vehicle miles traveled (VMT).

UC Berkeley acknowledges that rising housing prices and the constrained supply of affordable housing are important local and regional issues. A core objective of the LRDP Update is to increase the supply of university-provided housing significantly in order to accommodate a greater share of the UC Berkeley student and employee population.

MASTER RESPONSE 16. PUBLIC SCHOOLS

Regarding the sufficiency of Mitigation Measure PS-5 listed in Chapter 5.13, Public Services, as described under impact discussion PS-5 of the Draft EIR, UC Berkeley would provide regular updates to the BUSD for facility planning purposes, ensuring that BUSD facility plans are prepared with knowledge of UC Berkeley faculty/staff and graduate housing projects. The Draft EIR acknowledges that Mitigation Measure PS-5 would help for planning purposes, but would not reduce the significance of the potential impact to public schools.

However, following the publication of the Draft EIR, the Berkeley Unified School District provided school capacity information to UC Berkeley, which is included in Appendix L, Revised Agency Correspondence, of the Final EIR. Based on information provided by the BUSD, the proposed project would not result in impacts to public schools, because the number of students potentially generated by the proposed project that could attend BUSD schools would not exceed BUSD's capacity, and no new school would need to be constructed or existing school modified to accommodate these students that could result in potential physical impacts to the environment. As shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, BUSD schools have not reached nor exceeded building capacity, and overall, there is currently a remaining capacity for 2,556 students throughout all grade levels. The estimated 199 students that could attend BUSD as a result of the proposed project would be well under this available capacity, and would therefore not result in the construction of new or expanded schools.

Because of this change to the Draft EIR, Mitigation Measure PS-5 is no longer necessary as the impact is demonstrated to be less than significant. However, since Mitigation Measure PS-5 was intended to provide information to BUSD for facility planning purposes, this mitigation measure is converted to a new CBP (CBP PS-3) under the proposed project. These changes are reflected in Chapter 3, Revisions to the Draft EIR, of this Final EIR.

MASTER RESPONSE 17. 2005 LRDP EIR POPULATION PROJECTIONS

Land use planning provisions assessed in programmatic environmental review documents are not permanent, and are subject to revision to meet the current and projected needs of communities as growth occurs over time. During the scoping period for the 2021 LRDP Draft EIR, the City of Berkeley submitted a letter requesting that the EIR account for the "significant environmental impacts of unanticipated enrollment growth that has already occurred at UC Berkeley as well as impacts of additional future population growth proposed."⁸ Several comments reiterated this request. These comments are based on the fact that UC Berkeley population growth increased over what was projected for the 2005 LRDP and analyzed in the 2005 LRDP EIR.⁹ UC Berkeley addressed this issue in 2019 as part of the evaluation presented in the Upper Hearst Development for the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan Supplemental Environmental Impact Report (2019

⁸ Scoping comment letters are included in Appendix A, Notice of Preparation and Scoping Comments, of the Draft EIR.

⁹ University of California, Berkeley, certified Long Range Development Plan & Chang-Lin Tien Center for East Asian Studies EIR, 2005, State Clearinghouse Number 2003082131.

LRDP SEIR).¹⁰ However, in response to the comments received from the City of Berkeley, this master response provides an evaluation of the program-level environmental impacts of the LRDP Update to address UC Berkeley population growth between 2007 (when the 2005 LRDP EIR student and total UC Berkeley population projections were first exceeded) and the 2018-19 baseline population (LRDP Update EIR baseline).

Population growth in and of itself, as evaluated for the Population and Housing chapter, does not result in a physical impact on the environment. However, population growth is used to evaluate physical impacts on the environment in the other CEQA-required environmental topic areas. The population projections in the 2005 LRDP and the proposed LRDP Update were and are used solely for the purpose of conducting the environmental impact analyses in the 2005 LRDP EIR, 2019 LRDP SEIR, and 2021 LRDP Draft EIR. As described in Chapter 3, Project Description, of the 2021 LRDP Draft EIR, the purpose of an LRDP is to plan for adequate capacity for potential population growth and the physical infrastructure that may be needed to support future population levels on each UC campus; the LRDP does not mandate growth or set a maximum population limit that a campus can physically support.

Table 5-1, Population Comparison: 2005 LRDP EIR Projections, 2018-19 Existing Conditions, and 2036-37 Projections, compares the UC Berkeley population projections used in the 2005 LRDP EIR to the existing conditions for the 2018-19 school year, which represent the baseline population conditions in the 2021 LRDP Draft EIR. As shown in Table 5-1, UC Berkeley's 2018-19 student enrollment was 39,708 and the total population was 55,519, both of which exceed the projections described and analyzed in the 2005 LRDP EIR. The existing 2018-19 school year student enrollment of 39,708 exceeds the projection in the 2005 LRDP EIR by 6,258 students. The existing 2018-19 school year employees (faculty and staff) of 15,421 are slightly below the projections of 15,810 in the 2005 LRDP EIR. The existing 2018-19 total UC Berkeley population (students + employees) exceeds the projection in the 2005 LRDP EIR by 5,869 people.

Table 5-2, Space Comparison: 2005 LRDP EIR Projections and 2018-19 Existing Conditions, compares the 2005 LRDP EIR building square footage, bed, and parking space projections to existing conditions for the 2018-19 school year. As shown in Table 5-2, none of these projections were exceeded as of the 2018-19 school year; therefore, this master response focuses only on population projections. As shown in Table 5-2, while the existing 2018-19 student population exceeds the projections used in the 2005 LRDP EIR by 19 percent, the 2018-19 employee population does not exceed the projections used in the 2005 LRDP EIR. However, since the 2008-09 school year, employee population has at times exceeded the projections in the 2005 LRDP EIR.

¹⁰ University of California, Berkeley, certified Upper Hearst Development for the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan Supplemental EIR, 2019, State Clearinghouse Number 2003082131.

5. COMMENTS AND RESPONSES

TABLE 5-1 POPULATION COMPARISON: 2005 LRDP EIR PROJECTIONS, 2018-19 EXISTING CONDITIONS, AND 2036-37 PROJECTIONS

	2005 LRDP EIR Projections	2021 LRDP EIR Baseline Conditions			2021 LRDP EIR Projections		
		2018-19 Existing Conditions	Difference from 2005 LRDP EIR Projections	Percent Change from 2005 LRDP EIR Projections	2036-37 Projections	Difference from 2005 LRDP EIR Projections	Percent Change from 2005 LRDP EIR Projections
Students							
Undergraduate Students	N/A	29,932	N/A	N/A	35,000	N/A	N/A
Graduate Students	N/A	9,776	N/A	N/A	13,200	N/A	N/A
Total Students	33,450	39,708	+ 6,258	+ 19%	48,200	+ 14,750	+ 44%
Employees							
Faculty	1,980	3,276	+ 1,296	+ 65%	N/A	N/A	N/A
Staff	13,830	12,145	(1,685)	(12%)	N/A	N/A	N/A
Total Faculty/ Staff	15,810	15,421	(389)	(2%)	19,000	+ 3,190	+ 20%
Total Campus Population	49,260	55,129	+ 5,869	+ 12%	67,200	+ 17,940	+ 36%

Notes: N/A = not available; (parentheses) indicate negative value
Source: UC Berkeley, August 2018.

TABLE 5-2 SPACE COMPARISON: 2005 LRDP EIR PROJECTIONS AND 2018-19 EXISTING CONDITIONS

	2005 LRDP EIR Projections	2021 LRDP EIR Baseline Conditions		
		2018-19 Existing Conditions	Difference from 2005 LRDP EIR Projections	Percent Change from 2005 LRDP EIR Projections
Academic and Campus Life Square Footage	14,307,100	11,830,171	(2,476,929)	(17%)
Housing (Beds)	10,790	9,020	(1,770)	(16%)
Parking Spaces	9,990	6,340	(3,650)	(37%)

Notes: (parentheses) indicate negative value
Source: UC Berkeley, August 2018.

Table 5-3, UC Berkeley Population: 2005-06 to 2018-19, shows the annual UC Berkeley population levels and identifies the years in which the student, employee, and total population levels have exceeded the projections used in the 2005 LRDP EIR. As shown in Table 5-3, student population and total UC Berkeley population first exceeded the 2005 LRDP EIR projection in the 2007-08 school year, and employee population first exceeded the projection in the 2008-09 school year.

TABLE 5-3 UC BERKELEY POPULATION: 2005-06 TO 2018-19

School Year	Student Population	Employee Population	Total Campus Population
2005-06	32,886	14,818	47,704
2006-07	33,438	15,200	48,638
2007-08	34,397	15,783	50,180
2008-09	34,796	15,989	50,785
2009-10	35,419	15,418	50,837
2010-11	35,298	15,204	50,502
2011-12	35,592	15,257	50,849
2012-13	35,345	15,727	51,072
2013-14	35,756	15,954	51,710
2014-15	36,775	16,182	52,956
2015-16	37,289	16,222	53,510
2016-17	39,234	15,873	55,107
2017-18	40,955	14,682	55,637
2018-19	39,708	15,421	55,129

Notes: shading indicates that the population exceeds 2005 LRDP EIR projections.

Source: UC Berkeley, 2020.

In order to evaluate the environmental impacts of unanticipated enrollment growth that has already occurred at UC Berkeley, this master response below uses a different baseline than was used in the 2021 LRDP Draft EIR to determine whether any new or more severe impacts beyond those identified in the 2021 LRDP Draft EIR would occur. Specifically, the evaluation below analyzes the effects of population growth using as a baseline the population level projected in the 2005 LRDP EIR, rather than the UC Berkeley population in the 2018-19 school year. Table 5-4, Comparison of Population Projections Using Different Baseline Conditions, provides the projections used for analytical purposes in this master response and compares these projections to those used in the 2021 LRDP Draft EIR. As shown in Table 5-4, using the population projections of the 2005 LRDP EIR as a baseline and the horizon year (2036-37) population projections of the 2021 LRDP Draft EIR, the net change population growth would be 14,750 new students and 3,190 new faculty/staff, which results in an approximately 50-percent increase in UC Berkeley population above the net change amount considered in the 2021 LRDP Draft EIR. As the numbers in Table 5-4 illustrate, the additional population analyzed in this master response was analyzed in the 2021 LRDP Draft EIR as part of existing conditions.

5. COMMENTS AND RESPONSES

TABLE 5-4 COMPARISON OF POPULATION PROJECTIONS USING DIFFERENT BASELINE CONDITIONS

	Projections Used in 2021 LRDP Draft EIR: 2018-19 Existing Conditions as Baseline	Projections Used in this Master Response: 2005 LRDP EIR Projections as Baseline	Difference from 2021 LRDP Draft EIR Projections	Percent Change from 2021 Draft LRDP EIR Projections
Baseline Conditions				
Students	39,708	33,450	(6,258)	(16%)
Faculty/Staff	15,421	15,810	+ 389	+ 3%
Total Campus Population	55,129	49,260	(5,869)	(11%)
Horizon Year 2036-37				
Students	48,200	48,200	No change	No change
Faculty/Staff	19,000	19,000	No change	No change
Total Campus Population	67,200	67,200	No change	No change
Net Change				
Students	8,492	14,750	+ 6,258	+ 74%
Faculty/Staff	3,579	3,190	(389)	(11%)
Total Campus Population	12,071	17,940	+ 5,869	+ 49%

Source: PlaceWorks, 2021.

Although population growth has exceeded the projections in the 2005 LRDP EIR, UC Berkeley is operating within the envelope of capacities and demands for resources such as housing, water, electricity, public services, and others that were analyzed in the 2005 LRDP EIR. As shown in Table 5-2, Space Comparison: 2005 LRDP EIR Projections and 2018-19 Existing Conditions, in the 2018-19 school year UC Berkeley was operating with 9,020 beds and 11.8 million square feet of academic and campus life space, which are 16 to 17 percent below the development projections analyzed in the 2005 LRDP EIR, respectively. The lack of new or more severe significant impacts associated with the increase in the campus population can be attributed to the implementation of various UC policies contributing to a “greener campus” and to shifts in transportation behaviors moving away from single occupancy vehicle trips, among others. Because only the population projections of the 2005 LRDP EIR have been exceeded, this evaluation focuses only on environmental impact categories for which population is a metric of analysis. Therefore, because the following impact categories are analyzed based on the built and natural physical environment and activities, rather than population, they are not included in this evaluation:

- Aesthetics
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Tribal Cultural Resources
- Utilities and Service Systems

The remainder of this master response evaluates UC Berkeley’s population growth between 2007 and the 2018-19 school year for the following impact categories:

- Air Quality
- Noise
- Parks and Recreation
- Greenhouse Gas Emissions
- Population and Housing
- Transportation
- Public Services

AIR QUALITY

The 2005 LRDP EIR identified that the 2020 LRDP, in combination with other reasonably foreseeable projects, could result in a cumulatively considerable increase of nonattainment pollutants and conflict with the 2000 Clean Air Plan, resulting in significant unavoidable impacts. As shown in Table 5-5, Criteria Air Pollutants: 2007 Emissions, 2018 Emissions, and 2036 Emissions Forecast, with the exception of reactive organic gases (ROGs) from consumer product use (e.g., cleaning products, aerosols), criteria air pollutant emissions at UC Berkeley have been on a declining trend from 2007 to 2018, and this trend is forecasted to continue. The Draft EIR identified that ROG emissions from consumer product use at UC Berkeley would continue to exceed the Bay Area Air Quality Management District (BAAQMD) regional significance thresholds and cumulatively contribute to the ozone nonattainment designations. Because UC Berkeley does not have full control over the use of consumer products and the VOC content contained within consumer products, there are no mitigation measures available to reduce this program-level impact. ROG emissions associated with long-term implementation of the proposed LRDP Update was therefore considered significant and unavoidable in the Draft EIR.

The change in UC Berkeley’s emissions is based on calendar year 2007, which is when student population and total UC Berkeley population first exceeded the 2005 LRDP EIR projections, and are shown in Table 5-5, UC Berkeley Population: 2005-06 to 2018-19. As shown in Table 5-5, the 2021 LRDP EIR baseline conditions (i.e., year 2018 emissions) were 14 percent lower for ROGs, 41 percent lower for nitrogen oxides (NO_x), 11 percent lower for coarse particulate matter (PM₁₀), and 10 percent lower for fine particulate matter (PM_{2.5}) compared to year 2007. Because emissions at UC Berkeley are on a declining trend with the exception of ROGs, which was considered a significant and unavoidable impact, the additional population did not impact air quality beyond what was addressed in the 2005 LRDP EIR, or in the 2021 LRDP Draft EIR.

The increase in UC Berkeley’s existing and projected campus population evaluated in this master response would not involve physical development beyond that planned for in the LRDP Update. The increased population growth evaluated in this master response – and the physical development that occurred in the 2007 to 2018 period – has already occurred and was evaluated as part of baseline conditions in the Draft EIR. Therefore, new development to accommodate a greater population would not be additional to growth anticipated in the Draft EIR for the 2036-37 horizon year. Because the increase in UC Berkeley’s existing and projected campus population would not require additional physical development beyond that anticipated in this EIR, it would not result in additional short-term emissions from construction activity or long-term emissions from the operation of structures that were not already evaluated in the Draft EIR, and it would not expose sensitive receptors to excessive toxic air contaminant (TAC) concentrations during construction beyond the level anticipated in the Draft EIR.

5. COMMENTS AND RESPONSES

TABLE 5-5 CRITERIA AIR POLLUTANTS: 2007 EMISSIONS, 2018 EMISSIONS, AND 2036 EMISSIONS FORECAST

Sector	Average Pounds per Day			
	ROG	NO _x	PM ₁₀	PM _{2.5}
2007 Emissions				
Cogeneration Plant ^a	37	303	51	51
Campus Fleet ^a	4	16	1	0
Fuel Use ^a	3	61	5	5
Student Commute ^b	22	68	7	3
Faculty and Staff Commute ^b	74	233	25	11
Visitors ^b	14	45	5	2
Vendors ^b	0	2	0	0
Consumer Products / Painting ^c	299	0	0	0
Total	453	729	93	72
Change from 2018				
2018 Emissions	388	432	82	65
2007 to 2018 Change (lbs per day)	-65	-297	-11	-7
Change from 2036				
2036 Emissions	538	381	85	64
2007 to 2036 Change (lbs per day)	85	-349	-8	-8
Sector	Tons per Year			
	ROG	NO _x	PM ₁₀	PM _{2.5}
2007 Emissions	78	117	15	12
2018 Emissions	70	76	14	11
2007 to 2018 Change (tons per year)	-8	-41	1	-1
2036 Emissions	98	69	14	11
2007 to 2036 Change (tons per year)	20	-49	-1	-1

Notes: Totals may not add to 100 percent due to rounding.

a. Fuel use for scope 1 emissions provided by UC Berkeley based on the GHG emissions inventory. Fuel use emissions from boilers and emergency generators are based on annual fuel use provided by UC Berkeley and the USEPA's AP 42 emissions factors. Campus fleet fuel use emissions for criteria air pollutants are based on EMFAC2017.

b. Transportation sector emissions are based on vehicle miles traveled (VMT) provided by Fehr & Peers and modeled using EMFAC2017.

c. Consumer product use and recoating ROG emissions are based on the emissions factors from the CalEEMod User's Guide.

Source: PlaceWorks, 2021. See Appendix P: Modeling for 2005 LRDP EIR Population Projections (Master Response 17), of this Final EIR, for modeling methodology.

For long-term TACs, the results in Table 5.2-18, LRDP Update Operational Health Risk Assessment Results, in Chapter 5.2 of the Draft EIR identify that diesel particulate matter (DPM) emissions from emergency generators account for approximately 80.3 percent of the total health risks. Emissions from the cogeneration plant account for approximately 10 percent, laboratory emissions account for approximately 9.6 percent, and emissions from the Hazardous Materials Facility (HMF) account for the remaining 0.1

percent of the total maximally exposed individual receptor (MEIR) health risks. These numbers in Table 5.2-18 show that the predicted health risks are less than BAAQMD's significance thresholds for the MEIR, MEIW, and maximum exposed sensitive receptor. The proposed project's predicted health risks are less than BAAQMD's significance thresholds. Therefore, the increase in UC Berkeley's existing and projected campus population would not expose sensitive receptors to excessive TACs concentrations beyond the level anticipated in the 2020 LRDP EIR.

Additionally, the additional campus population would not result in increased mobile emissions relative to the Draft EIR analysis or in increased traffic congestion that could expose sensitive receptors to substantial carbon monoxide (CO) concentrations. As identified in Chapter 5.2, Air Quality, of the Draft EIR, under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—in order to generate a significant CO impact.¹¹

The increase in UC Berkeley's current and projected campus population would not result in additional exposure of people to objectionable odors because, as discussed in Chapter 5.2, under impact discussion AIR-4, campus facilities do not commonly generate objectionable odors.

GREENHOUSE GAS EMISSIONS

Greenhouse gas (GHG) emissions were not addressed in the 2005 LRDP EIR. However, on July 30, 2009, an EIR Addendum was adopted to address climate change and determined that the 2005 LRDP, with incorporation of all best practices and implementation of UC Berkeley's Climate Action Plan, would result in less-than-significant impacts on cumulative climate change. However, the regulatory setting for emissions reduction targets has since changed. In 2015, the California Supreme Court submitted an opinion on the *Center for Biological Diversity et al., v. California Department of Fish and Wildlife, and The Newhall Land and Farming Company*, 62 Cal.4th 204 (2015) case, finding that meeting California's statewide reduction goals does not preclude all new development. Rather, the Assembly Bill 32 (AB 32) Scoping Plan assumes continued growth and depends on increased efficiency and conservation in land use and transportation from all Californians. To the extent that a project incorporates efficiency and conservation measures sufficient to contribute its portion of the overall GHG reductions necessary, one can reasonably argue that the project's impact is not cumulatively considerable, because it is helping to solve the cumulative problem of GHG emissions as envisioned by California law. This finding is consistent with Section 15064.4, Determining the Significance of Impacts from Greenhouse Gas Emissions, of the CEQA Guidelines, which details that lead agencies have the discretion to assess the significance of impacts from GHG emissions on the environment through a qualitative evaluation of the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. The Draft EIR evaluates the project's consistency with policies adopted to reduce GHG emissions, including the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan, as well as the carbon neutrality goals under Executive Order B-55-18, to determine whether GHG emissions associated with the proposed project would result in a significant impact. As identified in Chapter

¹¹ Bay Area Air Quality Management District, 2017 (Revised), CEQA Air Quality Guidelines.

5. COMMENTS AND RESPONSES

5.7, Greenhouse Gas Emissions, in the Draft EIR, implementation of Mitigation Measure GHG-2 would result in decreased annual GHG emissions under the LRDP Update compared to existing conditions, consistent with UC Berkeley’s carbon neutrality goals and, therefore, the LRDP Update’s impact would not be cumulatively considerable.

Further, as shown in Table 5-6, Greenhouse Gas Emissions Comparison: 2007 Emissions, 2018 Emissions, and 2036 Adjusted Business as Usual emissions Forecast, GHG emissions at UC Berkeley are on a declining trend. Emissions in 2007, when student population and total UC Berkeley population first exceeded the 2005 LRDP EIR projections, were 9 percent higher than the 2021 LRDP EIR baseline conditions (i.e., year 2018). Because emissions are on a declining trend, the additional population evaluated in this master response would not impact GHG emissions beyond what was addressed in the 2005 LRDP EIR, or in the Draft EIR.

NOISE

The Draft EIR evaluates the traffic noise increase resulting from implementation of the project. As shown in Table 5-10, 2007 Baseline UC Berkeley VMT Summary, 2007 baseline VMT is 291,879; whereas 2019 baseline VMT is 251,964 (See Table 5.15-5). This represents a decrease in VMT. In both cases, Baseline Plus Project VMT is 301,195. The noise level generated by traffic on roadways is proportional to the roadway volume. Therefore, the analysis presented in the Draft EIR represents a higher traffic increase and, consequently, a higher traffic noise increase, since the 2019 baseline is lower compared with the 2007 baseline. The traffic noise increase due to implementation of the project would be less than analyzed in the Draft EIR when using the 2007 baseline traffic conditions.

TABLE 5-6 GREENHOUSE GAS EMISSIONS COMPARISON: 2007 EMISSIONS, 2018 EMISSIONS, AND 2036 ADJUSTED BUSINESS AS USUAL EMISSIONS FORECAST

Sector	2007 Emissions MTCO ₂ e ^a	2021 LRDP EIR Baseline Conditions MTCO ₂ e		2021 LRDP EIR Projections MTCO ₂ e	
		2018 Emissions	Difference from 2007 Emissions	2036 Adjusted BAU Emissions	Difference from 2007 Emissions
Scope 1					
Cogeneration Plant/Boiler	132,623	123,888	-8,734	111,393	-21,230
Campus Fleet	340	1,772	1,432	1,581	1,241
Fuel Use	12,490	11,719	-771	17,651	5,161
Refrigerants	74	779	705	1,173	1,099
Subtotal	145,527	138,158	-7,369	131,798	-13,729
Scope 2					
Purchased Electricity	5,890	4,781	-1,108	4,036	-1,853
Scope 3^b					
Student Commute	5,490	4,097	-1,393	3,168	-2,322
Faculty and Staff Commute	23,430	16,520	-6,909	14,348	-9,082
Visitors	6,074	4,986	-1,087	4,080	-1,993

TABLE 5-6 GREENHOUSE GAS EMISSIONS COMPARISON: 2007 EMISSIONS, 2018 EMISSIONS, AND 2036 ADJUSTED BUSINESS AS USUAL EMISSIONS FORECAST

Sector	2007 Emissions MTCO ₂ e ^a	2021 LRDP EIR Baseline Conditions MTCO ₂ e		2021 LRDP EIR Projections MTCO ₂ e	
		2018 Emissions	Difference from 2007 Emissions	2036 Adjusted BAU Emissions	Difference from 2007 Emissions
Vendors	74	89	15	75	2
Air Travel	21,865	22,926	1,061	27,946	6,081
Solid Waste	1,308	740	-568	902	-406
Water/Wastewater	821	299	-522	480	-341
Subtotal	59,061	49,657	-9,404	51,000	-8,061
TOTAL	210,478	192,597	-17,881	186,834	-23,644
Service Population (SP)	49,260	55,129	5,869	67,200	17,940
MTCO ₂ e/SP	4.3	3.5	-0.8	2.8	-1.5

Notes: MTCO₂e = metric tons of carbon dioxide-equivalent; BAU = business-as-usual. Based on global warming potentials (GWPs) in the International Panel on Climate Change's (IPCC) Fifth Assessment Report (AR5). Totals may not add to 100 percent due to rounding.

a. 2007 GHG emissions and activity data provided by UC Berkeley and adjusted for the AR5 GWPs. Prior to 2017, UC Berkeley received heat for the Campus Park in the form of high-pressure steam from the on-campus cogeneration plant, which was owned and operated by a third party, and purchased electricity from PG&E to power the Campus Park, which constitutes 97 percent of UC Berkeley's electricity consumption. Between the opening of the plant in the 1980s and mid-2017, the third-party owner and operator had a power purchase agreement with PG&E to sell electricity generated by the cogeneration plant to PG&E. The GHG emissions associated with the plant during those years were the responsibility of the third-party owner operator. In 2017, the third-party operator's power purchase agreement with PG&E ended as did UC Berkeley's energy services contract with the third-party operator. Following the end of both contracts, UC Berkeley assumed ownership of the cogeneration plant and began to use the majority of the Campus Park electricity from the cogeneration plant. The change in ownership shifted the reporting entity for GHG emissions associated with the plan from the third party to UC Berkeley.

b. The methodology for determining faculty and staff vehicle miles traveled (VMT) and student VMT utilized here for the proposed LRDP Update differs from the methodology used for the annual emissions reporting. These emissions are required for the proposed LRDP Update but are not part of the annual GHG emissions reporting provided or required by UC Berkeley. Ground Transportation sector emissions are based on VMT provided by Fehr & Peers and modeled using EMFAC2017.

Source: PlaceWorks, 2021. See Appendix P: Modeling for 2005 LRDP EIR Population Projections (Master Response 17), of this Final EIR, for modeling methodology.

POPULATION AND HOUSING

As shown in Table 5-4, Comparison of Population Projections Using Different Baseline Conditions, whereas the Draft EIR evaluated a net increase of 8,492 students and 3,579 faculty/staff (for a total population increase of 12,071 people), this master response evaluates a net increase of 14,750 students and 3,190 faculty/staff (for a total population increase of 17,940 people). This analysis assumes the same housing supply and projections and place of residence patterns as were included in the Draft EIR.

Table 5.12-9, UC Berkeley Population Compared to UC Berkeley Housing in the EIR Study Area, in the Draft EIR provides a breakdown of projected population change compared to projected UC Berkeley housing development in the EIR Study Area and identifies the number of students and faculty/staff that would not

5. COMMENTS AND RESPONSES

be accommodated by UC Berkeley housing (referred to as “unaccommodated”).¹² Table 5-7, UC Berkeley Population Compared to UC Berkeley Housing in the EIR Study Area, with Comparison to Unaccommodated Population Reported in the Draft EIR, updates Table 5.12-9 using the baseline population assumptions used in this master response and provides the unaccommodated population data from Table 5.12-9 for comparison purposes.

As shown in Table 5-7, while the analysis in the Draft EIR demonstrated a net decrease of 3,940 in the unaccommodated undergraduate student population, the analysis in this master response demonstrates a net increase of 862 unaccommodated undergraduate students. The change is also greater for unaccommodated graduate students, with 1,635 unaccommodated graduate students based on the analysis in this master response compared to 1,359 unaccommodated graduate students in the Draft EIR. The number of unaccommodated faculty/staff would be less than reported in the Draft EIR (2,641 unaccommodated faculty/staff based on this analysis compared to 3,030 unaccommodated faculty/staff in the Draft EIR).

TABLE 5-7 UC BERKELEY POPULATION COMPARED TO UC BERKELEY HOUSING IN THE EIR STUDY AREA, WITH COMPARISON TO UNACCOMMODATED POPULATION REPORTED IN THE DRAFT EIR

	Undergraduate Student	Graduate Student	Faculty/Staff	Total
Master Response Baseline Conditions				
UC Berkeley Population	23,950	9,500	15,810	49,260
UC Berkeley Beds ^a	7,542	250	32	7,824
Unaccommodated UC Berkeley Population	16,408	9,250	15,778	41,436
Comparison: Baseline Unaccommodated Population Reported in the Draft EIR ^b	21,210	9,526	15,389	46,125
2036-37				
UC Berkeley Population	35,000	13,200	19,000	67,200
UC Berkeley Beds	17,730	2,315	581	20,626
Unaccommodated UC Berkeley Population	17,270	10,885	18,419	46,574
Comparison: 2036-37 Unaccommodated Population Reported in the Draft EIR ^b	17,270	10,885	18,419	46,574
Change				
UC Berkeley Population	11,050	3,700	3,190	17,940
UC Berkeley Beds	10,188	2,065	549	12,802
Unaccommodated UC Berkeley Population	862	1,635	2,641	5,138
Comparison: Change in Unaccommodated Population Reported in the Draft EIR ^b	(3,940)	1,359	3,030	449

Notes:

a. The baseline bed count in this table differs from the bed count used in the Draft EIR because it does not include 1,180 beds constructed between 2007 and 2018 at Maximino Martinez Commons and David Blackwell Hall.

b. Source of comparison data: Table 5.12-9, UC Berkeley Population Compared to UC Berkeley Housing in the EIR Study Area, in the Draft EIR. Source: PlaceWorks, 2021.

¹² The bed count in Table 5.12-9 of the Draft EIR and in this master response is conservatively low as it only includes UC Berkeley-provided housing in the EIR Study Area. It does not include UC Berkeley housing outside of the EIR Study Area (including University Village) or affiliate or master-leased properties.

Table 5.12-10, UC Berkeley Population Compared to UC Berkeley Housing in the EIR Study Area, in the Draft EIR accounts for the possibility that a notable number of graduate students and faculty/staff may have families and conservatively multiplies the number of unaccommodated graduate students and faculty/staff by the projected 2037 average household size of 2.76 persons per household for Alameda County (see Table 5.12-1, City and Regional Population [2010 to 2037], of the Draft EIR).¹³ Table 5-8, Unaccommodated UC Berkeley Population and Associated Household Population, with Comparison to Unaccommodated Population Reported in the Draft EIR, updates Table 5.12-10 using the baseline population assumptions used in this master response and provides the total unaccommodated population data from Table 5.12-10 for comparison purposes. As shown in Table 5-8, while the analysis in the Draft EIR demonstrated a net decrease of 3,940 in the unaccommodated undergraduate student population, the analysis in this master response demonstrates a net increase of 862 unaccommodated undergraduate students.

TABLE 5-8 UNACCOMMODATED UC BERKELEY POPULATION AND ASSOCIATED HOUSEHOLD POPULATION, WITH COMPARISON TO UNACCOMMODATED POPULATION REPORTED IN THE DRAFT EIR

	Undergraduate Student	Graduate Student	Faculty/Staff	Total
Master Response Baseline Conditions				
Unaccommodated UC Berkeley Population	16,408	9,250	15,778	41,436
Associated Household Population ^a	N/A	16,280	27,769	44,049
Total Unaccommodated Population	16,408	25,530	43,547	85,485
Comparison: Baseline Total Unaccommodated Population Reported in the Draft EIR ^b	21,210	26,292	42,474	89,975
2036-37				
Unaccommodated UC Berkeley Population	17,270	10,885	18,419	46,574
Associated Household Population ^a	N/A	19,158	32,417	51,575
Total Unaccommodated Population	17,270	30,043	50,836	98,149
Comparison: 2036-37 Total Unaccommodated Population Reported in the Draft EIR ^b	17,270	30,043	50,836	98,149
Change				
Change in Total Unaccommodated Population	862	4,513	7,289	12,664
Comparison: Change in Total Unaccommodated Population Reported in the Draft EIR ^b	(3,940)	3,751	8,363	8,173

Notes: N/A = not applicable; numbers may not sum due to rounding.

a. This analysis conservatively assumes that all graduate students and faculty/staff have families, and that household sizes are consistent with the projected 2037 average household size of 2.76 persons per household for Alameda County.

b. Source of comparison data: Table 5.12-10, Unaccommodated UC Berkeley Population and Associated Household Population, in the Draft EIR. Source: PlaceWorks, 2021.

¹³ This analysis is overly conservative because it (1) assumes that all graduate students have families, (2) applies the projected 2037 household size for Alameda County, which is larger than the household sizes of Berkeley and Oakland, and (3) assumes that future UC Berkeley population represents people who are new to the region.

5. COMMENTS AND RESPONSES

The change is also greater for unaccommodated graduate students, with 4,513 unaccommodated graduate students and household members based on the analysis in this master response compared to 3,751 unaccommodated graduate students and household members in the Draft EIR. The number of unaccommodated faculty/staff and household members would be less than reported in the Draft EIR (7,289 unaccommodated faculty/staff and household members based on this analysis compared to 8,363 unaccommodated faculty/staff and household members in the Draft EIR).

Table 5.12-11, Change in Unaccommodated UC Berkeley Population Residing in Nearby Jurisdictions, in the Draft EIR compares the 2018–19 and 2036–37 unaccommodated university population and their household members in nearby jurisdictions based on the place-of-residence information presented in Section 5.12.1, Environmental Setting, of the Draft EIR. Specifically, the analysis is based on the place-of-residence data presented in Table 5.12-3, Place of Residence, of the Draft EIR and assumes that the following percentages of students and faculty/staff would live in the following jurisdictions:

- Berkeley: students – 71 percent; faculty/staff – 29 percent
- Oakland: students – 6 percent; faculty/staff – 15 percent
- Albany: students and faculty/staff – 4 percent
- Elsewhere in Alameda County: students – 3 percent; faculty/staff – 8 percent
- El Cerrito: students – 2 percent; faculty/staff – 4 percent
- Richmond: students – 1 percent; faculty/staff – 4 percent
- Elsewhere in Contra Costa County: students – 2 percent; faculty/staff – 14 percent
- San Francisco: students – 2 percent; faculty/staff – 7 percent
- Other jurisdictions: students – 9 percent; faculty/staff – 15 percent

As shown in Table 5-9, Change in Unaccommodated UC Berkeley Population Residing in Nearby Jurisdictions, with Comparison to Unaccommodated Population Reported in the Draft EIR, using the baseline population of this master response the change in the estimated population seeking off-campus housing in nearby jurisdictions would increase for all jurisdictions, with the exception of the “elsewhere in Contra Costa County” category. The most notable increase in unaccommodated population would occur in Berkeley, which would more than double (from 2,291 to 5,930 unaccommodated residents). In the city of Berkeley, overall population growth under the LRDP Update would be a combination of the direct growth resulting from construction of new housing in the EIR Study Area and indirect growth from unaccommodated students and faculty/staff seeking housing in the city. Therefore, under the approach used in this master response, the local direct and increased population growth projected under the LRDP Update would exceed ABAG projections for Berkeley, which would be a significant impact. As described in the Draft EIR, this impact would be less than significant with the implementation of Mitigation Measure POP-1, under which UC Berkeley would provide an annual summary of LRDP enrollment and housing production data to the City of Berkeley and Association of Bay Area Governments. This information is then used by the Association of Bay Area Governments to inform the Regional Housing Needs Allocation, which then leads to required housing element updates in the City of Berkeley. This process will ensure that local and regional planning projections account for UC Berkeley-related population changes. The increased population evaluated in this master response would not create any additional impacts not evaluated in the Draft EIR.

TABLE 5-9 CHANGE IN UNACCOMMODATED UC BERKELEY POPULATION RESIDING IN NEARBY JURISDICTIONS, WITH COMPARISON TO UNACCOMMODATED POPULATION REPORTED IN THE DRAFT EIR

Jurisdiction	Master Response Baseline Conditions				2036-37				Change	Comparison: Change Reported in the Draft EIR ^a
	Undergraduate Students	Graduate Students and Their Family Members	Faculty/ Staff and Their Family Members	Total	Undergraduate Students	Graduate Students and Their Family Members	Faculty/ Staff and Their Family Members	Total		
Berkeley	11,650	18,126	12,629	42,405	12,261	21,330	14,743	48,334	5,930	2,291
Oakland	984	1,532	6,532	9,048	1,036	1,803	7,625	10,464	1,416	1,243
Albany	656	1,021	1,742	3,419	691	1,202	2,033	3,926	507	327
Elsewhere in Alameda County	492	766	3,484	4,742	518	901	4,067	5,486	744	663
El Cerrito	328	511	1,742	2,581	345	601	2,033	2,980	399	331
Richmond	164	255	1,742	2,161	173	300	2,033	2,507	345	333
Elsewhere in Contra Costa County	328	511	6,097	6,935	345	601	7,117	8,063	1,128	1,167
San Francisco	328	511	3,048	3,887	345	601	3,559	4,505	618	582
Other Jurisdictions	1,477	2,298	6,532	10,307	1,554	2,704	7,625	11,884	1,577	1,237
Total Unaccommodated Population	16,408	25,530	43,547	85,485	17,270	30,043	50,836	98,149	12,663	8,173

Notes: This analysis is overly conservative as it 1) assumes that all graduate students have families, 2) applies the projected 2037 household size of 2.67 for Alameda County, which is larger than the household sizes for Berkeley and Oakland (see Table 5.12-1 in the Draft EIR), and 3) assumes that future UC Berkeley population represents people who are new to the region.

a. Source of comparison data: Table 5.12-11, Change in Unaccommodated UC Berkeley Population Residing in Nearby Jurisdictions, in the Draft EIR.

Source: PlaceWorks, 2020.

PUBLIC SERVICES

Police Services

Police services for the EIR Study Area are provided by the University of California Police Department (UCPD), the Berkeley Police Department (BPD), and the Oakland Police Department. Because development under the proposed project would primarily occur within the city of Berkeley, potential impacts would primarily concern the UCPD and the BPD. The Draft EIR concluded that the ongoing implementation of CBP PS-1 would reduce potential impacts to police services through coordination between the UCPD and the BPD, which has police jurisdiction overlapping a significant portion of the populated EIR Study Area. Furthermore, because both the UCPD and the BPD indicated that they would not require new or physically altered police facilities due to the proposed project, impacts to police services would be less than significant.

As shown in Table 5-4, Comparison of Population Projections Using Different Baseline Conditions, the additional population analyzed in this master response was already analyzed in the 2021 LRDP Draft EIR as part of the baseline condition. Since 2007 UCPD has not physically expanded its facilities, although it has expanded incrementally into existing space: several years ago, UCPD obtained office space for gear storage at Albany Village and about eight years ago UCPD took over a janitorial storage room in the basement of Sproul Hall to add additional lockers. In addition, according to City of Berkeley fiscal reports between 2008 and 2019, the BPD did not expand its physical facilities as a result of the increased UC Berkeley population during this time period.¹⁴ Because the exceeded population that occurred in 2007 did not result in new or physically altered police facilities that would have potentially resulted in environmental impacts, this population did not impact police services beyond what was addressed in the Draft EIR.

Fire Protection Services

As described in the Draft EIR, fire protection services to the EIR Study Area are primarily provided by the Berkeley Fire Department (BFD) and the Oakland Fire Department. Because development under the proposed project would primarily occur within the city of Berkeley, potential impacts would occur to the BFD and not the Oakland Fire Department.

As described in Chapter 5.13, Public Services, of the Draft EIR, the proposed project would not result in impacts to fire protection services, with implementation of CBP PS-2 in which UC Berkeley would continue its partnership with the Lawrence Berkeley National Laboratory, Alameda County Fire Department, Oakland Fire Department, and the BFD to ensure adequate fire and emergency service levels. Potential future development would also comply with applicable codes as described in Chapter 5.13, and UC Berkeley would negotiate proportional share of funding for any future mitigation, if needed, if the City of Berkeley were to construct a new facility in order to accommodate additional resources.

¹⁴ City of Berkeley, Financial Reports, “FY2008 Complete CAFR through FY2020 Complete CAFR”, https://www.cityofberkeley.info/Finance/Home/Financial_Reports.aspx, accessed May 6, 2021.

According to City of Berkeley fiscal reports between 2008 and 2019, the BFD did not expand its physical facilities as a result of the increased UC Berkeley population during this time period.¹⁵ Because the exceeded population that occurred in 2007 beyond the 2005 LRDP EIR projections is included in the population analyzed in the Draft EIR, and because no new or expanded fire protection facilities resulted from the population increase since 2007, this population did not result in impacts to fire protection services beyond what was analyzed in the Draft EIR.

Schools

The 2021 LRDP Draft EIR concluded that the proposed project would have the potential to impact public schools, in particular the Berkeley Unified School District (BUSD), because proposed faculty/staff and graduate student housing under the LRDP Update that could accommodate families could exceed the existing capacity of BUSD to the extent that construction or expansion of school facilities could be needed. In addition, facility requirements for BUSD are dependent on where future students reside, which is unknown at the programmatic level of the LRDP Update. It is possible the projected UC Berkeley population could contribute to enrollment in other school districts, however, because development under the LRDP Update would primarily be within Berkeley, it is assumed that any increases in other school districts would not be significant enough to result in the need for expanded or new facilities to accommodate increased enrollment as a result of the proposed project.

As discussed in Chapter 3, Revisions to the Draft EIR, of this Final EIR, following publication of the Draft EIR additional information was obtained pertaining to capacity of BUSD schools. Because there is information to support that BUSD would be able to accommodate an additional 199 students that could potentially be generated by the proposed project over the course of approximately 15 years, and therefore not require expansion or addition of physical facilities, it is concluded that impacts to public schools from the LRDP Update would be less than significant.

Impacts to schools from the proposed project are less dependent on the UC Berkeley population itself than they are on the amount of new housing that could accommodate families, who could then potentially attend local schools. As shown in Table 5-2, Space Comparison: 2005 LRDP EIR Projections and 2018-19 Existing Conditions, UC Berkeley did not exceed nor meet the amount of housing square footage that was analyzed in the 2005 LRDP EIR. In addition, UC Berkeley built only two apartments during the 2007 to 2018 period that accommodate families. Furthermore, as shown in Table 5-1, Population Comparison: 2005 LRDP EIR Projections, 2018-19 Existing Conditions, and 2036-37 Projections, there were 389 fewer faculty/staff members in the 2018-19 baseline year than was included in the 2005 LRDP EIR projections.

The 2005 LRDP EIR analyzed each new employee as if it were a new household that could impact public school enrollment. This is a conservative approach that likely overstates the potential impact because: 1) a substantial percentage of the employment-related growth can be assumed to be absorbed within the pool of existing Bay Area Region residents; 2) the analysis did not account for households with more than one

¹⁵ City of Berkeley, Financial Reports, “FY2008 Complete CAFR through FY2020 Complete CAFR”, https://www.cityofberkeley.info/Finance/Home/Financial_Reports.aspx, accessed May 6, 2021.

UC Berkeley employee; and 3) it assumes that all employees would live in a student-generating household. The conservative estimates of the 2005 LRDP EIR concluded that there would not be significant impacts to public schools. The faculty/staff population projections and housing projections analyzed in the 2005 LRDP EIR and found in the 2005 LRDP EIR to have less-than-significant impacts to schools were not exceeded under 2007 baseline conditions. In addition, BUSD, which would absorb the majority of students, has not seen significant increases in enrollment since the 2005 LRDP EIR was certified. Therefore, the additional population evaluated in this master response would not have an impact on schools beyond those addressed in the Draft EIR.

Libraries

Libraries were not addressed in the 2005 LRDP EIR. As described in Chapter 5.13, Public Services, of the 2021 LRDP Draft EIR, UC Berkeley provides sufficient library services for the current campus population and the LRDP Update would not create significant impacts associated with libraries. Therefore, the exceedance in the UC Berkeley population beginning in 2007 did not result in impacts to library services and the increased population evaluated in this master response would not create any additional impacts on libraries.

PARKS AND RECREATION

As stated in impact discussion REC-2 in the Draft EIR, while UC Berkeley does not have its own goals for the amount of parks and recreation space it provides to the campus population, the Draft EIR analyzed acreage of open space and recreation available using the City of Berkeley's 2 acres per 1,000 members of the city population standard.

As shown in Table 5-4, Comparison of Population Projections Using Different Baseline Conditions, the additional population analyzed in this master response was already analyzed in the 2021 LRDP Draft EIR as part of existing conditions. As of 2018-19 baseline conditions, which incorporates the exceeded population, UC Berkeley provides 4.3 acres of open space and recreational space per 1,000 people for the UC Berkeley population. These areas are also available to local residents. With the further increase in the UC Berkeley population through 2036-37, in addition to changes from the LRDP Update development program, UC Berkeley would provide approximately 3.6 acres of open space and recreational space per 1,000 people for the UC Berkeley population. These levels exceed the City of Berkeley's standards, and show that UC Berkeley provides sufficient parks and recreation space for the UC Berkeley population. Because of this, impacts on local parks and recreation resources would be less than significant, as described in the Draft EIR. As such, the increased population evaluated in this master response would not create any additional impacts on parks and recreation.

TRANSPORTATION

This section describes the estimated 2007 Baseline scenario VMT metrics and provides a Baseline with Project scenario evaluation comparable to that provided in the Draft EIR. The VMT metrics were calculated similarly to the Draft EIR metrics, using the best available inputs to describe the 2007 Baseline VMT:

- 2007-08 academic year student, and faculty/staff populations

- 2006 and 2008 UC Berkeley Transportation Survey data describing student and faculty/staff travel characteristics
- May 2019 version of the Alameda County Transportation Commission (CTC) Travel Demand Model, model year 2010 (closest available model year)

Table 5-10, 2007 Baseline UC Berkeley VMT Summary, shows the 2007 UC Berkeley VMT and VMT rates, and Table 5-11, 2007 Baseline UC Berkeley VMT Rates and Regional VMT Rates, compares the UC Berkeley VMT and VMT rates to the nine-county Bay Area average values from the Alameda CTC Travel Demand Model (year 2010). As with the 2019 baseline presented in the Draft EIR, the 2007 UC Berkeley campus generated VMT at rates that are substantially below the City of Berkeley thresholds of significance for VMT. (See the Draft EIR for the standards of significance.)

TABLE 5-10 2007 BASELINE UC BERKELEY VMT SUMMARY

Population	Number ^a	Daily VMT Rate	Rate per	VMT Type	Baseline Daily VMT
Commuters					
Staff	13,830	15.44	Commuter	Home-work trips	213,571
Faculty	1,948	6.16	Commuter	Home-work trips	11,997
Graduate Students	9,250	2.86	Commuter	Home-work trips	26,464
Undergraduate Students	16,408	2.20	Commuter	Home-work trips	36,175
Total	41,436				288,207
Residents					
Faculty	32	7.60	Residential Unit	Home-based trips	243
Graduate Students	250	0.44	Bed	Home-based trips	110
Undergraduate Students	7,542	0.44	Bed	Home-based trips	3,318
Total Residential VMT	7,824				3,672
Total VMT					291,879

Note:

a. This table only includes UC Berkeley housing in the EIR Study Area and does not include the existing 16 beds on the Housing Project #1 site, housing outside of the EIR Study Area (including University Village), some affiliate housing, or housing that UC Berkeley provides through a master lease agreement.

Source: Fehr & Peers, 2021.

5. COMMENTS AND RESPONSES

TABLE 5-11 2007 BASELINE UC BERKELEY VMT RATES AND REGIONAL VMT RATES

	Existing Campus Metrics		
	Metric 1	Metric 2	Metric 3
	Daily Home-Work VMT per Faculty, Staff and Student Population	Daily Home-Based VMT per Resident Student	Daily Home-Based VMT per Resident Faculty
VMT	288,207	3,428	243
Population	41,436	7,792	32
VMT/Population	6.96	0.44	7.60
Regional Average VMT/Population	17.14	19.03	19.03
Threshold: 15% Below Regional Average	14.57	16.18	16.18
Threshold met under Existing Conditions?	Yes (6.96 < 14.57)	Yes (0.44 < 16.18)	Yes (7.60 < 16.18)

Source: Fehr & Peers, 2021.

Using the 2007 Baseline in place of the 2019 Baseline, implementation of the proposed LRDP Update would result in all six UC Berkeley VMT metrics falling under the relevant significance thresholds described in the Draft EIR, Section 5.15.2.1.

The VMT calculations and significance determination are summarized in Table 5-12, 2007 Baseline plus Project VMT Summary, and Table 5-13, 2007 Baseline plus Project VMT Significance Determination. Detailed calculation inputs are provided in Appendix P, Modeling for 2005 LRDP EIR Population Projections (Master Response 17), of this Final EIR. Accordingly, the impact would remain less than significant with the use of the 2007 baseline.

TABLE 5-12 2007 BASELINE PLUS PROJECT VMT SUMMARY

Population	Number	Daily VMT Rate	Rate per	VMT Type	2007 plus Project Daily VMT
Commuters					
Staff	14,800	14.50	Commuter	Home - work trips	214,551
Faculty	3,619	5.86	Commuter	Home - work trips	21,209
Graduate Students	10,855	2.12	Commuter	Home - work trips	23,074
Undergraduate Students	17,270	1.46	Commuter	Home - work trips	25,299
Total	46,574				284,133
Residents					
Faculty	581	7.60	Residential Unit	Home-based trips	4,416
Graduate Students	2,315	0.60	Bed	Home-based trips	2,009
Undergraduate Students	17,730	0.60	Bed	Home-based trips	10,638
Total Residential VMT	20,626				17,062
Total VMT					301,195

Source: Fehr & Peers, 2021.

TABLE 5-13 2007 BASELINE PLUS PROJECT VMT SIGNIFICANCE DETERMINATION

	Existing (2007 Baseline) plus Project Metrics					
	Metric 1	Metric 2	Metric 3	Metric 4	Metric 5	Metric 6
	Daily Home-Work VMT per Faculty, Staff, and Student Population	Daily Home-Based VMT per Resident Student	Daily Home-Based VMT per Resident Faculty	Daily VMT per All Students	Daily VMT per All Staff and Faculty	Daily VMT per All Students, Staff, and Faculty
VMT	284,133	12,647	4,416	61,020	240,175	301,195
Population	46,574	20,045	581	48,200	19,000	67,200
VMT/Population	6.10	0.63	7.60	1.27	12.64	4.48
Regional Average VMT/ Population	17.14	19.03	19.03			
Threshold: 15% Below Regional Average	14.57	16.18	16.18	The regional baseline thresholds do not apply to Metrics 4 to 6		
Threshold Met Under Baseline Plus Project Conditions?	Yes (6.10 < 14.57)	Yes (0.63 < 16.18)	Yes (7.60 < 16.18)			
Campus Baseline VMT/Population				1.98	14.28	5.93
Threshold: No Worse Than Baseline	The campus baseline thresholds do not apply to Metrics 1 to 3			1.98	14.28	5.93
Threshold Met Under Baseline Plus Project Conditions?				Yes (1.27 < 1.98)	Yes (12.64 < 14.28)	Yes (4.48 < 5.93)

Source: Fehr & Peers, 2021.

MASTER RESPONSE 18. ALTERNATIVES

A number of comments focused on the subject of alternatives to the proposed project as presented in Chapter 6, Alternatives to the Proposed Project, of the Draft EIR, including comments that summarized CEQA requirements for providing a reasonable range of alternatives, comments that provided opinions on the alternatives or analysis of alternatives to the LRDP Update, Housing Projects #1, and #2 included in the Draft EIR, and comments that suggested alternatives that should be included in the Draft EIR. Responses to these comments are organized in the topic headings below.

REQUIREMENTS FOR ALTERNATIVES; REASONABLE RANGE OF ALTERNATIVES; ENVIRONMENTALLY SUPERIOR ALTERNATIVE

As discussed in Section 6.1, Introduction, of Chapter 6, Alternatives to the Proposed Project, of the Draft EIR, CEQA requires that an EIR describe and evaluate a range of reasonable alternatives to the proposed project, or to the location of the proposed project, and evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126.6(a), (d)). While several commenters suggested that the Draft EIR does not

meet CEQA's requirement for a "reasonable range of alternatives," as described on page 6-1 in Chapter 6 of the Draft EIR, this issue is governed by the "rule of reason," which requires the EIR to describe and consider only those alternatives necessary to permit informed public participation and an informed and reasoned choice by the decision-making body (CEQA Guidelines Section 15126.6(a), (f)). In this instance, the EIR analyzes one "no project" alternative and three additional alternatives; it also describes five alternatives that were considered but were not carried forward for analysis for specific reasons.

Specifically, the alternatives that were selected for evaluation in the Draft EIR were:

- Alternative A: No Project
- Alternative B: Reduced Development Program
- Alternative C: Reduced Vehicle Miles Traveled
- Alternative D: Increased Faculty and Staff Housing

Alternatives considered in the Draft EIR but dismissed from further consideration for reasons explained in Section 6.2.3, Alternatives Considered and Rejected as Being Infeasible, of the Draft EIR, include the following:

- Reduced Graduate Program and Research Alternative
- Historic Resources Avoidance Alternative
- Housing Projects #1 and #2 Alternate Locations
- Housing Projects #1 and #2 Preservation or Partial Preservation
- Increased Transportation Demand Management Measures

The range of alternatives must, at a minimum, include alternatives that could feasibly attain most of the basic objectives of the project and could avoid or substantially lessen any of the significant effects of the project (CEQA Guidelines Section 15126.6(a)-(c)). Table 6-7, Comparison of Objectives of the Proposed Project and the Project Alternatives, reiterates the proposed project's objectives that are listed in Chapter 3, Project Description, of the Draft EIR, and provides a comparative analysis of all of the alternatives' abilities to meet these objectives.

Section 3.1.1, LRDP Background, of the Draft EIR also describes the "need" for the project, articulating the reasons that UC Berkeley has prepared the LRDP Update and Housing Projects #1 and #2. These include providing adequate planning capacity for potential population growth, as the current LRDP projected development needs through the academic year 2020-21, and increasing available student housing for UC Berkeley.

CEQA generally defines "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. In addition, the following may be taken into consideration when assessing the feasibility of alternatives: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and the ability of the proponent to attain site control (CEQA Guidelines Section 15126.6(f)(1)). The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure would feasibly attain most of the basic objectives of the project, even if those alternatives would impede to some degree the attainment of the project objectives or would be more costly (CEQA Guidelines Section 15126.6(a), (b)). See also *City of*

Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.

Also, if the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR (CEQA Guidelines Section 15126.6(f)(2)(B)). Reasons provided in Section 6.2.3.3, Housing Projects #1 and #2 Alternatives, comply with this requirement and provide a foundation for, but are not equivalent to, the written findings which are required for a lead agency to approve a project with significant and unavoidable impacts and reject alternatives as infeasible (CEQA Guidelines Section 15091(a)(3)). These agency findings must explain the specific reasons for rejecting alternatives and support their findings with substantial evidence (CEQA Guidelines Section 15091(c) and (b)).

It is important to note that the description or evaluation of alternatives does not need to be exhaustive, and an EIR need not consider alternatives for which the effects cannot be reasonably determined and for which implementation is remote or speculative (CEQA Guidelines Section 15126.6(f)(3)). Also, an EIR need not consider multiple variations on the alternatives that have been presented or analyze every alternative suggested by members of the public. Instead, the relative advantages and disadvantages of other alternatives can be assessed from a review of the alternatives presented in the EIR as long as other alternatives fall within the range that has been evaluated. See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal App. 3d 1022.

The No Project Alternative must be evaluated and is required to include a discussion of the continuation of existing conditions as well as what could be reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126.6(e)(2)). The No Project Alternative is evaluated in the EIR, which appropriately considers impacts of implementing the 2005 LRDP as the existing plan for UC Berkeley in keeping with this requirement. Some commenters claimed that the Draft EIR did not include a no-build alternative for the two housing projects. However, this is described in Alternative A. Specifically, under the No Project Alternative, the sites for Housing Projects #1 and #2 would remain in their current conditions and Housing Projects #1 and #2 would not be built. Under the No Project Alternative, the existing buildings on the Housing Project #1 site would remain, including the historic University Garage. The existing park and amenities on the Housing Project #2 site would also remain unchanged.

CEQA also requires that an environmentally superior alternative be selected from among the alternatives. The environmentally superior alternative is the alternative with the fewest or least severe adverse environmental impacts. As identified in Section 6.7.1 of the Draft EIR, from the alternatives evaluated, the Draft EIR identified the environmentally superior alternative would be Alternative A, the No Project Alternative. However, in accordance with CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. The next environmentally superior alternative would be Alternative C, Reduced Vehicle Miles Traveled. As shown in the Draft EIR in Table 6-7, Comparison of the Proposed Project and the Project Alternatives, Alternative C, would also meet all of the proposed project’s objectives.

The discussions for alternatives are provided to inform the public and decision-makers, and are not intended to take the place of the written findings required for a lead agency to approve a project and reject alternatives as infeasible (CEQA Guidelines Section 15091(a)(3)).

ALTERNATIVE LOCATIONS OUTSIDE OF THE EIR STUDY AREA

Some comments on the Draft EIR suggested alternatives that would develop areas outside of the EIR Study Area, which is contiguous with the LRDP Planning Area, instead of restricting the evaluation of alternatives to only those within the EIR Study Area. Suggested locations include Richmond Bay Campus/Richmond Field Station, the Mills College Campus, Albany Village, satellite UC Berkeley campuses, or other off-campus sites. However, these locations are not included in the EIR Study Area because they are not part of the LRDP Update. The Mills College Campus is also not owned or managed by UC Berkeley and not part of the existing LRDP or the proposed LRDP Update. If UC Berkeley were to consider any expansion to one of these suggested locations, or another location outside of the LRDP Planning Area, such an expansion would occur under a separate planning and environmental review process unrelated to UC Berkeley's LRDP Update. Please see Master Response 7, EIR Study Area, regarding the area analyzed for the proposed project. For further discussion on considering other sites for the proposed Housing Projects #1 and #2, please see the discussion under the subheading "Alternatives considered but Rejected" further below in this master response.

LOCATION OF HOUSING IN ALTERNATIVE D, INCREASED FACULTY AND STAFF HOUSING

As described on page 6-59 of the Draft EIR, under Alternative D, the Increased Faculty and Staff Housing Alternative, the proposed LRDP Update development program would include an additional 1,000 beds for faculty and staff and assumes that an additional 600 beds would be located in the Hill Campus East and an additional 400 beds would be located in the Clark Kerr Campus. Some commenters claimed that because the specific locations of the 600 new beds in the Hill Campus East and the 400 new beds in the Clark Kerr Campus were not provided that no meaningful evaluation of Alternative D could be made. UC Berkeley respectfully disagrees with these assertions because this is an alternative considered at the program-level. Accordingly, as explained below, the location of the additional beds under this alternative provides sufficient information to allow meaningful evaluation, analysis, and comparison with the proposed project at the program level.

As described in Chapter 6 of the Draft EIR, the purpose of the alternatives evaluation is to identify a reasonable range of alternatives that could feasibly attain most of the basic objectives of the project and could avoid or substantially lessen any of the significant effects of the project. Accordingly, while no specific parcels have been selected for development on the Hill Campus East for Alternative D, it is stated on page 6-59 of the Draft EIR that any new development would be located in close proximity to existing development and infrastructure. This is because locating housing near existing development and infrastructure is paramount to achieving the objectives of the LRDP Update listed on pages 3-4 and 3-5 of the Draft EIR, such as:

- Improve the existing housing portfolio by providing additional new and renovated safe, secure, accessible, and high-quality housing units/beds for undergraduate and graduate students, faculty, and

staff required to support a vital inclusive and intellectual community and promote full engagement in campus life in support of the Chancellor’s Housing Initiative.

- Maintain natural areas as well as generous natural and built open spaces on the Campus Park and the Clark Kerr Campus.
- Maintain the Hill Campus East as open space that is managed to reduce wildfire risk and as a resource for research and energy resilience, focusing potential development on suitable sites.
- Further UC Berkeley as a leader in sustainability and meet and strive to exceed UC Berkeley sustainability goals and the goals of the UC Sustainable Practices Policy, Carbon Neutrality Initiative, and Seismic Safety policy.
- Take advantage of UC Berkeley’s urban location to prioritize mobility system improvements that promote an accessible, efficient, sustainable, and safe campus.

In particular, any future sites selected by UC Berkeley in the Hill Campus East would be consistent with the LRDP Update EIR objective to “maintain the Hill Campus East as open space that is managed to reduce wildfire risk and as a resource for research and energy resilience, focusing potential development on suitable sites” (see page 3-4 in Chapter 3 of the Draft EIR) as well as the Draft 2021 LRDP Goal 2.3, which is to “maintain the Hill Campus East as a resource for research, education, and energy resilience and focus potential development on suitable sites, while managing and reducing wildfire risk” (see page 3-11 in Chapter 3 of the Draft EIR). Suitable sites for additional housing in the Hill Campus East were determined to be those sites that are in close proximity to existing development and infrastructure which, as stated above, is clearly described in the Draft EIR. Accordingly, the evaluation of the additional housing under this alternative is based on this assumption, and not as some commenters incorrectly asserted, could be built anywhere in the 751 acres that make up this zone.

As described on page 3-13 of the Draft EIR, UC Berkeley has identified potential areas of new development and redevelopment that could accommodate additional housing on the Clark Kerr Campus. Improvements to housing facilities includes modernization of existing facilities, redevelopment or renovation of existing buildings or underutilized sites, and renovation or redevelopment of existing facilities to address significant seismic and deferred maintenance needs. As shown in Table 3-2, Potential Areas of New Development and Redevelopment, on page 3-28 of the Draft EIR, the Clark Kerr Campus is organized by location (i.e., central, hillside, northwest, southeast, and southwest). The consideration of an additional 400 beds would be included within one or more of these areas, or potentially distributed across all of them. As described in Section 3.5.1.3, Land Use Element, in Chapter 3 of the Draft EIR, potential future development under the LRDP Update would be primarily focused on intensive and strategic use of existing UC Berkeley–owned land through determinations of where UC Berkeley can remodel, relocate, densify, or expand current facilities. This would be true for the additional 400 new beds on the Clark Kerr Campus under Alternative D as well. Also note, that consistent with the LRDP EIR Objectives (listed above), the additional 400 beds would not be located on the natural or built open spaces on the Clark Kerr Campus.

Some commenters questioned the comparison of impact conclusions for Alternative D that show greater construction and operational impacts when compared to the proposed project and asserted that in doing so UC Berkeley was attempting to eliminate Alternative D from true consideration. However, this is not the

case because the very purpose for increasing housing for faculty and staff near the UC Berkeley campus is to reduce environmental impacts. As described in Chapter 6, the environmental topics of aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, hydrology and water quality, public services, tribal cultural resources, utilities and services systems, and wildfire were determined to have greater impacts when compared to the proposed project (see Table 6-6, Comparison of Impacts of the Proposed Project and the Project Alternative). This is because Alternative D assumes more development than the proposed project; therefore, more intensive construction activities (in terms of both the amount and duration of construction) and consequently more construction-related impacts would occur when compared to the LRDP Update. The greater impacts are described as being temporary and during the construction phase and not during the operational phase. For example, as described above, because the additional beds would be located near other development whether it be on the Hill Campus East or on the Clark Kerr Campus, this has the potential to increase the amount of sensitive receptors that could be exposed to temporary construction impacts. Alternative D would potentially create more ground disturbance and, therefore, impacts associated with cultural resources, tribal cultural resources, energy, geology and soils, and hydrology and water quality are assumed to be greater when compared to the proposed project. Impacts to biological resources are likewise assumed to be greater when compared to the proposed project because, while development in the Hill Campus East would be in close proximity to existing development and infrastructure, the likelihood of the additional beds being located on undeveloped land is greater in this zone than in the other four, more urbanized, zones. Therefore, the probability of impacts to natural areas with suitable habitat for flora and fauna would be greater when compared to the proposed project during both construction as well as operation. Although some commenters asserted that such an assumption in the Draft EIR was speculative because the precise sites for future development are not yet determined, UC Berkeley respectfully disagrees and believes that a finding of greater impacts in these topic areas as described in detail in Chapter 6 of the Draft EIR is the appropriate and conservative conclusion.

As described in the Draft EIR and further expanded on in Master Response 4, Programmatic Analysis, the LRDP Update and the Draft EIR's evaluation of the LRDP Update are program-level documents and the precise details for future development projects, with the exception of Housing Projects #1 and #2, are not known, nor are they required under CEQA. As described on page 3-26 of the Draft EIR, the locations for potential future development are a menu of options and, with the exception of Housing Projects #1 and #2, no specific sites have been selected for development projects. As described in Chapter 6 of the Draft EIR, the only change under Alternative D from the proposed project is the increased number of beds, which would increase the buildout projections, but no changes to the EIR Study Area would occur. Therefore, the project description provided in Alternative D for the LRDP Update is provided at an appropriate level of detail similar to proposed LRDP Update. The alternatives analysis assumes that all applicable mitigation measures recommended for the proposed project would apply to Alternative D. Therefore, regardless of the precise location, the impacts of the 1,000 additional beds would be mitigated dependent on the final selection of sites if Alternative D were selected by the Regents, as would occur if any of the alternatives were selected, with the exception of the No Project Alternative (Alternative A). The selection of locations for the additional beds under this alternative would help to increase the housing supply for faculty and staff. In deciding whether to approve this alternative or the proposed project, the Regents would weigh the alternative's benefits against the increased impacts that would occur.

ALTERNATIVES CONSIDERED BUT REJECTED

Chapter 6, Alternatives to the Proposed Project, of the Draft EIR, described four alternative scenarios that were considered but rejected from receiving detailed analysis. Some commenters requested additional information about why these alternative scenarios were rejected. These comments are addressed as follows:

- **Alternative Sites for Housing Projects #1 and #2.** Some commenters requested to know what specific sites were considered as potential alternative sites for Housing Projects #1 and #2. As noted, consistent with CEQA Guidelines Section 15126.6(f)(2)(B), Section 6.2.3.3, Housing Projects #1 and #2 Alternatives, of the Draft EIR considers off-site alternatives for Housing Projects #1 and #2, but within the EIR Study Area, and provides reasons for not analyzing these alternatives in detail.

As described in Chapter 3, Project Description, on page 3-26, as part of the proposed LRDP Update planning process, UC Berkeley identified potential areas for new development, redevelopment, and renovation that could accommodate the proposed buildout projections shown in Table 3-1, Proposed LRDP Update Buildout Projections. Potential areas of new development are identified on limited sites that are not currently developed or where a new structure would be constructed, and potential areas of redevelopment are identified on sites where the existing structure would be demolished and a new structure(s) would be constructed in its place. Potential areas of new development, redevelopment and renovation are organized as follows:

- **Potential areas of New Development and Redevelopment.** These areas are listed in Table 3-2, Potential Areas of New Development and Redevelopment, and shown on Figure 3-3, Potential Areas of New Development and Redevelopment.
- **Potential Areas of Renovation.** These areas are identified on sites where existing structures could be remodeled. Potential areas of renovation are listed in Table 3-3, Potential Areas of Renovation Only, and shown on Figure 3-4, Potential Areas of Renovation.

As demonstrated by these sources, development of Housing Projects #1 and #2 at one or more alternative sites within the EIR Study Area would be constrained by site access and parcel size, as many of the eligible sites are smaller than the proposed development sites for Housing Projects #1 and #2. Therefore, the development programs would need to either be reduced, or the housing projects would require multiple sites, further diminishing the total number of beds described in the proposed LRDP development program. In addition, while a potential alternative site could reduce the significant historic resource impacts at both sites, they would also have the potential to introduce new historic resource impacts at many of the sites in the City Environs Properties and the Clark Kerr Campus, as both contain historic resources or are adjacent to such resources. Lastly, accommodating the same number of beds on multiple sites would cause greater potential for ground disturbance and thus consequently, greater construction impacts.

- **Increased Transportation Demand Management Measures.** As described in Draft EIR Chapter 6, as part of the EIR alternatives analysis, UC Berkeley considered a project alternative that would include additional TDM measures, including increased funding for additional and new transit service, long haul shuttles, and local capital improvement projects including bicycle lane gap closures, and improvements to Telegraph Avenue. In reviewing the feasibility of these broader measures, UC Berkeley determined that the additional costs of these measures would be high relative to the additional benefit gained when compared to the ongoing costs and benefits of implementing the current TDM program. This

assessment was based on an evaluation process that included reviewing a wide range of TDM measures and estimating cost and benefit for each one over the life of the LRDP Update.

UC Berkeley already maintains TDM measures to reduce single-occupancy vehicle use. As identified in the LRDP Update, students generally tend to walk, bicycle, or take transit to the UC Berkeley campus. While many faculty and staff continue to drive to the UC Berkeley campus, the drive-alone rates at UC Berkeley have steadily decreased by 30 percent over the last 15 years. In addition, UC Berkeley has new modes of transportation, including micro-mobility and the Loop shuttle to reduce single-occupancy vehicle use. Chapter 5.15, Transportation, of the Draft EIR identifies CBP TRAN-9 that ensures continued implementation of UC Berkeley's existing and updated TDM programs and tracks single-occupant vehicle trips (see also Table 5.15-3, and CBP TRAN-1 through CBP TRAN-4 and CBP TRAN-9, in Chapter 5.15, Transportation). In addition, Mitigation Measure TRAN-1, described in Chapter 5.15, Transportation, commits UC Berkeley to enhancing TDM programs or implementing other measures in order to meet UC Berkeley's commute mode share goals. Mitigation Measure TRAN-1 includes adjusting the TDM programs, parking pricing, education and outreach, support for telecommuting, and other measures to achieve the vehicle mode share goals in the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan. Furthermore, as described in Chapter 5.15, Transportation, of the Draft EIR, impacts associated with VMT would be less than significant with mitigation and no additional TDMs are warranted. Therefore, while UC Berkeley considered this alternative infeasible due to economic factors, and it was not evaluated in the Draft EIR, there is no need for additional TDMs at this time. However, because the LRDP is a long-term planning document, UC Berkeley recognizes that various factors that affect commute patterns and the effectiveness of specific TDM measures are expected to continue to change over the life of the LRDP. Although the specific existing TDM measures that could be expanded or the new measures that could be implemented over the life of the LRDP cannot be known at this time, Mitigation Measure TRAN-1 provides the flexibility in implementing the appropriate measures necessary in meeting the single-occupant vehicle mode share goals required by Mitigation Measure TRAN-1.

Some commenters suggested that any capital improvement projects for UC Berkeley to provide multi-modal connection between the city of Berkeley and UC Berkeley campus should be paid for exclusively by UC Berkeley if they are due to the proposed project. As described in Chapter 6 of the Draft EIR, the LRDP Update includes an objective that focuses on partnering with the City of Berkeley on capital improvement projects that provide multi-modal connections between the city and UC Berkeley (see page 68 of the Draft 2021 LRDP), which would achieve many of the same benefits of the broader TDM measures at a more reasonable cost through shared funding with the city. UC Berkeley and the City of Berkeley will continue to partner on funding for future transportation-related projects that serve to create a comprehensive, integrated transportation network.

- **Preservation of University Garage and Walnut Street Apartments.** As described in Section 6.2.2, Significant and Unavoidable Impacts, of Chapter 6, Alternatives to the Proposed Project, of the Draft EIR, construction of Housing Project #1 would result in significant and unavoidable cultural resource impacts to the University Garage located at 1952 Oxford Street. Some commenters suggested alternatives to build around the University Garage and Walnut Street Apartments (located at 1921 Walnut Street), add additional floors to the Walnut Street Apartments, convert the University Garage to housing, and building housing only with no commercial space, as ways to preserve these resources.

As described in Chapter 6 of the Draft EIR, the preservation of the University Garage and/or the Walnut Street Apartments would significantly reduce the developable footprint of Housing Project #1 and correspondingly significantly reduce the 772 beds planned for the site and as such this alternative was rejected. Therefore, this suggestion and the other suggestions by the commenters are considered infeasible and in conflict with LRDP and Housing Project #1 Objectives for the following reasons:

- Vertical additions over these Walnut Street Apartments and/or University Garage are not feasible. The University Garage is deficient structurally and spatially and would not be apt for reuse as a proposed housing project. Therefore, retaining these structures on site and building around them would be the only feasible approach to their retention. However, retaining them on site would reduce the Housing Project #1 footprint by approximately 50 percent, thus significantly limiting the amount of space on site to build student housing. If the Walnut Street Apartments were retained, the Housing Project #1 would lose up to 76 beds and if both buildings were retained, the Housing Project #1 would lose up to 344 beds. This runs counter to the project objective of providing additional new housing for transfer students, a group which has the most difficulty securing UC Berkeley housing.
- Retaining the building on-site would create fire and life safety issues with regard to the new development. Specifically, retaining either building would require limited to no fenestration in the outer walls of any new development facing those properties lot line due to fire life safety. This reduces light and air available to the bedrooms and would dramatically decrease the number of beds even further and cause the project to not meet the high-quality housing units and bedroom objective. High-rise blank façades will also conflict with the objective of providing an architecturally distinctive building with high-quality materials.
- Retaining the Walnut Street Apartments would reduce activated ground floor uses such as retail up to 25 percent and eliminate up to 7,000 square feet of student amenities on the upper floors. This eliminates all neighborhood retail and commercial in order to accommodate displaced ground floor student and campus spaces including communal lobbies, study spaces, commuter locker rooms, utility rooms and drive ramp to below grade facilities. There would be no room for the outdoor courtyard, fitness and wellness facility, study terraces, teaching kitchens, art studios, and food garden. All outdoor campus life space would be eliminated. Removal of these spaces would conflict with a number of project objectives, including the objective to provide essential amenities and campus life facilities to support the student community with a variety of indoor uses and outdoor spaces that provide connections between the natural and built environment for a shared sense of community, interaction, and wellness, and the objective of enhancing the vibrancy of the City Environs Properties and the sense of community enjoyed by UC Berkeley affiliates and City of Berkeley residents by providing a pedestrian-friendly project that includes housing, open space and greenery, office space, and activated ground floor uses, which may include neighborhood retail.
- Housing Project #1 is primarily a housing project for UC students and providing campus life amenities at the site is consistent with the objective to provide essential amenities and campus life facilities to foster a vibrant, convenient, and well-served student community with a variety of indoor uses and outdoor, landscaped open space that provides connections between the natural and built environment for a shared sense of community, interaction, and wellness. Furthermore, approximately 94 percent of the development is devoted to student housing and campus life. Campus life facilities include a fitness center and study lounges that are necessary for healthy living,

a commuter lounge to provide a safe and convenient space for students commuting to UC Berkeley to study and unwind before or after class, and an events space and classrooms for the Rausser College of Natural Resources and The Art Studio. In addition, the project includes on the lower floors circulation, back-of-house and mechanical spaces supporting the residential and campus life uses. Approximately 5 percent of the space (located on the ground floor) is dedicated to retail/commercial use. This commercial/retail space will provide community-serving functions for the project and activate the ground floor, which is appropriate given its downtown Berkeley location.

A partial preservation alternative of maintaining a portion of the façade of the University Garage would not lessen or mitigate the impact on the University Garage because the retention of only a portion of the structure would not convey its significance, and thus would similarly result in significant and unavoidable impacts on an historic resource. In addition, while Housing Project # 1 would result in the loss of eight rent-controlled multifamily units in the private housing market, it will result in the creation of approximately 772 beds for UC Berkeley students housing needs. Please also see Master Response 14, Displacement. Placing as many students as possible in this location so close to the UC Berkeley campus would reduce VMT, GHG emissions, air pollutants, and noise associated with travel to and from the UC Berkeley campus.

OTHER SUGGESTED ALTERNATIVES

Some commenters suggested other alternatives to be considered in the EIR. These are described and the reasons for not considering them are as follows:

- **Reduced or Capped Enrollment Alternative.** Some commenters on the Draft EIR suggested alternatives involving reduced or capped enrollment. As described in Section 1.1, Proposed Action, of the Draft EIR, the proposed LRDP Update does not determine future UC Berkeley enrollment or population, or set a future population limit for UC Berkeley, but guides land development and physical infrastructure to support enrollment projections and activities coordinated by the University of California Office of the President. As such, the proposed project accommodates enrollment projections that occur under separate processes. Please see Master Response 8, Population Projections, regarding more details on the enrollment and planning process. Furthermore, Section 6.2.3.1, Reduced Graduate Program and Research Alternative, describes an alternative that would reduce or cap student enrollment under UC Berkeley's graduate program, over which UC Berkeley has more control. However, graduate students are vital elements of UC Berkeley's research endeavors and teaching resources; in any given semester, approximately 2,000 graduate student instructors work with UC Berkeley students in studios, laboratories, and discussion sections. Reducing or eliminating UC Berkeley's graduate and professional schools or academic research and policy institutes would conflict with the proposed LRDP Update's project objective of maintaining, supporting, and enhancing UC Berkeley's status as an internationally renowned public research-intensive institution and center for scientific and academic advancement. Therefore, this alternative was considered but rejected because it would not meet a core project objective. Similarly, reducing nonresident undergraduates (currently capped at 24.4 percent) would also conflict with UC Berkeley's objective of maintaining, supporting, and enhancing its status as an internationally renowned center for scientific and academic advancement by providing opportunities for highly qualified nonresident students, some of whom may advance into graduate programs and faculty positions.

- **Housing on the Campus Park Alternative.** Regarding comments suggesting locating housing on the Campus Park instead of elsewhere in the EIR Study Area, as proposed, UC Berkeley continues to find that it is neither feasible nor desirable to locate housing on the Campus Park. Land at UC Berkeley has always been and continues to be a scarce resource. In order to optimize the use of limited resources, programs that directly engage students in instruction, research and campus life have always been prioritized on the Campus Park. Consistent with this guiding principle, necessary instructional, research, and campus life facilities have been expanded over time based on UC Berkeley's program needs, in accordance with previous LRDPs. The proposed LRDP Update includes as Goal 5.1: "Ensure the highest and best use of campus land to serve UC Berkeley's mission"; and as a land use objective for the Campus Park: "Prioritize land in the Campus Park for academic, research, student life, and student service uses that directly engage students." The proposed LRDP Update anticipates future instructional, research, and campus life program needs on the Campus Park, associated with key drivers such as the Strategic Plan and the UC Seismic Safety Policy, in accordance with Goal 5.1 and the Campus Park land use objectives.
- **Denser Housing Alternative.** While the Draft EIR includes two alternatives (Alternative B and C) that increase beds in the EIR Study Area, some commenters suggested that UC Berkeley should have considered an alternative that includes more intense housing on the sites identified in Chapter 3 of the Draft EIR as potential areas of new development and redevelopment (see Table 3-2, Potential Areas of New Development and Redevelopment, and Figure 3-3, Potential Areas of New Development and Redevelopment). As described in the Chapter 3, Table 3-1, Proposed LRDP Update Buildout Projections, of the Draft EIR provides an overview of UC Berkeley's long-term space needs. The housing program responds to the goal of the Chancellor's Housing Initiative to provide student housing beds and faculty housing units for the current UC Berkeley population, plus additional housing associated with LRDP population projections. The Chancellor's Housing Initiative reflects goals to provide two years of housing for entering freshmen; one year for entering transfer students; one year for entering graduate students; and up to 6 years for untenured faculty. As such, UC Berkeley determined that the maximum amount of housing that would be reasonable to strive to achieve is what is presented in Chapter 3 for the proposed project. Suggestions by commenters to build smaller rooms with no campus life amenities would not be in alignment with the LRDP Update or Housing Projects #1 and #2 EIR Objectives such as:
 - Improve the existing housing portfolio by providing additional new and renovated safe, secure, accessible, and high-quality housing units/beds for undergraduate and graduate students, faculty, and staff required to support a vital inclusive and intellectual community and promote full engagement in campus life in support of the Chancellor's Housing Initiative.
 - Maintain and enhance the image and experience of the UC Berkeley campus and support the continuing evolution of the UC Berkeley campus's notable and historic landscapes and architecture.
 - Maintain, support, and enhance UC Berkeley's status as an internationally renowned, 21st-century, public research-intensive university and center for scientific and academic advancement by expanding its graduate and professional schools, policy institutes, research programs, laboratories, and institutions.
 - Provide essential amenities and campus life facilities to foster a vibrant, convenient, and well-served student community with a variety of indoor uses and outdoor spaces that provide connections between the natural and built environment for a shared sense of community, interaction, and wellness.

- Provide an architecturally distinctive project with high quality materials and ground level landscaping that will contribute positively to the City Environs Properties in Downtown Berkeley and support the continuing evolution of the UC Berkeley campus's notable and historic landscapes and architecture.
- Enhance the vibrancy of the City Environs Properties and the sense of community enjoyed by UC Berkeley affiliates and City of Berkeley residents by providing a pedestrian-friendly project that includes housing, open space and greenery, office space, and activated ground floor uses, which may include neighborhood retail.

Further, while more intense housing could have been considered on the existing sites in Table 3-2, such aspirations would have been potentially unattainable in the 2036-37 buildout horizon. This does not mean that UC Berkeley would not consider more housing if such an opportunity were presented between project approval and the 2036-37 buildout horizon evaluated in the Draft EIR. As stated in Chapter 3, if the amount of development evaluated in the Draft EIR were to exceed the buildout projections, UC Berkeley would be required to amend the LRDP and conduct additional environmental review as necessary.

- **Relocation of Historic Buildings Alternative.** Some commenters questioned why relocating some of the historic buildings that are identified as potential development or redevelopment sites was not considered in the Draft EIR. While the relocation of a historic structure has been successfully accomplished by UC Berkeley in the past, this was for a small cottage and was able to be accommodated on the Hill Campus East within the Botanical Garden. However, as described in Master Response 5, consistent with Section 15126.4 of the CEQA Guidelines, the Draft EIR proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact whenever it is feasible to do so, including mitigation for historic resources. The term “feasible” is defined in Section 15364, Feasible, of the CEQA Guidelines to mean, “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” Here UC Berkeley does not find that the relocation of historic resources is an economically feasible option for mitigation or a viable alternative for Housing Project #1. The relocation of a resource requires, for example, identifying and securing feasible alternative sites, technical challenges in avoiding damage to the resource through the relocation process, consideration and study of the potential impact to other historic resources in the vicinity of the proposed relocation site, and consideration and assessment of the potential impact to the resource of altering its historic setting. For Housing Project #1, though the 2018 joint historical assessment completed by Knapp Architects for the University Garage identified the building's character-defining features – including its clay tile roofs, Moorish arched openings, brick construction, and skylights – it was determined that due to the type and quality of the building materials and the fact that the character defining features are forms or assemblages of brick, it would not be feasible to salvage them in a manner that would meaningfully preserve the character-defining features. Accordingly, since it is not feasible to salvage these materials, compliance with Mitigation Measure CUL-1.1c requiring the salvaging of character defining materials when feasible is not required for Housing Project #1. Consequently, depending on the circumstances of the resource and relocation plans, relocations may not lessen or avoid an impact to historic resources and would add to the cost of much needed housing those posing additional obstacles. For all of these reasons, relocation of historic resources is not a feasible alternative or mitigation measure.

- **Converting University Hall from Academic Life to Residential.** Some commenters questioned if converting University Hall located at Oxford Street, between University Avenue and Addison Street, was considered for housing. This site was not considered for housing because it is part of the UC Berkeley academic space portfolio. However, this site is identified as a site for potential growth for academic life and parking as shown in Table 3-2, Potential Areas of New Development and Redevelopment.
- **Avoid All Historic Resources.** Some commenters questioned why an alternative that avoids all historic resources was not considered in the Draft EIR. The Draft EIR provides documentation to demonstrate why avoiding historic resources altogether would not be possible to implement the proposed 2021 LRDP. As described in Chapter 3, Project Description, on page 3-26 of the Draft EIR, as part of the proposed LRDP Update planning process, UC Berkeley identified potential areas for new development, redevelopment, and renovation that could accommodate the proposed buildout projections shown in Table 3-1, Proposed LRDP Update Buildout Projections. Potential areas of new development are identified on limited sites that are not currently developed or where a new structure would be constructed, and potential areas of redevelopment are identified on sites where the existing structure would be demolished and a new structure(s) would be constructed in its place. Potential areas of new development, redevelopment and renovation are organized as follows:
 - **Potential areas of New Development and Redevelopment.** These areas are listed in Table 3-2, Potential Areas of New Development and Redevelopment, and shown on Figure 3-3, Potential Areas of New Development and Redevelopment.
 - **Potential Areas of Renovation.** These areas are identified on sites where existing structures could be remodeled. Potential areas of renovation are listed in Table 3-3, Potential Areas of Renovation Only, and shown on Figure 3-4, Potential Areas of Renovation.

As shown on Tables 3-2 and 3-3 out of all the areas of potential growth, 20 are identified as existing designated historic resources. Chapter 6, Alternatives to the Proposed Project, of the Draft EIR, and Chapter 5.4, Cultural Resources, state that in addition to the 20 designated historic resource properties, six properties are eligible for listing, and an additional 15 properties as potentially eligible. Since the Draft EIR was released, it was determined that Frederick G. Hesse Hall is no longer potentially eligible, so there are now only 14 potentially eligible sites. Combined this is 40 of the 79 sites identified in Tables 3-2 and 3-3 as candidate sites where new buildout could occur to implement the proposed LRDP 2021. Accordingly, the conclusion that it would be infeasible to accommodate the LRDP Update development program without potentially affecting historic resources either directly through renovation or redevelopment of historic resource properties, or through development on vacant sites where the potential to affect an historic district exists is demonstrated in the Draft EIR. For additional documentation, the commenter is directed to Appendix F, Cultural Resources Data, of this Draft EIR.

MASTER RESPONSE 19. EVALUATION OF THE USE OF FEDERAL FUNDS

Several commenters referred to the use of federal funds and questioned whether evaluation under the National Environmental Policy Act (NEPA) is required as part of this EIR.

NEPA implementing regulations are contained in Title 40, Parts 1500 to 1508, of the Code of Federal Regulations (CFR). Federal agencies are required to comply with NEPA for all projects that could have a

5. COMMENTS AND RESPONSES

significant impact on the natural and physical environment. 40 CFR 1508.1(q) defines federal actions and provides the following guidance:¹⁶

(q) Major Federal action or action means an activity or decision subject to Federal control and responsibility subject to the following:

(1) Major Federal action does not [emphasis added] include the following activities or decisions:

- (i) Extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States;
- (ii) Activities or decisions that are non-discretionary and made in accordance with the agency's statutory authority;
- (iii) Activities or decisions that do not result in final agency action under the Administrative Procedure Act or other statute that also includes a finality requirement;
- (iv) Judicial or administrative civil or criminal enforcement actions;
- (v) Funding assistance solely in the form of general revenue sharing funds with no Federal agency control over the subsequent use of such funds;
- (vi) Non-Federal projects with minimal Federal funding or minimal Federal involvement where the agency does not exercise sufficient control and responsibility over the outcome of the project; and
- (vii) Loans, loan guarantees, or other forms of financial assistance where the Federal agency does not exercise sufficient control and responsibility over the effects of such assistance [emphasis added] (for example, action does not include farm ownership and operating loan guarantees by the Farm Service Agency pursuant to 7 U.S.C. 1925 and 1941 through 1949 and business loan guarantees by the Small Business Administration pursuant to 15 U.S.C. 636(a), 636(m), and 695 through 697g).

(2) Major Federal actions may include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by Federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals (§1506.8 of this chapter).

(3) Major Federal actions tend to fall within one of the following categories:

- (i) Adoption of official policy, such as rules, regulations, and interpretations adopted under the Administrative Procedure Act, 5 U.S.C. 551 et seq. or other statutes; implementation of treaties and international conventions or agreements, including those implemented pursuant to statute or regulation; formal documents establishing an agency's policies which will result in or substantially alter agency programs.
- (ii) Adoption of formal plans, such as official documents prepared or approved by Federal agencies, which prescribe alternative uses of Federal resources, upon which future agency

¹⁶ 40 CFR, Part 1508, Section 1508.1, *Definitions*.

actions will be based.

(iii) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive.

(iv) Approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include actions approved by permit or other regulatory decision as well as Federal and federally assisted activities.

The Pell Grant Program is administered by the U.S. Department of Education. Some commenters questioned whether the use of federal Pell Grant Program funds by students constitutes a federal action requiring NEPA review. As stated in 40 CFR 1508.1(3), federal actions subject to NEPA typically include broad actions such as the adoption of official policy, formal plans, or program, or the approval of specific projects. As stated in 40 CFR 1508.1(q)(1)(vii), financial assistance where the federal agency does not exercise control and responsibility over the effects of such assistance does not constitute an action requiring NEPA review. Student grants are used by students to assist the student's payment of fees but are not used to finance building construction projects. Therefore, while NEPA review is required for some projects receiving funds from the U.S. Department of Education, such as specific school construction projects, the provision of grant funds to students does not constitute a federal action requiring NEPA review.

Commenters also commented that implementation of the supportive housing component of Housing Project #2 will involve the use of federal funds, and asserted that this EIR should provide an evaluation under NEPA. Commenters are correct that the supportive housing component may require NEPA evaluation if using any funds received from the U.S. Department of Housing and Urban Development (HUD) to fund construction of supportive housing. While CEQA and NEPA review can be conducted concurrently, CEQA and NEPA review can also be conducted separately. Both CEQA¹⁷ and NEPA¹⁸ allow other environmental documents to be incorporated by reference, allowing for subsequent environmental documents to be prepared with less redundancy and volume. In the case of Housing Project #2, because Housing Project #2 is an implementing project for the LRDP Update being considered, the CEQA document is being prepared as a joint program- and project-level EIR to allow for the project to be reviewed concurrently with the LRDP Update, and the NEPA review would be conducted through a separate document to be prepared by Summer 2022 and before the approval of the disbursement of any funds by HUD. As noted, the forthcoming NEPA document would incorporate by reference any aspects of this EIR "when the effect will be to cut down on bulk without impeding agency and public review of the action."¹⁹

5.2 INDIVIDUAL RESPONSES

Table 5-14, Responses to Comments Received on the Draft EIR, presents comments received on the Draft EIR and responses to each of those comments. Letters are arranged by date received. Where a response

¹⁷ CEQA Guidelines Section 15150, Incorporation by Reference.

¹⁸ 40 CFR, Part 1501, Section 1501.12, Incorporation by Reference.

¹⁹ 40 CFR, Part 1501, Section 1501.12, Incorporation by Reference.

5. COMMENTS AND RESPONSES

requires revisions to the Draft EIR, these revisions are shown in Chapter 2, Executive Summary, and Chapter 3, Revisions to the Draft EIR, of this Final EIR.

Comments are presented in their original format in Appendix N, along with annotations that identify each individual comment number. Table 5-14 includes figures and tables included in the comment letters at a reduced image resolution. To view the images at full resolution, please refer to the original comment letters in Appendix N.

Appendix N is organized into the following separate files due to the large file size of some of the comment letters:

- Comment Letters A1 through A4
- Comment Letters B1 through B9
- Comment Letter B10
- Comment Letter B10 Attachment 1
- Comment Letter B10 Attachment 2
- Comment Letter B10 Attachment 3, 4, & 5
- Comment Letters B11 through D18

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A. Public Agencies		
A1	David Rehnstrom, Manager of Water Distribution Planning, East Bay Municipal Utility District, April 21, 2021	
A1-1	East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the University of California, Berkeley (University) 2021 Long Range Development Plan (LRDP) and Housing Projects #1 and #2 located in the City of Berkeley (City). EBMUD provided written comments on the Notice of Preparation (NOP) of a Draft EIR for the project on May 13, 2020. EBMUD's original comments (see Enclosure 1) still apply regarding water service, wastewater service, water recycling, and water conservation. EBMUD has the following additional comments.	The comment serves as an opening remark. No response is required.
A1-2	WATER SERVICE In EBMUD's May 13, 2020 comment letter to the NOP of the Draft EIR, EBMUD requested that the University submit a written request to EBMUD to prepare a revised Water Supply Assessment (WSA) from its last WSA that was prepared in 2004 associated with its previous LRDP. Because the University states that it is not subject to the WSA requirement under Senate Bill 610 and determined that it will prepare a water supply evaluation to determine future campus water demand to be analyzed in the EIR, the University requested confirmation that the water demand associated with the LRDP Update is accounted for in EBMUD's UWMP 2015; EBMUD provided a written response on February 8, 2021 (see Enclosure 2).	The comment provides confirmation that EBMUD accounted for the water demand associated with the LRDP Update in EBMUD's 2015 Urban Water Management Plan. The comment is acknowledged. No response is required.
A1-3	GEOLOGY In the Geology and Soils section of the EIR, on page 5.6-17, it states that some areas covered by the LRDP, including Strawberry Creek bank areas, the eastern edge of Hill Campus West, Clark Kerr Campus, and Hill Campus East, are in areas which are classified as generally susceptible to landslides. When the project sponsor applies for water service in these areas, they will need to provide EBMUD with any proposed landslide mitigation measures for the development so that no landslide impact hazard is posed to proposed water main extensions that will serve the development.	This comment provides direction of how future projects will coordinate with EBMUD to prevent landslides. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
A1-4	If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.	The comment serves as a closing remark. No response is required.
Letter A1 Attachment 1	EBMUD's May 13, 2020 Response to the Project's Notice of Preparation of a Draft EIR	The attachment provides a response from EBMUD on February 8, 2021, to UC Berkeley's request to confirm that the proposed project's water demand is accounted for in EBMUD's Urban Water Management Plan 2015. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter A1 Attachment 2	EBMUD's February 8, 2021 Response to the UC Berkeley Confirming the Project's Water Demand is Accounted for in EBMUD's Urban Water Management Plan 2015	The attachment provides a response from EBMUD on February 8, 2021, to UC Berkeley's request for confirmation that the proposed project's water demand is accounted for in EBMUD's Urban Water Management Plan 2015. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
A2	Jeff Bond, Community Development Director, City of Albany Community Development Department, April 21, 2021	
A2-1	I am writing on behalf of the City of Albany to provide comments on the draft environmental impact report for the UC Berkeley Long Range Development Plan. We appreciate the challenges that UC Berkeley faces in achieving your mission to continue to be a premiere public university. The City of Albany looks forward to supporting and collaborating with the campus in the implementation of the LRDP. We do, however, have comments on the DEIR document that we believe should be [sic] addressed in the Final EIR	The comment serves as an opening remark. No response is required.
A2-2	1. We would like to note for the record that the City of Albany is not listed as a responsible agency associated with the implementation of the LRDP. Thus, actions required by the City of Albany, if any, will be subject to the appropriate subsequent CEQA review.	The LRDP Planning Area and subsequently the EIR Study Area do not include lands in the city of Albany.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A2-3	2. The DEIR states that the LRPD does not address direct impacts of projects in Albany because “they are sufficiently distant from the Campus Park and its environs . . .,” without providing any objective analysis to support the “sufficiently distant” conclusion. Campus facilities in Albany are less than 3 miles from the central campus and include CNR research facilities that are used daily by faculty, students, and staff based on the central campus. In addition, currently in Albany, housing for more than 950 students are provided, and is expected to increase by another 825 students during the LRDP planning period.	The proposed LRDP Update is an overarching plan to guide long-term development of the entire LRDP Planning Area, which does not include the city of Albany. No land use decisions that would require coordination with the City of Albany would be required to implement the proposed 2021 LRDP. Therefore, the statement that no “direct” impacts would occur in the city of Albany as a result of approving and implementing the LRDP is accurate. UC Berkeley remains committed to collaboration and coordination with the City of Albany on future projects or changes to the existing UC Berkeley property within the city of Albany. However, the project that is the subject of this EIR would not warrant such collaboration.
A2-4	3. The description in Table 5-3 of the proposed Albany Village Graduate Student Housing Project (700 bedrooms and 275 parking spaces) is inconsistent with the project description provided by the campus in the CEQA Addendum released in March 2021 (825 beds and 240 parking spaces).	In response to this comment, revisions have been made to Chapter 5, Environmental Analysis, of the Draft EIR, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. This revision corrects the number of beds from 700 to 825 and the number of parking spaces from, 275 to 240. This revision does not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to Section 15088.5(a), Recirculation of an EIR Prior to Certification.
A2-5	4. The DEIR states “The anticipated indirect population growth in the cities of Oakland, Albany, El Cerrito, Richmond, and San Francisco would be negligible when compared to the overall population growth anticipated in those jurisdictions by the 2036–37 school year. ²⁴ ” Footnote 24 on page 5.12-22 states “a population growth of 327 in Albany, which is less than 2 percent of Albany’s population increase of 19,215.” This conclusion is in error, and in particular, Albany’s total population is 19,215. For the City of Albany, indirect population growth of 327 created by the LRDP is a significant portion of future growth, and should not be considered negligible.	The commenter correctly states that the population growth reported for the City of Albany in footnote 24 on page 5.12-22 of the Draft EIR is incorrect. The correct population growth estimated for the City of Albany between the years 2018 and 2037 (based on interpolated data from ABAG Projections 2040) is 1,063 people. The estimated indirect growth of 327 university students and faculty/staff who may seek housing in Albany would represent less than 2 percent of Albany’s projected 2037 population of 20,278 residents and approximately 31 percent of Albany’s projected population increase of 1,063. The text on page 5.12-22 of the Draft EIR has been revised accordingly, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR.
A2-6	5. The DEIR states that EBMUD supplies recycled water to “customers in the cities of Alameda, Richmond, San Ramon, Oakland, and Albany, with	In response to this comment, revisions have been made to Chapter 5.17, Utilities and Service Systems of the Draft EIR, as shown in Chapter

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	plans to expand to 20 MGD by 2040.” This is in error. EBMUD does not currently provide recycled water to customers in Albany, and it is our understanding that due to gaps in the transmission infrastructure, there is no plan to provide recycled water to Albany in the near future.	3, Revisions to the Draft EIR, of this Final EIR. This revision corrects the text and removes the statement that EBMUD provides recycled water to Albany. This revision does not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification.
A2-7	6. The DEIR discusses a variety of energy, greenhouse gas, and transportation policies and programs that taken together are important to the City of Albany in our efforts to achieve our climate action and adaptation plan goals. In particular, elimination of the use of natural gas in buildings and the implementation of modes of transportation that are effective alternatives to the use of gasoline-powered automobiles is critical. We would like assurance that these programs and policies will be applied to campus facilities in Albany.	UC Berkeley remains committed to collaboration and coordination with the City of Albany and supports the City’s efforts to achieve its climate action and adaptation plan goals. However, as described in Chapter 3, Project Description, and summarized in Response A2-3, the proposed LRDP Update is an overarching plan to guide long-term development of the entire LRDP Planning Area, which does not include lands in the city of Albany. Therefore, the goals and programs would only apply to projects within the LRDP Planning Area. This is not to say that similar standards would not apply to other UC Berkeley locations, including those in Albany, but they would occur under separate plans and programs, and where CEQA is required, would undergo separate environmental review.
A2-8	7. The LRDP EIR includes projects in Berkeley, which will be subject to more contemporary mitigation measures than will applied to similar proposed projects in the City of Albany developed on the same timeline. We request that the more rigorous measures contained in the LRDP EIR, as well as any relevant programs that are part of CEQA-related agreements with other public agencies, be implemented as part of any project in Albany.	Please see Response A2-7 regarding the planning efforts for the LRDP as they relate to the City of Albany.
A2-9	Thank you for the opportunity to comment. Please feel free to contact me if you have any questions. I can be reached at jbond@albanvca.org or at 510-528-5769.	The comment serves as a closing remark. No response is required.
A3	Jordan Klein, Director, City of Berkeley Planning and Development Department, April 21, 2021	
A3-1	On behalf of the City of Berkeley, the following comments on the Draft Environmental Impact Report (“DEIR”) for the 2021 Long Range Development Plan (“LRDP”) and Housing Projects #1 and #2 (collectively	The comment serves as an introduction to the comments that follow. Please see Responses A3-2 through A3-136.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>referred to as “Project”) are being submitted. After reviewing these documents, the City is concerned by the lack of any enforceable commitment to provide adequate housing and necessary public services for current and future students and staff. In addition, as described in detail throughout this letter, the DEIR for the Project fails to comply with California Environmental Quality Act (“CEQA”).</p>	
	<p>The City and the University of California, Berkeley (“University” or “UC Berkeley”) have a long history of working together on planning and development projects to ensure that our community remains vibrant, attractive, and safe. CEQA plays a vital role in this planning process, as it allows the City and the public to review specific development proposals, as well as longer-term planning efforts undertaken by the University, and to ensure that the impacts of such projects on the surrounding community are adequately evaluated and mitigated. It is imperative that the City and the University continue to have a cooperative relationship and to work toward a common goal of maintaining our thriving community.</p>	
	<p>To achieve this common goal, the University must comply with CEQA for this new LRDP. The University must fully disclose the impacts of its development projects and anticipated growth and mitigate the environmental impacts of those projects.</p>	
	<p>Concrete, enforceable mitigation is especially important now, as the LRDP projects the University’s population will increase by another 12,000 over the next 15 years. DEIR at Table 3-1 at 3-25. After adopting the 2020 LRDP, in which the University expected to add 1,650 students over 15 years, the University almost immediately surpassed those numbers, adding 7,500 students between 2005 and 2018. See, 2020 LRDP DEIR at 3.1- 13 and 2019 Upper Hearst Development for the Goldman School of Public Policy and Minor Amendment to the 2020 LRDP at 44. The</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>University did not provide on-campus housing to match this increase, much less to meet the needs of existing students, which has led to ripple effects throughout our community, including displacement of residents and increased calls for police, fire, and emergency services.</p>	
	<p>Unless the LRDP EIR is revised, the cost of mitigating these impacts will fall on the City. As you know, the City provides police, fire, and emergency response services to the University, including the students, faculty, and staff who live off-campus in Berkeley. The City’s Public Health Officer also has jurisdiction over the UC campus. During the COVID-19 pandemic, the City Health Officer and Public Health Division oversaw the campus’s pandemic response, and invested significant time and City resources for oversight of activities such as intercollegiate athletics and in connection with response to COVID-19 outbreaks among students residing on- and off-campus. Providing these services costs the City millions of dollars every year. While the City and the University entered a settlement agreement in 2005 that required the University to help defray the costs incurred by the City in providing public services and mitigating other impacts associated with University actions, that agreement expires this spring. The University does not contribute to the City’s general fund through property taxes, which is the primary funding source for City services like police and fire, nor does the University pay development impact fees.</p>	
	<p>This letter is submitted along with the reports prepared by Kittelson & Associates, Inc., (transportation), attached as Exhibit A and Baseline Environmental, Inc. (air quality, greenhouse gases, energy and noise), attached as Exhibit B. Together they constitute the City’s comments on the DEIR. I request a full response to each of the comments raised by the consultant reports in addition to responses to each of the City’s comments. The Berkeley City Council held a hearing on April 13, 2021 on the LRDP DEIR. The captioner’s record from that meeting, attached as</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-2	<p>Exhibit C, includes comments raised by the City Council and members of the public that also require a full response.</p> <p>In addition, because UC Berkeley provided a truncated public comment period for this complex Project and lengthy DEIR and refused the City’s reasonable request for an extension of the comment period, the City reserves the right to submit additional comments on the DEIR after the close of the public comment period. [footnote 1] The City also requests clarification regarding whether the Notice of Preparation (NOP) was circulated to all responsible or trustee agencies and interested parties. Given that the UC Berkeley campus falls within the Cities of Berkeley and Oakland, it is imperative that both of these agencies have been provided the required noticing and opportunities for consultation.</p> <p><i>Footnote 1: 1 The University claimed this short comment period was necessary to ensure the two housing projects could move forward expeditiously. However, there was simply no need to link these specific development projects together with the much larger, programmatic analysis of the LRDP. Indeed, separating these individual projects from the LRDP would have clarified the analysis of impacts and made it easier for the public and decision- makers to understand the scope and impacts of the “project.” Nonetheless, the University chose to combine the three projects together for purposes of environmental review. The University made a similar decision in 2018 when it linked the Upper Hearst development with an analysis of impacts associated with increased enrollment. The result was a thoroughly confusing and contradictory environmental document.</i></p>	<p>The comment expresses their opinion about the public review process and the contents of the project description presented in the Draft EIR. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>The commenter incorrectly asserts that UC Berkeley provided a “truncated” public review period for the Draft EIR. On the contrary, the Draft EIR was prepared in compliance with CEQA and the CEQA Guidelines. As discussed on page 1-3 of Chapter 1, Introduction, of the Draft EIR, pursuant to CEQA Section 21080(d) and CEQA Guidelines Section 15063, UC Berkeley determined that the proposed project could result in potentially significant environmental impacts and that an EIR would be required. In compliance with Section 21080.4 of the California Public Resources Code, UC Berkeley circulated a Notice of Preparation (NOP) of an EIR for the proposed project to the Office of Planning and Research (OPR) State Clearinghouse and interested agencies and persons on April 7, 2020 for a 39-day review period. A virtual public Scoping Meeting was held on April 27, 2020, at 6:30 p.m. The NOP and scoping process solicited comments from responsible and trustee agencies, as well as interested parties regarding the scope of the Draft EIR. Appendix A, Notice of Preparation and Scoping Comments, of this Draft EIR contains the NOP as well as the comments received by UC Berkeley in response to the NOP. The NOP and Draft EIR were made available for review by the public and interested parties, agencies, and organizations, including the cities of Berkeley and</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-3	<p>I. Background</p> <p>In 2019, the University attempted to provide an interim update to its 2020 LRDP to address the fact that, by that time, the University had substantially exceeded the enrollment projections analyzed in the 2020 LRDP and associated EIR. In conjunction with a specific, proposed development project, the Upper Hearst Development for the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan (“Upper Hearst Project”), the University issued an EIR that purported to analyze the impacts of these enrollment increases. The City commented extensively this EIR. See, Letters from Tim Burroughs, City of Berkeley, to Raphael Breines, UC Berkeley, dated April 12, 2019 and May 13, 2019, attached as Exhibits D and E. In those letters, the City explained that UC Berkeley’s approach to long range planning that includes accommodating substantial growth in enrollment without a commensurate commitment to providing adequate housing and services would undermine any attempts by the City to ensure the health, safety</p>	<p>Oakland. The Draft EIR was available for a 45-day comment period starting March 8, 2021, and ending April 21, 2021. A virtual Public Hearing was held on March 29, 2021. During the comment period, the public was invited to submit comments via mail, phone, or e-mail on the Draft EIR to the UC Berkeley, Physical & Environmental Planning, Attention: 2021 LRDP and Housing Projects #1 and #2 Draft EIR, 300 A&E Building, Berkeley, CA 94720-1382 by 5:00 p.m. on April 21, 2021. In response to the comment, UC Berkeley staff reviewed OPR guidance and executive orders issued by the Governor to determine whether any changes have been made to the minimum required timeframe for public review of the Draft EIR due to COVID-19, and determined that there have been no changes to the minimum required timeframes for review of Draft EIRs in response to COVID-19. Therefore, UC Berkeley determined that the comment period would not be extended beyond the required 45-day timeframe. Please also see Master Response 3, COVID-19.</p> <p>As stated on page 5.12-18 of the Draft EIR, Table 5.12-9, UC Berkeley Population Compared to UC Berkeley Housing in the EIR Study Area, in the Draft EIR provides a breakdown of projected population change compared to projected UC Berkeley housing development in the EIR Study Area and identifies the number of students and faculty/staff that would not be accommodated by UC Berkeley housing (referred to as “unaccommodated” in the analysis). The bed count in Table 5.12-9 is conservatively low as it only includes UC Berkeley-provided housing in the EIR Study Area and does not include UC Berkeley housing outside of the EIR Study Area (including University Village) or affiliate or master-leased properties. UC Berkeley does not currently provide housing for all of its students, providing 8,972 beds for a 2018–19 student population of 39,708. UC Berkeley will also not accommodate all students in 2036–37 in UC Berkeley housing when taking into account both existing and new students. However, based on the housing development projected to occur under the LRDP Update, as shown in Table 5.12-9, the estimated unaccommodated undergraduate</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>and well-being of the entire Berkeley community—of which University students comprise a substantial percentage. Now, UC Berkeley is proposing an LRDP update that once again includes no specific commitment to develop an adequate amount of housing to serve the unmet housing demand that already exists among University students, faculty, and staff as well as the demand created by the planned increase in enrollment.</p> <p>As discussed in more detail below, and perhaps of greatest concern, the LRDP Update allows for a significant increase in enrollment without a commitment to provide the necessary on-campus housing. Adding thousands of new residents in a City that already has a housing shortage would exacerbate challenging conditions by increasing demand for housing and displacing non-student residents. Notably, Chancellor Christ has, over the past several years, identified the production of housing as a high priority, and launched an initiative to expand housing opportunities for incoming freshmen, transfer students, graduate students, and faculty. Yet the DEIR makes clear that “the LRDP does not commit UC Berkeley to any specific project” including construction of beds or housing. DEIR at 1-2 and 3.1. Thus, it is possible that the University will increase the population of students, faculty, and staff and build only a portion, or none, of the beds needed to serve the increased population. This is precisely the scenario that played out with the 2020 LRDP where the plan provided for construction of 2,600 beds, but less than half that number was constructed. SEIR for the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan at 151. To make matters worse, UC Berkeley expanded enrollment beyond the projected enrollment figures during the 2020 LRDP planning horizon. The result has been a cycle of housing demand for the campus population that significantly outpaces supply. The proposed LRDP Update would continue this cycle and exacerbate an already untenable housing shortage.</p>	<p>student population would decrease from 21,210 in 2018–19 to 17,270 in 2036–37 – a decrease of 3,940 students.</p> <p>Commenters state that the LRDP Update allows for increased enrollment without a commitment to provide the necessary on-campus housing. The LRDP Update is a comprehensive plan that guides the amount of physical development needed to achieve academic goals and programs, as well as accommodate projected student, faculty, and staff population through the 2036–37 academic year. As discussed in Master Response 8, Population Projections, the population projections in the LRDP Update are for planning purposes to establish the LRDP’s physical development program, including the provision of housing. The LRDP Update does not commit UC Berkeley to a specific level of student enrollment or overall growth, nor does it commit the campus to constructing the physical development necessary to accommodate projected growth. Instead, to accommodate projected future campus population, the LRDP Update plans for approximately 4.7 million net new gross square feet of campus life and residential space, including 11,731 net new student and faculty housing beds, which would more than double the campus’s existing housing capacity. The LRDP Update housing program supports the Chancellor’s Housing Initiative, which established major goals to house more students and faculty in university housing, including goals to provide two years of housing for entering freshmen, one year of housing for entering transfer students, one year of housing for entering graduate students, and up to six years of housing for untenured faculty.</p> <p>While the LRDP Update identifies geographic zones within its boundaries in which housing is a priority or secondary use, and the LRDP EIR analyzes the physical environmental effects of providing planned housing at a programmatic level as required by CEQA, the LRDP Update does not permit or otherwise entitle specific future</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-4	<p>In numerous instances, the DEIR also fails to include adequate mitigation for the Project’s significant impacts. For instance, the DEIR identifies significant impacts related to air quality and noise. However, instead of identifying mitigation measures to avoid or minimize these impacts, the document relies on largely unenforceable “Continuing Best Practices” (“CBPs”) or merely kicks the can down the road, deferring mitigation to CEQA review at the project level. Such fundamental errors undermine the integrity of the EIR. As a result, the University would violate CEQA were it to certify this fatally flawed EIR.</p>	<p>housing projects; subsequent projects will be evaluated by UC Berkeley on an individual basis, subject to their own environmental review processes and development considerations, including but not limited, to construction cost, market demand, and exposure to financial markets. These development considerations are wholly out of UC Berkeley’s control and often change over time. Collectively, they influence how and when specific projects are developed.</p> <p>Please also see Master Response 17, 2005 LRDP EIR Population Projections.</p> <p>The comment expresses an opinion and asserts that mitigation measures are not identified and the UC Berkeley CBPs are not enforceable. This is not the case. In each instance where there is a potentially significant impact, there is a mitigation measure at both the program level for future projects to implement, and at the project level to be implemented by Housing Projects #1 and #2. Please see Master Response 5, Mitigation, and also see Chapter 6, Mitigation Monitoring or Reporting Program, of this Final EIR. With respect to the CBPs, as described in Chapter 3, Project Description, UC Berkeley currently implements CBPs to ensure environmental impacts from development and ongoing UC Berkeley operations would be reduced and/or avoided to the greatest extent feasible. CBPs are imposed as conditions of approval for future projects as they are brought forward for approval by the UC Regents/UC Berkeley Chancellor, and as such, are enforceable. Further CBPs are imposed as conditions of approval as part of UC Berkeley’s standard, ongoing operations. In some cases, CBPs reference existing regulatory requirements that have been determined to be the most effective and practical means of preventing or reducing environmental impacts. The current CBPs were last updated as part of the 2005 LRDP EIR. The proposed project includes updates to the existing CBPs to reflect evolving standards, practices, and current regulations. The CBPs are listed where relevant in the impact discussions of Chapters 5.1 through 5.18 of this Draft EIR to</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-5	<p>Where, as here, the environmental review document fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of proposed actions, it does not satisfy the basic goals of CEQA. See Pub. Resources Code § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”). As a result of the DEIR’s numerous and serious inadequacies, there can be no meaningful public review of the Project. UC Berkeley must revise and recirculate the DEIR in order to permit an adequate understanding of the environmental issues at stake.</p>	<p>illustrate how they would help to reduce and/or avoid environmental impacts from potential future development within the scope of the proposed LRDP Update.</p> <p>As demonstrated in the remaining responses to this comment letter no recirculation of the Draft EIR is required as incorrectly asserted by the commenter.</p> <p>Under CEQA, recirculation of an EIR is only required when the lead agency adds “significant new information” to the EIR after the public comment period but prior to certification. (CEQA Guidelines Section 15088.5(a).) “Significant information” can include changes in the project or environmental setting, as well as additional data or other information, while “significant new information” requiring recirculation can include, for example, a disclosure showing any of the following (Public Resources Code Section 21092.1 and California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15088.5(a)):</p> <ul style="list-style-type: none"> ▪ A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented. ▪ A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance. ▪ A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it. ▪ The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (<i>Mountain Lion Coalition v. Fish and Game Com.</i> (1989) 214 Cal.App.3d 1043.)

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-6	<p>II. The EIR Is Inadequate Under CEQA.</p> <p>The evaluation of a proposed project’s environmental impacts is the core purpose of an EIR. See CEQA Guidelines [footnote 2], § 15126.2(a) (“An EIR shall identify and focus on the significant environmental effects of the proposed project.”). As explained below, the DEIR fails to analyze the</p>	<p>Recirculation is required only if changes to the draft EIR deprived the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project. (CEQA Guidelines Section 15088.5(a).) Recirculation is not required where the new information merely clarifies, amplifies, or makes insignificant modifications to an adequate EIR. (CEQA Guidelines Section 15088.5(b).)</p> <p>Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of the Draft EIR is based on scientific and factual data, which has been reviewed by the Lead Agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the CEQA Guidelines states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” Responses to comments provided to Exhibit A and B of the comment letter are provided below in Responses B5-29 to B5-50 and B5-51 to B5-55, respectively.</p> <p>Because recirculation is not required where new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR, and because no significant new information would result from any of the revisions to the portions of the Draft EIR as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, no recirculation is required.</p>
		<p>The comment expresses the opinion of the commenter and serves as an introduction to the comments that follow. Please see Response A3-5.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Project’s numerous environmental impacts. In multiple instances, the DEIR also fails to adequately analyze the Project’s cumulative impacts.</p> <p><i>Footnote 2: The CEQA “Guidelines” are found at Cal. Code Regs., tit. 14, § 15000 et seq.</i></p> <p>These inadequacies require that the DEIR be revised and recirculated so that the public and decision-makers are provided with a proper analysis of the Project’s significant environmental impacts and feasible mitigation for those impacts. See CEQA Guidelines § 15002(a)(1) (listing as one of the “basic purposes” of CEQA to “[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities”).</p> <p>The “programmatic” nature of this DEIR is no excuse for its lack of detailed analysis. CEQA requires that a program EIR provide an in-depth analysis of a large project, looking at effects “as specifically and comprehensively as possible.” CEQA Guidelines §§ 15168(a), (c)(5). Because it looks at the big picture, a program level EIR must provide “more exhaustive consideration” of effects and alternatives than an EIR for an individual action, and must consider “cumulative impacts that might be slighted in a case-by-case analysis.” CEQA Guidelines §§ 15168(b)(1)-(2).</p> <p>Further, it is only at this early stage that the University can design wide-ranging measures to mitigate City-wide and regional environmental impacts. See CEQA Guidelines § 15168(b)(4) (programmatic EIR “[a]llow[s] the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility”). A “program” or “first tier” EIR is expressly not a device to be used for deferring the analysis of significant environmental impacts. <i>Stanislaus Natural Heritage Project v. County of Stanislaus</i></p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-7	<p>(1996) 48 Cal.App.4th 182,199. It is instead an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses. Thus, it is particularly important that the DEIR for the LRDP Update analyze the overall impacts for the complete level of development it is authorizing now, rather than when individual specific projects are proposed at a later time.</p> <p>Lastly, state law specifically requires the University to analyze and mitigate the impacts of potential changes in enrollment as part of this LRDP EIR. Pub. Resources Code § 21080.09(b) (“Environmental effects relating to changes in enrollment levels shall be considered for each campus ... in the environmental impact report prepared for the [LRDP].”); Education Code § 67504(b) (“The Legislature further finds and declares that the expansion of campus enrollment and facilities may negatively affect the surrounding environment. Consistent with the requirements of [CEQA], it is the intent of the Legislature that the University of California sufficiently mitigate significant off- campus impacts related to campus growth and development.”). The DEIR repeatedly falls short of this mandate, focusing almost entirely on the impacts of constructing new facilities rather than the impacts of bringing thousands of new students, faculty, and staff to the City.</p> <p>The DEIR, here, fails to provide the legally required analysis of the substantial growth that the LRDP Update allows and promotes. Thus, the University must revise the DEIR to accurately disclose the impacts of the maximum density allowed by the LRDP Update. Detailed below are the specific legal inadequacies of the DEIR’s various impact sections.</p>	<p>The comment serves as an introduction to the comments that follow. Please see Response A3-22.</p>
A3-8	<p>A. The EIR’s Flawed Project Description Does Not Permit Meaningful Public Review of the Project.</p> <p>“[E]very EIR must set forth a project description that is sufficient to allow an adequate evaluation and review of the environmental impact.” <i>San Joaquin Raptor Rescue Center v. County of Merced</i> (2007) 149</p>	<p>The comment provides a description of the CEQA standards for a project description and asserts the project description is inadequate, but offers no supporting evidence. The comment is another introduction to the comments that follow.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Cal.App.4th 645, 654 (“County of Merced”) (citing CEQA Guidelines § 15124). “An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” <i>County of Inyo v. City of Los Angeles</i> (1977) 71 Cal.App.3d 185, 193. “Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the ‘no project’ alternative) and weigh other alternatives in the balance.” Id. at 192-93.</p> <p>“A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance.” Id. at 192-93. Thus, “[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” <i>Santiago County Water District v. County of Orange</i> (1981) 118 Cal.App.3d 818, 830.</p> <p>The DEIR’s project description is fundamentally inadequate. As discussed below, it fails to provide project information necessary to evaluate impacts of the LRDP and of the housing projects.</p>	
A3-9	<p>1. Components of the LRDP Are Not Adequately Described.</p> <p>The DEIR acknowledges that the student projections in the current LRDP underestimated the amount of student population growth through 2020. DEIR at 5.2-40; 41. As a result, the existing student population is higher than the projected population in the 2020 LRDP. Id. While the EIR acknowledges this error, it provides no explanation of how it occurred, or what steps the University will take in the event the new LRDP’s projections are similarly flawed. At a minimum, the University must commit to updating its LRDP EIR prior to enrolling more students than</p>	<p>The comment describes past occurrences that have no bearing on this project or this Draft EIR. The commenter’s concern is addressed in Master Response 17, 2005 LRDP EIR Population Projections.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>are anticipated in the current document. See generally <i>Save Berkeley's Neighborhoods v. The Regents of the University of California</i> (2020) 51 Cal.App.5th 226. Moreover, absent a commitment to ensure that University housing development keeps pace with growth at the University, environmental impacts including those relating to transportation, air quality and greenhouse gas emissions are likely to be far more severe than the DEIR discloses. The DEIR's conclusion that housing development will mitigate the impacts of enrollment increases is unfounded, given that the University also refuses to commit to building any of the housing planned for in the LRDP.</p>	
A3-10	<p>In addition, the DEIR provides a list of properties within the "City Environs" that are identified as sites that could accommodate future development. DEIR at 3-26, 3-38 and 3-29. Three of these sites (Beverly Cleary, Co-Op Housing, and Unit 3) are identified for residential development that would add 1,780 beds, yet the DEIR provides no description of these sites or the areas adjacent to them. Id. This description is important for informing the analysis of potential construction and operation impacts on surrounding residents of locating additional housing in these areas. [footnote 3]</p> <p><i>Footnote 3: A related concern is that the DEIR alternately describes lodging for the increased campus population in terms of "beds" and "housing." See, e.g., DEIR at 1-2 and at 5.12-16. This difference introduces uncertainty regarding the DEIR estimates of accommodations since beds and housing units with multiple beds hold different implications in terms of environmental analysis.</i></p>	<p>As described in Chapter 3, Project Description, the proposed LRDP Update is a long-range planning document and the evaluation performed under CEQA is programmatic. The commenter has isolated three of 57 sites that are identified in Chapter 3 of the Draft EIR as a menu of possible options that UC Berkeley has to accommodate potential growth and changes over the next 15 years. Table 3.2 in the Draft EIR includes the proposed maximum build-out of the three sites identified by the commenter. However, the existing site specific physical details of the environment adjacent to these three sites requested by the commenter are subject to change by the time an actual development level project may come forward, if a development level project is proposed, so the requested information would be of little value at this time. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.</p>
A3-11	<p>The DEIR also fails to adequately describe other planned project elements to be implemented as part of the LRDP. For example, the DEIR indicates that "infrastructure improvements would be needed to upgrade existing aging infrastructure as well as ensure that utilities can adequately support environmental and climate changes, and buildout and population projections." DEIR at 3-19. However, the DEIR fails to provide any information about UC Berkeley's plans to develop or expand</p>	<p>The subject of this EIR is the proposed LRDP Update and two housing projects that are within the scope of the proposed LRDP (Housing Projects #1 and #2) and not the 2015 Campus Infrastructure Master Plan (CIMP). The Draft EIR provides an analysis of the need and identification of utility upgrades and improvements required for Housing Projects #1 and #2 as part of the project-level analysis for these projects in the Draft EIR. See Chapter 5.17 of the Draft EIR, which</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>infrastructure to support the development proposed by the LRDP. For example, the LRDP's planned development of more than eight million net new gross square feet of structures and increased campus population of approximately 12,000 people is bound to result in increased runoff. DEIR at 3-20. The DEIR states that implementation of the LRDP would include replacing and upsizing existing storm drains to manage flood risk but provides no details or even conceptual plans.</p>	<p>determines that adherence to applicable regulatory requirements and UC Berkeley's policy that the aggregate effect of projects implemented pursuant to the LRDP Update would create no net increase in runoff over existing conditions would reduce any potential impacts to a less-than-significant level. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.</p>
A3-12	<p>Similarly, the DEIR's description of planned upgrades to the University's sewer infrastructure is vague and noncommittal, with specific information on only one upgrade: the upsizing of the existing sewer line beneath Centennial Drive in the Hill Campus West and the Hill Campus East. DEIR at 3-19 and 3-20. The LRDP should include information on any planned changes to UC Berkeley's storm drain and sewer infrastructure covering the planning time horizon of the LRDP. This information is particularly important to the City because the City of Berkeley owns and operates the sewer collection system receiving the discharges from UC's system. [footnote 4]</p> <p><i>Footnote 4: The DEIR incorrectly states that the sewer system receiving the discharges from the UC system are owned and operated by the East Bay Municipal Utility District. A revised EIR should correct this error.</i></p>	<p>Please see Responses A3-118 and A3-120.</p>
A3-13	<p>The DEIR also discloses that UC Berkeley is considering development of a wastewater treatment facility to produce non-potable water to serve demands on campus. DEIR at 3-19. The non-potable water may also be exported for use off-site. Id. Yet, the DEIR provides only two sentences on this project element, failing to disclose the location, size, and related infrastructure that would be associated with the treatment facility. Wastewater treatment has the potential to generate bio-solids or other solid and liquid by-products that would require disposal. Some of these waste streams could be low flow but may have high concentrations of contaminants. Treatment processes would likely also generate greenhouse gases (e.g., carbon dioxide if aerobic biological process, methane if anaerobic biological process).</p>	<p>While UC Berkeley is considering development of a wastewater treatment facility on campus to produce water to service non-potable demand on campus, this is not a future project that is evaluated on a project-level as part of the LRDP Update. If UC Berkeley decides to move forward with this potential future project, then the environmental impacts associated with this project will need to be analyzed pursuant to CEQA as required, including impacts associated with greenhouse gas emissions, water quality, and solid waste disposal, among others. However, at this time, development of a wastewater treatment plant is considered speculative and not evaluated under the LRDP Update.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-14	<p>With such extensive new and upgraded infrastructure, the LRDP should include an infrastructure master plan covering the planning time horizon of the LRDP. This information should be shared with the City in a timely manner to allow the City to implement infrastructure improvements to support UC Berkeley’s planned development and to allow the University to develop appropriate mitigation for foreseeable impacts to the City’s infrastructure. CEQA Guidelines §§ 15168(a), 15168(b)(1)-(2), (c)(5).</p>	<p>The study area improvements are described qualitatively on Draft EIR page 3-16 as the comment notes. The 2021 LRDP Mobility Systems Element contains maps of the proposed vehicular, pedestrian, bicycle, and transit networks on the UC Berkeley campus. As a long-range policy guidance document, the LRDP describes potential land use and infrastructure changes qualitatively and does not prescribe specific improvements. As such, the LRDP EIR, a programmatic document, provides a description of the envisioned improvements at the same level of detail as the LRDP itself. Any future projects tiering from the LRDP EIR will need to be analyzed pursuant to CEQA as required. Please see Master Response 4, Programmatic Analysis.</p>
A3-15	<p>As noted in the Kittelson report, the DEIR includes a proposed parking program that is inconsistent and unclear. See Kittelson Report at 1. UC Berkeley proposes 8,562 vehicle parking spaces in 2036-37, in Table 3-1, including 22 net new parking spaces at Clark Kerr Campus. This information is inconsistent with the number of existing and proposed vehicle parking spaces identified in Table 3-2, which shows 327 existing spaces and 412 proposed spaces, or a net increase of 85 spaces at the Clark Kerr Campus. This is one example of inconsistencies in the description and documentation of the proposed parking program, which may reflect inaccuracies in the related analyses of environmental impacts in the DEIR. The information presented in the Project Description should be clarified or corrected.</p>	<p>Table 3-1 in the Draft EIR presents the total buildout projections proposed by the LRDP Update, which includes up to 1,240 new parking spaces, including 22 new parking spaces at the Clark Kerr Campus, as correctly stated in the comment. However, Table 3-2 in the Draft EIR lists the potential areas of new development and redevelopment. As described on page 3.26 of the Draft EIR, Table 3-2 provides a menu of possible options that UC Berkeley has to accommodate potential growth and changes. Table 3-2 identifies five locations within the Clark Kerr Campus that could accommodate new development, and the potential change that can be accommodated at each location, including the change in parking supply. To summarize, Table 3-1 presents the total net changes that would be accommodated under the LRDP Update and Table 3-2 presents the potential locations where</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-16	<p>All of these proposed project elements are a reasonably foreseeable consequence of approving and implementing the LRDP Update. They are planned by UC Berkeley to facilitate increased enrollment and ongoing educational services provided by the campus. The Project proposes to accommodate thousands of new students, faculty, and staff in this area. The proposed project elements would exist to serve the current and new campus population. Moreover, without the infrastructure, improvements, and development the LRDP cannot be implemented. Therefore, the planned improvements described above are an integral part of the Project and must be analyzed as such, in this EIR. <i>San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus</i> (1994) 27 Cal.App.4th 713. The DEIR must include a more detailed description of these improvements and a full evaluation of related impacts. Instead, it defers the necessary evaluation to an undetermined date in the future, thereby illegally segmenting the Project.</p>	<p>the change may be accommodated; thus, the numbers presented in the two tables should not be the same but are consistent.</p> <p>CEQA mandates that a project is “the whole of an action” for which an approval is sought, and prohibits avoiding full environmental review by splitting a large project into smaller ones which, analyzed separately, appear more innocuous. The commenter incorrectly asserts that the Draft EIR defers the evaluation of impacts to an undetermined date in the future. The commenter requests that the Draft EIR include an evaluation of future projects that may occur over the buildout horizon evaluated in this EIR. Please note, the project-specific details of future projects, other than Housing Projects #1 and #2 are not known and it is therefore inappropriate to conduct such a speculative evaluation at this time. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, regarding speculation. As described in Chapter 3, Project Description, the proposed LRDP Update is a long-range planning document and the evaluation performed under CEQA is programmatic. Any future projects tiering from the LRDP EIR will need to be analyzed pursuant to CEQA as required and would be required to comply with the applicable program mitigation measures and CBPs. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation. For a complete list of the program mitigation measures, please see Chapter 6, Mitigation Measure and Reporting Program. For a complete list of the CBPs and how they are applied to the first two projects (Housing Projects #1 and #2), please see Chapter 7, CBP Implementation and Monitoring.</p>
A3-17	<p>2. Components of the Housing Projects Are Not Adequately Described.</p> <p>The DEIR fails to adequately describe all of the components of the two proposed housing projects. As the DEIR itself notes (DEIR at 3-3), the DEIR is intended to provide a project-level analysis of these housing projects. Yet, in some cases, aspects of the housing projects critical to its</p>	<p>The commenter incorrectly asserts that impacts related to impervious surfaces are not described or evaluated in the Draft EIR. The amount of impervious surfaces for each project are described in the Draft EIR, along with their associated impacts with respect to runoff and groundwater recharge. It is also disclosed that EBMUD does not use groundwater as a water supply source, and therefore neither project would impact groundwater supplies from increased water demand.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>analysis are omitted altogether. For example, the DEIR states that Housing Project #2 would result in an increase in impervious surface, but it fails to disclose the amount of the increase. DEIR at 5.9-32. This information is important because increases in impervious surfaces are directly associated with decreases in groundwater supply and groundwater recharge and increases in water pollution. Without information about the percentage change of impervious surfaces, the DEIR necessarily fails to analyze the extent and severity of the housing projects impacts on stormwater runoff and groundwater recharge.</p> <p>The DEIR's failure to calculate the percent change of impervious surfaces implicates the evaluation of impacts related to increased stormwater runoff. For Housing Project #2, in particular, where existing runoff likely drains to adjacent on-site landscaped areas with little or no runoff draining to City infrastructure, the DEIR fails to explain where runoff from multistory buildings will flow and how the project will achieve the established no net increase standard. DEIR at 5.9-35. As described in more detail below, this information is also necessary for determining the projects' impacts on City infrastructure. A revised DEIR should estimate the change in impervious surfaces and the corresponding change in stormwater runoff and provide details about project elements that will reduce runoff and by how much to achieve the no net increase effect.</p>	<p>The amount of impervious surfaces for Housing Project #1 is listed in Table 3-6, Housing Project #1 Proposed Development, on page 3-34. On page 5.9-28 in Chapter 5.9, Hydrology and Water Quality, it states that the proposed Housing Project #1 would occupy a 0.92-acre site that is currently developed with parking lots and structures. Over 99 percent of the site consists of impervious surfaces. The proposed project would decrease the amount of impervious surfaces by 4.5 percent and would be designed to meet regulatory requirements. Since shallow groundwater is present beneath the site and two belowground floors are proposed as part of the project, construction dewatering would be required. With respect to groundwater recharge, because the proposed project would decrease impervious surfaces, it would improve groundwater recharge.</p> <p>The amount of impervious surfaces for Housing Project #2 is listed in Table 3-7, Housing Project #2 Proposed Development, on page 3-51. On page 5.9-29 in Chapter 5.9, Hydrology and Water Quality, it states that the proposed Housing Project #2 would involve changing the land use of People's Park, which currently consists of demonstration gardens, lawn space, a paved basketball court, a picnic area, a small wooden stage, and a public restroom building, and that the proposed project would include a student housing building, a separate affordable and supportive housing building, and public open space. As described in Chapter 3, Project Description, of the Draft EIR on page 3-61, the proposed project would be designed to preserve 67 percent of the site, approximately 82,000 square feet (1.8 acres), for continued use as public open space. Accordingly, Chapter 5.9 correctly describes that over 50 percent of the project site would be devoted to open space and landscaping. In response to this comment, revisions have been made to Chapter 5.9, Hydrology and Water Quality, of the Draft EIR, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. This</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>revision clarifies the assumptions for impervious surfaces for Housing Project #2. This revision does not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification. With respect to groundwater recharge, more than 50 percent of the site would be dedicated to open space and include stormwater measures such as bioretention facilities, landscaped areas, and permeable pavements that would increase the potential for groundwater recharge. The ongoing UC Berkeley practice (CBP HYD-7) requires UC Berkeley to design and implement the necessary improvements to retain and infiltrate stormwater with the goal of the improvement to ensure that there is no net decrease in the amount of water recharged to groundwater that serves as freshwater replenishment to Strawberry Creek and that the aggregate effect of projects implemented pursuant to the LRDP Update creates no net increase in runoff over existing conditions. These improvements. The improvement should maintain the volume of flows and times of concentration from any given site at pre-development conditions. Additionally, as described the proposed Housing Project #2 would include post-construction stormwater controls necessary to meet requirements in the Phase II Small MS4 permit. Stormwater controls considered for the proposed Housing Project #2 include:</p> <ul style="list-style-type: none"> ▪ Bioretention facilities such as flow-through planters or rain gardens that contain biotreatment soil and receive runoff from impervious areas such as roofs and hardscapes. Bioretention facilities are typically sized to retain stormwater from 4 percent of the effective impervious area at the site. Soils beneath the site are silty clays with low infiltration rates, which would require bioretention facilities to have underdrains in the aggregate storage layer.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-18	<p>In another example, the DEIR provides scant information regarding the construction of either housing project. The projects would undoubtedly involve a variety of construction vehicles, including haul trucks, water trucks, dump trucks, and concrete trucks, all of which would access the UC sites via City streets, yet the DEIR fails to include Construction Traffic Management Plans for each housing project. According to the DEIR, CBPs TRAN-5 and TRAN-6 describe measures for reducing or minimizing traffic impacts during construction. DEIR at 5.15-57. These measures include preparation of a Construction Traffic Management Plan for each construction project. Id. Such plans are important to ensure that traffic and public safety impacts are minimized, especially when construction takes place in an urbanized, congested area such as these projects in downtown Berkeley. But the DEIR does not include a Construction Traffic Management Plan. (And to the extent the University would treat these plans as mitigations rather than part of the Project, their omission from the DEIR would be an impermissible deferral of mitigation.) At a minimum, UC Berkeley should submit a preliminary Construction Traffic Management Plan to the City for each housing project. These plans would then be updated and finalized prior to actual construction.</p>	<ul style="list-style-type: none"> ▪ Vegetated roof trays to reduce the effective impervious area of roofs. ▪ Landscaped areas that act as self-treating or self-retaining areas. ▪ Permeable pavements installed at paths and hardscapes that act as self-retaining areas. A perforated underdrain may be needed due to the low infiltration rate of the existing soil. ▪ A combination of one or more of the controls described above and participation in the centralized stormwater facilities management project credit system described earlier in this section. <p>As described in Chapter 3, Project Description, a preliminary list of construction equipment and timing for Housing Projects #1 and #2 is included on pages 3-50 and 3-64 to 3-65, respectively. The comment correctly notes that CBP TRAN-5 and CBP TRAN-6 are presented in the Draft EIR. These CBPs require UC Berkeley to require individual project contractors to prepare and implement Construction Traffic Management Plans, which are required for all new construction projects. CBP TRAN-5 and CBP TRAN-6 list the required content of the Construction Traffic Management Plans and CBP TRAN-5 specifically requires that Construction Traffic Management Plans for major construction projects must be coordinated with the City of Berkeley Public Works Department when projects require temporary modifications to city streets. Both CBPs would therefore apply to the Housing Projects #1 and #2.</p> <p>Please note that CBP TRAN-5 and TRAN-6 are ongoing UC Berkeley practices and have been since the approval of the current 2020 LRDP, and will continue to be implemented under the LRDP Update. For example, Construction Traffic Management Plans are generated on a project-by-project basis. For episodic traffic interruptions, UC Berkeley Capital Projects has an Access Interruption Request process, in which UC Berkeley groups such as UCPD, the fire marshal, the building</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>department, Parking & Transportation, and building managers affected by such activities are given the opportunity to comment on the proposed interruption. The documentation of the interruption is often prepared by the contractor requesting the particular access. Any comments from these bodies generate a revision of the Construction Traffic Management Plan until the comments are satisfied. Longer term traffic interruptions on the UC Berkeley campus follow much the same process followed by a campus-wide communication alerting the community to changes in access or traffic flow. Enforcement is typically on an as needed basis if the Construction Traffic Management Plan is not followed (i.e., if through periodic observation a contractor is not managing traffic or is blocking access to required fire lanes for instance, then the parking and transportation and the fire marshal will make the contractor aware directly or else communicate such deficiencies to the project manager to pass on to the contractor.)</p> <p>It would not be feasible to provide Construction Traffic Management Plans for these projects in the Draft EIR, as the projects are not yet at the construction contracting phase. Therefore, preliminary Construction Traffic Management Plans, as suggested by the commenter, would be speculative. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, regarding speculation. Transportation impacts during the construction of Housing Projects #1 and #2 were found to be less than significant and no mitigation measures are required. Accordingly, the commenter incorrectly asserts that mitigation is deferred.</p> <p>Please see Master Response 6, LRDP and LRDP Implementation, for more on CBP implementation. Please note that since the release of the Draft EIR UC Berkeley submitted a draft Construction Traffic Management Plan on May 3, 2021, for Housing Project #1, to the City of</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-19	<p>In sum, the DEIR fails to describe the Project components with sufficient accuracy and specificity. The failure to describe the whole of the project is a serious and pervasive deficiency, as it renders faulty the environmental impact analyses as well as the discussion of potential mitigation measures to minimize those impacts. A revised environmental document must provide accurate information including, but not limited to, a sufficient description of anticipated construction activities and any other Project details relevant to its potential environmental impacts. This information is necessary to allow decision-makers, the public, and responsible agencies to evaluate potential environmental impacts.</p>	<p>Berkeley’s Service Center, Building and Safety Division, Planning and Development Department (City Application Number P2021-0029).</p> <p>Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.</p>
A3-20	<p>B. The DEIR Lacks Support for Its Decision to Use Different Baselines for Different Impact Analyses.</p> <p>Under CEQA, an EIR “must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts.” CEQA Guidelines § 15125(a).</p> <p>In describing the environmental setting, lead agencies should generally describe conditions on the ground at the time the notice of preparation is published. CEQA Guidelines § 15125(a)(1). Where conditions fluctuate over time, “and where necessary to provide the most accurate picture practically possible of the project’s impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future</p>	<p>The conditions experienced over the past 15 months created by COVID-19 are highly unusual and unpredictable. To evaluate conditions during these circumstances would be speculative and drawing impact conclusions would be misleading and inappropriate. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 3, COVID-19.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>conditions that are supported by reliable projections based on substantial evidence in the record.” Id.</p> <p>Here, the DEIR uses baseline conditions from different points in time to analyze different impact areas. As the DEIR states, “The baseline represents the existing conditions on the ground (“physical conditions”) at the time that the Notice of Preparation was issued (April 7, 2020). However, some baseline conditions, in particular those related to population, apply 2018 data due to the disruptions created by the current coronavirus disease 2019 (COVID-19) pandemic.” DEIR at 5-4 to 5-5. However, as the DEIR itself recognizes, whether and how long the COVID-19 pandemic will continue into the future is uncertain. All we know now is that pandemic conditions currently exist. Thus, the appropriate approach would have been to analyze potential impacts against both the current conditions (i.e., conditions as they existed in 2020, when the NOP was issued), and the 2018 conditions. This is especially true because the two Housing Projects are planned to be built in the near term, while the LRDP would be implemented over the next 15 years. At the very least the DEIR should have disclosed the current conditions so that the public and decision-makers could compare those conditions to what existed in 2018.</p>	
A3-21	<p>As the DEIR also notes, the 2018 enrollment and population numbers used as a baseline in this DEIR are significantly higher than the enrollment and population projections contained in the 2020 LRDP. DEIR at 5.2-41. This is because the University increased enrollment above what was projected in the 2020 LRDP without conducting additional environmental review. This gap between the highest enrollment analyzed in the 2020 LRDP EIR and the “baseline” numbers for this LRDP update conflicts with the state law requirement that “[e]nvironmental effects relating to changes in enrollment levels shall be considered for each campus ... in the environmental impact report prepared for the [LRDP].” Pub. Resources Code § 21080.09(b); see also Education Code § 67504(b) (finding that “the expansion of campus enrollment and facilities may</p>	Please see Master Response 17, 2005 LRDP EIR Population Projections.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>negatively affect the surrounding environment” and the University must “sufficiently mitigate significant off-campus impacts related to campus growth and development”).</p>	
	<p>The University purported to analyze the impacts of these interim enrollment increases after the fact in its 2019 Supplemental EIR for the Upper Hearst Development for the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan (“Upper Hearst EIR”). However, that EIR provided conflicting signals to the public about whether the increases were part of the project (e.g., the University was amending its LRDP to include increased enrollment projections) or part of the baseline. Moreover, the analysis of those impacts was plainly inadequate under CEQA. See Exhibits D and E (Letters from City of Berkeley, dated April 12, 2019 and May 13, 2019). There are currently two lawsuits challenging the Upper Hearst EIR on these grounds. Given the inadequacy of the interim environmental review, the University should have corrected the analysis here, in the DEIR for the LRDP update. Instead, it ignored that analytical gap along with any mitigation of the impacts caused by the interim increases in enrollment.</p>	
	<p>Since the Upper Hearst EIR was published, the Court of Appeal has made it clear that the University’s enrollment decisions are not statutorily exempt from CEQA. See <i>Berkeley’s Neighborhoods v. The Regents of the University of California</i> (2020) 51 Cal.App.5th 226, 241. Thus, these decisions must undergo environmental review. To the extent the University wishes to rely on this programmatic LRDP EIR to support future enrollment increases, it must ensure that the impacts of those decisions are adequately analyzed. As discussed below, they are not.</p>	
A3-22	<p>C. General Comments on the DEIR 1. The DEIR Contains an Insufficient Study Area.</p> <p>The DEIR presents an artificially constrained study area, which is insufficient for evaluating the far-reaching impacts of the proposed LRDP</p>	<p>As described in Chapter 3, Project Description, of the Draft EIR, the LRDP Update is a long-range planning document that is limited in scope to guiding development on the UC Berkeley campus. This is the reason the EIR Study Area is limited to and congruent with the LRDP Planning Area. This is not to imply that UC Berkeley does not have</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>Update. The DEIR analysis focuses on campus properties near the Campus Park in downtown Berkeley and the immediately adjacent areas. The DEIR asserts that it excludes other UC Berkeley-owned properties within and outside the city of Berkeley from the scope of this analysis because these areas are sufficiently distant from the Campus Park and its environs. DEIR at 3-8. This use of an overly constrained study area distorts the DEIR’s analysis of the LRDP’s impacts. For example, as discussed in more detail below, the DEIR focuses the analysis of the LRDP’s transportation impacts only on Campus Park and fails to analyze potential impacts to the Campus Hills East, Campus Hills West, Clark Kerr, City Environs, or other planning areas that would occur as a result of implementation of the LRDP Update. Other University-owned properties within the City of Berkeley and in neighboring jurisdictions are excluded. However, as described throughout this letter, the UC Berkeley population lives and works not only in the Campus area, but throughout the City and in surrounding cities within the region. Impacts from the LRDP, such as those related to transportation, air quality, housing, public services, and utilities are not limited to the arbitrary boundary delineated in the DEIR and would be exacerbated if UC fails to build the housing discussed in the LRDP. A revised EIR must correct this flaw and analyze LRDP impacts to a broader study area.</p> <p>Similarly, the DEIR frequently limits the scope of the Project analyzed to the physical development described in the LRDP. For example, as discussed further below, the DEIR’s transportation analysis focuses only on Campus Park and fails to analyze potential impacts to the Campus Hills East, Campus Hills West, Clark Kerr, City Environs, or other planning areas that would occur as a result of implementation of the LRDP. Kittelson Report at 16. But the LRDP also includes enrollment increase projections. Under state law, these increases must be analyzed as part of the Project as well. Pub. Resources Code § 21080.09(b) (“Environmental effects relating to changes in enrollment levels shall be considered for each campus ... in the environmental impact report prepared for the</p>	<p>other properties in the greater Bay Area and elsewhere. However, those properties are subject to separate planning documents and environmental review. Please see Master Response 7, EIR Study Area.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>[LRPS].”); Education Code § 67504(b) (“The Legislature further finds and declares that the expansion of campus enrollment and facilities may negatively affect the surrounding environment. Consistent with the requirements of [CEQA], it is the intent of the Legislature that the University of California sufficiently mitigate significant off-campus impacts related to campus growth and development.”). This is especially true for impact areas like Public Services and Population and Housing, where it is the additional residents, not just the development of buildings, that will cause the most significant impacts.</p>	
<p>A3-23</p>	<p>2. The DEIR Presents Unsupported Assumptions.</p> <p>The DEIR relies on a series of unfounded assumptions without providing the background technical documentation to enable the public to verify the accuracy of these assumptions or the corresponding impact analyses. For example, as discussed below, despite the proposed substantial increase in the University’s population, the DEIR does not estimate the number of pedestrians, bicyclists, transit riders, and drivers generated by the Project. It also fails to analyze how the increase in all modes of traffic would impact circulation and safety or how the increase in traffic has the potential to exacerbate existing deficiencies in the transportation network.</p>	<p>The Draft EIR provides detailed information on current transportation mode shares in Table 5.15-4, and on the expected increase in UC Berkeley residents and commuters under the LRDP in Table 5.15-8. The comment is correct that the expected increase in vehicle, pedestrian, bicycle, and transit trips is not presented in the transportation impact analysis. These numbers are not relevant to the impact assessment under the five CEQA Guidelines Checklist criteria. CEQA provides for lead agencies, such as the Regents, to adopt their own thresholds of significance and to evaluate the significance of a project’s impact based on substantial evidence. UC’s significance criteria for evaluating the transportation impacts of the proposed LRDP are based on Appendix G of the State CEQA Guidelines.</p> <p>For TRAN-1, the Draft EIR relies on consistency with the applicable state, regional, UC, and City of Berkeley regulatory documents. As described in Chapter 5.15, Transportation, of the Draft EIR, consistency with these policies is not based on the number of pedestrians, cyclists, transit riders, and/or motor vehicles generated by the project.</p> <p>For TRAN-3 and TRAN-4, the Draft EIR determines the significance of the impact based on changes in geometric design elements or incompatible uses that could cause new or exacerbate existing safety hazards. Since changes in vehicle, pedestrian, bicycle, and transit trips</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
A3-24	<p>Similarly, the DEIR determines that the LRDP Update would not contribute a significant amount of GHG emissions because it assumes an unspecified amount of GHG emission reductions from unspecified measures contained within the University's Sustainability policy and plans and its energy plan. DEIR at 5.7-34.</p> <p>These gaps in data combined with an artificially constrained study area and vague project description combine to provide an unstable foundation for the DEIR's analysis and undermine it as an informational document.</p>	<p>would not affect geometric design elements or incompatible uses that could cause new or exacerbate existing safety hazards, the Draft EIR does not need to discuss the change in trip generation for various modes by the project.</p> <p>For TRAN-5 (cumulative impacts), the Draft EIR addresses criteria TRAN-1 through TRAN-4 considerations, under cumulative conditions and the interpretation is the same with regard to the relevance of vehicle, bicycle, pedestrian and transit trips.</p> <p>Chapter 5.7, Greenhouse Gas Emissions, evaluates potential GHG emissions impacts associated with the proposed project. Table 5.7-9 identifies GHG emissions under both an adjusted business-as-usual (BAU) and with implementation of the 2036 LRDP Sustainability Scenario. Pages 5.7-31 through 5.7-32 of the Draft EIR clearly specify the individual measure from UC Berkeley and UC Sustainability Practices Policies considered in the Sustainability Scenario. However, as identified in Table 5.7-9, both the 2036 Adjusted BAU scenario and the 2036 LRDP Forecast Scenario result in less GHG emissions than under existing conditions. Therefore, implementation of the proposed project would not cumulatively contribute a significant amount of GHG emissions or contribute to cumulative GHG emissions impacts. Nonetheless, to evaluate consistency with plans adopted for the purpose of reducing GHG emissions, the EIR conservatively considers the carbon neutrality goals of Executive Order B-55-18 and the UC Sustainability Practices Policy to set a more ambitious GHG thresholds for UC Berkeley. As described under Impact GHG-2, the 2036 Adjusted BAU emissions are projected to exceed the interim carbon neutrality goal based on carbon neutrality for all sources by 2045. Therefore, on-campus reductions (e.g., such as that outlined under the Sustainability Scenario) and purchase of voluntary carbon offsets (e.g., as required by the UC Sustainable Practices Policy and Mitigation Measure GHG-2) are required to offset GHG emissions.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-25	<p>3. The DEIR Improperly Attempts to Avoid Analysis and Mitigation of the LRDP’s Impacts by Concluding That They Are Significant and Unavoidable.</p> <p>Where all available and feasible mitigation measures have been proposed, but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable. See CEQA Guidelines § 15126.2. If supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the project in spite of its significant and unavoidable impacts. Id. at §§ 15091, 15093. However, the lead agency cannot simply conclude that an impact is significant and unavoidable and move on. A conclusion of residual significance does not excuse the agency from (1) performing a thorough evaluation and description of the impact and its severity before and after mitigation, and (2) proposing all feasible mitigation to “substantially lessen the significant environmental effect.” CEQA Guidelines § 15091(a)(1); see also id. § 15126.2(c) (requiring an EIR to discuss “any significant impacts, including those which can be mitigated but not reduced to a level of insignificance” (emphasis added)). “A mitigation measure may reduce a significant impact without avoiding the impact entirely.” 1 Stephen Kostka & Michael Zischke, Practice Under the California Environmental Quality Act § 14.6 (2d ed. March 2021 Update); see also CEQA Guidelines § 15370(b).</p> <p>The DEIR finds that the University’s plans for future growth and development as set out in the LRDP Update will result in 16 significant and unavoidable impacts in six different topic areas. DEIR at 7-6 to 7-7. As detailed below, in numerous instances, the DEIR fails to thoroughly assess impacts deemed to be significant and unavoidable or to identify all feasible mitigation measures to reduce the severity of the impacts.</p>	<p>Please see Master Response 6, LRDP and LRDP Implementation, and Master Response 7, EIR Study Area.</p> <p>This comment describes the regulatory framework for describing impacts as significant and unavoidable and summarizes those conclusions in the Draft EIR.</p> <p>The commenter incorrectly asserts that the Draft EIR avoids analysis of the impacts from approval and implementation of the proposed LRDP Update. Please see Master Response 5, Mitigation, for a description of significant and unavoidable impacts.</p> <p>The EIR for the proposed LRDP Update is a program-level EIR. Please see Master Response 4, Programmatic Analysis. Because the LRDP Update is a program level evaluation, the specific details of future projects and the conditions at the time they are proposed are not known, it would be speculative to draw less-than-significant conclusions. In each instance in the Draft EIR where a significant and unavoidable conclusion is made, the reasoning for the decision is described. Each significant and unavoidable program-level impact conclusion is a conservative finding that does not preclude the finding of less than significant for future projects. This is explained in the Draft EIR in each impact discussion with a significant-and-unavoidable impact conclusion. For example, Chapter 5-2, Air Quality, and Chapter 5.11, Noise, recommend mitigation measures to reduce impacts from construction activities but because the precise details of future projects and the environmental setting are unknown it would be speculative to assume a less-than-significant impact in the program EIR. However, future projects would be required to comply with the mitigation measures in the Draft EIR to reduce their impacts to less than significant where feasible. Future construction level impacts with significant and unavoidable impacts include AIR-2.1, AIR-3, CUL-1.1, NOI-</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-26	<p>4. The DEIR’s Approach to Mitigation Does Not Comply with CEQA. (a) The DEIR Improperly Relies on Unenforceable and Inadequate Mitigation Measures.</p>	<p>1, and NOI-3. For each of these program-level significant-and-unavoidable impacts, future construction-level projects must comply with the mitigation measures in the Draft EIR to reduce impacts. Other significant-and-unavoidable impacts, such as those in Chapter 5.4, Cultural Resources; Chapter 5.15, Transportation; Chapter 5.16, Tribal Cultural Resources; and Chapter 5.18, Wildfire, are due to the fact that it is unknown precisely where a future project could be built and what the conditions would be at the time of a future project. Again, the significant-and-unavoidable findings are conservative and appropriate. There are recommended mitigation measures in the Draft EIR for impacts CUL-1.2, CUL-1.3, CUL-4, TRAN-4, TRAN-5, WF-2, WF-3, WF-4, and WF-5 that would be required for future projects to reduce impacts. With respect to impacts AIR-1, this significant-and-unavoidable impact is strictly due to timing because the current 2017 Clean Air Plan does not account for the future population growth under the proposed LRDP Update. It would not be practical or feasible for the UC or any other agency that is updating their long-range plan to wait while other agencies update their long-range plans. The significant-and-unavoidable impact conclusion described in impact AIR-2.2 concerns the increase in reactive organic gases (ROG) also known as volatile organic compounds (VOC). Here UC Berkeley can only control and reduce its own contribution but because the use of consumer products and the VOC content contained within consumer products is not something that UC Berkeley has full control over, there are no mitigation measures available to reduce this program-level impact. Please see Master Response 16, Public Schools, for a discussion on the change from significant-and-unavoidable impacts (PS-5 and PS-6) to less-than-significant impacts BUSD.</p> <p>This comment describes the regulatory framework for mitigating impacts and incorrectly asserts that the Draft EIR does not comply with these regulations. With respect to the references provided by the commenter in Chapter 5.2, Air Quality, of the Draft EIR, Impact AIR-1 on page 5.2-45, this significant-and-unavoidable is strictly due to timing</p>
	<p>CEQA’s central mandate is that “public agencies should not approve</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” <i>Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.</i> (2001) 91 Cal.App.4th 1344, 1354 (quoting Pub. Resources Code § 21002). CEQA requires lead agencies to identify and analyze all feasible mitigation, even if this mitigation will not reduce the impact to a level of insignificance. CEQA Guidelines § 15126.4(a)(1)(A) (discussion of mitigation measure “shall identify mitigation measures for each significant environmental effect identified in the EIR”); see also <i>Woodward Park Homeowners Assn., Inc. v. City of Fresno</i> (2007) 150 Cal.App.4th 683, 724 (“The EIR also must describe feasible measures that could minimize significant impacts.”).</p> <p>Mitigation is especially crucial when an agency prepares a Program EIR. An advantage of a Program EIR is that it allows the lead agency “to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.” CEQA Guidelines § 15168(b)(4).</p> <p>Moreover, the EIR cannot simply assume that applying laws and regulations to future projects obviates the potential for cumulative impacts. <i>Californians for Alternatives to Toxics v. Department of Food & Agriculture</i> (2005) 136 Cal.App.4th 1, 15-17 (compliance with an environmental regulatory program cannot displace an agency’s separate obligation to consider whether a project’s environmental impacts are significant).</p> <p>The DEIR violates this mandate. The DEIR concedes that the Project will result in many significant unavoidable impacts, but in many cases, fails to identify feasible mitigation to reduce these impacts. See, e.g., DEIR at 5.2-45, 5.2-53, and 5.2-61. Instead, the DEIR largely relies on inadequate</p>	<p>because the current 2017 Clean Air Plan does not account for the future population growth under the proposed LRDP Update. Mitigation Measure POP-1 ensures that regional population projections include the anticipated population growth of UC Berkeley on an annual basis. Early coordination with ABAG/MTC would ensure that the BAAQMD’s Clean Air Plan accounts for UC Berkeley-related population changes. It would not be practical or feasible for the UC or any other agency that is updating their long-range plan to wait while other agency long-range plans are updated. This discussion correctly concludes that there are no feasible mitigation to bring the two plans into alignment. The impact conclusion on page 5.2-53 (Impact AIR-2.2) is regarding the increase in reactive organic gases (ROG) also known as volatile organic compounds (VOC). Here UC Berkeley can only control and reduce its own contribution but because the use of consumer products and the VOC content contained within consumer products is not something that UC Berkeley has full control over, there are no mitigation measures available to reduce this program-level impact. Lastly, the impact discussion on page 5.2-61 (Impact AIR-3), is related to the construction phase of future projects, which as described in the Draft EIR health risk associated with construction activities is driven by diesel particulate matter (DPM), and the effect of DPM is largely a factor of how close construction activities are to sensitive receptors, how many large off-road diesel construction equipment are needed, and the duration of construction activities. These future site-specific circumstances are not known for this program-level evaluation. Accordingly, no additional mitigation measures are available to reduce this program-level impact to less-than-significant levels. Therefore, this impact remains significant and unavoidable. The identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects. In none of these references made by the commenter does the Draft EIR neglect it’s responsibility to describe the impact, provide feasible mitigation, and</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-27	<p>mitigation measures, many of which provide no evidence of minimizing impacts.</p> <p>For instance, measures to address air quality rely on compliance with existing standards and regulations and coordination with agencies. DEIR at 2-10 to 2-12 and 5.2-45. Here, the DEIR provides no basis for assuming that regulatory compliance or coordination with agencies alone would ameliorate any potential project or cumulative impacts.</p>	<p>the reasoning for the impact conclusion. Please also see Response A3-25 and Master Response 5, Mitigation.</p> <p>Please see Response A3-25 regarding the impacts and mitigation measures in the Draft EIR. The commenter is referring to the impacts described in Chapter 5.2, Air Quality, which as described in the Draft EIR, and summarized in Response A3-23, are conservative conclusions because to declare future projects to have less-than-significant impacts would be speculative and inappropriate (Impact AIR-2.1, AIR-2.2, AIR-3), the 2017 Clean Air Plan is behind the proposed LRDP Update and does not account for the new potential growth (Impact AIR-1), or the emissions are not within the control of UC Berkeley (AIR-2.2). Please see pages 5.2-40 through 5.2-76 for the complete discussion for each impact, the impact conclusion, and the explanation for the impact conclusion.</p>
A3-28	<p>The measures to mitigate significant impacts related to public services are equally lacking. See DEIR at 2-29: mitigation measures PS-5 and PS-6. These measures require nothing more than UC Berkeley’s annual reporting of housing production projections to the Berkeley Unified School District. DEIR at 2-29. However, the requirement to report increases in housing production that will lead to the need for new school facilities does nothing to address the impacts of construction of new school facilities.</p>	<p>Please see Master Response 16, Public Schools, for a discussion on the change from significant-and-unavoidable impacts (PS-5 and PS-6) to less-than-significant impacts on the BUSD. This change in conclusion is based on capacity information provided to UC Berkeley following the publication of the Draft EIR.</p>
A3-29	<p>Moreover, mitigation measures proposed in an EIR must be “fully enforceable” through permit conditions, agreements, or other legally binding instruments. Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). The DEIR relies on a number of vague measures to mitigate significant environmental impacts. For example, the DEIR fails to provide enforceable measures that reduce construction noise for LRDP projects. Instead, the DEIR includes Mitigation Measure NOI-1, which fails to include a performance standard and includes ambiguous language that does not ensure the measure would be implemented. DEIR at 2-23 and 2-24.</p>	<p>The commenter incorrectly describes Mitigation Measure NOI-1. The mitigation includes concrete and feasible methods to reduce construction noise including, but not limited to, equipment selection, noise control technologies, the installation of physical barriers between equipment and receptors, and community noticing and outreach. As stated in Mitigation Measure NOI-1, the applicable noise thresholds of significance (see City of Berkeley Municipal Code Section 13.40.070, Prohibited Acts, and City of Oakland Municipal Code Section 17.120.050(A), Noise (Residential Zone Noise Level Standards)) apply to UC Berkeley projects. Further, Mitigation Measure NOI-1 includes measures which are similar to those included in Mitigation Measure</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-30	Here, the DEIR’s vague, unenforceable, and noncommittal measures allow the University to decide to take no action and thus fail to mitigate impacts. As a result, the DEIR cannot ensure that the measures relied on will in fact be implemented to mitigate the LRDP’s and the Housing Projects’ impacts. Therefore they cannot serve as CEQA mitigation. See <i>Anderson First Coalition v. City of Anderson</i> (2005) 130 Cal.App.4th 1173, 1186-87.	NOISE-2 of the Acheson Commons Project EIR prepared by the City of Berkeley (State Clearinghouse No. 2011102035). The measures from Mitigation Measure NOI-1 are more protective through the specification of temporary noise barrier height of at least 12 feet compared with a minimum height of 6 feet for temporary sound barriers from Mitigation Measure NOISE-2 of the Acheson Commons Project EIR. The comment incorrectly asserts that Mitigation Measures NOI-1 is not enforceable and that UC Berkeley can choose not to require future projects to implement the measure. The commenter provides no substantial evidence to support their assertion that UC Berkeley will not enforce the recommended mitigation measures in the Draft EIR. Please see Chapter 6, Mitigation Monitoring or Reporting Program, of this Final EIR. Also see Master Response 5, Mitigation for a discussion on implementing mitigation measures.
A3-31	<p>(b) The DEIR Relies on CBPs That Are Noncommittal and Unenforceable to Mitigate the Project’s Significant Impacts.</p> <p>Similarly, the DEIR cannot rely on noncommittal CBPs to mitigate the Project’s significant impacts. For example, the DEIR relies on LRDP CBPs TRAN-5 and TRAN-6 for reducing or minimizing traffic impacts during construction projects. These measures include preparation of a Construction Traffic Management Plan for each construction project. However, as presented in the DEIR, the CBPs do not include, as they should, City review and approval of the Construction Traffic Management Plans. (All construction traffic will utilize City of Berkeley streets.) The City of Berkeley Guidelines for Development of Traffic Impact Reports requires coordination with City staff when evaluating traffic impacts. City of Berkeley Guidelines for Development of Traffic Impact Reports at 1. A revised analysis should include provision for City review and approval of the Construction Traffic Management Plans prior to issuing relevant permits.</p>	<p>Please see Response A3-18 regarding the fact that transportation impacts during the construction of Housing Projects #1 and #2 were found to be less than significant and no mitigation measures are required. In addition, and notwithstanding Response A3-18, it is noted that the UC is constitutionally exempt from local plans, policies, and ordinances whenever using property under its control in furtherance of its educational mission; this includes the City of Berkeley Guidelines for Development of Traffic Impact Reports cited in the comment. Please see Master Response 2, Constitutional Exemption from Local Regulations.</p> <p>As noted in Response A3-18, as applicable, each project, including Housing Projects #1 and #2, will be required to have a Construction Traffic Management Plan. Please also note that since the release of the Draft EIR UC Berkeley submitted a draft Construction Traffic Management Plan on May 3, 2021, for Housing Project #1, to the City of</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-32	<p>In another example, the DEIR also relies in part on CBP PS-1 and CBP PS-2 to reduce impacts on police and fire services. These measures call for a continued partnership between the University, the City, and other relevant public agencies to review service levels. DEIR at 5.13-5, 5.13.17. While the partnership is necessary and useful, coordination alone does nothing to address gaps in service or the need for increased staffing, especially in fire in which the City is the primary service provider for a densely populated campus. Without concrete steps and performance standards to address changed service ratios, the gaps in service will result in public safety impacts that remain unmitigated in this DEIR.</p>	<p>Berkeley’s Service Center, Building and Safety Division, Planning and Development Department (City Application Number P2021-0029).</p> <p>As described under impact discussion PS-1 in Chapter 5.13, Public Services, of the Draft EIR, “Because the BPD has indicated it would not need new or physically altered police facilities as a result of the proposed LRDP Update, and the UCPD also does not require new or physically altered police facilities due to the proposed LRDP Update, impacts to police services in this regard would be less than significant.” While service levels are important, CEQA is concerned with the physical impacts to the environment that would result from the construction of new or modified facilities, and as described, the BPD would not need to construct new or modified facilities. For addressing service levels and appropriate response times, UC Berkeley would implement CBP PS-1: “The University of California Police Department will continue its partnership with the City of Berkeley police department to review service levels in the City Environs Properties.”</p> <p>Similarly, CBP PS-2 exists to address service levels for fire protection services: “UC Berkeley will continue its partnership with the Lawrence Berkeley National Laboratory, Alameda County Fire Department, OFD, and Berkeley Fire Department to ensure adequate fire and emergency service levels to UC Berkeley facilities. This partnership will include consultation on the adequacy of emergency access routes to all new UC Berkeley buildings. UC Berkeley will also continue to work closely with external fire management partners related to regional wildfire prevention, including the Hills Emergency Forum, Diablo Firesafe Council, and various neighborhood groups and internal interdisciplinary planning teams.” Furthermore, as described under impact discussion PS-3 in Chapter 5.13, “As determined under <i>City of Hayward v. Trustees of the California State University</i> (242 Cal.App.4th [2015]), it is not UC Berkeley’s responsibility to build a new fire station, but only to mitigate the physical impacts of construction of such facilities if they are determined necessary as a result of the proposed</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-33	Similarly, vague, unenforceable, hortatory language makes up Continuing Best Practices related to air quality, greenhouse gases, energy, noise, and many other impact topic areas. These CBPs cannot be relied upon to reduce impacts to less than significant levels.	<p>project. Therefore, if and when the City of Berkeley would decide to construct a new facility in order to accommodate additional resources, UC Berkeley would negotiate its proportional share of funding for the mitigation of any environmental impacts resulting from the construction of the facility. Because the BFD would expand to meet the needs of the growing community and UC Berkeley population, with or without the proposed LRDP Update, the impact generated by the implementation of the proposed LRDP Update related to fire protection services would be less than significant.”</p> <p>The Draft EIR does rely solely on the CBPs to reduce impacts. Please see Master Response 5, Mitigation, and Master Response 6, LRDP and LRDP Implementation.</p>
A3-34	<p>(c) The DEIR Ignores Feasible Mitigation That Would Minimize Significant Impacts.</p> <p>For several of the LRDP Update’s significant and unavoidable impacts, notably the Project’s significant impacts related to vehicle miles travelled, air quality, and greenhouse gases, the DEIR provides inadequate mitigation, and in some cases, concludes that no other mitigation is available. However, the DEIR never considers such changes as limiting enrollment or staffing, or requiring housing to be constructed concurrent with increases in enrollment as potential mitigation, even though such changes could significantly reduce pollution emissions and other significant impacts disclosed in the DEIR. CEQA requires the EIR to consider such mitigation.</p> <p>The University cannot approve projects with significant environmental impacts if any feasible mitigation measure or alternative is available that will substantially lessen the severity of any impact. Pub. Resources Code § 21002; CEQA Guidelines § 15126.4(a). The University is legally required to mitigate or avoid the significant impacts of the projects it approves whenever it is feasible to do so. Pub. Resources Code § 21002.1(b). “In</p>	<p>The commenter incorrectly asserts that the Draft EIR ignores feasible mitigation that would minimize impacts. The commenter is directed to please see the responses to their earlier comments on this same subject. These include Responses A3-25 through A3-33. Please also see Master Response 8, Population Projections.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-35	<p>the case of the adoption of a plan, policy, regulation, or other public project [such as the LRDP Update], mitigation measures can be incorporated into the plan, policy, regulation, or project design.” CEQA Guidelines § 15126.4(a)(2). Mitigation is defined by CEQA to include “[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation.” CEQA Guidelines § 15370(b). In addition to proposing new “policies” as mitigation, mitigation should include changes in where development is planned, what kind of development is planned, and how dense or intense that development is planned to be.</p> <p>(d) The DEIR Fails to Adequately Mitigate the LRDP Update’s Substantial Increase of Local Population and Associated Housing Impacts for University Students and Other Berkeley Residents.</p> <p>As the DEIR acknowledges, the Bay Area is experiencing a housing crisis of epic proportions. DEIR at 5.12-10. Moreover, UC Berkeley students are experiencing this crisis through severe housing insecurity and, in some cases, homelessness.</p> <p>The LRDP Update includes a substantial increase in the campus population of 12,071 people, 8,500 of whom would be students. Table 3-1 (DEIR at 3-25). The DEIR indicates that “each UC university plans for and provides student housing based on local housing markets, historical construction rates, availability of university land and infrastructure, and student needs related to housing type, location, and affordability.” DEIR at 5.12-3. However, UC Berkeley has not historically provided sufficient housing to accommodate its campus population. (UC Berkeley has added 1,119 student beds through the end of 2018, leaving a balance of almost 1,500 student beds remaining under the 2020 LRDP’s development parameter of 2,600 student beds, which were intended to accommodate student enrollment of 10,000 fewer people than projected). In fact, a 2017 report prepared by the University’s Office of Planning and Analysis as part of the UC Berkeley Office of the Chancellor’s Housing Initiative (hereafter referred to as “Housing Survey”) found that the demand for campus housing significantly</p>	<p>The comment expresses concerns regarding the supply of UC Berkeley-provided housing. The comments are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. The comment also addresses Impact POP-1 and suggests additional mitigation measures to reduce this impact. Impact POP-1 appears on page 5.12-23 of the Draft EIR and states: “Impact POP-1: As a result of both direct population growth (from the construction of new UC Berkeley housing) and indirect population growth (from students and faculty/staff seeking non-UC Berkeley housing in Berkeley), the LRDP Update would accommodate a level of population growth that would exceed the current ABAG Projections for Berkeley.”</p> <p>The standard of significance for which Impact POP-1 was identified is whether the project would “induce substantial <i>unplanned</i> [emphasis added] 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)?” Through Mitigation Measure POP-1, UC Berkeley would provide an annual summary of LRDP enrollment and housing production data, including its LRDP enrollment projections and housing production projections, to the City of Berkeley and ABAG for projection purposes, ensuring that local and regional projections are prepared with knowledge of UC Berkeley enrollment and housing projections. This mitigation measure</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>outpaces supply and that UC Berkeley has the lowest percentage of beds for its study body of any UC campus in the State. See https://chancellor.berkeley.edu/task-forces/housing-initiative; Housing Survey Findings by UC Berkeley Office of Planning and Analysis, Fall 2017 at slide 2 available at https://housing.berkeley.edu/sites/default/files/pdf/HousingSurvey_03022018.pdf</p> <p>While the City is working to increase housing citywide, available and planned housing stock in the City is not sufficient to serve the existing gap between supply and demand, much less the increased demand that will occur with the projected enrollment increase. The dearth of housing available to students has resulted in housing insecurity for many of the University's students. For example, the University's Housing Survey found that ten percent of students have experienced homelessness while attending UC Berkeley, while the number for doctoral students is twenty percent. Housing Survey Findings at slide 10.</p> <p>Now, the LRDP Update projects a total campus population of 67,200 people by horizon year 2037. Table 3-1 (DEIR at 3-25). The LRDP Update includes plans for 11,731 beds for the estimated increase of 12,071 students, faculty, and staff, further adding to the housing deficit. Under the proposed LRDP Update, of the anticipated total campus population of 67,200, only about 31 percent of the University's population would be accommodated with planned housing (or 20,751 beds). [footnote 5] The remaining 70 percent of campus students, faculty, and staff would require housing off-campus, a large portion of which will look to housing in Berkeley. [footnote 6]</p> <p><i>Footnote 5: Even if one were to account for the approximately 1,000 units provided in the University Village, only about 32 percent of the campus population would be housed.</i></p> <p><i>Footnote 6: DEIR Appendix K acknowledges that the majority or 70% of</i></p>	<p>would ensure that growth under the LRDP Update is not unplanned, thereby reducing the CEQA impact to a less-than-significant level and no additional mitigation is required. Please see Master Response 5, Mitigation.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<i>UC Berkeley students and approximately 30% of UC Berkeley employees live in the City of Berkeley.</i>	<p>The DEIR acknowledges the shortage of University student and employee housing. DEIR at 3-3, 5.12-18. The DEIR also acknowledges that most of the additional campus population would live in Berkeley or nearby parts of the Bay Area. DEIR at 5.12-15, 5.12-17 to 18; Appendix K at Tables 1 and 4. The DEIR indicates that future development under the proposed LRDP Update would add up to 16,193 people to the city of Berkeley population (13,902 direct population growth + 2,291 indirect population growth), which is more than 60% percent of the projected growth for the City by 2037. DEIR at 5.12-22, 23. The DEIR concludes that this increase in population is a significant impact. Id. However, despite reaching an accurate conclusion, the DEIR fails to identify mitigation measures to minimize the impact.</p> <p>Instead, the DEIR identifies Mitigation Measure POP-1, which requires only that UC Berkeley provide annual summaries of LRDP enrollment and housing production data. DEIR at 5.12-23. The mitigation measure states that these annual summaries would serve to ensure “that local and regional planning projections account for UC Berkeley- related population changes.” Id. With this measure, the DEIR concludes that the significant impact associated with the population increase would be reduced to less than significant levels. Id. Yet, the measure does nothing to actually reduce the significant population growth or to address the housing shortage it will spur. A revised EIR should evaluate additional mitigation measures, including a requirement to actually construct the beds/housing units required to adequately house students and faculty; a plan to construct more beds/housing units than currently proposed; a requirement that construction of beds/housing be prioritized ahead of development of additional program buildings; and a requirement that construction of new beds/housing be timed to so that it is available prior to increasing enrollment. In addition, revised mitigation should include a</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-36	<p>contribution to the City’s Housing Trust Fund to fund housing projects such as the Ashby and North Berkeley BART Station Areas projects, annual updates on the University’s master leases in the City of Berkeley, and a requirement for the University to collect student, faculty, and staff information on an on-going basis to provide reliable aggregated data for future analyses.</p> <p>Moreover, as the City explained in previous comments on the Goldman School of Public Policy Project, a substantial number of housing units constructed in the City of Berkeley are being leased to the University for exclusive use by students. Specifically, multiple new developments built by private developments have been ‘master leased’ by the University and have been taken off the market for other users. These projects include the New Sequoia Apartments at 2441 Haste, the Garden Village Apartments at 2201 Dwight Way, and the Shattuck Studios at 2711 Shattuck. The City has also seen a trend of landlord preference to rent housing units to students, often at higher resident densities than usual and not in household arrangements. These trends combine to effectively displace non-student Berkeley residents from the housing market in the City. The lack of adequate campus housing for students reduces available supply of housing for nonstudent residents and displaces existing residents, including residents in historically low income neighborhoods such as South and West Berkeley. This has the effect of reducing the racial and economic diversity of Berkeley.</p> <p>The use of master leasing, whether through the purchasing of existing units or earmarking units that are proposed or under construction, places even more of a burden on the Berkeley community as this removes units from the general rental market, making it more difficult to achieve the City’s housing goals. While solutions to the student housing shortage should be multi-pronged, it should not be done at the expense of housing availability in the greater community.</p>	<p>This comment expresses concerns regarding master lease agreements and UC Berkeley’s population’s existing effects on the local housing market but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please see Master Response 14, Displacement.</p>
A3-37	<p>Homelessness—whether it results from students who are unable to afford housing or residents who are displaced by students living off</p>	<p>The commenter incorrectly states that the Draft EIR does not evaluate the potential displacement effects of the LRDP Update. The potential</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>campus and driving up rents—also leads to physical impacts on parks, streets and other public spaces, public safety issues related to homeless encampments locating in unsafe locations, and an increase in public health problems.</p>	<p>displacement effects of the LRDP Update are evaluated under impact discussion POP-2, on pages 5.12-25 to 5.12-26 of the Draft EIR, and identifies a significant impact. Please see Master Response 14, Displacement and Master Response 15, Gentrification.</p>
	<p>The DEIR fails to discuss any of the aforementioned impacts, particularly for the LRDP Update. See DEIR at 5.12-24 (where displacement is mentioned for the two housing projects, but not for the LRDP). It provides no data on current and anticipated housing stock within the City of Berkeley and surrounding communities. It provides no data regarding the number of homeless UC Berkeley students and fails to analyze how the substantial increase in campus population will contribute to higher housing insecurity for both students and residents of Berkeley.</p>	
A3-38	<p>In addition, the DEIR’s analysis of cumulative impacts with the respect to population and housing is inadequate. The DEIR fails to consider the following projects already in the City’s development pipeline:</p> <ul style="list-style-type: none"> - <u>3100 San Pablo</u>: re-tenanting vacant Marshant Building re-branded Foundry 31. In August 2020 ZAB approved approximately 17,700 square feet of an oncology testing laboratory and medical office and 69,800 square feet of research and development (R&D) space in an existing 402,742 square-foot building. - <u>1050 Parker</u>: 60,670 square-foot Kaiser medical office (under construction) - <u>600 Addison</u>: construct a research and development (R&D) campus containing two buildings totaling 461,822 square feet (Initial Study comment period closed March 11, anticipated ZAB review June, 2021) - <u>811 Carleton</u>: currently vacant Macaulay Foundry site - preserve or 	<p>As described on page 5-9, continuing onto page 5-10, of the Draft EIR, the CEQA Guidelines provide two approaches to analyzing cumulative impacts. The first is the “list approach,” which requires a listing of past, present, and reasonably anticipated future projects producing related or cumulative impacts. The second is the projections-based approach, where the relevant growth projections in an adopted general plan or related planning document designed to evaluate regional or area-wide conditions are summarized. A reasonable combination of the two approaches may also be used. The EIR preparers consulted with City staff from the City of Berkeley and the City of Oakland in preparing the cumulative projects list used in the Draft EIR. The cumulative impact analysis in the Draft EIR utilizes a combination of the two approaches, taking into consideration both regional growth projections prepared by ABAG and a list of pending development projects in the immediate vicinity of Housing Projects #1 and #2, pending projects on the UC Berkeley campus, and pending projects on the Lawrence Berkeley National Laboratory campus. This approach is consistent with CEQA Guidelines. Therefore, no revision to the Draft EIR is necessary.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>construct approximately 150,000 square feet of manufacturing and R&D (application under review)</p> <p>- <u>Steelwave</u>: 10 parcels in West Berkeley (Allston-Bancroft-Third-Fifth), many sites vacant, proposed for improvements and upgrades, tenanted with approximately 75,000 square feet of light manufacturing and R&D (pieces of applications and building permits under review)</p> <p>The City also has multiple plans that have either just been approved or are in process. These include:</p> <p>- <u>The Adeline Corridor Plan, adopted on Dec. 8, 2020</u>. This plan includes a buildout projection that represents the foreseeable maximum development that the City has projected can reasonably be expected to occur in the Plan Area through the plan horizon year (2040). This plan anticipates the development of 1,450 housing units and 65,000 square feet of commercial space.</p> <p>- <u>North Berkeley and Ashby BART Station Area Plan, NOP Circulated Nov 20, 2020</u>. This plan includes up to 1,200 dwelling units and 50,000 square feet of nonresidential space at the Ashby BART station, and up to 1,200 dwelling units and 25,000 square feet of non-residential space at the North Berkeley BART station.</p> <p>- <u>Southside Zoning Ordinance Amendments Project, Initial Study circulated July 2020, Draft EIR to be published May/June 2021</u>. This project includes zoning modifications that could result in up to 4,597 new units or 10,344 new residents in the Southside of the City.</p> <p>Finally, the DEIR fails to consider other cumulative projects outside of the City of Berkeley. Cumulatively, these projects would affect the City's</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-39	<p>population and housing calculus and should have been considered in the DEIR's analysis.</p> <p>D. The DEIR's Analysis of and Mitigation for the Project's Environmental Impacts Are Inadequate.</p> <p>The evaluation of a proposed project's environmental impacts is the core purpose of an EIR. See CEQA Guidelines § 15126.2(a) (“[a]n EIR shall identify and focus on the significant environmental effects of the proposed project”). The statute requires that the EIR identify measures that would effectively mitigate a proposed project's significant effects on the environment. Pub. Resources Code § 21002.1(a). As explained below, the DEIR fails to analyze the Project's numerous environmental impacts, including those affecting air quality, climate change, traffic and transportation, noise, geology, hydrology and water quality. It also fails to identify effective mitigation measures for the Project's significant effects.</p>	<p>The commenter incorrectly asserts that the Draft EIR analysis and mitigation are inadequate. Please see Master Response 5, Mitigation.</p>
A3-40	<p>1. The LRDP Update's Increased University Population Will Result in a Substantial Increase in Service Population That Will Significantly Impact the City's Public Services.</p> <p>The DEIR is especially lacking in its analysis of the LRDP's impacts to public services. Massive increased enrollment at the University results in direct and indirect impacts to a broad range of City services, including but not limited to, fire and emergency services and police services. Under CEQA a project has significant impacts if it would result in the need for new or altered facilities that would cause significant environmental impacts “in order to maintain acceptable service ratios, response times, or other performance objectives” for fire and police protection, schools, parks, and other public facilities. CEQA Guidelines Appendix G, § XV.a. Here, the Project will increase the University's enrollment and population by approximately 12,000 people, which has the potential to increase service ratios, decrease response times or negatively impact other performance standards for public services, as well as require new or</p>	<p>Impacts to police and fire protection services are addressed in impact discussions PS-1 through PS-4 in Chapter 5.13, Public Services, of the Draft EIR. Please see Response A3-32 addressing impact conclusions for these services, and service levels.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-41	<p>expanded facilities. Therefore, the DEIR has an obligation to fully adequately evaluate these impacts.</p> <p>2. The DEIR Fails to Adequately Analyze and Mitigation Impacts Related to Wildfire Risk.</p> <p>Wildfires pose one of the most serious risks to people and the environment in California today. California has recently endured two of the most devastating and deadly fire seasons on record. The 2018 wildfire season saw a total of over 7,500 fires burning an area of over 1,670,000 acres. This batch of wildfires included the Camp Fire, which killed at least 85 people in and around the rural foothill town of Paradise and destroyed more than 18,000 structures, becoming California’s deadliest wildfire on record. That same year, the Mendocino Complex Fire, which burned more than 459,000 acres, became the largest complex fire in the state’s history. This record was shattered last year when California’s August Complex Fire burned over 1 million acres, becoming the state’s first “gigafire.” See, https://www.smithsonianmag.com/smart-news/californias-first-ever-gigafire-blazes-through-state-scorching-more-one-million-acres-180976034/. By the end of 2020, nearly 10,000 fires had burned over 4.2 million acres, making 2020 the “largest wildfire season recorded in California’s modern history.” Over four percent of the state was on fire over the course of that year. And in the coming decades, climate change will continue to alter temperatures, winds, precipitation, and species, with potentially substantial fire hazard impacts. Noting this steady escalation in wildfire risk and severity, lawmakers have introduced legislation aimed at limiting or preventing development in wildfire areas. [footnote 7]</p> <p><i>Footnote 7: Proposed housing legislation encourages “green infill” (Gov. Code § 65852.150(6)) and specifically discourages new housing development, like the LRDP, in Very High Fire Severity Zones. See, e.g., id. § 65913.4(a)(6)(D) (projects proposed in “very high fire hazard severity</i></p>	<p>The comment states that “CEQA specifically requires lead agencies to analyze whether a proposed project would [e]xpose people or structures...to significant risk of loss, injury or death involving wildland fires.’ Guidelines, Appendix G, Section VIII.h.” This question is addressed in Chapter 5.18, Wildfire, of the Draft EIR under impact discussion WF-4.</p> <p>The comment incorrectly asserts that implementing the LRDP Update would increase evacuation times for the UC Berkeley population. The Draft EIR evaluates potential impacts associated with evacuation in Chapter 5.8, Hazards and Hazardous Materials, and in Chapter 5.18, Wildfire. As described in impact discussion WF-1, the proposed LRDP Update would accommodate an increase in UC Berkeley’s population and traffic congestion may increase over the life of the LRDP Update, which could adversely affect emergency response or evacuation routes in the event of an accident or natural disaster. Because the EIR Study Area is already densely developed and populated, most of the development under the LRDP Update would be infill, and increases in population would be gradual over the buildout horizon of the proposed LRDP Update. However, the buildout of the proposed LRDP Update would not result in substantial changes to circulation patterns, modes or transportation, or emergency access routes and would not block or otherwise interfere with use of evacuation routes. Therefore, the UC Berkeley and surrounding populations would continue to be able to utilize existing modes of transportation and major routes, such as main roadways throughout the city of Berkeley. Evacuation during a fire throughout the EIR Study Area would be dependent on peoples’ specific locations during the event, the location of the fire, and other details of the situation at hand. In the event of an emergency, as described on page 5.18-18, UC Berkeley has its own Emergency Preparedness Program and Emergency Operations Plan, and</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>zones” are not eligible for streamlining under SB 35); § 66300(f)(4) (Housing Crisis Act of 2019 does not apply to housing developments located in a very high fire hazard severity zone).</i></p>	<p>coordinates emergency preparations, response, and recovery activities under its Office of Emergency Management. Any potential development under the LRDP Update would be required to integrate these plans as necessary in order to continue their facilitation for the UC Berkeley population. Pursuant to CBP GEO-6, UC Berkeley will continue to implement programs and projects in emergency training, response, and recovery, and each campus Building Coordinator will continue to prepare, and update as needed, building response plans that will continue to account for changes in UC Berkeley’s population and building occupancy. In addition, potential development would be required to comply with applicable regulations that involve fire prevention and safety measures, such as the California Building Code and California Fire Code. Examples of relevant measures in these regulations include adequate egress capability and identification of evacuation areas.</p>
	<p>Despite the severe risks associated with wildfires, the DEIR failed to adequately analyze how the addition of residents and increase in density in a Very High Fire Hazard Severity Zone (“VHFHSZ”) would impact the campus population and the environment. First, the DEIR fails to analyze whether implementing the LRDP would increase evacuation times for the campus population. CEQA specifically requires lead agencies to analyze whether a proposed project would “[e]xpose people or structures...to significant risk of loss, injury or death involving wildland fires.” Guidelines, Appendix G, Section VIII.h. CEQA also requires an EIR to discuss any “health and safety problems caused by physical changes” in the environment and any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected.” Guidelines, § 15126.2(a). Here, where the University has proposed a project that would add approximately 12,000 people to the campus population over the next 15 years in a VHFHSZ, those risks unquestionably exist and a thorough analysis of these impacts is crucial. Guidelines, Appendix G, Section VIII.h. The DEIR’s analysis of fire evacuation risk is utterly deficient. Rather than analyzing the impacts of increased density on emergency evacuations, the DEIR asserts that compliance with existing regulations and the LRDP’s objectives related to reducing wildfire risk will reduce impacts to less than significant levels. DEIR at 5.18-19. Compliance with existing regulations is required by law, but is inadequate to reduce wildfire hazard impacts to an insignificant level in the wildland urban interface. In addition, the DEIR provides no evidence that the stated objectives will reduce impacts.</p>	<p>The comment also states that “Compliance with existing regulations is required by law, but is inadequate to reduce wildfire hazard impacts to an insignificant level in the wildland urban interface.” The regulations described in Chapter 5.18, Wildfire, of the Draft EIR, improve the life safety of proposed structures, as well as response to wildfire hazards. For example, Chapter 7A of the California Building Code includes standards for ignition-resistant and fire-retardant materials and venting requirements, among others. The State, UC Berkeley, and local emergency preparedness programs, hazard mitigation plans, and other relevant regulations or safety plans work to reduce the likelihood of a wildfire event as well as prepare for and respond to wildfire emergencies. The commenter does not explain why, in the opinion of the commenter, compliance with these requirements would be inadequate in reducing hazards. The Draft EIR does identify impacts associated with the project as it relates to fire protection and wildfire, and as a result includes Mitigation Measures WF-2a, WF-2b, WF-3, WF-4, and WF-5.</p>
	<p>Given the state’s recent experience with devastating fires, common sense dictates that an EIR should at least consider (1) the estimated number of cars attempting to evacuate the Project area; (2) the amount of time</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>needed to implement a full evacuation of the Project area; (3) an assessment of whether the evacuation could be accomplished within an acceptable time period; (4) an evaluation of the adequacy of the primary evacuation routes; and (5) any impacts to emergency personnel attempting to respond while an evacuation is underway. See <i>Save the Plastic Bag Coal. v. City of Manhattan Beach</i> (2011) 52 Cal.4th 155, 175 (“Common sense ... is an important consideration at all levels of CEQA review”). The EIR, however, contains no meaningful analysis.</p>	
	<p>The eastern portion of the UC Berkeley campus and portions of the City Environs are located within a VHFHSZ. DEIR Figure 5.18-1 and 5.18-2 Fire Hazard Severity Zones at 5.18- 12 and 13. Because wildfire risk is part of the existing landscape, it is especially important for UC Berkeley to provide adequate analysis and implement effective mitigation measures to minimize safety risks to the extent possible.</p>	
	<p>Unfortunately, as discussed further below, the DEIR falls short in both instances.</p>	
	<p>UC Berkeley has identified potential areas of new development and redevelopment that could accommodate additional housing on the Clark Kerr Campus and the City Environs Properties. DEIR at 3-13. However, some of these areas are within the VHFHSZ. For example, the LRDP proposes to add residential beds on the Clark Kerr campus and at the Foothill La Loma building north of the campus core and west of the Lawrence Berkeley National Laboratory, for a total increase of 1,598 beds. DEIR at 3-13 and Table 3-2 at 3-27 and 3-28. Both of these areas are identified as being the VHFHSZ. DEIR at Figure 5.18-1. The DEIR acknowledges that potential future projects within the Hill Campus East area would result in significant unavoidable impacts even with identified mitigation. DEIR at 5.18-23. However, the DEIR fails to evaluate impacts</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-42	<p>from increasing residential density on the Clark Kerr Campus and City Environs properties within the VHFHSZ.</p> <p>Moreover, the DEIR’s proposed mitigation measures associated with the project exacerbating wildfire risk are insufficient. Here the DEIR proposes continued implementation of CBPs that call for compliance with state regulations, continued implementation of the Wildland Vegetation Fuel Management Plan and programs to reduce wildland fires, and continued collaboration with other agencies. DEIR at 5.18-22. The DEIR identifies mitigation measure WF2a and WF2b, which call for new development projects to prepare Wildfire Management Plans and for vegetation and wildland management activities to comply with state regulations. DEIR at 5.18-23. However, these measures fail to address the impacts of increased fire risk at the programmatic level.</p> <p>Importantly, while the DEIR acknowledges that Alameda County has an updated Community Wildfire Protection Plan (“CWPP”) that includes specific recommendations for reducing wildfire risk, the LRDP fails to incorporate these recommendations.</p> <p>Specifically, the Alameda County CWPP recommends increasing public awareness of hazard conditions; restricting certain equipment or work during high fire danger weather; maintaining and enforcing defensible space around buildings and reducing fuel sources adjacent to buildings; planting fire-resistant plants and using fire-resistant building materials; managing vegetation responsibly; and creating collaborative partnerships between local communities, natural resource, and fire response groups. DEIR at 5.18-6. A revised and recirculated DEIR should include all of these recommendations as specific mitigation measures that would be applied to all future development projects.</p>	<p>Mitigation Measure WF-2a would require the development of a Wildfire Management Plan, which would include, among other requirements, project-specific plans for vegetation management, emergency evacuation, and post-fire hazard mitigation, and regular inspections of electrical infrastructure, and plans for post-fire hazard mitigation, which would therefore minimize fire risks or post-fire risks for relevant projects under the LRDP. Mitigation Measure WF-2b would require compliance with Public Resources Code Section 4442, which requires that engines that use hydrocarbon fuels be equipped with a spark arrester and maintained in effective working order, which would also serve to reduce risk of fires starting from use of construction equipment. The commenter does not explain why, in the opinion of the commenter, compliance with these requirements would be inadequate in reducing hazards.</p> <p>The Draft EIR goes on to conservatively explain on page 5.18-23 that even with implementation of these two mitigation measures, as well as implementation of CBP WF-1 through CBP WF-4 and incorporation of other relevant regulations, it is because of potential unknown impacts from future development within the Hill Campus East under the proposed LRDP Update that impacts at the programmatic level would remain significant and unavoidable.</p> <p>The comment also states that the LRDP fails to incorporate recommendations from the Alameda County Community Wildfire Protection Plan. This plan is described in Section 5.18.1.1, Regulatory Framework, and it is also explained on page 5.18-5 of Chapter 5.18, Wildfire, in the Draft EIR, as a constitutionally created State entity, UC Berkeley is not subject to municipal regulations of surrounding local governments. Please also see Master Response 2, Constitutional</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-43	<p>In addition, as the DEIR itself acknowledges, the City of Berkeley has Fire Zone overlays with requirements for fire resistance. DEIR at 5.18-8. However, the DEIR fails to evaluate the LRDP’s consistency with these requirements.</p> <p>The Public Services and the Wildfire sections fail to mention the Berkeley Building Code Chapter 19.28.030 that amends the basic California Building Code language contained in the main building code to further address fire danger. This chapter applies to building materials, systems, and/or assemblies used in the exterior design and construction of new buildings and structures, additions, alterations, repairs and re-roofs located within a Wildland-Urban Interface Fire Area. Examples include but are not limited to roof materials, spark arrestors, exterior wall coverings, undergrounding of utilities, fire warning systems, and automatic fire sprinklers. To reduce potential significant impacts, and because UC Berkeley relies on the Berkeley Fire Department for fire protection services, the Mitigation Measures for Wildfire must incorporate implementation of Berkeley Building Code Chapter 19.28.030 or the contents there of.</p>	<p>Exemption from Local Regulations. UC Berkeley has similar procedures in place related to wildfire and hazardous situations, including an Emergency Preparedness Program, Emergency Operations Plan, Wildland Vegetative Fuel Management Plan, Campus Design Standards, and CBPs, as described in Section 5.18.1.1. These along with applicable State regulations such as the California Fire Code and California Building Code, among others, include strategies such as maintaining defensible space, managing vegetation, using fire-resistant building materials, and having emergency operations and evacuation plans in place in the event of a wildfire. The proposed project is not required to incorporate the County’s recommendations from the Community Wildfire Protection Plan as specific mitigation measures in the Draft EIR.</p> <p>As explained on page 5.18-5 in Chapter 5.18, Wildfire, of the Draft EIR, as well as in more detail in Master Response 2, Constitutional Exemption from Local Regulations, UC Berkeley is constitutionally exempt from local governments’ regulations whenever using property under its control in furtherance of its educational mission. As stated in City of Berkeley Municipal Code Chapter 19.28, Berkeley Building Code, Section 19.28.010, Adoption of the California Building Code, and Chapter 19.48, Berkeley Fire Code, Section 19.48.010, the City of Berkeley adopts by reference the California Building Code and the California Fire Code. As described in Chapter 5.18, Wildfire, in Section 5.18.1.1, Regulatory Framework, the proposed project would be required to comply with the California Building Code and the California Fire Code, which includes standards for ignition-resistant and fire-retardant materials and venting requirements, among others. The recommended mitigation measures from the commenter are already addressed through standard regulatory compliance and are not necessary. Please see Master Response 5, Mitigation.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-44	<p>3. The DEIR Fails to Disclose or Mitigate Impacts to Fire and Emergency Medical Services.</p> <p>The DEIR’s evaluation of LRDP-related impacts to fire protection and emergency medical services is deficient. The DEIR acknowledges that the Project would increase the service population for fire protection. DEIR at 5.13-16. Yet, the DEIR presents a truncated analysis of the impacts related to increasing the University’s population and density.</p> <p>While UC Berkeley has its own fire inspection and code enforcement personnel, it does not employ firefighters or Emergency Medical Services (“EMS”) staff. As a result, the Berkeley Fire Department (“BFD”) provides the vast majority of fire and emergency medical protection for the campus. The City estimates that 37 percent of the BFD’s total cost of service in 2018 was attributable to the University. See, Letter from Tim Burroughs, City of Berkeley, to Raphael Breines, UC Berkeley dated April 12, 2019, Attachment A, Memorandum from Economic & Planning Systems, Inc. March 27, 2019 at pps. 3 and 4. As described below, actual BFD costs attributable to the University could be even greater due to the complex firefighting and emergency medical services environment created by the unique, high-density and/or high capacity structures owned and operated by UC Berkeley.</p> <p>In addition, UC Berkeley and Berkeley Labs have extensive amounts of hazardous materials, including nuclear hazards, which require high risk operations by Berkeley firefighters. The unique circumstances of the campus, its buildings, facilities (stadium, labs, etc.) and chemical, biological, nuclear and other materials requires special training that would not be required of a normal fire department, and exposes BFD to significant additional risk, far above and beyond a normal fire department. In addition, the campus topography, tall buildings, canyon, location on the Hayward fault, vegetation, large venues such as Memorial</p>	<p>While the proposed project accommodates an increased UC Berkeley population that would place a greater demand on BFD services, as described on page 5.13-17, in Chapter 5.13, Public Services, of the Draft EIR, CEQA analyzes the impacts of the proposed project that would result in physical changes to the environment through the construction or modification of facilities that could result in environmental impacts. Many of the specific sites or hazards mentioned in the comment, including hazardous materials, laboratories, tall buildings, Strawberry Canyon, location along the Hayward Fault, large venues such as Memorial Stadium, Edwards Stadium, Haas Pavilion, Greek Theater, and Zellerbach Hall, are existing, and not additions due to the proposed project. Finally, as explained on page 5.13-18 of the Draft EIR, “if and when the City of Berkeley would decide to construct a new facility in order to accommodate additional resources, UC Berkeley would negotiate its proportional share of funding for the mitigation of any environmental impacts resulting from the construction of the facility.”</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-45	<p>Stadium, Edwards Stadium, Hass Pavilion, Greek Theater, and Zellerbach Hall all are hugely impactful to our firefighters and paramedics.</p> <p>The increase in building height and densities, such as is found with higher density apartment buildings to accommodate students, also present unique challenges for fire fighters and medical personnel. Personal Communication, J. Klein, Director of Planning, City of Berkeley and D. Brannigan, Fire Chief, City of Berkeley, October, 2020.</p> <p>Responding to calls for service in these housing environments requires twice the staff on fire engines and trucks because these calls require evacuation and management of hundreds of people. Id. Nonetheless, the DEIR claims that the dramatic expansion of student enrollment will not increase the need for expanded services and dismisses potential impacts as insignificant, without any analysis or support. DEIR at 5.13-18. To the contrary, the dramatic increase correlates with an increase in the City’s residential population, which in turn will result in an increase in service calls for fire protection and for emergency medical services provided by the BFD. Having failed to adequately evaluate the Project’s impacts on response times and service level, the DEIR also fails to identify mitigation for this impact. Once again, the DEIR relies on vague “Best Practices” to mitigate any impacts. Id.</p> <p>The DEIR acknowledges that “projected population growth and development proposed by UC Berkeley over the buildout horizon of the proposed LRDP Update would require significant additional resources and facilities in order for the BFD to adequately respond to calls for service.” DEIR at 5.13-17. These resources would include an aerial ladder truck, type 1 fire engine, ambulance, mobile air supply truck, and a battalion chief to accommodate the increased density and height of projects under the proposed LRDP Update. Id. The DEIR also acknowledges that BFD would require a new facility close to the Campus Park to house these additional resources, and the BFD’s Division of</p>	<p>While service levels are important, CEQA is concerned with the physical impacts to the environment that would result from the construction of new or modified facilities, and as described, the BPD would not need to construct new or modified facilities. For addressing service levels, UC Berkeley would implement CBP PS-2: “UC Berkeley will continue its partnership with the Lawrence Berkeley National Laboratory, Alameda County Fire Department, OFD, and Berkeley Fire Department to ensure adequate fire and emergency service levels to UC Berkeley facilities. This partnership will include consultation on the adequacy of emergency access routes to all new UC Berkeley buildings. UC Berkeley will also continue to work closely with external fire management partners related to regional wildfire prevention, including the Hills Emergency Forum, Diablo Firesafe Council, and various neighborhood groups and internal interdisciplinary planning teams.”</p> <p>As described in impact discussion PS-3 in Chapter 5.13, Public Services, of the Draft EIR, “As determined under <i>City of Hayward v. Trustees of the California State University</i> (242 Cal.App.4th [2015]), it is not UC Berkeley’s responsibility to build a new fire station, but only to mitigate the physical impacts of construction of such facilities if they are determined necessary as a result of the proposed project, which is not the case as described in the Draft EIR. Therefore, if and when the City of Berkeley would decide to construct a new facility in order to accommodate additional resources, UC Berkeley would negotiate its proportional share of funding for the mitigation of any environmental impacts resulting from the construction of the facility. Because the BFD would expand to meet the needs of the growing community and UC Berkeley population, with or without the proposed LRDP Update, the impact generated by the implementation of the proposed LRDP Update related to fire protection services would be less than significant.”</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Training building would need to be expanded to meet additional training demands of a larger department. Id.</p> <p>Rather than identifying need for expanded facilities described above as a significant impact of the LRDP, the DEIR points to CBP PS-2 as a means to minimize the impact. DEIR at 5.13-17, -18. CBP PS-2 provides for a “partnership” with Lawrence Berkeley National Laboratory, Alameda County Fire Department, OFD, and Berkeley Fire Department to “ensure adequate fire and emergency service levels to UC Berkeley facilities.” Id. But the CBP fails to include performance standards and fails to include any information whatsoever regarding what this partnership would entail and how it would “ensure” adequate service levels. Such unenforceable CBPs that are largely hortatory and vague cannot be relied upon to reduce impacts.</p> <p>Moreover, the DEIR also improperly relies on the Project’s compliance with existing regulations to conclude that the LRDP would not result in significant impacts related to an induced need for new facilities. DEIR at 5.13-18; id. Under CEQA, a lead agency may not rely on compliance with existing statutory and regulatory obligations to conclude that a project will not result in impacts. <i>Protect the Historic Amador Waterways v. Amador Water Agency</i> (2004) 116 Cal.App.4th 1099, 1108-09 (environmental effect may be significant despite compliance with such requirements). Even if a project complies with all applicable regulations, the project is still subject to CEQA’s full disclosure requirements. <i>Kings County Farm Bureau v. City of Hanford</i> (1990) 221 Cal.App.3d 692, 716-17. Consultation and compliance with other agencies’ rules do not cure the errors in an environmental document that “leave the reader in the dark about what land management steps will be taken, or what specific criteria or performance standard will be met.” <i>County of Merced</i>, 149 Cal.App.4th at 670. Here, because the DEIR fails to assure that complying with other agencies’ permitting requirements will actually mitigate the</p>	<p>Accordingly, the commenter’s assertion that the Draft EIR includes deferred mitigation is incorrect as no mitigation measures are required. With respect to deferred mitigation, please see Master Response 5, Mitigation. With respect to evacuation, please see Response A3-41.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Project’s impacts on water quality, the document leaves “the reader in the dark.” Id.</p>	
	<p>The DEIR concludes that it is not UC Berkeley’s responsibility to build the required fire station. DEIR at 5.13-18. Instead, the DEIR asserts that the University would “negotiate” its proportional share of funding for the mitigation of any environmental impacts resulting from the construction of the facility. The DEIR then concludes that the LRDP’s impacts would be less than significant because the BFD would expand to meet the needs of the growing community and UC Berkeley population, with or without the proposed LRDP Update. Id. This approach does not comply with CEQA. Given that the LRDP will facilitate increased enrollment and increased population, both on and off campus, that will result in the need for new and expanded fire-fighting facilities, the DEIR must identify the need for new facilities as a significant impact and identify feasible mitigation measures to reduce impacts. Saying that the University will “negotiate” its mitigation in the future improperly defers mitigation without any performance standard, and in fact suggests, contrary to law, that the University’s compliance with this measure is wholly voluntary. In the absence of a mitigation measure specifying that the University would pay its fair portion of the cost to construct additional facilities, the City cannot be assured that UC Berkeley will make such a contribution.</p>	
A3-46	<p>The DEIR also improperly includes mitigation measures for public safety impacts (i.e., the promise to negotiate a fair-share contribution) as part of the project description. CEQA requires that the Project’s significant impacts must be determined first, and then the EIR must identify enforceable mitigation that will “offset” the impacts. See <i>Lotus v. Dept. of Transportation</i> (2014) 223 Cal.App.4th 645, 655-56, 658 (rejecting EIR that relied on project designs to find no significant impact, instead of identifying significant impacts and considering potential mitigation measures). In <i>Lotus</i>, the court held that an EIR was legally inadequate where it assumed certain mitigation techniques would be incorporated into the project, and thus the EIR did not disclose the impacts of the</p>	<p>Consistent with CEQA, the Draft EIR describes the project as proposed, and identifies mitigation measures were required to address potential impacts that could be created by the proposed project in line with the standards of significance in Appendix G of the CEQA Guidelines.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>project without those special techniques. See id. 655-56. Further, the court in Lotus criticized the EIR’s failure to consider whether other possible mitigation measures would be more effective than the ones that were assumed to be incorporated into the Project. Id. at 657. Here, by listing what are effectively mitigation measures as part of the Project, the EIR replicates the error made by the agency in Lotus.</p>	
A3-47	<p>Finally, the DEIR concludes that the LRDP would exacerbate wildfire risks and result in significant unavoidable impacts related to the development of projects within the Hill Campus East, which is in a Very High Fire Hazard Severity Zone and related to installation and maintenance of infrastructure. DEIR at 2-31, 2-32, 5.18-22 to 23, 5.18-25 to 26. These impacts would translate to additional services by BFD and potentially for additional equipment to address wildfires. The DEIR does not consider these wildfire impacts in its analysis of impacts to fire and emergency services.</p>	<p>While the BFD, as well as other fire protection services in the area such as the Alameda County Fire Department, Oakland Fire Department, and CAL FIRE, would be responsible for responding in the event of a fire within their service area, the instance of a wildfire does not necessarily translate to the BFD requiring new or expanded facilities, nor do impacts that a project has related to wildfire. The impact to public services that CEQA is concerned with is the physical impacts to the environment that would result from the construction of facilities related to public services, that would be required due to the proposed project, per Appendix G of the CEQA Guidelines, which is evaluated in impact discussion PS-3 and PS-4 of the Draft EIR.</p>
A3-48	<p>4. The DEIR Fails to Adequately Analyze and Mitigate Impacts to Police Services.</p> <p>The DEIR’s evaluation of Project-related impacts to police protection services is equally deficient. The DEIR acknowledges that the City provides police services to the University, but presents outdated information on Berkeley Police Department’s (“BPD”) current staffing. DEIR at 5.13-4. Specifically, the DEIR states that the BPD has 285 full time equivalent employees; however, recent budget cuts have resulted in a reduced number of positions so that the department has only 248 full time equivalent employees with 157 sworn officers budgeted.</p> <p>The DEIR also acknowledges that the City is experiencing reduced police staffing due to budget reductions. Id. Yet, the DEIR provides no information about the ramifications of this reduced level of service. At the same time, the DEIR acknowledges that the UC Berkeley Police</p>	<p>The comment incorrectly states that the Draft EIR lists that the Berkeley Police Department has 285 full-time-equivalent employees. On page 5.13-4, the Draft EIR states that there are 269 full-time-equivalent employees. This was based on information obtained directly from the City of Berkeley on October 30, 2020, pursuant to an information request during the preparation of the Draft EIR. This communication is included in Appendix L, Agency Correspondence, of the Draft EIR.</p> <p>When the Upper Hearst Development for the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan Draft Supplemental Environmental Impact was prepared in 2018, UCPD’s service ratio goal of police officers per population was 1.6 per 1,000. UCPD now has a minimum staffing level</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Department’s (“UCPD”) staffing is below its staffing level goal, which is stated to be “one sworn officer per 1,000 members of the UC Berkeley population.” DEIR at 5.13-6. [Note that this figure conflicts with UC Berkeley’s stated goal of 1.6 officers per 1,000 campus population presented in the 2019 SEIR for the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan. SEIR at 153.] The DEIR states that current UCPD staffing is at 0.9 sworn officers per 1,000. DEIR at 5.13-06. The DEIR then states that the University “has not identified a need to expand its police facilities during the 2036-37 buildout horizon of this analysis.” The DEIR fails to provide any information on the process the University followed to determine that there is no need for additional staffing for the UCPD.</p> <p>This conclusion is particularly curious given that the 2019 SEIR acknowledged that the increased enrollment at that time exacerbated the University’s police department staffing shortfall. In 2019, the SEIR disclosed that the UCPD had 68 sworn officers for a service ratio of 1.2 per 1,000 members of the UC Berkeley population. SEIR at 153. Now, the number of UCPD sworn officers is down to 48 for a ratio of 0.9 per 1,000. Assuming UCPD maintains the current staffing, the ratio of sworn officers to UC Berkeley population will go down further to 0.7 during the buildout horizon of the LRDP $[(48 \text{ sworn officers}) \times (1,000) / 67,200]$, or less than half the stated goal ratio for sworn officers from 2019. The DEIR fails to disclose this reduced service ratio or to evaluate the Project’s inconsistency with UCPD’s staffing goals whether the goal is 1.6 officers per 1,000 or 0.9 officers per 1,000.</p>	<p>goal of one police officer per 1,000 members of the total UC Berkeley population, as stated on page 5.13-6 of the Draft EIR.</p> <p>The comment states that the Draft EIR “fails to disclose this reduced service ratio” regarding future UC Berkeley Police Department staffing levels. The comment suggests that the staffing levels would remain stagnant through the horizon of the LRDP Update, which is speculative and conflicts with UC Berkeley’s goal, as stated in the comment and on page 5.13-6 the Draft EIR, of one sworn officer per 1,000 members of the UC Berkeley population. In addition, while staffing levels are important to public services in general to maintain an effective level of service, CEQA is concerned with the physical impacts of a project on the environment. Regarding public services, and in accordance with Appendix G of the CEQA Guidelines, CEQA is concerned specifically with whether a project would result in substantial adverse physical impacts associated with the need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police services. While there are deficiencies in police staffing levels for the City of Berkeley and UC Berkeley, as described on page 5.13-6 and 5.13-7 of the Draft EIR, this does not result in the need for expanded facilities, the construction of which could result in environmental impacts, resulting in a less-than-significant impact.</p>
A3-49	<p>The DEIR also fails to evaluate the impacts of relying more heavily on the City’s police department to fill the gap in services and it fails to analyze potential changes in response times due to the increased service population. Rather than conducting this evaluation of impacts to policing services in the context of the proposed development under the LRDP Update, the DEIR concludes that because the LRDP does not expand the service area, increases in demand for police services would be</p>	<p>While service levels are important aspects of public services, CEQA is concerned with physical impacts to the environmental that result from the construction or modification of public service facilities, as included in Appendix G of the CEQA Guidelines. The comment incorrectly states that the less-than-significant impact on police services is only due to the fact that the proposed project would not expand the service area of the BPD or UCPD. As described on page 5.13-6 and 5.13-7 of Chapter</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>incremental and resulting impacts would be less than significant. DEIR at 5.13-5. The DEIR fails to provide any evidence to support this conclusion.</p> <p>Whether or not implementation of the LRDP would expand the geographic service area is beside the point. Common sense dictates that increasing population density is likely to increase the need for police services, because it is people who call the police, not buildings. UCPD relies on BPD for such police services as training programs, special events security, and investigation of serious crimes. DEIR at 5.13-3. In addition, BPD provides extensive back up and off campus services related to the student population and the University. With the limited amount of on-campus housing, more students live off campus and thus within the sole jurisdiction of BPD. The City's recent experience serving new student housing facilities off-campus strongly indicates that the planned massive enrollment increase will adversely affect response times. For example, the BPD routinely directs several officers in the nuisance abatement unit to monitor and respond to calls in the Clery crime reporting area of the City, which is predominantly occupied by students. An increase in off-campus student housing to accommodate the large enrollment jump will require increased police services.</p> <p>UCPD and BPD staffing reductions will impact community safety by increasing response times and reducing services. For the City, rebuilding to previous staffing levels is estimated to take at least two to three years, depending on the City's budget resources, and staffing needed to recruit, hire, and train new personnel. With the return of the full University student and staff population post-COVID 19, the City may not be able to staff certain assignments (e.g., bike patrol to increase neighborhood safety) and to provide pre- COVID level services.</p> <p>Moreover, the DEIR fails to address the University's need to rely on City of Berkeley police services for large scale, and sometimes unplanned or unpredictable, events connected to campus activities or historically</p>	<p>5.13, Public Services, of the Draft EIR, "City staff has indicated that BPD facilities would not need to be expanded due to the proposed project; however, anticipated staffing reductions in 2021 would impact community safety by increasing response times and reducing services. The reduction in staff has been due to the COVID-19 pandemic and budgetary decisions. The BPD indicated that increasing its staffing to previous levels will take several years depending on budget and departmental resources. Currently, the BPD has potential development plans to expand its Communications Center within the headquarters building in order to increase dispatch staff and consoles and address existing deficiencies. Because the BPD has indicated it would not need new or physically altered police facilities as a result of the proposed LRDP Update, and the UCPD also does not require new or physically altered police facilities due to the proposed LRDP Update, impacts to police services in this regard would be less than significant."</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>significant locations. These services require a significant commitment of City resources both in terms of service hours and fiscal resources, and likely correspond to reduced service ratios and increased response times that may necessitate the need for additional personnel and equipment. The DEIR fails to analyze these impacts and its conclusion that impacts related to police protection services would be less than significant lacks evidentiary support.</p> <p>Finally, the DEIR takes the position that these increased response times and thus reduction in services are irrelevant as long as the City has no imminent plans to build new facilities. Of course, if the City does not have the resources to increase staff, it may be unnecessary to build new facilities at this time. However, the LRDP is the University's long-range planning document. It is short-sighted and irresponsible for the University to take the position that it will continue to increase enrollment without providing either increased campus security services or the resources the City needs to ensure the safety of the University community. As part of the LRDP effort, the University must take a responsible approach to development that ensures all projected growth can be safely accommodated.</p>	
A3-50	<p>5. The DEIR Fails to Adequately Analyze and Mitigate the Transportation Impacts Resulting from the LRDP.</p> <p>Along with Kittelson & Associates, the City has have reviewed the relevant sections of the DEIR pertaining to transportation. We have determined that the DEIR fails to adequately analyze and mitigate the Project's transportation impacts. Set forth below is a summary of our conclusions. We direct you to the full Kittelson Report (Exhibit A) for a detailed description of the DEIR's deficiencies.</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses A3-51 through A3-71.</p>
A3-51	<p>(a) The DEIR's Inadequate Project Description Makes It Impossible to Evaluate the Project's Transportation Impacts.</p> <p>According to the DEIR, the LRDP would improve upon UC Berkeley's</p>	<p>Please see Response A3-14 regarding the level of detail provided in the Draft EIR for transportation improvements.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>existing Transportation Demand Management (“TDM”) strategies to reduce drive-alone mode shares. This would involve “an updated pedestrian network on the Campus Park and the Clark Kerr Campus,” “an updated bicycle network on the Campus Park and the Clark Kerr Campus,” “Campus Park Edge Improvements,” and enhanced transit and shuttle service.” DEIR at 3-16 through 3-18. The DEIR does not identify or describe any of these specific improvements. In the absence of a detailed description of these project components, it is not possible to evaluate how growth associated with the LRDP would impact the local and regional transportation network (roads, bicycle and pedestrian). The revised DEIR must provide specific information regarding these key components of the LRDP. In particular there needs to be a clear definition of the “Campus Park Edge Improvements” and explanation of the boundaries of the Campus Park Edge that accounts for safety, capacity, and functionality of the pedestrian, bike, and transit facilities between the Campus Park and the off-campus facilities to and from which students, faculty and staff may travel. Such off-campus facilities should include student housing, administrative and educational facilities, transit stops, existing low stress bike routes, parking, and other public or private facilities commonly used by the campus community.</p>	
A3-52	<p>In addition, the DEIR simultaneously refers to UC Berkeley’s CBPs as part of the proposed LRDP and as mitigation for the LRDP’s impacts. See e.g., DEIR at 3-24 (“[t]he proposed project includes updates to the existing CBPs to reflect evolving standards, practices, and current regulations”); DEIR at 5.15-49 (“[a]s part of the proposed project, UC Berkeley and future development projects would implement the transportation (TRAN) CBPs”); DEIR at 5.15-58 (“with adherence to these CBPs during the construction phase of potential future development projects, impacts during the construction phase would be less than significant”). Project elements are not “mitigation.” An EIR must “separately identify and analyze the significance of impacts. . . . before proposing mitigation measures.” Lotus, 223 Cal.App.4th at 658. When an agency folds discussion of mitigation into discussion of the project and impacts, this</p>	<p>As described in the Draft EIR Chapter 5, Environmental Analysis, on page 5-3, UC Berkeley currently implements CBPs to ensure environmental impacts that could result from development projects and ongoing UC Berkeley operations are reduced and/or avoided to the greatest extent feasible. CBPs are actions that UC Berkeley will continue to implement through the life of the proposed LRDP Update. CBPs comprise regulations, applicable codes, best management practices, and UC Berkeley’s Campus Design Standards. Please see Response A3-4 and Master Response 6, LRDP and LRDP Implementation, for additional discussion on UC Berkeley CBPs.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-53	<p>“subverts the purposes of CEQA,” because it results in omission of “material necessary to informed decision-making and informed public participation.” Id.; see also <i>Cleveland National Forest Foundation v. San Diego Assn. of Govs.</i> (2017) 17 Cal.App.5th 413, 433 (questioning whether measures already incorporated into a project “even qualify as mitigation measures”).</p> <p>(b) The DEIR Lacks Basic Data Necessary to Evaluate the Project’s Transportation Impacts.</p> <p>The LRDP would increase enrollment by 5,068 undergraduate students, 3,424 graduate students, and 3,579 faculty/staff (DEIR at 3-25), yet the DEIR does not estimate the number of people walking, biking, taking transit, and driving that would be generated by the Project. It also fails to analyze how the increase in traffic (all modes) would affect transportation and circulation and traffic safety or how the increase in traffic has the potential to exacerbate existing deficiencies in the transportation network. Nor does the DEIR address how exacerbation of existing deficiencies and capacity limitations in the transportation network may limit the viability of their proposed TDM efforts, or how use of some alternative modes such as rideshare via Transportation Network Companies may reduce one impact (parking demand) and increase another impact (vehicle trips) with the potential to have a net increase in detriment to the environment and public safety.</p>	<p>Please see Response A3-23 regarding the information provided in the transportation impact analysis. The capacity of the transportation network and systems to serve new demand is irrelevant to the five CEQA Checklist transportation criteria in this Draft EIR; because the LRDP does not propose transportation infrastructure or system changes that would obstruct the City of Berkeley’s or other agencies’ ability to implement transportation policies or projects, create hazardous conditions, or adversely affect emergency access, the Draft EIR correctly finds that the proposed LRDP would have a less than significant impact with respect to the CEQA Checklist criteria. With regard to the viability of the proposed TDM efforts if transportation capacity deteriorates, Draft EIR Mitigation Measure TRAN-1 presents an ongoing process by which UC Berkeley will monitor its population’s travel practices and tailor the transportation services under its control to meet the evolving needs of commuters. This process allows UC Berkeley to adjust to changing conditions over the life of the LRDP.</p>
A3-54	<p>(c) The DEIR’s Transportation Analysis Relies on a Truncated Study Area.</p> <p>The DEIR’s analysis focuses on Campus Park and does not analyze potential impacts to the Campus Hills East, Campus Hills West, Clark Kerr, City Environs, or other planning areas that would occur as a result of implementation of the LRDP. See Kittelson Report at 16. CEQA requires that an EIR analyze environmental impacts over the entire area where one might reasonably expect these impacts to occur. See Kings County Farm Bureau, 221 Cal.App.3d at 721-24. This principle stems</p>	<p>First, it is noted that this comment relates to a comment in the Kittelson letter, page 16; this page reference appears incorrect, and the correct page number reference appears to be page 2. The comment is incorrect that the EIR Study Area does not include the Campus Hills East, Campus Hills West, Clark Kerr Campus, and City Environs Properties zones, and it is not stated what “other planning areas” are being requested. The other land use zones noted are included in the proposed LRDP and are therefore addressed in the Draft EIR, and specifically covered by the impact assessment for CEQA Checklist criteria shown in Section 5.15.2, Standards of Significance, on page 5.15-</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>directly from the requirement that an EIR analyze all significant or potentially significant environmental impacts. Pub. Resources Code §§ 21061, 21068. An EIR cannot analyze all such environmental impacts if its study area does not include the geographical area over which these impacts will occur. The revised DEIR must broaden its study area to encompass Campus Hills East, Campus Hills West, Clark Kerr, City Environs, and other planning areas that would occur as a result of implementation of the LRDP.</p>	<p>40 in Chapter 5.15, Transportation, of the Draft EIR. See impact discussions TRAN-1 through TRAN-5.</p>
A3-55	<p>(d) The DEIR Fails to Adequately Analyze and Mitigate Impacts Relating to the Project’s Conflicts with Transportation-related Plans and Policies (Impact Tran- 1).</p> <p>(i) UC Berkeley Plans</p> <p>The DEIR determines that the LRDP would conflict with the UC Sustainable Practice Policy and UC Berkeley Sustainability Plan because UC Berkeley currently does not meet its single occupancy vehicle (“SOV”) targets. DEIR at 5.15-50. The DEIR determines this impact is significant. Id. Although this significance conclusion may be correct, the DEIR errs because it does not analyze how SOV mode share would change as a result of the LRDP (i.e., the anticipated increase in students, faculty and staff). CEQA Guidelines § 15126.2 (“An EIR shall identify and focus on the significant effects of the proposed project on the environment.”).</p> <p>Furthermore, the DEIR fails to identify other ways the LRDP would potentially conflict with policies established by UC Berkeley. For example, the UC Sustainable Practices Policy calls for consistency with the State of California goal of increasing alternative fuel – specifically electric – vehicle usage. See UC Sustainable Practices Policy at 11, July 24, 2020. To this end, the Policy requires the University to promote purchases and support investment in alternative fuel infrastructure at each campus. By 2025, each location shall strive to have at least 4.5% of commuter vehicles be ZEV. By 2050, each campus shall strive to have at least 30% of</p>	<p>The comment states that the Draft EIR errs in not analyzing how the single-occupancy vehicle or “SOV” mode share would change as a result of the LRDP Update. The Draft EIR presents an analysis under impact discussion TRAN-2 that conservatively incorporates current SOV mode shares. As described on page 5.15-50 of the Draft EIR, the parking target for the LRDP Update, which is the maximum net new parking that could be constructed under the LRDP Update, was developed to accommodate the new demand generated by the increase in commuting population and to maintain the current SOV mode shares. Although the LRDP Update would reduce the SOV mode shares per the SOV targets in Mitigation Measure TRAN-1, the VMT impact analysis and other related topics such as GHG and air quality, presented in the Draft EIR, assumes that the current SOV mode shares would continue under the LRDP Update conditions in order to present a conservative analysis.</p> <p>The comment further states that the Draft EIR fails to address or analyze several other specific policies and goals in the UC Sustainable Practices Policy, including the ability of UC Berkeley to increase alternative fuel vehicle usage, partnership with local agencies to increase sustainable transportation access, and implement parking pricing and management strategies; however, there is nothing in the proposed LRDP that directly conflicts with or would prevent UC Berkeley from pursuing these goals. Chapter 5.7, Greenhouse Gas Emissions, includes a consistency analysis with the UC and UC</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>commuter vehicles be ZEV. Id. The DEIR does not analyze the effect of the LRDP and Housing Projects #1 and #2 on the ability of UC Berkeley to increase alternative fuel vehicle usage and meet established targets for use of zero emission vehicles.</p> <p>Nor does the DEIR describe the Project’s consistency with the UC Sustainable Practices Policy calling for the University to partner with local agencies on opportunities to improve sustainable transportation access to and around university facilities in addition to developing its own transportation programs. See UC Sustainable Practices Policy at 26. The DEIR vaguely describes potential initiatives to support an integrated, connected, and coordinated multimodal transportation network providing access to, from, and within the UC Berkeley campus. See Mobility Systems Element § 3.5.1.5; DEIR at 3-16. The DEIR also states that the LRDP’s Mobility Systems Element contemplates several potential initiatives such as the integration of the campus bicycle network within the broader City of Berkeley bicycle network; the development of mobility hubs throughout Campus Park, Clark Kerr Campus, and City Environs Properties; and modifications to curb management practices, sidewalk design, and gateway treatments at the Campus Park edge, and that these initiatives would require coordination with City of Berkeley and other local agencies. Finally, the LRDP includes several objectives calling for the University to partner and collaborate with the University on projects and initiatives that enhance pedestrian, bicycle, transit, and vehicular connections and safety between university properties and surrounding areas. DEIR at 5.15-48. However, the DEIR fails to describe how UC Berkeley will partner with local agencies and the City of Berkeley in particular, during development of the LRDP Update and Housing Projects #1 and #2. This collaboration will require funding to support City expenses for staffing, consulting, and construction.</p> <p>The DEIR also fails to discuss the Sustainable Practices Policy calling for parking management and pricing strategies to support emissions</p>	<p>Berkeley’s GHG reduction plans reduction goals; however, a policy-by-policy consistency evaluation is not warranted since these plans are essentially part of the existing regulatory setting that guides growth and development at the UC Berkeley Campus. As stated on page 5.7-38 of the Draft EIR, over the life of the proposed LRDP Update, projects would be bound to the policies and plans in place at the time of project initiation. Finally, UC Berkeley respectfully disagrees with the statement that provision of parking at the current ratio is inconsistent with the UC Sustainable Practices Policy to implement parking management and pricing strategies. UC Berkeley seeks to balance parking supply and management goals with other important goals including equitable transportation access for all UC Berkeley populations, parking spillover in the adjacent neighborhoods, and a balanced transportation system, and as discussed above, there is nothing in the proposed LRDP that would prevent the university from implementing parking management and pricing strategies to meet the SOV mode share, or emission reduction targets or other sustainable transportation goals. Mitigation Measure TRAN-1 provides the flexibility to implement various measures to meet the required SOV mode share targets.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>reduction and sustainable transportation goals, including variable pricing and unbundling parking and housing costs. See UC Sustainable Practices Policy at 26. The DEIR states that the LRDP would maintain the parking supply at the same ratio as the current parking supply. DEIR at 3-16. The document fails to acknowledge that the provision of vehicle parking at the current parking ratio (as opposed to a reduced ratio) implies construction of additional parking and is inconsistent with the UC Sustainable Practices Policy to implement parking management and pricing strategies and would not support SOV targets, emissions reduction, and sustainable transportation goals.</p>	
A3-56	<p>(ii) City of Berkeley Plans</p> <p>Although the DEIR includes a section intended to address the Project’s consistency with the City of Berkeley Plans, its analysis is incomplete, vague and cursory. As discussed below, the City has adopted numerous plans intended to improve access throughout the City’s transportation network with an emphasis on non-auto modes. Given that the UC Berkeley Sustainability Plan and Policy also call for supporting an integrated, connected, and coordinated multimodal transportation network providing access to, from, and within the UC Berkeley campus, one would expect that the DEIR would have provided a comprehensive analysis of the LRDP’s consistency with the City’s plans.</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses A3-57 through A3-60 regarding the City of Berkeley’s planning documents.</p>
A3-57	<p>(A) City of Berkeley General Plan</p> <p>The DEIR cherry picks a few policies from the City’s General Plan and concludes the LRDP project would be consistent. DEIR at 5.15-52. The DEIR lacks the thorough analysis CEQA requires because it does not identify all of the relevant General Plan policies and provides a cursory discussion of the few policies it does analyze. A review of the City’s General Plan reveals that the Project would be inconsistent with numerous provisions in the General Plan. We direct the University to the Kittelson Report for examples of these inconsistencies. Kittelson Report at 5, 6. It is important to note that Kittelson’s investigation should not be</p>	<p>As the LRDP is a long-term planning and policy document, the programmatic EIR prepared for the LRDP Update is not required to present a detailed description of how the LRDP Update would or would not facilitate the accomplishment of each policy and program in the planning documents of adjacent jurisdictions, including, in this comment’s case, the City of Berkeley General Plan. Please see Master Response 4, Programmatic Analysis.</p> <p>The comment references the Kittelson letter, pages 5 and 6 (which in fact should be references to pages 6 and 7), which cites several City of</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	viewed as a substitute for a more thorough analysis which should be conducted by the EIR preparers and included in the revised DEIR.	<p>Berkeley General Plan policies and actions related to large employer parking, the bicycle network, and sidewalks, and claims that the Draft EIR does not provide evidence to support consistency with these policies and actions. However, the Draft EIR is not required to demonstrate consistency with each City of Berkeley General Plan policy at a level of detail that is greater than the level of detail provided in the proposed LRDP Update. UC Berkeley believes that the discussion provided under TRAN-1 with respect to the City of Berkeley General Plan is provided at the appropriate level of detail for the proposed LRDP Update. Please also see Master Response 13, Consistency with Other Policy Documents.</p> <p>The Draft EIR also includes a discussion of consistency of Housing Projects #1 and #2 with the City of Berkeley policies, including the City’s General Plan. As discussed on pages 5.15-53 and 5.15-54 of the Draft EIR, both Housing Projects #1 and #2 are consistent with the City of Berkeley policies, including the City’s General Plan. The two housing projects would locate housing near the Campus Park, reducing the number of commuters and need for parking. As described on pages 5.15-60 and 5.15-61 of the Draft EIR, the two housing projects would include sidewalk improvements and new bicycle facilities that would be consistent with the City’s General Plan policies.</p> <p>In addition, as noted in the TRAN-1 discussion, the UC is constitutionally exempt from local plans, policies, and ordinances whenever using property under its control in furtherance of its educational mission. Please see Master Response 2, Constitutional Exemption from Local Planning Regulations.</p>
A3-58	<p>(B) City of Berkeley Bicycle Plan</p> <p>Rather than comprehensively analyze the LRDP’s consistency with the City of Berkeley Bicycle Plan, the DEIR discusses one policy (D-1) and summarily concludes that the Project would be consistent with the</p>	<p>As the proposed LRDP Update is a long-term planning and policy document, the programmatic EIR prepared for the LRDP Update is not required to present a detailed description of how the LRDP Update would or would not facilitate the accomplishment of each policy and program in the planning documents of adjacent jurisdictions, including,</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>Bicycle Plan. DEIR at 5.15-52. The DEIR suggests that the University is working with the City to: (a) minimize transit-vehicle interactions; (b) optimize transit service and operations; and (c) provide low stress bike-to-transit access (DEIR at 5.15-52), but it does not explain how specifically the University is accomplishing these actions, and how it could continue to do so without extending and increasing the fair-share payments the University makes to the City under the 2005 settlement agreement between the parties. Nor does the DEIR accurately depict the City's existing or proposed bicycle network. See Kittelson Report at 6, 7. A review of the City's Bicycle Plan reveals that the Project would be inconsistent with numerous provisions in the Plan. We direct the University to the Kittelson Report for examples of these inconsistencies. Kittelson Report at 6, 7. Again, it is important to note that Kittelson's investigation should not be viewed as a substitute for a more thorough analysis which should be conducted by the EIR preparers and included in the revised DEIR.</p>	<p>in this comment's case, the City of Berkeley Bicycle Plan. Please see Master Response 4, Programmatic Analysis, and Master Response 13, Consistency with Other Policy Documents.</p> <p>In addition, as discussed on pages 5.15-53 and 5.15-54 of the Draft EIR, both Housing Projects #1 and #2 are consistent with the City of Berkeley Bicycle Plan because they would either construct the bicycle facilities recommended in the City's Bicycle Plan adjacent to these projects or they would not prevent the future construction of these improvements.</p> <p>The comment references the Kittelson letter, pages 6 and 7 (which in fact should be references to pages 7 and 8). Please see Response A3-155 for responses to this section of the Kittelson letter. In addition, as noted in the TRAN-1 discussion, as well as in more detail in Master Response 2, Constitutional Exemption from Local Regulations, the UC is constitutionally exempt from local plans, policies, and ordinances whenever using property under its control in furtherance of its educational mission.</p>
A3-59	<p>(C) City of Berkeley Pedestrian Plan</p> <p>The DEIR gives short shrift to the City's Pedestrian plan, devoting just one paragraph to the LRDP's consistency with it. As an initial matter, the DEIR analyzes an outdated version of the Plan. The City's Pedestrian Plan was published in November 2020 and adopted by the City in January 2021; however, the DEIR analyzes the LRDPs consistency with a 2010 version of the Plan. See Kittelson Report at 7.</p> <p>Here too, the DEIR cherry picks a few policies from the City's Pedestrian Plan and concludes, absent evidentiary support, that the LRDP would not conflict with the City's Plan. Moreover, although the DEIR states that the LRDP proposes pedestrian improvements, including projects at the</p>	<p>As the LRDP update is a long-term planning and policy document, the programmatic EIR prepared for the LRDP Update is not required to present a detailed description of how the LRDP Update would or would not facilitate the accomplishment of each policy and program in the planning documents of adjacent jurisdictions, including, in this comment's case, the City of Berkeley Pedestrian Plan. Please see Master Response 4, Programmatic Analysis.</p> <p>The comment notes that the Draft EIR analyzes an outdated version of the City of Berkeley Pedestrian Plan; the Draft EIR analyzes the version of the City of Berkeley Pedestrian Plan available when the Notice of Preparation of the EIR was filed in April 2020. The LRDP Update does not present specific pedestrian improvement projects, but rather</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>gateway to the campus, and that these improvements would not impede the City’s policies (DEIR at 3-7, 5.15-53), the specific pedestrian network modifications contemplated by the LRDP are not identified or described. The revised DEIR must identify the specific projects that would be implemented by the LRDP and then evaluate these specific proposals against the City’s Pedestrian Plan. The DEIR should be revised to make clear whether these projects will happen on campus property or in the public right of way, and how pedestrian improvements in the public right of way may conflict with the ability of the City to use the limited space in the public right of way to implement bicycle, transit, or pedestrian facility improvements consistent with adopted City plans.</p> <p>Yet another critical oversight is the DEIR’s failure to illustrate or describe the City’s Pedestrian High-Injury Streets. As the Kittelson Report explains, there are numerous High-Injury Streets located near Campus Park that are considered the City’s highest priorities for investments to improve pedestrian safety. See Kittelson Report at 8, 9. The DEIR should have identified and discussed the Pedestrian High Injury Streets, Priority Streets, and pedestrian network recommendations, as presented in the City’s 2020 Pedestrian Plan and then analyzed the impact of the LRDP and Housing Projects #1 and #2 on this network.</p>	<p>describes the vision for improved pedestrian network, including gateway improvements. Therefore, it is not feasible for the Draft EIR to provide project-level analyses of pedestrian improvements that may be proposed, designed, and implemented under the LRDP Update. UC Berkeley would not construct improvements on non-UC Berkeley property or in the public right of way. Furthermore, the request that the Draft EIR describe the City of Berkeley’s Pedestrian High Injury Streets, Priority Streets, and pedestrian network recommendations and analyze the impact of the LRDP Update and Housing Projects #1 and #2 on this network is inappropriate, because the LRDP Update and Housing Projects #1 and #2 do not propose infrastructure changes on non-university property and thus would not affect this network, other than rebuilding sidewalks, gutters, curbs and bulbouts along the frontages of both Housing Projects #1 and #2 and a new midblock crosswalk on Haste Street as part of Housing Project #2, which require permits from the City of Berkeley Department of Public Works and will therefore conform to all City of Berkeley specifications and requirements. Permit applications for work in the City of Berkeley right-of-way for Housing Project #1 is on file with the City of Berkeley and under review and a permit application for similar work related to Housing Project #2 is forthcoming. If other projects require similar work in the public right-of-way, such work will also require permits from the applicable city and will be done in conformity with then-applicable local standards. In addition, as stated in impact discussion TRAN-1, as well as in more detail in Master Response 2, Constitutional Exemption from Local Regulations, the UC is constitutionally exempt from local plans, policies, and ordinances whenever using property under its control in furtherance of its educational mission. Please also see Master Response 13, Consistency with Other Policy Documents.</p>
A3-60	<p>(D) City of Berkeley Vision Zero Resolution and Vision Zero Action Plan</p> <p>The DEIR devotes just one sentence to the City’s Vision Zero Resolution</p>	<p>As the LRDP is a long-term planning and policy document, the programmatic EIR prepared for the LRDP is not required to present a detailed description of how the LRDP would or would not facilitate the accomplishment of each policy and program in the planning</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>and Vision Zero Action Plan (DEIR at 5.15-53) and does not evaluate the Project’s consistency with the Resolution or the Plan. Vision Zero is a data-driven strategy to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all. [footnote 8] The DEIR asserts that the LRDP contains several objectives that support the Vision Zero goals, but it does not identify the specific objectives nor does it discuss how the LRDP would be consistent with the Vision Zero goals. In addition, while the DEIR identifies the roadways in the Project study area, it does not identify the collision history or existing collision rates (vehicular, bicycle, pedestrian) on those roadways. The DEIR should have analyzed the effect that the LRDP and Housing Projects #1 and #2 would have on traffic safety on these Vision Zero High-Injury Streets. It should also have analyzed how the LRDP might interfere with the City’s capital projects contemplated for these streets.</p> <p><i>Footnote 8: https://www.cityofberkeley.info/visionzero.aspx</i></p> <p>Had the DEIR conducted the appropriate analyses described above, it would have determined the impacts would likely be significant. Consequently, the revised EIR must identify mitigation for these impacts. Specifically, the revised EIR should mitigate for these impacts. Consistent with the priority of the Vision Zero Action Plan, the University should commit to “Proactively build capital-intensive and quick-build safety projects on all Vision Zero High-Injury Streets on a schedule to complete such projects by 2028.” An appropriate mitigation measure would be to work with the City to identify a fair-share contribution to transportation safety projects on the High-Injury Streets identified in the Vision Zero Plan.</p>	<p>documents of adjacent jurisdictions, including, in this comment’s case, the City of Berkeley Vision Zero Resolution and Vision Zero Action Plan. Please see Master Response 4, Programmatic Analysis.</p> <p>Draft EIR impact discussion TRAN-1 references the LRDP Mobility System and Collaborative Planning Mobility objectives, which are consistent with the City of Berkeley’s Vision Zero objectives and would not impede the City of Berkeley in implementing its Vision Zero Action Plan. The comment’s suggestion that UC Berkeley should implement specific improvements along the Vision Zero High-Injury Streets by 2028 is not consistent with the program-level analysis in the Draft EIR. As individual future projects tier from this program-level EIR, they would include an analysis of traffic hazards and the university can consider if these projects would necessitate any improvements related to the Vision Zero Action Plan. As stated in the comment, both Housing Projects #1 and #2 are located along identified Vision Zero High-Injury Streets (Oxford Street for Housing Project #1 and Haste Street for Housing Project #2). Both projects would include improvements along these streets, even though the Vision Zero Action Plan does not identify any specific improvements along these corridors. Furthermore, as discussed under Impact TRAN-3, neither Housing Project #1 or #2 would result in a significant impact on roadway and sidewalk design-related hazards, and therefore, no mitigation measures are required. Please see Master Response 13, Consistency with Other Policy Documents.</p> <p>In addition, as noted in the impact discussion TRAN-1, as well as in more detail in Master Response 2, Constitutional Exemption from Local Regulations, the UC is constitutionally exempt from local plans, policies, and ordinances whenever using property under its control in furtherance of its educational mission.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-61	<p>(iii) AC Transit’s and BART’s Plans</p> <p>The DEIR identifies potential conflicts with transit plans in its thresholds of significance (DEIR at 5.15-40), but it does not analyze how the LRDP would impact the plans, services or facilities of local transit providers, including AC Transit and BART.</p> <p>The DEIR identifies AC Transit’s existing operations (Table 5.15-1 at 5.15-15), but it does not identify the capacity of the bus routes currently serving the campus nor does it analyze how the LRDP would affect bus service or operations. As the Kittelson Report explains, the LRDP would increase transit demand potentially causing overcrowding of buses and the potential for drivers to pass-up waiting passengers.</p> <p>Kittelson Report at 10. The addition of vehicle traffic generated by the LRDP could also increase delay and reduce the ability of AC Transit to meet on-time performance and schedule goals. According to the Kittelson Report, “[t]his could cause people to switch to using private vehicles, increasing the low-occupancy vehicle share of trips and resulting greenhouse gas emissions, and causing secondary safety impacts from the increased number of motor vehicles on Berkeley streets, which would conflict with the UC Sustainable Practice Policy and UC Berkeley Sustainability Plan and further impede the ability of the University to achieve its established SOV targets.” Kittelson Report at 10.</p> <p>Similarly, the DEIR describes BART’s existing service and daily ridership (5.15- 14), but it does not identify the capacity of the service nor does it analyze how the LRDP would affect BART service and operations. The revised DEIR must provide a comprehensive analysis of the Project’s potential to impact the plans, services, or facilities of these local transit providers, particularly AC Transit and BART. If the impacts are determined to be significant, UC Berkeley must identify feasible mitigation measures capable of addressing these impacts.</p>	<p>The comment states that the impact of potential new ridership on AC Transit buses and on BART, as well as the impact that increased congestion could have on bus travel times, are topics that the Draft EIR should have addressed. UC Berkeley respectfully disagrees with this statement. An increase in transit ridership is an environmental benefit, not an adverse impact, consistent with the State, regional, and the City of Berkeley’s objectives to reduce VMT and GHG emissions.</p> <p>Furthermore, transit ridership is not part of the permanent physical environment and transit service changes over time in response to a variety of factors, including ridership, funding availability, and street congestion. The supply (transit service) and demand (transit ridership) for both AC Transit bus and BART service change over time. Over the last few years, AC Transit has eliminated, added, or modified bus routes and bus stops, as well as changed hours of operations, service frequency, and/or type of bus used on various routes, and BART has changed frequency of service and/or the number of cars in trains. External factors such as cost and availability of parking especially in major employment areas such as downtowns, cost of fuel, employer TDM incentives such as free or partially subsidized transit employee costs, and availability of ridesharing services (Uber and Lyft) also affect transit ridership.</p> <p>In addition, and as described in Response A3-23, CEQA provides for lead agencies, such as UC, to adopt their own thresholds of significance and to evaluate the significance of a project’s impact based on substantial evidence. UC’s significance criteria for evaluating the transportation impacts of the proposed LRDP project are based on Appendix G of the State CEQA Guidelines. The Appendix G checklist does not include a question related to a project’s effect on transit capacity or delay. Further, traffic congestion and delay, including delay experienced by buses, are no longer deemed to be significant transportation impact topics in CEQA, per CEQA Guidelines Section 15064.3. The suggestion that transit delay will cause people to switch</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-62	<p>(iv) The DEIR Fails to Identify Feasible Mitigation Measures Capable of Reducing These Impacts to a Less-Than-Significant Level.</p> <p>The DEIR fails to identify feasible mitigation for the Project’s significant plan- related impacts. The document identifies only one mitigation measure—MM Trans-1— which calls for UC Berkeley to continue to survey students and employees and to use the results to adjust travel demand programs to achieve UC Berkeley’s SOV targets. DEIR at 5.15-50. The DEIR concludes that this sole measure would reduce impacts to a less than significant level. Id. To conclude as the DEIR does, that an impact is less than significant, substantial evidence must demonstrate that mitigation measures will reduce an impact to a less-than-significant level. Substantial evidence consists of “facts, a reasonable presumption predicated upon fact, or expert opinion supported by fact,” not “argument, speculation, unsubstantiated opinion or narrative.” Pub. Resources Code § 21080(e)(1)- (2). Because the DEIR’s conclusion of insignificance is premised on unsupported assumptions, it falls far short of this threshold.</p> <p>There is no assurance that a mitigation measure that merely calls for surveying would be feasible and efficacious. Moreover, simply listing a handful of non-specific options (University should “adjust travel demand programs”) does not actually require the University to take action. Finally, the mitigation measure’s suggestion that the University should implement the same travel demand programs that are already required by the University’s Sustainability Plan and its Sustainability Policy makes no sense because the University has demonstrated it is not capable of meeting its current sustainability goals. Consequently, there is no</p>	<p>to private vehicles is speculative; as indicated above, mode choices are dependent upon multiple factors and variables. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, with respect to speculation.</p> <p>As stated in impact discussion TRAN-1, as well as in more detail in Master Response 2, Constitutional Exemption from Local Regulations, the UC is constitutionally exempt from local plans, policies, and ordinances whenever using property under its control in furtherance of its educational mission. The discussion of consistency with City of Berkeley plans and policies is provided for informational purposes, and is provided at a level of detail consistent with the proposed LRDP, which is a long-term planning and policy document, and the Draft EIR, which is a programmatic EIR. Please also see Master Response 4, Programmatic EIR. Mitigation Measure TRAN-1 focuses on the steps that UC Berkeley will take to facilitate UC Berkeley meeting the targets in the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan, both UC and UC Berkeley plans that UC Berkeley intends the LRDP Update to be consistent with.</p> <p>Mitigation Measure TRAN-1 identifies various options, including adjustments to current travel demand management (TDM) programs and parking pricing, to meet the SOV targets identified in the mitigation measure, consistent with the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan goals. As discussed in Mitigation TRAN-1, UC Berkeley will use the results of the travel surveys to adjust the various available options to mitigate this impact. Thus, the comment incorrectly states that the mitigation measure “merely calls for” surveying. Considering that the LRDP is a long-term planning document, and the continuous changes in factors that affect commuting and effectiveness of TDM measures, such as availability of transit service, traffic congestion, availability of housing near UC Berkeley, and emergence of new technologies and commuting options, it would be speculative for Mitigation Measure TRAN-1 to commit to</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	evidence that a continuation of these policies would result in a substantial reduction in SOV use.	<p>specific measures to reduce the SOV rates. Mitigation Measure TRAN-1 provides the flexibility to implement and modify the appropriate measures over the life of the LRDP to meet the identified SOV goals based on the changes in circumstances and availability of the various options.</p> <p>Furthermore, as shown on page 5.15-19 of the Draft EIR, the SOV mode shares for both employees and students have continuously decreased over the last 30 years (employee SOV mode share decreased from 60 percent in 1990 to 41 percent in 2019 and student SOV mode share decreased from 11 percent to 5 percent during the same period). The reduction has been achieved through implementation of a variety of measures, including changes to TDM programs and parking pricing, which have continuously changed over the last 30 years. Therefore, it is reasonable to expect that the university would monitor the SOV mode shares and continue to use the available options to meet the SOV targets identified in Mitigation Measure TRAN-1.</p> <p>Please also see Master Response 13, Consistency with Other Policy Documents.</p>
A3-63	<p>UC Berkeley can and must do more to mitigate the significant transportation- related impacts that will result from the LRDP. The LRDP will have extensive impacts beyond the University’s borders yet the DEIR fails to adequately analyze these impacts. Specifically, the DEIR only addresses impacts to Campus Park; it ignores the LRDP’s impacts to other areas within the City including but not limited to Campus Hills East, Campus Hills West, Clark Kerr, and City Environs.</p> <p>The City of Berkeley constructs and maintains virtually all of the roads and pedestrian and bicycle paths in the City. City services include, but are not limited to, street and sidewalk improvement, repair, and cleaning, signalization, construction of traffic calming measures, transit planning,</p>	<p>UC Berkeley respectfully disagrees that the Draft EIR addresses only impacts to the Campus Park. Impact discussions TRAN-1, TRAN-2, TRAN-3, TRAN-4 and TRAN-5 address the proposed LRDP Update, which covers the other campus zones within the LRDP Planning Area. In particular, impact discussion TRAN-2 addresses the VMT impacts of the proposed LRDP Update, which includes all of the identified campus zones. The comment states that the increases in UC Berkeley population projected in the LRDP Update will necessarily lead to additional City of Berkeley expenses in terms of infrastructure and services. However, the CEQA code section cited, Public Resources Code 21080.09(b), addresses environmental effects, which are further defined in the CEQA Guidelines. Specifically, for transportation</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>and maintenance of transportation infrastructure. With respect to the University, the most significant impacts to City transportation activities and expenditures are the heavy daily University-related traffic volumes (vehicular, pedestrian, and bicycle); road wear associated with large-scale construction; and the provision of services specifically tailored to the University, such as circulation design measures, signalization, street and sidewalk maintenance near campus, and pedestrian and bicycle crossing construction and maintenance near campus.</p> <p>As the student, faculty, and staff population would expand upon implementation of the LRDP, the City will require additional capital and maintenance expenditures to maintain current transportation infrastructure and service standards. CEQA and the Education Code require that UC mitigate for the impacts to the City of Berkeley transportation infrastructure from this growth. Pub. Resources Code § 21080.09(b) (“Environmental effects relating to changes in enrollment levels shall be considered for each campus ... in the environmental impact report prepared for the [LRDP].”); Education Code § 67504(b) (“The Legislature further finds and declares that the expansion of campus enrollment and facilities may negatively affect the surrounding environment. Consistent with the requirements of [CEQA], it is the intent of the Legislature that the University of California sufficiently mitigate significant off-campus impacts related to campus growth and development.”).</p> <p>City data reveal four primary areas of quantifiable UC impact. These include: (1) capital costs associated with street improvements; (2) the suite of street, sidewalk, street light, and traffic signal maintenance expenditures around campus; (3) the capital cost of traffic signalization; and (4) TDM measures that serve UC and the City as a whole. To this end, the City seeks fair share contributions toward the list of projects identified in the Kittelson & Associates Report (Attachment A: Transportation Project List).</p>	<p>impacts, the four CEQA Guideline checklist questions have been adequately and correctly addressed in the Draft EIR, and do not lead to a finding that impacts on non-UC Berkeley property require mitigation under CEQA. UC Berkeley may separately enter into discussions regarding cost sharing for infrastructure and services that provide mutual benefit to UC Berkeley population and City of Berkeley residents, employees and visitors. However, this is not a requirement indicated by the Draft EIR impact analysis. The Education Code section cited is not relevant to the Draft EIR, and notably, its discussion of mitigation of off-campus impacts is prefaced by “consistent with the requirements of CEQA.”</p>

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
A3-64	<p>In addition to contributing its fair share to off-campus capital improvements, the revised EIR must evaluate the feasibility of the following measures:</p> <ul style="list-style-type: none"> • reducing the amount of on-campus parking; • contributing to AC Transit and BART operations and capital improvements; and, • installing additional electric vehicle charging equipment. 	<p>The basis for the statement that the Draft EIR must evaluate the feasibility of reducing on-campus parking, contributing to AC Transit and BART operations and capital improvements, and installing additional electric vehicle charging equipment, is not provided. UC Berkeley respectfully disagrees that these feasibility analyses are required in the LRDP Draft EIR. These considerations may be separately evaluated and discussed between UC Berkeley and the City of Berkeley and the transit agencies, but are not required to be evaluated in the Draft EIR.</p>
A3-65	<p>Furthermore, UC Berkeley’s Mobility Survey contained numerous suggestions as to how to improve pedestrian and biking (e.g., better lighting, better sidewalks, safer street crossings; further discounted transit passes). We request that the University examine the suggestions in the Mobility Survey and report on specific additional actions that can be taken to improve opportunities for pedestrian and bicyclists.</p>	<p>The commenter expresses an opinion about UC Berkeley’s Mobility Survey and requests that UC Berkeley examines the suggestions and reports on specific additional actions that can be taken to improve opportunities for pedestrians and bicyclists. The commenter’s observations are noted.</p>
A3-66	<p>Finally, the University must identify enhanced mitigation measures to reduce VMT and analyze the feasibility of these enhanced measures in the revised DEIR. Clearly enhanced VMT-reduction measures are available as DEIR Alternative C: Reduced Vehicle Miles Traveled calls for UC to incorporate additional project features to reduce VMT. See DEIR at 6-8; 6-44.</p>	<p>UC Berkeley respectfully disagrees that the mitigation identified for the VMT impact in Mitigation Measure TRAN-2 must be augmented with “enhanced mitigation measures” and that the feasibility of these measures be examined in a revised Draft EIR because Impact TRAN-2 is a less-than-significant impact and, therefore, does not require mitigation. Regarding selection of Alternative C, Reduced Vehicle Miles Traveled, the Regents will review and consider this alternative as part of the project approval process. Please see Master Response 5, Mitigation, and Master Response 18, Alternatives.</p>
A3-67	<p>(e) The DEIR Fails to Adequately Analyze and Mitigate Impacts Relating to the Project’s Conflict with CEQA Guidelines § 15064.3 (Impact Tran-2).</p> <p>The DEIR concludes that the LRDP would result in a net reduction in student commuters and that all UC Berkeley’s VMT metrics fall below thresholds of significance. However, the DEIR lacks evidentiary support for this conclusion.</p>	<p>UC Berkeley respectfully disagrees that the Draft EIR lacks evidentiary support for the VMT impact conclusions. Appendix M, Transportation Data, of the Draft EIR, contains detailed inputs and calculations underlying the VMT estimates, including populations (UC Berkeley residents and commuters), mode shares for each group, commute frequency, trip lengths, and the resulting VMT and VMT per resident, per commuter, and per total UC Berkeley population. The sources for the inputs are identified, and include the UC Berkeley Transportation</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>As an initial matter, as discussed above, the DEIR fails to calculate how many trips (all modes) would be added to the transportation network. As the Kittelson Report explains, the DEIR Appendix M, Transportation Data, does not provide travel demand estimates, traffic volumes, mode share data, travel survey data, or calculations to support the impact analysis or conclusions. Kittelson Report at 11. Without these basic data, it is not possible to verify the accuracy of the DEIR's VMT estimates.</p> <p>In addition, the DEIR likely underestimates the number of commuters. [footnote 9] The University contemplates 8.1 million square feet of net new growth and development in 2036-37, yet the DEIR forecasts that the commuting population would increase by just 449 commuters. Historically, UC Berkeley has not developed sufficient housing for its students, faculty, and staff (e.g., the current (2020) LRDP estimated a substantial increase in residential development yet this development never materialized). This precise scenario is likely to play out in the future as the DEIR admits that the proposed LRDP includes no specific commitment to develop an adequate amount of housing to meet the University's anticipated growth. DEIR at 3.1. If the University does not achieve the target residential development contemplated by the LRDP, students will commute to campus at far greater levels than the DEIR anticipates. The revised EIR must reevaluate its VMT analysis based on realistic on-campus residential development projections.</p> <p><i>Footnote 9: The DEIR also does not define "commuter."</i></p>	<p>Survey, the Alameda Countywide Travel Demand Model, the US Census American Communities Survey, and the Institute of Transportation Engineers (ITE) Trip Generation Manual.</p> <p>Regarding the estimate of new commuters with the LRDP Update, the Draft EIR assesses the impacts of the proposed LRDP Update, and is not required to assess contingent scenarios in which UC Berkeley does not build planned student and faculty housing, whether due to local opposition, regulatory hurdles, legal challenges, or state financial constraints. Also, please see Response A3-168 regarding the residential developments assumed in the LRDP Update buildout.</p>
A3-68	<p>(f) The DEIR Fails to Adequately Analyze and Mitigate Impacts Relating to the Project's Potential to Increase Traffic Hazards (Impact Tran-3).</p> <p>Given the increase in growth contemplated by the LRDP and the roadway, bicycle, and pedestrian changes on- and off-campus, the</p>	<p>The comment states that the impact criteria for the potential to increase traffic hazards is flawed in that it lacks a threshold of significance. This is incorrect. As described in Response A3-23, CEQA provides for lead agencies, such as UC, to adopt their own thresholds of significance and to evaluate the significance of a project's impact based on substantial evidence. UC's significance criteria for evaluating</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Project has the potential to increase transportation-related hazards and the number of people exposed to such hazards. Rather than comprehensively analyze these potential hazards, the DEIR focuses primarily on how new buildings might create wind hazards. There are numerous flaws with the DEIR’s analysis.</p> <p>First, the DEIR fails to include thresholds for determining the significance of impacts. One of the first steps in any analysis of an environmental impact is to select a threshold of significance. Here, the DEIR contains no thresholds of significance for the Project’s transportation hazards impacts. This flaw leads to a cascade of other failures: without a threshold, the DEIR cannot do its job. For example, although the Project would result in an unspecified increase in automobile trips, the document provides no standard by which to evaluate how these trips might impact pedestrian and bicycle safety in the study area. The revised DEIR must include thresholds of significance for these types of impacts and evaluate the Project’s impacts against these thresholds.</p>	<p>the impacts of the proposed project on traffic hazards is based on Appendix G of the State CEQA Guidelines. Consistent with the CEQA Guidelines, the methodology for evaluating whether the impact under this criteria would be significant is described on Draft EIR pages 5.15-46 to 5.15-47: “The evaluation of potential hazards for the proposed LRDP Update is based on a review of applicable regulations and guidance, including documents published by the University of California Office of the President and Caltrans, that would inform and dictate the manner in which transportation network improvements and changes under the proposed LRDP Update would occur. For Housing Projects #1 and #2, current project designs are described with respect to the applicable design standards.” As described on Draft EIR page 5.15-58, the applicable design standards are provided in numerous documents including the California Building Standards Code, UC Facilities Manual, California Highway Design Manual, and the California Manual on Uniform Traffic Control Devices. Characteristics of future modification to existing transportation facilities or new facilities that tier from this EIR, such as street or sidewalk widths, street configuration, or turning radii, would be consistent with the relevant requirements in these or other applicable documents at the time that these facilities are under design.</p>
A3-69	<p>Second, the LRDP includes campus-wide roadway, bicycle, and pedestrian network changes. DEIR at 5.15-46, 47, 56. The Project also includes a number of streetscape changes including installation of a cycletrack on Oxford Street, provision of a vehicle driveway on Walnut Street, and provision of freight loading spaces on Berkeley Way. Housing Project #2 proposes a number of streetscape changes including installation of a sidewalk extension and an uncontrolled midblock crossing on Haste Street. DEIR at 3-17, 3-44, 3-60. Additionally, modifications would be made at several access points near the Campus Park edge to restrict most private vehicle access to the Campus Park interior. Id.</p>	<p>UC Berkeley respectfully disagrees that the Draft EIR fails to evaluate the impacts of the transportation improvements included in the proposed LRDP Update with respect to hazardous conditions, including during construction. As stated in the Draft EIR, the transportation elements of Housing Projects #1 and #2 have been designed in accordance with applicable regulations and design guidance. Furthermore, the transportation elements within the City of Berkeley right-of-way, such as installation of cycletrack on Oxford Street for Housing Project #1 and the midblock crossing for Housing Project #2 are subject to City of Berkeley review and approval. The transportation improvements in the proposed LRDP Update, which have not yet been designed, will also be designed in accordance with</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>These are substantive changes to the University study area, yet the DEIR fails to evaluate how these access modifications and streetscape changes could create hazardous conditions for people walking, biking, driving, or taking transit. Instead it looks to “industry standard roadway design and safety guidelines” and the implementation of vague CBPs related to construction activities to conclude impacts would be less than significant. The revised DEIR must analyze the potential hazards associated with all of these modifications and identify feasible mitigation measures for any impacts that are determined to be significant.</p> <p>Third, rather than analyze how construction of Housing Projects #1 and #2 could potentially impact automobile drivers, bicyclists, and pedestrians, the DEIR looks to CBP Tran-6 that calls for a contractor to eventually prepare a Construction Traffic Management Plan. This Plan would purportedly reduce construction-period impacts on circulation and parking and will address job-site access, vehicle circulation, bicycle and pedestrian safety. DEIR at 5.15-57. This approach is inconsistent with CEQA. Courts have allowed deferral of impact analysis and mitigation only in very limited circumstances. “[F]or kinds of impacts for which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process . . . , the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval.” <i>Sacramento Old City Assn. v. City Council of Sacramento</i> (1991) 229 Cal.App.3d 1011, 1028-29. Here, the DEIR does not explain why the University could not conduct this analysis of impacts from the construction of Housing Projects #1 and #2 now. Nor does the DEIR identify specific performance criteria that would ensure that construction does not adversely impact people walking, biking, driving, or taking transit.</p> <p>Had the DEIR conducted the required analysis of construction-related impacts, it likely would have determined that such impacts would be</p>	<p>applicable regulations and design guidance. Please see Master Response 4, Programmatic Analysis. Because UC Berkeley will comply with applicable regulations and design guidance, it is reasonable to expect that the improvements will not cause hazardous conditions. Note that transportation impacts during the construction phases of Housing Projects #1 and #2 were found to be less than significant, and therefore no mitigation is required. With respect to deferred mitigation, please see Master Response 5, Mitigation, and Response A3-18 with respect to implementation of the CBP TRAN-5 and CBP TRAN-7.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>significant. Consequently, the DEIR should have identified feasible mitigation for these impacts. At a minimum, the revised DEIR should include the following measures:</p> <ul style="list-style-type: none"> ● UC Berkeley shall develop and maintain a public information website re: Project status, scheduled lane closures, and other construction-related traffic impacts. ● UC Berkeley shall cooperate with City staff to provide residents with advance notice of construction-related lane closures and traffic impacts. ● UC Berkeley shall at a minimum meet City standards which call for maintenance of safe pedestrian and bike routes, as well as access to transit and businesses. ● UC Berkeley shall evaluate and recommend to City staff potential modification of timing of traffic signals to address construction-related traffic impacts. ● UC Berkeley shall undertake a process, in coordination with the City, to mitigate haul route pavement damage incurred as a result of the Project. This process would involve development of a baseline Pavement Condition Index (“PCI”) for key roadways identified by City prior to initiation of construction work. Following completion of the Project, the PCI evaluation process would be repeated, and UC Berkeley would commit to undertaking any necessary pavement repairs, repaving, or roadway reconstruction, to the satisfaction of the City. ● UC Berkeley shall adopt the Caltrans Temporary Pedestrian Access Routes Handbook (2020) and utilize it for construction projects in the public right of way. See City of Berkeley Pedestrian Plan, Table 8. All temporary traffic controls are subject to approval and inspection by City staff. 	
A3-70	<p>(g) The DEIR Fails to Adequately Analyze and Mitigate Impacts Relating to Emergency Access (Impact Tran-4).</p> <p>The DEIR states that the emergency access analysis was conducted to determine if the LRDP has the potential to impact emergency vehicle access by creating conditions that would substantially affect the ability of</p>	<p>It is incorrect that the Draft EIR does not provide an analysis to determine whether the proposed project would result in inadequate emergency access. The analysis on Draft EIR pages 5.15-62 to 63 describes UC Berkeley’s compliance with applicable facilities and transportation infrastructure design requirements; states that the proposed on-campus transportation improvements will preserve fire</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>drivers to yield the right-of-way to emergency vehicles or preclude the ability of emergency vehicles to access streets within the EIR Study Area. DEIR at 5.15-62. Despite this statement, the DEIR does not actually conduct any analysis. The DEIR does acknowledge that “additional vehicles associated with implementation of the proposed LRDP Update could increase delays for emergency response vehicles during peak commute hours, especially in the immediate vicinity of the Campus Park” but again there is no actual analysis. DEIR at 5.15-62. Instead the DEIR simply refers to a City of Berkeley policy calling for the City to maintain adequate emergency response times. Id.</p> <p>In addition, the DEIR describes how modifications would be made at several access points near the Campus Park edge to restrict most private vehicle access to the Campus Park interior (at 3-17), yet the DEIR fails to specify what these changes to vehicle access are, where they would occur, and how they would affect emergency vehicle access. Moreover, the DEIR claims that the proposed transportation network would not conflict with fire access routes. Yet here too, the DEIR fails to analyze the potential for these vehicle restrictions to impede or delay emergency access. Finally, the DEIR errs because it fails to analyze how traffic from the LRDP would affect the ability of emergency responders to maneuver through congested intersections and roadways.</p> <p>The revised DEIR must conduct a thorough analysis of the Project’s emergency response impacts and identify feasible mitigation if these impacts are determined to be significant.</p>	<p>and emergency vehicle access; and describes the responsibilities of emergency responders to maintain response plans that include methods to bypass congestion when needed. It also notes that the City of Berkeley General Plan includes policies to ensure that the City of Berkeley maintains adequate emergency response times and that developments of emergency facilities and delivery keep pace with development and growth in the city of Berkeley. Regarding the comment that the Draft EIR fails to specify what the vehicle access changes are, this information is shown in 2021 LRDP Figure 3.8. The Draft EIR does not include replicas of all of the graphics in the 2021 LRDP.</p>
A3-71	<p>(h) The DEIR Fails to Adequately Analyze and Mitigate the Project’s Cumulative Transportation Impacts (Impact Tran-5).</p> <p>The DEIR inappropriately focuses its cumulative analysis on VMT and wind hazards (at 5.15-63) and makes no attempt to address how the Project, together with other projects in the study area, would affect roadway hazards and emergency access. The DEIR identifies several</p>	<p>UC Berkeley believes that the analysis provided under impact discussions TRAN-3 and TRAN-4 address the impacts adequately for both Project and Cumulative conditions. The evaluation provided is equally applicable and relevant whether additional development projects are developed or not because the significance criteria used for these impacts are based on changes to the transportation network and design parameters, which are the same under the Project and</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	<p>projects in the City of Berkeley (see Table 5-2 – Pending Projects in the City of Berkeley, DEIR at 5-11); it should have taken these projects into account and analyzed the effect that all of this development would have on roadway hazards and emergency access. Once this analysis is conducted, the revised DEIR must identify mitigation if the impacts are determined to be significant.</p>	<p>Cumulative conditions for the LRDP Update, as well as Housing Projects #1 and #2.</p>
A3-72	<p>6. The DEIR Fails to Adequately Analyze and Mitigate the Project’s Air Quality Impacts.</p> <p>Along with Baseline Environmental, we have reviewed the DEIR’s air quality impact analysis. We have determined that the DEIR fails to adequately evaluate the air quality impacts that would result from the LRDP and Housing Projects #1 and #2. In addition, the DEIR fails to provide feasible mitigation capable of reducing the Project’s significant air quality impacts. A summary of our comments follows. We direct the University to Baseline Environmental’s full Report for a detailed accounting of the deficiencies in the DEIR’s air quality chapter; this Report is Exhibit B to this letter.</p>	<p>Rules adopted by the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (CARB) and/or the Bay Area Air Quality Management District (BAAQMD) are the primary mechanisms by which the San Francisco Bay Area Air Basin (SFBAAB) can achieve the National and State ambient air quality standards (AAQS). Thus, the air quality analysis considers compliance with existing standards and regulations in Chapter 5.2, Air Quality. Furthermore, air quality impacts of the proposed project were considered a significant and unavoidable impact.</p> <p>The Draft EIR clearly discloses the specific air quality impacts from construction and operation of Housing Projects #1 and #2. The comment serves as an introduction to the comments that follow. Please see Responses A3-171 through A3-193 regarding Attachment B, Baseline Environmental.</p> <p>The Draft EIR considered mitigation measures to reduce impacts associated with a substantial increase in VOC emissions. Mitigation measures were identified that would reduce but not eliminate the substantial increase in VOC emissions. The commenter does not specify additional mitigation measures that would further reduce project-related VOC emissions. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>
A3-73	<p>(a) The DEIR’s Analysis of the Project’s Inconsistency with the 2017 Bay Area Clean Air Plan Is Deficient (Impact Air-1).</p>	<p>The comment incorrectly asserts that the analysis of consistency with BAAQMD’s 2017 Clean Air Plan is deficient. Chapter 5.2, Air Quality,</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>The DEIR determines that the LRDP would conflict with the 2017 Bay Area Clean Air Plan (“2017 CAP”) because the LRDP includes additional population and faculty/staff growth through 2036. DEIR at 5.2-41, 5.2-45. The DEIR concludes that this conflict constitutes a significant impact. Id. While we agree that the DEIR arrives at the correct conclusion, it fails to conduct the thorough impact analysis CEQA requires.</p>	<p>consistency analysis was conducted based on the guidance identified by BAAQMD in its CEQA Air Quality Guidelines. Overall, Impact AIR-1 was considered significant and unavoidable; however, individual subtopics evaluated under impact discussion AIR-1 are less than significant. The determination of less-than-significant impacts for subtopics under impact discussion AIR-1 does not undermine the integrity of the Draft EIR. Additionally, each subtopic is clearly identified under impact discussion AIR-1 by using subheadings and provides a qualitative discussion to support its findings. See, e.g., CEQA Guidelines Section 15064.7(a) (significance threshold can be qualitative or quantitative); Section 15142 (EIR shall consider “qualitative as well as quantitative factors”).</p>
	<p>As an initial matter, although the DEIR concludes that the LRDP would conflict with the 2017 CAP and that this impact would be significant, it includes several sub- analyses under the impact heading Air-1 and determines for most of these sub-analyses that the impacts are less than significant. [footnote 10] The contradictory conclusions subsumed within the Air-1 impact analysis are confusing and therefore undermine the integrity of the DEIR. Moreover, in each instance in which the DEIR determines that impacts are less than significant, the DEIR lacks evidentiary support for its conclusion.</p>	<p>Consistency analysis of the proposed project with the air quality management plan is consistent with the criteria outlined in the BAAQMD CEQA Air Quality Guidelines. Table 5.2-10 identifies the LRDP plans or policies that would ensure consistency with the types of control measures in the 2017 Clean Air Plan. BAAQMD’s CEQA Air Quality Guidelines recommends that the analysis identify consistency with current air quality plan control measures. It is not the intent of the BAAQMD CEQA Air Quality Guidelines to identify all 85 control measures in CEQA documents and cite all 85 control measures as design features or mitigation measures in the CEQA analysis. Only those control measures that are directly applicable to a project should be cited. The proposed project is an update to the LRDP and is not an EIR for a new industrial project where citing how individual control measures in the 2017 Clean Air Plan are incorporated to the project design or mitigate is applicable. Thus, a consistency analysis with all individual control measures is not necessary for the proposed LRDP Update.</p>
	<p><i>Footnote 10: The sub-analyses are “reduce population exposure and protect public health” (less than significant impact); “reduce GHG emissions and protect the climate” (less than significant impact); “2017 Clean Air Plan control measures” (less than significant impact); and “regional growth projections for VMT and population” (less than significant impact). DEIR at 5.2-41 through 5.2-44.</i></p>	<p>For most projects, the control measures of the 2017 Clean Air Plan are not directly applicable (i.e., stationary source control measures do not</p>
	<p>For example, under the heading “2017 Clean Air Plan Control Measures,” the DEIR determines that the LRDP would not hinder the Bay Area Air Quality Management District (“BAAQMD”) from implementing the control measures contained in the 2017 CAP and that the LRDP’s impacts would be less than significant. DEIR at 5.2-42. The DEIR, however, does not conduct the full analysis required by the BAAQMD. To be consistent with the 2017 CAP, a lead agency must demonstrate that a project includes all air quality control measures that can feasibly be incorporated</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>into the project design or applied as mitigation; it is not sufficient to not hinder the BAAQMD from implementing the measures. [footnote 11] The DEIR makes no attempt to address whether the LRDP would implement the 85 control measures included in the 2017 CAP. Nor does it explain why the incorporation of such measures would be infeasible.</p> <p><i>Footnote 11: BAAQMD Guidelines at 9-2, 9-3’ available at: https://www.baaqmd.gov/-/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en; accessed April 13, 2021.</i></p> <p>Moreover, the DEIR does not adequately evaluate whether the LRDP would hinder attainment of the 2017 CAP’s control measures. Here, the DEIR superficially discusses general categories of these measures and contains vague references to the relationship between the LRDP and the 2017 CAP’s measures; but it does not include the detailed analysis CEQA requires. See, e.g., DEIR at 5.2-42 (“[t]he UC Berkeley 2020 Sustainability Plan identifies several transportation measures that would ensure consistency of the proposed LRDP Update with the transportation control measures of the 2017 Clean Air Plan.”). To be adequate under CEQA, the DEIR must actually identify the specific control measures and explain how the LRDP would or would not hinder attainment of each applicable measure. In the absence of these analyses, the document lacks support for its conclusion that the LRDP would not interfere with the ability of the San Francisco Bay Area to achieve attainment of the California and National Ambient Air Quality Standards.</p>	<p>apply). For other non-industrial types of projects, BAAQMD’s CEQA Air Quality Guidelines states, that “BAAQMD encourages project developers and lead agencies to incorporate these Land Use and Local Impact (LUM) measures and Energy and Climate measures (ECM) into proposed project designs and plan elements.” The analysis in Table 5.2-10 identifies the LRDP plans or policies that would ensure consistency with these measures in the 2017 Clean Air Plan. This is sufficient to demonstrate less than significant impacts under this subtopic. Additionally, the commenter did not identify any control measures that would need to be added as mitigation since the LRDP update already incorporates applicable measures through its existing plans and policies, including the UC Berkeley Sustainability Plan and UC Sustainable Practices Policy. However, at the request of the commenter, the analysis in Table 5.2-10 has been updated to identify the individual control measures in the 2017 Clean Air Plan (see Chapter 3, Revisions to the Draft EIR).</p>
A3-74	<p>Second, under the subheading “regional growth projections for VMT and population,” a less than significant determination would require that the LRDP’s VMT increase by less than or equal to the projected population increase. DEIR at 5.2-44. The DEIR determines that overall VMT per person (students and faculty and staff) is anticipated to decrease by just 1% compared to existing conditions. DEIR at 5.2-44. Based on this</p>	<p>See Response A3-67 regarding the VMT forecast. The Draft EIR provided a conservative analysis of the increase in VMT associated with the proposed project. Therefore, no changes to the air quality analysis in Chapter 5.2, Air Quality, of the Draft EIR, are warranted. Furthermore, the Draft EIR identified Impact AIR-1 as significant and unavoidable associated with the proposed project.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	reduction, the DEIR concludes that impacts would be less than significant. As we have explained, the DEIR likely underestimates the amount of commuting (and therefore also underestimates its forecast VMT) because it may have underestimated the amount of on-campus residential development that would be built. If, in fact, VMT is underestimated, the LRDP's VMT could exceed its projected population increase which would, according to the BAAQMD, constitute a significant impact.	
A3-75	<p>Third, under the heading “reduce population exposure and protect public health,” the DEIR relies on the analysis conducted under the Impact Air-3 (project would expose sensitive receptors to substantial pollutant concentrations) to conclude that the LRDP would not expose sensitive receptors to a significant health risk and therefore would not be inconsistent with the 2017 CAP. DEIR at 5.2-41. Yet, as we explain below, the DEIR’s health risk assessment (“HRA”) and cumulative HRA are flawed and likely underestimate the health effects from the LRDP and Housing Projects #1 and #2.</p> <p>Consequently, if the LRDP and the housing projects result in significant health effects, the LRDP would be inconsistent with the 2017 CAP.</p>	Please see Responses A3-90 and A3-186 regarding the Construction Health Risk Assessment (HRA) for Housing Projects #1 and #2. The Draft EIR did not identify significant unavoidable impacts associated with operational health risk or construction health risk associated with Housing Projects #1 and #2. Consequently, AIR-1 correctly identifies less-than-significant impacts under this subtopic.
A3-76	The DEIR also fails to identify feasible and effective measures to mitigate for the LRDP’s inconsistency with the 2017 CAP. As discussed, the DEIR determines that the growth in student population would be inconsistent with the 2017 CAP and that this impact would be significant. DEIR at 5.2-45. The DEIR identifies one Mitigation Measure—POP-1—which calls for UC Berkeley to provide its enrollment and housing data to the City of Berkeley and the Association of Bay Area Governments (ABAG). DEIR at 5.12-23. The DEIR concludes that even with Measure POP-1 the Project’s impact would be significant and unavoidable. DEIR at 5.2-45. A measure calling for UC Berkeley to provide data to other agencies would do nothing to ensure that implementation of the LRDP would not interfere with attainment of the California and National Ambient Air Quality Standards. UC Berkeley can and must do more. A lead agency cannot	The Draft EIR identified Impact AIR-1 as significant and unavoidable impact because student population growth is greater than forecast in the current LRDP. The commenter states that this impact conclusion was reached without conducting an impact analysis. However, Chapter 5.2, Air Quality, provides a thorough discussion of consistency of the proposed project with the BAAQMD 2017 Clean Air Plan in accordance with the BAAQMD CEQA Air Quality Guidelines (see pages 5.2-40 through 5.2-45). The impact analysis for consistency with the 2017 Clean Air Plan describes the potential impacts and provides a qualitative discussion that supports the impact conclusions on why impacts are less than significant or are significant. Because significant impacts are associated with the increase in enrollment above and beyond that forecast in the 2020 LRDP, Mitigation Measure POP-1, calls

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>simply conclude that an impact is significant and unavoidable and move on. A conclusion of residual significance does not excuse the agency from (1) performing a thorough evaluation and description of the impact and its severity before and after mitigation (which, as discussed above, was not done here), and (2) proposing all feasible mitigation to “substantially lessen the significant environmental effect.” CEQA Guidelines § 15091(a)(1); see also id. § 15126.2(c) (requiring an EIR to discuss “any significant impacts, including those which can be mitigated but not reduced to a level of insignificance”).</p>	<p>on UC Berkeley to better coordinate the UC Berkeley demographic forecast with the Association of Bay Area Governments (ABAG) to ensure consistency with regional plans, like the 2017 Clean Air Plan, when forecasting growth scenarios. However, this would not reduce impacts from potential consistency with BAAQMD’s air quality management plan, to less-than-significant levels. No additional feasible mitigation measures are available that would reduce impacts. The commenter did not identify additional feasible mitigation measures that would substantially lessen the significant air quality impacts from consistency with the air quality management plan.</p>
A3-77	<p>(b) The DEIR Fails to Adequately Analyze and Mitigate Impacts Relating to the Project’s Potential to Result in a Cumulatively Considerable Net Increase of Criteria Pollutants (Impact Air-2). (i) Construction-Related Impacts</p> <p>The DEIR determines that construction activities associated with the LRDP could generate fugitive dust and construction equipment exhaust that would exceed the BAAQMD significance thresholds. DEIR at 5.2-48. The DEIR identifies mitigation for this impact. Mitigation measure Air-2.1 calls for UC Berkeley to use equipment that meets the USEPA’s Tier 4 Interim emission standards. Id. As the Baseline Report explains, this mitigation measure is inadequate because there is a significant difference between the nitrogen oxide (“NOx”) emission standards for Tier 4 Interim and Tier 4 Final engines. Baseline explains that based on the emissions rates from the California Air Resources Board’s (“CARB’s”) Off-Road Emissions Inventory Model (OFFROAD2011), the emission rates for NOx from Tier 4 Final engines are about 80 to 88 percent lower than Tier 4 Interim engines for off-road equipment ranging between 75 and 750 horsepower. Baseline Report at 5. Baseline also makes clear that off-road diesel equipment with Tier 4 Final engines should be readily available in the Bay Area. Therefore, requiring the use of Tier 4 Final or higher engines (instead of Tier 4 Interim engines) during implementation of the LRDP is a feasible mitigation measure that could maximize future</p>	<p>Mitigation Measure AIR-2.1 does not preclude the use of Tier 4 Final equipment. Tier 4 interim equipment was first phased-in in 2008 and is readily integrated into California construction fleets. Tier 4 Final equipment, which was phased-in in 2015, has lower NOx emission rates but similar particulate matter (PM) emission rates. Tier 4 Final Equipment was not used as the base requirement for Mitigation Measure AIR-2.1 because (1) Tier 4 Final Equipment is not as readily available in construction equipment fleets since the oldest equipment is only five years old, and (2) the primary pollutant that contributes to construction health risk and localized PM impacts is diesel particulate matter, which is well controlled using Tier 4 interim equipment. UC Berkeley intends to move to Tier 4 Final equipment as quickly as possible, as evidenced by the use of language “or higher” in Mitigation Measure AIR-2.1. Currently and for the next several years, the mix of construction equipment includes some Tier 4 Final equipment but the ability to exclusively use Tier 4 Final equipment is not anticipated to be feasible to occur for the next several years. Furthermore, future discretionary projects under the LRDP Update would be required to evaluate construction impacts and compare to the BAAQMD significance thresholds to ensure less-than-significant impacts. If Tier 4 Final equipment is necessary to reduce construction emissions below the BAAQMD regional construction thresholds, then this would be required. Therefore, for this programmatic evaluation of potential</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>reductions in criteria air pollutant emissions during construction. UC Berkeley should revise Mitigation Measure Air-2.1 to require Tier 4 Final or higher engines.</p> <p>In addition, as Baseline explains, Mitigation Measure AIR-2.1's requirement that any emissions controls used on Tier 3 off-road diesel equipment achieve emissions reductions equivalent to the Tier 4 Interim emissions standards is not technically feasible. Tier 4 Interim emission standards for respirable particulate matter (PM₁₀) are about 91 to 96 percent lower than the Tier 3 emission standards for off-road diesel equipment ranging between 75 and 750 horsepower. The most effective Verified Diesel Emissions Control Strategies available for controlling PM₁₀ emissions from most Tier 3 off-road diesel equipment cannot achieve reductions that would be equivalent to the Tier 4 Interim emission standards. Baseline Report at 7, 8.</p>	<p>construction impacts use of Tier 4 interim construction equipment was identified to substantially reduce impacts associated with future construction activities under the LRDP Update. Nonetheless, revisions have been made to Chapter 5.2, Air Quality, of the Draft EIR, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. This revision clarifies the use of Tier 4 Final equipment is required as a first step unless it can be demonstrated to UC Berkeley that such equipment is not commercially available. This revision does not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to Section 15088.5(a), Recirculation of an EIR Prior to Certification.</p>
A3-78	<p>(ii) Operational Impacts</p> <p>The DEIR's analysis of operational air quality impacts is flawed in numerous respects. First, the DEIR evaluates the Project's potential to result in a cumulatively considerable net increase in emissions by identifying emissions in 2036-2037 and comparing them to a business as usual ("BAU") forecast. We question the validity of this approach. While the BAAQMD does recommend subtracting existing emissions from the emissions estimated from a new land use, this methodology is only appropriate if a project involves the removal of existing emission sources. BAAQMD Guidelines at 4-2. The LRDP would not remove sources of emissions. The revised EIR should treat the emissions from the various LRDP sectors (see Table 5.2-12 (DEIR at 5.2-50)) as new emissions and compare these new emissions to the BAAQMD significance thresholds. Moreover, to the extent the DEIR uses BAU as a future conditions baseline, that is only appropriate if substantial evidence in the record shows that using existing conditions would be misleading or without informative value to decision-makers and the public. CEQA Guidelines §</p>	<p>The comparison of air quality impacts in Table 5.2-12 provides a conservative analysis of potential impacts associated with the LRDP Update.</p> <p>Emission rates in 2018 are substantially higher than emission rates would be in 2036, which is the buildout horizon of the LRDP. Overtime, because of regulations that have resulted in reduced emissions rates and turnover of older, more polluting equipment and vehicles, air pollutant emissions can decrease even if there are no changes in student population and faculty/staff at UC Berkeley. In order to truly compare how the LRDP Update affects emissions on campus, the emissions rates applied to the existing uses need to be constant. Otherwise, the indirect effect of the air quality regulations can outweigh the direct effects associated by the increase in population and employment growth associated with the LRDP Update. Since impacts associated with student population and faculty/staff growth at UC Berkeley is one of the primary concerns of the community, Table 5.2-12 provides an analysis that isolates the effects of this population</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
15125(a)(2). “Use of projected future conditions as the only baseline must be supported by reliable projections based on substantial evidence in the record.” Id. No such projections or evidence are presented in the DEIR.	<p>growth on criteria air pollutant emissions. The Draft EIR also provides the existing emissions in 2018 in Table 5.2-5. As shown in Table 5.2-5, baseline NOx emissions on campus average 432 pounds per day, which is higher than the 379 pounds per day of NOx projected emissions in 2036 for existing uses because of the lower emission rates. If the project’s NOx emissions in Table 5.2-12 (381 pounds per day) were compared to the project’s NOx emissions in 2018, then the LRDP Update would show a decrease in NOx emissions because of lower emission rates despite the new buildings and increase in students, faculty, and staff on campus. Consequently, the analysis is appropriate and warranted under CEQA Guidelines Section 15125(a)(2). Furthermore, the DRAFT EIR did include the comparison of the LRDP Update emissions in 2036 to existing (2018) emissions, and this analysis can be found in Appendix C1. However, as outlined above, the presentation in the Draft EIR provides a conservative approach for of analyzing impacts; and therefore, no changes are warranted.</p> <p>Second, the business as usual (BAU) forecast for the LRDP Update is also a conservative scenario because it does not include additional campus measures identified in the Sustainability Scenario that the UC Berkeley campus is now and will continue to implement, such as the UC Berkeley Sustainability Plan and the UC Sustainable Practices Policy. Therefore, this is also a conservative way of analyzing criteria air pollutant impacts.</p> <p>Lastly, existing emissions sources were not “subtracted” out. An inventory was conducted of existing emissions on campus and a forecast of the emissions sources was conducted. These two scenarios (existing inventory and future forecast) were compared to each other. No individual emissions sources were subtracted out.</p>	
A3-79	<p>Second, as the Baseline Report explains, the DEIR relies on a questionable methodology for calculating future emissions for the cogeneration plant. Because the cogeneration plant is the predominant source of criteria air</p>	<p>Please see Response A3-78 regarding operational air quality impacts. The methodology for calculating the future emissions at the cogeneration plant is fully documented and is consistent with the</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>pollutant emissions in the LRDP study area, an accurate methodology for estimating the 2036 criteria air pollutant emissions is critical for evaluating the significance of potential air quality impacts. The DEIR estimates emissions based on a BAU option that assumes continued operation of the cogeneration plant with maintenance and equipment replacement. DEIR at 5.2-33. Baseline explains that it would be reasonable to conclude that the criteria air pollutants emissions estimated for the existing year (2018) would be the same as the BAU option for 2036; however the DEIR shows that the criteria air pollutant emissions from the cogeneration plant would be about 10 percent lower in 2036 than in 2018. See Table 5.2- 12 (DEIR at 5.2-50). Since there are no measures in the DEIR that would require maintenance and replacement of the existing cogeneration plant under the BAU option, it would be reasonable to assume that the efficiency of the cogeneration plant would deteriorate with time and require more natural gas use, which would increase the criteria air pollutant emissions above baseline conditions. As a result, the unsubstantiated estimates of criteria air pollutants from the cogeneration plant in 2036 introduces a significant level of uncertainty to the air quality analysis. Baseline Report at 9.</p>	<p>forecasted natural gas use at the cogeneration plant identified in the baseline scenario of the Campus Energy Plan. The cogeneration plant is a Title V facility regulated by BAAQMD (Facility ID #A0059). Therefore, UC Berkeley is required to monitor and report monthly emissions to BAAQMD and ensure that equipment is maintained to achieve the mandatory emissions limits specified for NO_x, CO, and PM in the Title V Permit.</p> <p>It is not reasonable to assume that 30+ year old equipment would not be maintained or replaced, resulting in a deterioration of emissions rates that would not be permitted under the Title V Permit for the cogeneration plant. Therefore, in accordance with the Campus Energy Plan prepared by ARUP, the BAU scenario assumes continued operation of the cogeneration plant, but includes seismic upgrade of the existing cogeneration plant, replacement of turbines and boilers, repair of sections of the steam distribution system, and installation of new building-level cooling equipment. These assumptions are part of normal operations of the existing cogeneration plant and are assumed as part of the LRDP update BAU scenario. The reduction in natural gas use at the cogeneration plant is consistent with the Campus Energy Plan (see Appendix C1, “UCB ARUP Energy Plan”) Scenario “o”.</p>
A3-80	<p>Third, the DEIR determines there would be a nominal increase in NO_x and PM_{2.5} emissions compared to BAU generated by commuting students, faculty and staff. DEIR Table 5.2-12 (DEIR at 5.2-50). As we have explained, if the DEIR underestimates VMT, it also underestimates the increase in</p>	<p>Furthermore, it should be noted that the difference between the existing (2018) cogeneration plant NO_x emissions and the LRDP Update horizon year (2036) is 3 lbs per day of ROG_s, 30 lbs per day of NO_x, and 5 lbs per day of PM₁₀ and PM_{2.5}. Therefore, even if existing 2018 emissions were used for the BAU scenario, it would not affect the significance conclusions in the Draft EIR.</p> <p>Please see Response A3-67 regarding the VMT from commuting students, faculty, and staff. Emissions associated with the proposed project do not underestimate commute trip length; and therefore, no changes to the emissions analysis in Chapter 5.2, Air Quality, of the Draft EIR, are warranted.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-81	<p>NO_x and PM_{2.5} as these pollutants are by-products of fuel combustion, (i.e., motor vehicle usage) DEIR at 5.2-2, 5.2-3.</p> <p>Fourth, the DEIR fails to discuss the specific human health effects that would occur as a result of the Project’s significant air pollutant emissions. CEQA requires such an analysis. <i>Sierra Club v. County of Fresno</i> (2018) 6 Cal.5th 502, 517-22. The DEIR determines that the Project’s ROG emissions would exceed the BAAQMD thresholds of significance and that these emissions would contribute to the ozone nonattainment designations of the San Francisco Bay Area Air Basin. DEIR at 5.2-51. Accordingly, the DEIR should have related the Project’s emissions to likely health consequences so that the public is apprised of these impacts and so decision-makers are able to make informed decisions regarding the costs and benefits of the Project. However, the DEIR declines to conduct an analysis of the health outcomes associated with these emissions. DEIR at 5.2- 52.</p> <p>The DEIR offers several reasons why its authors did not conduct the necessary analysis, including that BAAQMD has not provided methodology to conduct the analysis and because such analyses can be complex. There is nothing in CEQA that relieves a lead agency from its obligation to determine significant effects simply because the impact is related to a rapidly-evolving area of science and policy. Rather, the DEIR preparer must “use its best effort to find out and disclose all that it reasonably can” regarding the health consequences of a project’s significant air pollutant emissions. <i>Citizens to Preserve the Ojai v. County of Ventura</i> (1986) 176 Cal.App.3d 421, 431 (quoting CEQA Guidelines § 15144); see also <i>Laurel Heights Improvement Assn. v. Regents of the University of California</i> (1988) 47 Cal.3d 376, 399 (“We find no authority that exempts an agency from complying with the law, environmental or otherwise, merely because the agency’s task may be difficult.”).</p> <p>Given the magnitude of the reactive organic gas (“ROG”) emissions associated with the LRDP, as well as the fact that the Bay Area is in non-</p>	<p>The Draft EIR identified a significant regional criteria air pollutant emissions impact associated with an increase in ROG emissions. The vast majority of ROG emissions (99 percent of the increase) are associated with consumer products use on campus (e.g., aerosols, cleaning products) from new buildings added to the campus. Photochemical grid modeling for the proposed project was not conducted because the information was determined to be potentially misleading to decision-makers and the public since the results of health impact analyses may be within the model ‘noise’, because 1) not all pollution is locally generated; “background” pollution mixes in from other areas, and 2) locally generated pollution can travel outside the Bay Area. For secondary pollutants like ozone and ammonium nitrate, the relationship with emissions is further complicated by chemical reactions. The amounts of these secondary compounds formed depend on a host of factors including ambient temperature, sunlight, humidity, the ratios of precursor compounds, and atmospheric ventilations. (Bay Area Air Quality Management District. 2016, November, Multi-Pollutant Evaluation Method Technical Document 2016 Update. https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/mpem_nov_dec_2016-pdf.pdf) While <i>Sierra Club v. County of Fresno</i> (2018) 6 Cal.5th 502, 517-22 stated that environmental analysis needs to disclose the environmental consequences from exceeding the BAAQMD’s regional ROG significance criteria, the lead agency is not required to engage in speculation or conjecture regarding the potential health consequences associated with exceeding the regional significance thresholds (CEQA Guidelines Section 15187). While lead agencies must use their best efforts to find out and disclose all that they reasonably can about a project’s potentially significant environmental impacts, they are not required to predict the future or foresee the unforeseeable (CEQA Guidelines Section 15144). The UC Berkeley generates a fraction of a</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	attainment of the ozone standards (Table 5.2-3 (DEIR at 5.2-17)), it is hard to imagine a project more deserving of photochemical grid modeling than this one. The EIR must be revised to relate the expected adverse air quality impacts (pollutant concentrations) to the Project's likely health consequences.	<p>percent of total ROG emissions in the Bay Area. So, even though the LRDP Update is a large project that exceeds the BAAQMD threshold, the emissions inventory for UC Berkeley is still a miniscule fraction of total emissions in the Bay Area. (In 2021, total ROG emissions in the Bay Area were 546,000 lbs per day while business as usual ROG emissions at UC Berkeley are projected to be 166 lbs per day in 2036 (BAAQMD, 2014, May, Bay Area Emissions Inventory, Summary Report: Criteria Air Pollutants Base Year 2011. https://www.baaqmd.gov/~media/Files/Planning%20and%20Research/Emission%20Inventory/BY2011_CAPSummary.ashx?la=en&la=en).</p> <p>Regional-scale models are not sensitive to small changes in emissions. Current models offer averages within areas of a square kilometer or greater. The intent of regional-scale models is to evaluate the costs and benefits of adopting a proposed regulation, rather than the health effects related to emissions from a specific proposed project or source. Thus, because of the complexities of regional-scale, photochemical grid modeling, this type of analysis would be misleading when considering projects, such as the proposed LRDP Update, that exceed the significance standard by a very small margin (see page 5.2-53 of the Draft EIR). Modeling of ROG exceedance using regional-scale modeling would not provide a reasonable degree of scientific certainty, and therefore would not provide reliable, credible information of value to decision-makers or the public regarding effects on health.</p> <p>Unmitigated project emissions would increase by 166 lbs per day of ROG under the LRDP Update. An internet search of Health Impact Assessments in the Bay Area was conducted to roughly correlate the potential health incidents from the ROG exceedance. Based on a study conducted for the San Jose West Mixed-Use Project (Google Project), which generated a net increase of 458 lbs per day of ROG in 2032 (which is more than twice that of the project), the Draft EIR identified that that ROG emissions from the project would result in</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-82	<p>(c) The DEIR Fails to Adequately Analyze and Mitigate Impacts Relating to the Project’s Potential to Expose Sensitive Receptors to Substantial Pollutant Concentrations (Impact Air-3). (i) LRDP Construction Impacts</p>	<p>approximately 0.85 additional asthma-related visits per year, less than 0.08 asthma-related hospital admissions per year, 0.22 additional cardiovascular-related hospital admissions per year, 0.38 additional respiratory-related hospital admissions per year, 1.50 additional mortality, and 0.017 non-fatal acute myocardial infarctions per year for all age groups. (Bluescape Environmental. 2020, July 9. CAMx Photochemical Modeling Study to Support a Health Impact Analysis. https://www.sanjoseca.gov/Home/ShowDocument?id=65049; San Jose. 2020, October. Downtown West Mixed-Use Project (Google Project), Draft Environmental Impact Report. State Clearinghouse #2019080493. https://www.sanjoseca.gov/home/showpublisheddocument/65361/637382839899070000) Based on the fact that project-related emissions are substantially less than that identified for the San Jose West Mixed-Use Project, health incidents associated with the proposed project would be no greater than identified above; and would likely be substantially less.</p> <p>However, even if the model reports a given health effect, the actual effect may differ from the modeled results; that is, the modeled results suggest precision, when in fact the available models have numerous uncertainties that limit their precision for predicting health effects associated with emission sources that are small in comparison to regional, air basin-wide emissions. Therefore, on a plan level, identifying how the increase in ROG emissions above the threshold would affect health incidences is considered speculative. See also Appendix C1, “Friant Ranch Regional Scale Models & Health Incidents.”</p> <p>Chapter 5.2, Air Quality, includes a qualitative analysis of potential program-level impacts at sensitive receptors from construction activities associated with the LRDP Update under impact discussion AIR-3. The analysis of these program-level construction concentration and risk impacts is qualitative, not quantitative, because the specifics of individual, site-specific construction activities (phasing, duration,</p> <p>The DEIR acknowledges that future construction within the scope of the</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>LRDP would elevate concentrations of toxic air contaminants (TACs) and diesel-PM_{2.5} in the vicinity of sensitive land uses. The DEIR makes no attempt to estimate these emissions or the potential health effects of these emissions. Instead, the DEIR states that potential future projects would be subject to “basic control measures.” DEIR at 5.2-60. The DEIR also looks to Mitigation Measure Air-3 explaining that it would reduce emissions but not to a less than significant level. DEIR at 5.2-60, 5.2-61. There are several flaws in the DEIR’s approach.</p> <p>First, the DEIR does not describe the “basic control measures” that would be implemented to reduce emissions. As the Baseline Report explains, the BAAQMD’s basic control measures described under CBP AIR-2 would reduce fugitive dust emissions, but these measures would not reduce diesel-PM_{2.5} emissions. Baseline Report at 9. Moreover, the DEIR mentions the use of diesel particulate filters and electric- powered equipment but it never explains how or when such actions would be employed. DEIR at 5.2-60.</p>	<p>construction equipment list, etc.) are simply unknown at this time. See, e.g., CEQA Guidelines, Section 15064.7(a) (significance threshold can be qualitative or quantitative); Section 15142 (EIR shall consider “qualitative as well as quantitative factors”); <i>Ebbetts Pass Forest Watch v. California Dept. of Forestry & Fire Protection</i> (2008) 43 Cal.4th 936, 954 (CEQA analysis may include a general discussion where detailed, site-specific analysis would be speculative and require an analysis of specific acts that cannot reasonably be foreseen). Without these specifics, it is not possible to quantify impacts, such as what the construction emissions concentrations at sensitive receptors would be. This is consistent with the methodology for program-level impacts in BAAQMD’s CEQA Air Quality Guidelines. Therefore, the EIR explains what those impacts may be and why quantification would be speculative. No more is required under CEQA.</p> <p>The Basic Control Measures are clearly described under CBP AIR-2 and are consistent with that outlined in BAAQMD’s CEQA Air Quality Guidelines. The Draft EIR specifies that these Basic Control Measures primarily control for fugitive dust.</p> <p>Because program-level impacts from construction of the LRDP Update were identified as a significant impact, Mitigation Measure AIR-3 was identified in the Draft EIR and has been renumbered as Mitigation Measure AIR-3.1, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. Mitigation Measure AIR-3.1 requires larger, more intensive construction activities on one-acre that have a duration of 12 months or longer to conduct a Health Risk Assessment (HRA) to quantify and mitigate site-specific construction impacts. Mitigation Measure AIR-3.1, like Mitigation Measure AIR-2.1, requires use of Tier 4 construction equipment and/or diesel particulate filters to reduce the health effects of construction-related diesel-particulate matter (DPM), which is the primary pollutant of concern for the construction HRA. Because of the programmatic nature of the LRDP Update (phasing, duration,</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-83	<p>Second, as regards Mitigation Measure Air-3, the DEIR calls for HRAs to be prepared but only under very specific circumstances (e.g., an HRA would be prepared only on sites that are one acre or greater, within 1,000 feet of sensitive land uses, and for projects that would be under construction for more than 12 months). The DEIR attributes these specific criteria to the HRA Guidance Manual prepared by the California Office of Environmental Health Hazard Assessment (“OEHHA”). DEIR at 5.2-60. Yet, as the Baseline Report states, the OEHHA Guidance does not provide any criteria as to when to prepare a construction HRA. Moreover, the Baseline Report explains that many compact infill development projects include mid- to high-rise buildings that are less than one acre in size, but still result in construction emissions that can cause significant health risks. Baseline Report at 11.</p>	<p>construction equipment list, etc. are simply unknown at this time), Mitigation Measure AIR-3.1 specifies the types of measures that would reduce DPM and PM2.5 exhaust emissions. As specified in Mitigation Measure AIR-3.1, these measures would be implemented if the site-specific construction HRA results in impacts that exceed the significance criteria in BAAQMD’s CEQA Air Quality Guidelines (e.g., project-level cancer risk of 10 in a million and annual average PM2.5 concentration 0.3 µg/m3). Therefore, the EIR explains what actions could be employed to achieve the performance criteria.</p> <p>Mitigation Measure AIR-3.1 requires certain projects to prepare a site-specific construction HRA, as recommended by the Office of Environmental Health Hazard Assessment (OEHHA) 2015 HRA Guidance and BAAQMD. The site-specific circumstances of construction durations of over 12 months and a site acreage over one are from correspondence from BAAQMD. Based on correspondence with Alison Kirk, Principal Environmental Planner, at BAAQMD, CalEEMod generated construction emissions are generally not substantial enough to result in significant construction impacts to off-site sensitive receptors for projects with small site acreage of less than one acre. UC San Francisco required in their mitigation measures for the Comprehensive Parnassus Heights Plan EIR a 12-month duration or longer for when the UC would require a project-specific health risk analysis for construction activities. (UC San Francisco, 2020. Environmental Impact Report for the Comprehensive Parnassus Heights Plan. Prepared by ESA, dated July 2020.) It should be noted that BAAQMD did not comment on this mitigation measure for the proposed LRDP Update or the University of California, San Francisco’s Comprehensive Parnassus Heights Plan, which was completed in January 2021.</p> <p>For projects subject to CEQA, Mitigation Measure AIR-2.1 typically reduces the health risks from construction-related DPM emissions to levels below BAAQMD’s significance thresholds (see Response A3-77).</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-84	Third, notwithstanding the limited circumstances under which the DEIR asserts the University would have to prepare an HRA, Mitigation Measure	<p>Mitigation Measure AIR-2.1 has been revised to require the use of equipment that is rated by the U.S. EPA as Tier 4 Final for all equipment 50 horsepower and higher for construction projects associated with the LRDP Update, subject to commercial availability. As Mitigation Measure AIR-2.1 would also apply to future projects related to the LRDP Update, Mitigation Measure AIR-3.1 requires more intensive construction activities on sites larger than one-acre that have a duration of 12 months or longer to conduct a HRA to quantify and mitigate site-specific construction impacts. The construction HRAs prepared for Housing Projects #1 and #2 illustrate this point. Housing Project #1 has a construction duration of over 12 months (see Draft EIR Table 5.2-8). As shown in Draft EIR Table 5.2-20, Housing Project #1 Construction Health Risk Results: with Mitigation, the health risks to the maximum exposed individual resident would be less than significant with incorporation of Mitigation Measure AIR-2.1. Housing Project #2 has a construction duration of over 12 months (see Draft EIR Table 5.2-9) and a site acreage over one (2.8 acres). Draft EIR Table 5.2-22, Draft EIR Table 5.2-22, Housing Project #2 Construction Health Risk Results: with Mitigation, provides the health risks to the maximum exposed individual resident would be less than significant with incorporation of Mitigation Measure AIR-2.1.</p> <p>However, construction-related health risk impacts related to the LRDP Update may still exceed the applicable thresholds due to future project-specific circumstances regardless of mitigation measures applied, and that future site-specific circumstances are not known for this program-level evaluation, hence the inclusion of Mitigation Measure AIR-3.1. At the request of the commenter, Mitigation Measure AIR-3.1 has been revised to not preclude UC Berkeley from considering a construction HRA for projects less than 12 months or smaller than one acre (see Chapter 3, Revisions to the Draft EIR).</p> <p>Mitigation Measure AIR-3.1 clearly states “If the construction HRA shows that the incremental cancer risk exceeds 10 in a million (10E-</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Air-3 identifies thresholds for when the University would be required to implement feasible control measures (e.g., if the HRA determines that the incremental cancer risk exceeds 10 in a million). DEIR at 5.2-60, 5.2-61. Yet, these thresholds are not sufficient to protect public health. Baseline Report at 11, 12. As the Baseline Report explains, the mitigation measure does not require that PM_{2.5} concentrations would need to be reduced below the BAAQMD threshold, only the cancer risk and hazard index. Baseline Report at 12. In addition, in an egregious oversight, Measure AIR-3 does not require an evaluation of a project’s cumulative contribution to health risks based on the BAAQMD’s cumulative thresholds. Id. As a result, Mitigation Measure AIR-3 fails to reduce health risks to the maximum extent feasible during construction of the LRDP.</p>	<p>06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0...” Therefore, the EIR does require project-level analyses to consider PM_{2.5} concentrations. The program-level LRDP EIR considers cumulative health risk impacts under AIR-5, in Table 5.2-24, which include two simultaneous construction projects associated with Housing Projects #1 and Housing Project #2. As shown in this table, no cumulative health risks, non-cancer hazard index (chronic hazards and acute hazards), or PM_{2.5} impacts were identified. Consequently, the intent of Mitigation Measure AIR-3.1 is to reduce project-level construction-related health risk impacts to less-than-significant levels. However, by doing so, cumulative construction risks are inherently less than significant (see Impact AIR-5). As identified AIR-5, Table 5.2-24 reflects the maximum potential construction health risk from cumulative activities at a single receptor at any one time. Therefore, BAAQMD cumulative thresholds were not cited in Mitigation Measure AIR-3.1.</p>
A3-85	<p>(ii) LRDP Operational Impacts</p> <p>The HRA prepared in connection with the LRDP identifies the cancer risk from operational emissions of TACs and determines that these risks are less than significant. DEIR at 5.2-61 through 5.2-64. However, this HRA evaluated health risks only to existing sensitive receptors located off-campus. Baseline Report at 12. There are existing sensitive receptors located on the UC Berkeley campus, such as childcare facilities and family housing, that could be exposed to future sources of TACs during operation of the proposed LRDP Update. Id. The revised DEIR must undertake a new HRA and this HRA must include existing sensitive receptors located on-campus.</p>	<p>As stated in the HRA prepared for the LRDP Update (Draft EIR Appendix D1), the LRDP HRA included receptors placed at 20-meter increments along the Campus Park boundaries, rectangular receptor grids consisting of 50 m increments to a distance of 500 m, at 100 m increments to a distance of 2 km, and at a distance of 250 m increments to a distance of 5 km. The receptor locations are depicted in Figure 4 of the LRDP Update HRA. Although not specifically mentioned in the Draft EIR or HRA, the receptor grid used in the LRDP Update HRA included family housing and UC Berkeley Early Childhood Education (ECE) facility locations. (UC Berkeley, 2021. Early Childhood Education Program, accessed on May 11, 2021 at https://ece.berkeley.edu/locations-hours/.) UC Berkeley confirmed there are no family housing nor childcare facilities on the Campus Park. As shown in Table 5.2-18, LRDP Update Operational Health Risk Results, the health risks to the maximum exposed individual resident, worker and sensitive receptor (school/day care) would be less than significant.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-86	<p>(iii) Construction Health Risks from Housing Projects #1 and #2</p> <p>The methodology used to calculate health risk for the LDRP's Housing Projects is flawed. As the Baseline Report explains, the average ambient concentration that a sensitive receptor would be exposed to during construction was diluted to account for the calendar months of the year when no construction would be occurring. There is no justification provided for this approach and it is not supported by OEHHA Guidance. Baseline Report at 13. Had the HRA employed the correct methodology, as discussed below, the cumulative-level impact would be potentially significant without mitigation.</p>	<p>The 2015 OEHHA HRA guidance recommends in Section 8.2.10, Cancer Risk Evaluation of Short Term Projects, that exposures for projects lasting more than 6 months should be evaluated for the duration of the project. (Office of Environmental Health Hazard Assessment (OEHHA), 2015. Guidance Manual for Preparation of Health Risk Assessments. Air Toxics Hot Spots Program, Risk Assessment Guidelines, section 8.2.10.) Therefore, per the OEHHA guidance, the health risks from the short-term construction of Housing Projects #1 and #2 were determined using the projected construction durations as nearby residences and other receptors would only be exposed to construction emissions during construction hours. The construction schedules for Housing Projects #1 and #2 are provided in Draft EIR Table 5.2-8, Construction Activities, Phasing and Equipment: Housing Projects #1 and Draft EIR Table 5.2-9, Construction Activities, Phasing and Equipment: Housing Project #2, respectively. As shown in Tables 5.2-8 and Table 5.2-9, housing project construction does not occur all 12 months for the first and final years of construction. Therefore, the off-site receptor exposure durations were scaled for the first and final year of construction to properly assess the times off-site receptors would be exposed to construction emissions in those particular years, consistent with OEHHA Guidance. As shown in Table 5.2-20, Housing Project #1 Construction Health Risk Results: with Mitigation, the health risks to the maximum exposed individual resident would be less than significant with incorporation of Mitigation Measure AIR-2.1. For construction of Housing Project #2, Table 5.2-21, Housing Project #2 Construction Health Risk Results: without Mitigation, the health risks to the maximum exposed sensitive receptors (day care and school student) would be less than significant. Table 5.2-22, Housing Project #2 Construction Health Risk Results: with Mitigation provides the health risks to the maximum exposed individual resident would be less than significant with incorporation of Mitigation Measure AIR-2.1.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
		The comment’s disagreement over the methodology used for assessing health risk impacts in the Draft EIR is noted. However, a lead agency has substantial discretion in determining the appropriate threshold of significance to evaluate the severity of a particular impact. Where an agency’s methodology is challenged, the standard of review for a court reviewing the selected methodology is the “substantial evidence” standard, meaning the court must give deference to the lead agency’s decision to select particular significance thresholds, including the threshold for health risk impacts. The Draft EIR’s use of methodology to determine health risk impacts is founded on the substantial evidence set forth in the OEHHA Guidance. Accordingly, further study of health risk impacts of Housing Projects #1 and #2 is not required.
A3-87	<p>(d) The DEIR Fails to Adequately Analyze and Mitigate the Project’s Cumulative Health Risks (Impact Air-5).</p> <p>The DEIR’s cumulative HRA was not conducted in accordance with BAAQMD Guidance and is flawed for the following reasons. First, the cumulative HRA included health risks from stationary sources located at the Lawrence Berkeley National Laboratory; however, it did not include any other existing stationary sources within 1,000 feet of the LRDP study area. Baseline Report at 14, 15. According to the DEIR there are 16 other existing stationary sources of TACs and/or PM_{2.5} emissions located within 1,000 feet of the EIR Study Area that are not affiliated with UC Berkeley. Figure 5.2-2 (DEIR p.5.2-21). The list of sources that were omitted from the DEIR’s HRA are shown on Table 5 in Baseline’s Report at p. 15.</p>	At the request of the commenter, the cumulative analysis in Table 5.2-24 has been updated to identify the additional stationary sources identified by the commenter within 1,000 feet of the EIR Study Area (see Chapter 3, Revisions to the Draft EIR). The Golden Bear Center generator at 1995 University Avenue was included in the LRDP Update HRA analysis; thus, the risks from this source were included in the LRDP Update Operational HRA Results provided in Table 5.2-18. As shown in the revised Table 5.2-24, the cumulative operational health risks remain below BAAQMD’s cumulative thresholds and cumulative impacts are remain less than significant.
A3-88	<p>Second, the HRA omitted the City of Berkeley’s pending projects shown in DEIR Table 5-2 (DEIR at 5-11). As the Baseline Report explains, in accordance with the California Building Code, these projects would require an emergency generator to support elevator operations. It would be reasonable to assume that at least one diesel emergency generator would be maintained at each of these developments that would be a source of future TAC and PM_{2.5} emissions. Baseline Report at 16.</p>	UC Berkeley diesel-fired emergency generators are not anticipated to be a major source of TACs due to their limited use. Additionally, generators planned for future development are required to comply with U.S. EPA’s Tier 4 engine standards which greatly reduces DPM emissions and potential impacts to nearby sensitive receptors. Any emergency generator installed on the cumulative projects would be required to comply with BAAQMD permitting regulations (i.e.,

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-89	<p>Third, although the cumulative HRA included health risks from roadways with more than 30,000 average daily trips (“ADT”), it did not include health risks from roadways with more than 10,000 ADT as the BAAQMD Guidelines recommends. Baseline Report at 16. According to the DEIR, there are 17 roadway segments with more than 10,000 average daily trips within 1,000 feet of the LRDP study area (Table 7) that would be sources of TAC and PM2.5 emissions. See DEIR at 5.11-16, 5.11-17.</p>	<p>Regulation 2), which imposes limits on maintenance and reliability run-time hours. Additionally, it is not known which cumulative projects would have emergency generators; and therefore, the EIR does not engage in speculation. Therefore, generator emissions from projects on the City of Berkeley’s pending projects list were not included in the cumulative health risk analysis and are not anticipated to create a cumulative significant impact when added to the cumulative health risks provided in the Draft EIR.</p> <p>At the request of the commenter, the cumulative analysis in Table 5.2-24 has been updated to include high volume roadways with more than 10,000 average daily trips (ADT) (see Chapter 3, Revisions to the Draft EIR). Screening level health risks from roadways were determined using BAAQMD’s 2015 Roadway Analysis Calculator. (BAAQMD Roadway Screening Calculator (2015). On April 27, 2021, BAAQMD staff communicated the 2015 roadway screening calculator may continue to be used for roadways 10,000 average daily trips and higher with incorporation of a 1.3744 breathing-rate adjustment factor, pursuant to the 2015 OEHHA HRA Guidance. The risks from high volume roadways within 1,000 feet of the maximum exposed individual resident (MEIR) are shown in the revised Table 5.2-24. The cumulative operational health risks remain below BAAQMD’s cumulative thresholds and cumulative impacts remain less than significant.</p> <p>As noted in the LRDP Update HRA (Draft EIR Appendix D1; page 23), the cumulative health risk values in Table 5.2-24 for the various emission sources were determined at different locations than the MEIR location for the LRDP Update HRA (along Hearst Avenue, west of Arch Street). For instance, the MEIR location for the LRDP Update analysis is along Hearst Avenue (see Figure 5.2-6), whereas the maximum exposed residential receptor for the Construction of Housing Project #1 is along Berkeley Way (Draft EIR, Section 5.2.3, impact discussion AIR-3). It is likely that the summed cumulative health risks at any one location would be less than the summed total provided in Table 5.2-24, as</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-90	Fourth, the cumulative HRA assumes the implementation of Mitigation Measure Air-2, which as discussed above, is flawed largely because it would allow Tier 4 Interim rather than Tier 4 Final emission standards. The HRA should be recalculated to show the unmitigated health risk.	<p data-bbox="1157 321 1934 732">pollutant concentrations decrease with distance from the emission source. To illustrate this point, cumulative risks were summed at a different residential location than the MEIR. The residences northwest of the intersection of Fulton Street and Durant Avenue were selected because of their proximity to multiple high-volume roadways and closer proximity to the UC Berkeley Central Plant. The cumulative risks at this location are 47 in a million incremental cancer risk, 0.25 chronic hazard index, 0.30 acute hazard index and 0.41 µg/m³ annual PM_{2.5} concentration. All the cumulative health risks remain well below BAAQMD’s cumulative thresholds at this additional receptor location, and the cumulative cancer risk and annual PM_{2.5} concentrations are less than the risk values calculated at the MEIR location in Table 5.2-24.</p> <p data-bbox="1157 781 1892 911">Therefore, the project would not result in cumulative health risk impacts since the project’s health risks when summed with the screening-level risks from surrounding emission sources would not exceed BAAQMD’s cumulative significance thresholds.</p> <p data-bbox="1157 927 1934 1300">Please see Response A3-77, in regard to the comment regarding Tier 4 interim construction equipment and note that Mitigation Measure AIR-2.1 has been revised to require Tier 4 Final equipment as a first tier approach. Table 5.2-24 provides the cumulative risk associated with the proposed project. The mitigated health risk from construction of Housing Projects #1 and #2 was included in this table. At the request of the commenter, the cumulative health risk including the unmitigated health risk from Housing Projects #1 and #2 are provided in Appendix D1 to the Final EIR. The cumulative health risks including unmitigated risks from Housing Projects #1 and #2 are below BAAQMD’s cumulative thresholds and cumulative impacts are less than significant.</p>
A3-91	Fifth, although the cumulative HRA included the emissions from construction of Housing Projects #1 and #2, it did not include emissions from the other construction projects that would occur with implementation of the proposed LRDP Update. Baseline Report at 17.	Please see Response A3-82 regarding impact discussion AIR-3. The analysis of these program-level construction concentration and risk impacts is qualitative, not quantitative, because the specifics of individual, site-specific construction activities (phasing, duration, construction equipment list, etc.) are simply unknown at this time. See,

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-92	<p>Sixth, because the DEIR concludes that the cumulative health risk would be less than significant it does not identify any mitigation for cumulative health risks. The revised DEIR must identify feasible mitigation that would require future projects implemented under the LRDP to evaluate and reduce (if necessary) construction health risks below the BAAQMD’s cumulative thresholds of significance.</p> <p>As the Baseline Report explains, based on a screening-level cumulative analysis of mobile and stationary sources in the Bay Area, the BAAQMD has mapped localized areas of elevated air pollution that exceed an excess cancer risk of 100 in a million or PM_{2.5} concentrations of 0.8 micrograms per cubic meter, or are within 500 feet of a freeway, 175 feet of a roadway with more than 30,000 AADT, or 500 feet of a ferry terminal. Baseline Report at 17. Within these localized areas of elevated air pollution, the BAAQMD encourages local governments to implement best practices to reduce exposure to and emissions from local sources of air pollutants. As shown on Figure 2 in the Baseline Report, the purple shaded areas show elevated levels of TAC and/or PM_{2.5} pollution currently extend across a substantial portion of the LRDP study area. The BAAQMD’s screening-level cumulative analysis of health risks in the</p>	<p>e.g., CEQA Guidelines, Section 15064.7(a) (significance threshold can be qualitative or quantitative); Section 15142 (EIR shall consider “qualitative as well as quantitative factors”); <i>Ebbetts Pass Forest Watch v. California Dept. of Forestry & Fire Protection</i> (2008) 43 Cal.4th 936, 954 (CEQA analysis may include a general discussion where detailed, site-specific analysis would be speculative and require an analysis of specific acts that cannot reasonably be foreseen). Without these specifics, it is not possible to quantify impacts, such as what the construction health risk at sensitive receptors would be. This is consistent with the methodology for program-level impacts in BAAQMD’s CEQA Air Quality Guidelines. Therefore, the EIR explains what those impacts may be and why quantification would be speculative. No more is required under CEQA.</p> <p>Please see Response A3-84 and Response A3-91 regarding impact discussion AIR-3. No cumulative cancer risks, non-cancer hazard index (chronic hazards and acute hazards), or PM_{2.5} impacts were identified under AIR-5. Construction impacts from any single project are short-term and would not occur annually over the project lifetime, like other cumulative sources of emissions. Mitigation Measure AIR-3 (renumbered as Mitigation Measure AIR-3.1 as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR) would reduce project-level construction-related health risk impacts to less than 10 in a million cancer risk and 0.3 µg/m³ at the Maximally Exposed Individual Receptor (MEIR). Therefore, including the MEIR from two of the largest simultaneously occurring construction projects under the LRDP Update as part of the cumulative risk analysis provides a conservative analysis of cumulative health risk in Table 5.2-24.</p> <p>BAAQMD released its Planning Healthy Places (PHP) guidance manual and online interactive map that identifies Best Practices areas (i.e., purple zones) near highways and other sources of air emissions. The purple zones are defined as areas which BAAQMD recommends either best practices to reduce emissions exposure (such as the installation</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>vicinity of the EIR Study Area is significantly different than the findings presented in the DEIR, which is likely due to all the sources of TACs and PM_{2.5} described above that have been excluded from the cumulative analysis.</p> <p>In conclusion, the existing cumulative HRA is incomplete because it was not performed in accordance with BAAQMD guidance, and the DEIR provides no assurance that future construction projects under the LRDP Update would not pose a cumulatively significant health risk to sensitive receptors.</p>	<p>of high efficiency air filters for residences) or to conduct “further study” which entails air quality modeling to more precisely determine fine PM concentrations and/or estimate health risks from air toxics. BAAQMD’s PHP online interactive map tool does not predict localized health risks but helps identify areas which may need to implement the air district’s recommended best practices or need further study.</p> <p>The commenter is correct that a substantial portion of the EIR Study Area is within a PHP purple zone. Additionally, there are also a few blue zone areas within the EIR Study Area, which correspond to areas where “further study” is recommended. Therefore, implementing “best practices” or “further study” is recommended according to BAAQMD’s PHP guidance. The LRDP Update HRA for the EIR Study Area is an example of a site-specific study that satisfy BAAQMD’s recommendations to conduct “further study” within its blue and purple zones. Additionally, Mitigation Measure AIR-2.1 and AIR-3.1 incorporate construction equipment mitigation language from BAAQMD’s 2016 PHP guidance manual.</p> <p>As provided in Table 5.2-18, the LRDP Update HRA found the potential health risk impacts to the maximum exposed individual resident, worker, and sensitive receptors, respectively, to be less than significant per BAAQMD thresholds. As shown in the revised Table 5.2-24, the cumulative health risks are below BAAQMD’s cumulative thresholds and cumulative health risk impacts remain less than significant.</p>
A3-93	<p>7. The DEIR Fails to Adequately Analyze and Mitigate the Project’s Climate Change Impacts.</p> <p>Along with Baseline Environmental, we have reviewed the DEIR’s greenhouse gas (“GHG”) impact analysis. We have determined that the DEIR fails to adequately estimate the Project’s GHG emissions from the LRDP and Housing Projects #1 and #2. In addition, it fails to adequately evaluate the Project’s consistency with plans and policies intended to</p>	<p>Please see Responses A3-189 through A3-193 for GHG comments in Exhibit B (Baseline Environmental). GHG emissions impacts are the project’s effect of cumulative GHG emissions. GHG emissions for Housing Projects #1 and #2 are accounted for in the 2036 LRDP Forecast.</p> <p>Chapter 5.7, Greenhouse Gas Emissions, and Appendix C1 provides a</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>reduce GHG emissions. A summary of our comments follows. We direct the University to Baseline Environmental’s full Report for a detailed accounting of the deficiencies in the DEIR’s climate change chapter; this Report is Exhibit B to this letter.</p> <p>(a) Legal Standards</p> <p>Like all significance determinations under CEQA, “[t]he determination of the significance of GHG emissions calls for a careful judgment by the lead agency.” CEQA Guidelines § 15064.4(a); see also id., § 15064(b) (significance determination “calls for careful judgment . . . based to the extent possible on scientific and factual data”). Where, as here, an agency uses a model or methodology to quantify project emissions, it must support its chosen methodology with substantial evidence, and must “explain the limitations of the particular model or methodology selected for use.” Id., § 15064.4(c).</p> <p>An EIR’s failure to disclose the information CEQA requires, in a manner that deprives the public and decision-makers with a “full understanding of the environmental issues” raised by a project, is legal error. <i>Banning Ranch Conservancy v. City of Newport Beach</i> (2017) 2 Cal.5th 918, 942. In addition, in assessing GHG emissions, an EIR must “reasonably evaluate [the] downstream impacts” of long-range projects that remain in the environment for many years, exerting an influence on travel behavior and emissions. <i>Cleveland National Forest Foundation v. San Diego Assn. of Govs.</i> (2017) 3 Cal.5th 497, 513. The LRDP—which will have profound effects for decades to come—requires a comprehensive and honest analysis.</p>	<p>detailed accounting of the emissions calculation methodology for the LRDP Update in accordance with CEQA Guidelines Section 15064.4 and include direct emissions and indirect emissions generated by the land uses at UC Berkeley (see also Appendix Q, GHG Accounting Methodology Memorandum, of this Final EIR).</p>
A3-94	<p>(b) The DEIR’s Estimate of Project-Related Emissions Lacks Transparency (Impact GHG-1).</p> <p>The DEIR concludes that implementation of the LRDP would not contribute a significant amount of GHG emissions and that the Project’s</p>	<p>See also Response A3-24. Chapter 5.7, Greenhouse Gas Emissions, in Table 5.7-9 includes an accounting of the LRDP Update’s adjusted business-as-usual (BAU) and Sustainability Scenario emissions. Pages 5.7-31 through 5.7-33 clearly specify the individual measures from UC Berkeley and UC Sustainability Practices Policies considered in the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>impact on climate change would be less than significant. DEIR at 5.7-34. Yet the DEIR fails to provide the information necessary to judge whether modeled emissions estimates are correct. A discussion of the DEIR’s deficiencies follows.</p> <p>First, the DEIR assumes that implementation of the UC Sustainable Practices Policy, UC Berkeley’s 2020 Sustainability Plan, and Campus Energy Plan would result in GHG emission reductions. DEIR at 5.7-34. However, it is not possible to verify the accuracy of the emission estimates because the DEIR fails to: (1) identify the specific measures from the aforementioned plans and policy; (2) provide the required assurance that these measures would achieve the emissions reductions assumed by the DEIR; and (3) identify the specific emission reduction attributable to each measure within the plans and policy.</p> <p>Based on the limited information in the DEIR, it is not possible to determine how the DEIR preparers arrived at the various 2036 emission scenarios (see Table 5.7-9 (DEIR at 5.7-35)). The DEIR contains one set of 2036 GHG emission estimates for the 2036 Adjusted BAU Forecast Scenario and a second set of emission estimates entitled “2036 Sustainability Scenario.” Both scenarios include varying amount of assumed emissions reductions from implementation of the measures contained within the UC Sustainable Practices Policy, UC Berkeley’s 2020 Sustainability Plan, and Campus Energy Plan. Yet because the DEIR does not identify the specific measures or attribute specific emission reductions to those measures, the estimates contained in DEIR Table 5.7-9 are essentially meaningless. This complete lack of transparency deprives the public and decision-makers of information CEQA requires—information necessary to understand and comment meaningfully on the Project’s impacts.</p>	<p>Sustainability Scenario. These measures are not included in the Adjusted BAU Scenario. Appendix C1 includes details on the emissions factors and model methodology for both the Adjusted BAU scenario and the reductions for the individual measures included in the Sustainability Scenario. Therefore, the EIR did not deprive the public and decision-makers of information necessary to understand and comment.</p> <p>Additionally, as identified in Table 5.7-9, both the 2036 Adjusted BAU scenario and the 2036 LRDP Forecast Scenario result in less GHG emissions than under existing conditions. Therefore, implementation of the proposed project would not cumulatively contribute a significant amount of GHG emissions or contribute to cumulative GHG emissions impacts.</p> <p>Nonetheless, to evaluate consistency with plans adopted for the purpose of reducing GHG emissions, the EIR conservatively considers the carbon neutrality goals of Executive Order B-55-18 and the UC Sustainability Practices Policy to set a more ambitious GHG threshold for UC Berkeley of carbon neutrality by 2045. As described under Impact GHG-2, the 2036 Adjusted BAU emissions are projected to exceed the interim carbon neutrality goal based on carbon neutrality for all sources by 2045. Therefore, on-campus reductions (e.g., such as that outlined under the Sustainability Scenario) and purchase of voluntary carbon offsets (e.g., as required by the UC Sustainable Practices Policy and Mitigation Measure GHG-2) are required to offset GHG emissions.</p>
A3-95	<p>Second, the DEIR’s treatment of emissions from the University’s cogeneration plant is deficient. The DEIR states that 2036 emissions for the cogeneration plant fuel use are based on the 2020 UC Berkeley</p>	<p>Please see Response A3-79 regarding the Draft EIR’s evaluation of emissions associated with the cogeneration plant. The methodology for calculating the future emissions at the cogeneration plant is fully</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Campus Energy Plan BAU design option. Table 5.7- 8 (DEIR at 5.7-30). The DEIR does not provide sufficient information about how emissions associated with the cogeneration plant were calculated including the BAU scenario. As the Baseline Report explains, because the cogeneration plant is the predominant source of GHG emissions in the LRDP study area, describing the methodology for estimating the 2036 GHG emissions is critical for evaluating the significance of the LRDP’s GHG impacts. Baseline Report at 25. The DEIR’s Project Description identifies three options for the cogeneration system (DEIR at 3-21, 3-2), yet the DEIR does not explain the relationship between the BAU design option and these three options (i.e., how much GHG (and criteria air pollutants) would be generated from the cogeneration system under these various options?).</p> <p>As the Baseline Report explains, the BAU option assumes continued operation of the cogeneration plant with maintenance and equipment replacement. DEIR at 5.7-32. GHG emissions from the BAU option for the cogeneration plant in 2036 (111,393 metric tons of carbon dioxide equivalents (MTCO_{2e})) would be about 10 percent lower than in 2018 (123,888 MTCO_{2e}). Table 5.7-9 (DEIR at 5.7-35). However, according to Table 4 (p.17) of the 2020 Campus Energy Plan, operation of the BAU option for the cogeneration plant in 2036 would generate 141,000 MTCO_{2e}, which is about 14 percent higher than the 2018 emissions. Baseline Report at 20. This would result in a net increase in overall GHG emissions under the LRDP, which the DEIR should have determined to be a potentially significant impact based on the no net increase threshold.</p> <p>Further complicating matters, the DEIR’s treatment of the Hybrid Nodal Recovery system lacks sufficient detail to verify the accuracy of the cogeneration plants’ forecasted emissions. As the Baseline Report explains, according to footnote “a” in DEIR Table 5.7- 9, the 2036 Sustainability Scenario assumes the cogeneration plant will be converted to a Hybrid Nodal Recovery system. Based on the 2020 Campus Energy Plan, operation of the Hybrid Nodal Recovery system in 2036 would</p>	<p>documented and is consistent with the forecasted natural gas use at the cogeneration plant identified in the Campus Energy Plan. GHG emissions from all three Campus Energy Plan options are detailed in Appendix C1 (“Central Plant Design Option Energy Use – LRDP Buildout”). The GHG modeling methodology included in the Campus Energy Plan differs from the methodology UC Berkeley uses for tracking and monitoring of GHG emissions in the UC Berkeley third-party verified annual reports (see “Climate Registry – 2018 GHG Inventory”). Methodology for the LRDP Update inventory and forecast is described in Section 5.7-3.1 Methodology. The natural gas use from the Campus Energy Plan was utilized. However, the EIR utilizes the latest carbon intensity from electricity purchased by UC Berkeley as well as the emissions factors for natural gas. This was done to ensure consistency of the Draft EIR with the tracking and monitoring of the cogeneration plant conducted by UC Berkeley (see “Scope 1: 2018 Central Plant” and “Central Plant Design Option Energy Use – LRDP Buildout”) and other emissions sectors.</p> <p>It is not reasonable to assume that 30+ year old equipment would not be maintained or replaced, resulting in a deterioration of emissions rates that would not be permitted under the Title V Permit for the cogeneration plant. Therefore, in accordance with the Campus Energy Plan prepared by ARUP, the BAU scenario assumes continued operation of the cogeneration plant, but includes seismic upgrade of the existing cogeneration plant, replacement of turbines and boilers, repair of sections of the steam distribution system, and installation of new building-level cooling equipment. These assumptions are part of normal operations of the existing cogeneration plant and are assumed as part of the LRDP Update BAU scenario. The reduction in natural gas use at the cogeneration plant is consistent with the Campus Energy Plan (see Appendix C1, “UCB ARUP Energy Plan”) Scenario “o”.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>generate 21,000 MTCO₂e, which is about 26 percent higher than the value reported in DEIR Table 5.7-9 (16,667 MTCO₂e). There is no apparent explanation or evidence in the 2020 Campus Energy Plan or the DEIR for this deviation. Moreover the EIR must explain how the Hybrid Nodal Heat Recovery option would meet the UC Berkeley carbon neutrality initiatives while continuing to use natural gas.</p>	<p>GHG emissions from the Hybrid Nodal Recovery System are similarly based on the natural gas use identified from the Campus Energy Plan. However, the EIR utilizes the latest carbon intensity as well as the emissions factors for natural gas.</p> <p>This was done to ensure consistency of the Draft EIR with the tracking and monitoring of the cogeneration plant conducted by UC Berkeley (see “Central Plant Design Option Energy Use – LRDP Buildout”) and other emissions sectors. The Hybrid Nodal Recovery System would utilize natural gas, albeit to a much lesser degree than the Adjusted BAU Scenario. If UC Berkeley utilizes this option, pursuant to the UC Sustainability Practices Policy, GHG emission from natural gas use at the cogeneration plant would need to be offset through purchase of carbon credits. Biogas is not currently available at this time. Therefore, there are no potential conflicts with the UC Berkeley Sustainability Plan or UC Sustainable Practices Policy if UC Berkeley moves forward with this design option for the cogeneration plant.</p> <p>Furthermore, it should be noted that UC Sustainability Practices Policy in combination with Mitigation Measure GHG-2 requires on-campus reductions (e.g., such as that outlined under the Sustainability Scenario) and, if necessary, purchase of voluntary carbon offsets to offset GHG emissions to achieve carbon neutrality by 2045. The implementation of UC Sustainability Practices Policy ensures that at no time, GHG emissions impacts would be greater than 2018 conditions, and Mitigation Measure GHG-2 expands this requirement so that by 2045 the UC Berkeley campus would be carbon neutral. There is no greater standard that can be achieved.</p> <p>So regardless of which design option UC Berkeley moves forward with to upgrade the cogeneration plant, GHG emissions generated by the project would not substantially contribute to GHG emissions impacts.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-96	<p>Third, if the intent of including a 2036 Sustainability Scenario shown in Table 5.7- 9 is to conservatively show the unmitigated GHG reductions that will be required and enforced through the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan, then the level of analysis shown in Table 5.7-9 and the absence of a supporting discussion is severely flawed. Most notably, there is no quantification or discussion of potential GHG reductions that could be achieved through specific on-site measures identified in the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan.</p> <p>For example, the DEIR indicates that some of the new building projects will be prohibited from using natural gas for space and water heating, laundry, and cooking. The GHG emission reduction from these features should have been quantified in the 2036 Sustainability Scenario. DEIR at 5.7-32, 5.7-33. Similarly, the prohibition of natural gas for space and water heaters would result in an increase in electric heaters that use heat pumps with refrigerants; consequently, the emission reductions from the use of refrigerants should also have been quantified and shown in Table 5.7-9. This level of analysis of unmitigated GHG emissions forecast under the LRDP is missing from Table 5.7-9 and the GHG chapter in general.</p>	<p>The intent of showing the Sustainability Scenario is to show the potential effect from full implementation of the UC Berkeley Sustainability Plan and UC Sustainable Practices Policies at buildout of the LRDP Update. The purpose of showing the Adjusted BAU scenario is to provide a conservative estimate of the maximum emissions generated at buildout of the LRDP Update in the absence of these existing plans guiding the reduction of GHG emissions. However, these existing GHG reduction plans are part of the LRDP Update and guide growth and development at UC Berkeley. Thus, the Sustainability Scenario shows the potential on-site reductions that could be achieved on-campus with implementation of the UC Berkeley Sustainability Plan and UC Sustainable Practices Policies.</p> <p>On-campus reductions (e.g., such as that outlined under the Sustainability Scenario) and purchase of voluntary carbon offsets (e.g., as required by the UC Sustainable Practices Policy and Mitigation Measure GHG-2) are required to offset GHG emissions to achieve UC Berkeley’s long-term carbon neutrality goals. The full accounting of the reductions in the Sustainability Scenario can be found in Appendix C1.</p> <p>New residential and non-residential buildings not connected to the UC Berkeley cogeneration energy system would be 100 percent electric for water heating and space heating in accordance with the UC Sustainable Practices Policy, Section III.A.3, for all buildings constructed after June 30, 2019. UCB’s first–electric building opens this year - the Bakar BioEngenuity Hub. (The cogeneration plant provides steam heating and electricity on campus that is currently supplied by natural gas.) The cogeneration plant provides resiliency in the event of a Public Safety Power Shutoff (PSPS) event by PG&E. At this time, UC Berkeley has not selected a preferred design option for the cogeneration plant. Therefore, the EIR quantified the baseline option (Scenario “o”) and all three design options for the Sustainability Scenario, as described on</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-97	Fourth, the DEIR relies on UC Berkeley achieving a carbon neutral fleet by the end of calendar year 2025 and that zero emissions/hybrid vehicles will account for at least 50 percent of all new light-duty vehicle	<p>page 5.7-33 and Appendix C1 (see “Central Plant Design Option Energy Use – LRDP Buildout”). As identified in Chapter 5.7 and Appendix C1, implementation of the Campus Energy Plan design options for the cogeneration plant would provide a minimum of 94,726 MTCO_{2e} of reductions on the UC Berkeley campus.</p> <p>The LRDP Update is a program-level evaluation of physical impacts associated with the student population, faculty, and staff growth. At this preliminary phase, it is not known what type of equipment would be installed in new buildings. However, the Draft EIR did forecast an increase in refrigerant use. Chapter 5.7, Table 5.7-8 details the methodology to forecast the increase in refrigerant use on campus (see also Appendix C). The increase in electricity use for the Adjusted BAU and Sustainability Scenario reflects this UC Sustainable Practices Policy. Electricity would be purchased from carbon neutral sources, which is accounted for in the Sustainability Scenario (i.e., a minimum of 3,964 MTCO_{2e} of reductions from electricity).</p> <p>The cogeneration plant provides steam heating and electricity on the UC Berkeley campus that is currently supplied by natural gas. The cogeneration plant provides resiliency in the event of a PSPS event by PG&E. At this time, UC Berkeley has not selected a preferred design option for the cogeneration plant. Therefore, the EIR quantified the baseline option (Scenario “o”) and all three design options for the Sustainability Scenario, as described on page 5.7-33 and Appendix C1 (see “Central Plant Design Option Energy Use – LRDP Buildout”). As identified in Chapter 5.7 and Appendix C1, implementation of the Campus Energy Plan design options for the cogeneration plant would provide a minimum of 94,726 MTCO_{2e} of reductions on campus.</p> <p>The Adjusted BAU Scenario assumes that the 2036 campus fleet would have a similar mix of gasoline, diesel, and alternative fuel vehicles as its current fleet. For a current list of campus fleet vehicles, see Appendix</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>acquisitions by the same year. DEIR at 5.7-32. Given that the 2036 forecast includes use of electric vehicles for the campus passenger fleet to reflect carbon-neutral fleet emissions, the DEIR must disclose details about the University’s current status as regards the percentage of zero emissions/hybrid vehicles (i.e., how close is the University to achieving its 2025 goals?).</p>	<p>R, UC Berkeley Campus Fleet. The Sustainability Scenario assumes implementation of the UC Berkeley Sustainability Plan and UC Sustainable Practices Policy, which require a carbon neutral fleet by year 2025. As identified above, for reductions that cannot be achieved on-campus, the UC Sustainable Practices Policy and Mitigation Measure GHG-2 require purchase of voluntary offsets to achieve net zero GHG emissions from Scope 1 and Scope 2 sources. Since UC Berkeley’s fleet are Scope 1, this mandate would apply to GHG emissions from the campus fleet.</p>
A3-98	<p>Fifth, it is also important to reiterate that the DEIR may have underestimated VMT from the LRDP. If this is the case, the DEIR further underestimated the Project’s potential GHG emissions.</p>	<p>Please see Response A3-67 regarding VMT assumptions. No changes to VMT and associated emissions are warranted.</p>
A3-99	<p>(c) The DEIR Lacks the Evidentiary Basis to Conclude That the Project Would Not Conflict with Plans, Policies and Regulations Adopted for the Purpose of Reducing GHG Emissions (Impact GHG-2). (i) 2017 Climate Change Scoping Plan</p>	<p>Chapter 5.7, Greenhouse Gas Emissions, in the Draft EIR includes a detailed analysis of consistency of the project with plans guiding the reduction of GHG emissions. Chapter 5.7, provides a qualitative analysis of consistency with the 2017 Scoping Plan, which is CARB’s statewide plan for reducing GHG emissions as well as a quantitative analysis of consistency with UC Berkeley’s carbon neutrality goals. The cogeneration plant is a covered entity under the cap-and-trade program. While the Draft EIR quantifies and discloses emissions associated with this Scope 1 emissions source (consistent with UC Berkeley’s annual inventories), GHG emissions from this source are fully covered under the 2017 Scoping Plan and cap-and-trade.</p>
	<p>The DEIR lacks evidentiary support for the conclusion that the LRDP would not conflict with the 2017 Climate Change Scoping Plan. As an initial matter, the DEIR takes the position that the 2017 Scoping Plan is not applicable to UC Berkeley because it does not require the University to adopt policies, programs, or regulations to reduce GHG emissions. DEIR at 5.7-36. The DEIR further asserts that growth at UC Berkeley is guided by policies and initiatives including the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan, including the Carbon Neutrality Initiative, and that the Policy, Plan and Initiative aligns the reductions at the UC system with SB 32 and long- term goals identified in the 2017 Scoping Plan. DEIR at 5.7-36, 5.7-38. The fact that UC Berkeley has such plans, policies and initiatives, as admirable as they are, is not sufficient to demonstrate that the LRDP would achieve the emission limit of 260 MMTCO_{2e} for the year 2030.</p>	<p>As identified in Chapter 5.7, Greenhouse Gas Emissions, UC Berkeley acquires California carbon offsets (compliance offsets) to offset up to 8 percent through 2020 (The Cap and Trade compliance offset program limits compliance offsets to no more of 4 percent of their compliance obligation for emissions from 2021-2025; and 6 percent for emissions from 2026-2030. Starting with 2021 emissions, no more than one half of the quantitative usage limit may be sourced from projects that do not provide direct environmental benefits in the state [DEBS]) (i.e., the maximum allowed in the cap-and-trade program) of cap-and-</p>
	<p>What the University has done is set forth a significance threshold calling</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>for an analysis of the Project’s potential to conflict with plans adopted for the purpose of reducing GHG emissions, and then simply ignored the threshold without further analysis. The CEQA Guidelines instruct a lead agency to determine “[t]he extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.” CEQA Guidelines § 15064.4 (b)(3). The DEIR failed to do so here. Finally, common sense dictates that individual projects—and especially large scale projects such as the LRDP—must be held accountable for their roles in achieving or interfering with GHG reduction goals.</p>	<p>trade subject emissions, which for UC Berkeley are emissions associated primarily with the cogeneration plant. California’s cap-and-trade program constitutes “regulations ... adopted to implement a statewide ... plan for the reduction of mitigation of greenhouse gas emissions” pursuant to CEQA Guidelines section 15064.4(b)(3). Therefore, GHG emissions from the cogeneration plant are covered under the Scoping Plan and are less than significant based on compliance with the cap-and-trade program (<i>Association of Irrigated Residents v. Kern County Bd. of Supervisors</i> (2017) 17 Cal.App.5th 708). Thus, activities related to the cogeneration plant are consistent with the 2017 Scoping Plan.</p> <p>Individual projects need not demonstrate how they would achieve the state’s GHG emissions limit of 260 million MTCO_{2e} for 2030. The 2017 Scoping Plan establishes the overall statewide goals and target for GHG emissions under Senate Bill 32 for year 2030. There is no executive order, legislation, or other mandate that cities and other lead agencies adopt local GHG reduction targets consistent with the 2017 Scoping Plan. Nonetheless, the UC system and UC Berkeley have established local policies and plans to align with the legislative targets of SB 32 and even more ambitious carbon neutrality targets outlined in Executive Order B-55-18. UC Berkeley’s local GHG reduction goals that align with the strategies of the 2017 Scoping Plan are provided for in UC Berkeley’s Sustainability Plan and under the UC Sustainable Practices Policy.</p> <p>Additionally, the analysis under GHG-1 demonstrates that under both the Adjusted BAU and the Sustainability Scenario, the proposed project would not result in a net increase in GHG emissions.</p> <p>Use of Executive Order B-55-18 to accelerate the carbon neutrality goals outlined in the UC Sustainable Practices Policy is even more</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>stringent than the goal outlined in the 2017 Scoping Plan. As such, the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan contain more aggressive actions that are applicable to the proposed project. Overall, the consistency analysis provides conservative findings with regard to GHG reduction goals and consistency with plans that outline a trajectory to achieve these goals since it includes the cogeneration plant (which is a covered entity) and identifies even more ambitious targets and measures that are specific to UC Berkeley. The discussion under GHG-2 clearly articulates how the significance conclusions were reached.</p> <p>The comment suggests that the measures identified in the UC Berkeley Sustainability Plan and the UC Sustainability Practices Policy are not directly applicable to growth under the LRDP Update. This is not correct. UC Berkeley actively implements these plans and policies at its campus. UC Berkeley tracks and monitors GHG emissions at its campus in relation to the GHG reduction targets outlined in the UC Sustainable Practices Policy annually.</p> <p>The analysis under GHG-2 clearly demonstrates the extent to which the proposed project complies with regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Moreover, as described in GHG-1 the proposed project does not result in an increase in GHG emissions. Further, Mitigation Measure GHG-2 identifies actions that will achieve GHG reductions necessary to achieve UC Berkeley’s carbon neutrality goals, reducing emissions to zero through on-site measures and use of voluntary carbon offsets. Therefore, the LRDP Update would far exceed the state goals outlined in the 2017 Scoping Plan and implementation of the LRDP Update would further the statewide carbon neutrality goals despite the net increase in student</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-100	<p>(ii) Executive Order B-55-18</p> <p>The DEIR does address the LRDP’s consistency with Executive Order B-55-18 (achieve carbon neutrality no later than 2045), and concedes that the LRDP’s total 2036 BAU emissions are projected to exceed the emission targets established in Executive Order B-55-18 (DEIR at 5.7-40). Despite this conclusion, the DEIR inexplicably fails to identify this projected exceedance as a significant impact.</p> <p>Notwithstanding its failure to recognize this impact as significant, the DEIR sets forth a mitigation measure to mitigate that impact. Mitigation Measure GHG-2 contains two options to reduce GHG emissions: Option 1 calls for UC Berkeley to implement on- site GHG reduction actions specified in the UC Sustainable policies and plans while Option 2 calls for calls for UC Berkeley to offset its GHG emissions. DEIR at 5.7-40.</p> <p>As regards Option 1, the DEIR errs because it fails to identify the specific on-site actions that would ensure that the University achieves carbon neutrality by 2045 let alone provide evidentiary support that such actions would effectively reduce emissions. When a lead agency relies on mitigation measures to find that project impacts will be reduced to a level of insignificance, there must be substantial evidence in the record demonstrating that the measures are feasible and will be effective. Sacramento Old City Assn., 229 Cal.App.3d at 1027; Kings County Farm Bureau, 221 Cal.App.3d at 726-29. As the Baseline Report explains, the DEIR discusses options for replacing and upgrading the cogeneration plant, which is the predominant source of GHG emissions at the University, but the DEIR includes no measures that would actually require the University to change the existing cogeneration plant operations. Baseline Report at 24.</p>	<p>population, faculty, and staff at UC Berkeley. The proposed project would not conflict with the 2017 Scoping Plan.</p> <p>Please see Response A3-99. GHG emissions impacts under Impact GHG-2 were identified as a potentially significant impact. To achieve the carbon neutrality goals under Executive Order B-55-18 UC Berkeley can purchase voluntary GHG offsets or implement on-site improvements, such as those outlined in the UC Berkeley Sustainability Plan. The list of on-site actions that were considered in the Sustainability Scenario is clearly specified in pages 5.7-31 through 5.7-33 of the Draft EIR. These measures outlined are feasible and effective. It should be noted that GHG emissions from the cogeneration plant are covered under the Scoping Plan and are less than significant based on compliance with the cap-and-trade program (Association of Irrigated Residents v. Kern County Bd. of Supervisors (2017) 17 Cal.App.5th 708).</p> <p>For emissions reductions that cannot be achieved on-site, Mitigation Measure GHG-2 identifies use of voluntary carbon credits. CEQA Guidelines Section 15126.4 clearly cites that use of carbon offsets is valid-mitigation under CEQA (see also CEQA Guidelines Section 151370(e) and 15364, and Public Resources Code Section 21168.6.5(i)(1)). The California Natural Resources Agency’s Final Statement of Reasons For Regulatory Action for the CEQA Guidelines Amendments (2009) also supports the use of GHG credits. Additionally, CARB’s 2017 Scoping Plan encourages the use of GHG credits as CEQA mitigation. Mitigation Measure GHG-2 includes rigorous performance standards for carbon offsets. A discussion of the validity of carbon offsets under CEQA was included in Appendix C 1 (see “UC Berkeley LRDP Use of Carbon Offsets”). Mitigation Measure GHG-2 requires the offsets to be Real, Additional, Permanent, Quantifiable, Verified, and Enforceable, consistent with that required for offsets under the 17 California Code of Regulations Section 95802 for offsets used in the California Cap and Trade System. Voluntary offsets must be based on accepted, technically sound</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The DEIR also lacks evidentiary support that an offset program would achieve emission reductions sufficient to reduce impacts to a less-than-significant level. A mitigation measure requiring the purchase of offset credits operates as a kind of mitigation fee. CEQA does not allow mitigation fees unless there is substantial evidence of a functioning, enforceable, and effective implementation program. Courts have found mitigation fees inadequate where the amount to be paid for traffic mitigation was unspecified and not “part of a reasonable, enforceable plan or program” (Anderson First Coalition, 130 Cal.App.4th at 1189); where a proposed urban decay mitigation fee contained no cost estimate and no description of how it would be implemented (<i>Cal. Clean Energy Com. v. City of Woodland</i> (2014) 225 Cal.App.4th 173, 198); and where there was no specific traffic mitigation plan in place that would be funded by mitigation fees (<i>Gray v. County of Madera</i> (2008) 167 Cal.App.4th 1099, 1122). Mitigation must be enforceable through permit conditions, agreements, or other legally-binding instruments. <i>Golden Door Properties, LLC v. County of San Diego</i> (2020) 50 Cal.App.5th 467, 506 (citing Pub. Resources Code, § 21081.6(b)). In the context of carbon offset credits, that generally means credits must be “real, permanent, quantifiable, verifiable, enforceable, and additional to any GHG emission reduction otherwise required by law or regulation, and any other GHG emission reduction that otherwise would occur.” Id. As explained below, the DEIR provides no evidence that the offset program would be enforceable or effective, let alone achieve real, permanent, quantifiable, verifiable, or additional.</p> <p>Of particular concern, the DEIR does not identify the source of the offsets nor does it provide any evidence that credits are even available. Moreover, even the most sophisticated offset programs have failed. A 2016 report prepared for the EU Directorate General for Climate Action concluded that nearly 75 percent of potential certified offset projects had a low likelihood of actually contributing additive GHG reductions,</p>	<p>methods/protocols for quantifying and verifying the emission reductions.</p> <p>Accredited registries develop high-standard GHG reduction project protocols to provide guidelines for project development, provide transparency, and develop a platform for exchanges created through a six-step process. The registries also have a process to invalidate carbon offsets if, through third-party review, they cannot be verified; thus, further ensuring transparency in the voluntary carbon market. Once voluntary offsets are issued, they are retired. Mitigation Measure GHG-2 also requires annual mitigation reporting to further ensure transparency. If carbon offsets are invalidated by the registry, UC Berkeley would need to purchase new voluntary offsets at the next annual reporting cycle to meet the criteria under Mitigation Measure GHG-2. Thus, Mitigation Measure includes the enforceable permit conditions required under <i>Golden Door Properties, LLC v. County of San Diego</i> (2020) 50 Cal.App.5th 467, 506.</p> <p>Review of accredited voluntary offset markets, including the American Carbon Registry (https://acr2.apx.com/myModule/rpt/myrpt.asp?r=111), Climate Action Reserve (CAR) (https://thereserve2.apx.com/myModule/rpt/myrpt.asp?r=111), and Verra (https://registry.verra.org/) identify that there are sufficient voluntary carbon offsets to satisfy the demand associated with the proposed project in addition to existing demand. The Gold Standard (GS) (https://registry.goldstandard.org/projects?q=&page=1) is a fourth well-established and accredited registry that also has sufficient supply to satisfy demand for voluntary carbon offsets.</p> <p>It should be noted that GHG emissions impacts of the project are the project’s contribution to world-wide GHG emissions impacts. Reducing GHG emissions locally has the same effect as reducing GHG emissions</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>and less than 10 percent of such projects had a high likelihood of additive reductions. See How Additional Is the Clean Development Mechanism? Analysis of the application of current tools and proposed alternatives, Institute of Applied Ecology, March, 2016 at 11, attached as Exhibit F; see also Carbon Credits Likely Worthless in Reducing Emissions, Study Says, Inside Climate News, April 19, 2017, attached as Exhibit G. Because of these known problems with enforcement and efficacy, agencies typically permit offsets to constitute only a very small part of an overall emission reduction program. For example, California’s cap and trade program allows no more than eight percent of GHG reductions to come from offsets, which will drop to four percent in 2021, at which point at least half of the offsets used “provide direct environmental benefits in state.” Health & Saf. Code § 38562(c)(2)(E). Here there is simply no evidence that an undefined, unenforceable offset program will cause any meaningful reduction to mitigate the permanent increase in GHG emissions resulting from the LRDP.</p>	<p>in another state, in the United States, or around the world. For example, under the 2017 Scoping Plan cap-and-trade program, cap-and-trade offsets occur outside of California. The Cap-and-Trade Regulation expressly permits the use of out-of-state offsets as compliance instruments for in-state entities. CEQA Guidelines section 15097(a) allows lead agencies to delegate mitigation monitoring: “A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.”</p> <p>A GHG credit registry serves as the delegated entity. GHG offset credits recognized by a registry represent GHG emission reductions that have already occurred in the past; therefore, by purchasing an offset credit, the reduction in GHG emissions has been completed, and the impact has been mitigated.</p> <p>As identified in Chapter 5.7, Greenhouse Gas Emissions, Mitigation Measure GHG-2 identifies actions that will achieve GHG reductions necessary to achieve UC Berkeley’s carbon neutrality goals. Mitigation Measure GHG-2 would ensure that UC Berkeley would reduce or offset GHG emissions to “net zero” prior to year 2045. The mitigation also expands the UC’s carbon neutrality commitments, requiring UC Berkeley to achieve carbon neutrality beginning in 2045 (i.e., five years earlier). Mitigation Measure GHG-2 will be implemented alongside the UC Sustainable Practices Policy and University Carbon Neutrality Initiative, so that any additional GHG reductions needed to meet the 2036 and 2045 performance standards will be achieved through the strategies in the mitigation. As identified in Table 5.7-10, UC Berkeley LRDP GHG Emissions 2036 Forecast: Carbon Neutrality Threshold, purchase of carbon offsets for Scope 1 and 2 sources would place UC</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
		<p>Berkeley on a trajectory at the 2036–37 horizon to achieve carbon neutrality by 2045.</p> <p>It should be noted that in its 2021 submission, UC Berkeley earned a Platinum rating in the Sustainability, Tracking, Assessment & Rating System, from the Association for the Advancement of Sustainability in Higher Education (AASHE). AASHE’s STARS is comprehensive sustainability rating system for colleges and universities that addresses the environmental, social, and economic dimensions of sustainability. The Platinum rating is the highest rating for a university and it highlights UC Berkeley’s commitment to publicly reporting comprehensive information related to UC Berkeley’s sustainability performance. UC Berkeley aims to maintain the Platinum rating during the next STARS reporting period, though the next edition of the STARS report will likely bring stricter criteria and guidelines. In the meantime, UC Berkeley is continuing its focus on improving campus sustainability efforts and modeling best practices for higher education institutions. UC Berkeley’s STARS sustainability data and Platinum rating will be considered for ranking later in the year in Sierra’s Cool Schools ranking and The Princeton Review’s Guide to Green Colleges.</p>
A3-101	<p>E. The DEIR Fails to Adequately Analyze the Project’s Impacts Related to Energy Use.</p> <p>The DEIR presents an incomplete evaluation of the LRDP Update’s impacts related to energy use. First, as described in the Baseline Report, the DEIR describes three options for upgrading or replacing the existing Cogeneration Plant to a more efficient system. Table 5.5-4 (DEIR at 5.5-17). Not surprisingly, the LRDP fails to commit to any of the three options or specify the timing for the new or upgraded system implementation. The DEIR fails to include any measures that would prevent newly constructed buildings under the LRDP Update from connecting to the existing cogeneration plant prior to a system upgrade or replacement. This would result in an inefficient use of available energy systems. In the</p>	<p>The proposed LRDP Update serves as a long-range program level document. Please see Master Response 4, Programmatic Analysis and Master Response 6, LRDP and LRDP Implementation.</p> <p>At this time, UC Berkeley has not selected a preferred design option for the cogeneration plant. Under the UC Berkeley Campus Energy Plan: Additional Options Analysis, potential completion of Option 1 is forecasted to occur by August 2027, Option 2 by August 2028, and Option 3 by November 2027. However, as stated in Section 3.1.1 of the Draft EIR, the proposed LRDP Update is not a detailed implementation plan for development and does not commit UC Berkeley to carrying out development. The LRDP provides a guide to the land development</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>absence of more definitive commitments to implementing upgrades or replacement of the cogeneration plant, and in the absence of specific commitments to have all newly constructed buildings powered by new or upgraded energy systems, the DEIR should have identified such use of non-transportation energy associated with the LRDP Update as potentially significant.</p>	<p>patterns and associated physical infrastructure that could be built to support a projected level of enrollment. While a horizon year is identified for the proposed LRDP Update, it is to provide a defined period only for identifying the development needed to accommodate projected enrollment and population growth within the identified period. Overall, defined implementation of specific developments other than Housing Projects #1 and #2 is outside the scope of the proposed LRDP Update.</p> <p>Once one of the cogeneration upgrade options is implemented, the new or upgraded cogeneration system would benefit from the improvements as it would operate more efficiently. In addition, the potential upgrade to the existing cogeneration plant is only one component under the proposed LRDP Update regarding non-transportation energy. As discussed in Impact ENE-1, the proposed LRDP Update includes various Infrastructure, Resilience, and Emergency Systems objectives to guide future development of UC Berkeley. These objectives would contribute to minimizing energy demand, increasing energy efficiency, and transitioning to carbon-free energy supply sources. The Impact ENE-1 discussion also considered the energy efficiency benefits associated with compliance with the UC Sustainable Practices Policy and the UC Berkeley Campus Design Standards and implementation of the proposed CBPs.</p>
A3-102	<p>Second, the DEIR’s transportation analysis assumes full buildout of the LRDP Update in 2036, which would minimize off-campus commuter trips. However, there are no control measures identified in the DEIR that would ensure future University housing would be constructed on a timeline to accommodate student, faculty, and staff population increases. As a result, estimates of fuel use from commuter trips may be significantly underestimated and the failure to control off-campus commuter trips would result in wasteful and unnecessary transportation energy demands. Without a mitigation measure requiring the University to construct housing ahead of increasing enrollment, transportation</p>	<p>The proposed LRDP Update serves as a long-range program-level document. Please see Master Response 4, Programmatic Analysis.</p> <p>The commenter incorrectly asserts that the Draft EIR should be revised and misunderstands the nature of the proposed LRDP Update and LRDPs in general. Please see Master Response 6, LRDP and LRDP EIR, for further description and understanding of the LRDP.</p> <p>As described in Master Response 4, providing defined timelines for specific developments is outside the scope of the proposed LRDP</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>energy impacts associated with the LRDP Update would be potentially significant.</p> <p>A revised DEIR should correct these flaws.</p>	<p>Update. As described in impact discussion ENE-1, the proposed LRDP Update includes mobility-related initiatives, objectives, strategies, and improvements along with the CBPs that would contribute to minimizing overall VMT and transportation-related fuel usage associated with UC Berkeley.</p>
A3-103	<p>F. The DEIR Fails to Adequately Analyze the Project’s Inconsistency with Applicable Plans and Policies.</p> <p>The DEIR asserts that UC Berkeley is generally exempt from local policies and regulations for the communities surrounding the campus. DEIR at 5.10-3. However, the fact that an agency is not subject to the City’s jurisdiction does not eliminate its obligation to consider a project’s effects on the surrounding area. Instead, “an EIR may not ignore the regional impacts of a project proposal, including those impacts that occur outside of its borders.” <i>Citizens of Goleta Valley v. Bd. of Supervisors</i> (1990) 52 Cal.3d 553, 575; see also <i>City of Marina v. Bd. of Trustees of California State University</i> (2006) 39 Cal.4th 341, 360 (“CEQA requires a public agency to mitigate or avoid its projects’ significant effects not just on the agency’s own property but ‘on the environment’, with the ‘environment’ defined for these purposes as ‘the physical conditions which exist within the area which will be affected by a proposed project.’” (quoting Pub. Resources Code §§ 21002.1, 21060.5)).</p> <p>Here, as discussed throughout this letter, the DEIR fails to adequately evaluate many of the foreseeable impacts of the proposed LRDP. In addition, also described throughout this letter, the Project is inconsistent with multiple policies in the City of Berkeley’s General Plan and other plans including the City’s Bicycle Plan, the City’s Pedestrian Plan, and the City’s Vision Zero Plan. Accordingly, the University must disclose and analyze these impacts in a revised EIR. In many cases, the University could certainly avoid these impacts by bringing the Project into alignment with local land use policies.</p>	<p>Please see Responses A3-57, A3-58, and A3-60 regarding City of Berkeley planning documents.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-104	<p>In addition, the University fails to identify inconsistencies with the City's code. For example:</p> <ul style="list-style-type: none"> • Public Art. Municipal Code Chapter 23C.23 provides that construction projects incorporate publicly accessible art or contribute a percentage of the project cost for public art elsewhere in the City. Municipal Code § 23C.23.050 General Requirements. The LRDP and both housing projects fail to do either and are thus inconsistent with the City's code. 	<p>The commenter incorrectly asserts that Housing Projects #1 and #2 are required to be consistent with the City of Berkeley Municipal Code. Please see Master Response 2, Constitutional Exemption from Local Regulations, regarding UC Berkeley's constitutional exemption from City of Berkeley regulations, and Master Response 13, Consistency with Policy Documents, regarding plan consistency. Furthermore, even if UC Berkeley were not exempt from such requirements, as described in Chapter 5.10, Land Use and Planning, CEQA is concerned with projects that have the potential to cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation <i>adopted for the purpose of avoiding or mitigating an environmental effect</i> [emphasis added]. The City of Berkeley Municipal Code Chapter 23C.23 is not adopted for the purposes of avoiding or mitigating and environmental effect and would not be appropriate for inclusion in any CEQA document.</p>
A3-105	<ul style="list-style-type: none"> • Historic Resources. The Berkeley General Plan Urban Design and Preservation Element includes a policy calling for the use of "a wide variety of regulatory, incentive, and outreach techniques to suitably protect Berkeley's existing built environment and cultural heritage." To enact this policy, the General Plan calls for the "identif[ication] and protect[ion] [of] historically significant structures, sites, districts, and neighborhoods." Policy UD-1. Despite this policy, the LRDP and both housing projects have the potential to adversely impact locally designated historic resources within the City. See DEIR at 5.4-32, 5.4-33. Yet, the DEIR fails to identify this inconsistency as a significant impact. This inconsistency undermines the General Plan's goal of protecting the City's cultural heritage. 	<p>Please see Master Response 2, Constitutional Exemption from Local Regulations, and Master Response 13, Consistency with other Policy Documents.</p> <p>The Draft EIR, in Chapter 4, Cultural Resources, includes Mitigation Measures required to reduce impacts to historic resources (see Mitigation Measures CUL-1.1a through CUL-1.1e) and CBP AES-4 that is required to coordinate with the Cities of Berkeley and Oakland, and specifically the City of Berkeley LPC. Note that CBP AES-4 is an ongoing practice that has routinely been followed by UC Berkeley since the 2005 LRDP was approved.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-106	<p>● Affordable Housing and Child Care. The General Plan’s Housing Element expressly identifies the need for the University of California to “maximize the supply of appropriately located, affordable housing for its students and also to expand housing opportunities for faculty and staff.” Policy H-21. Similarly, the General Plan’s Land Use Element seeks to “[m]inimize the negative impacts of the size of the University population and University expansion on adjacent neighborhoods and the city as a whole.” Policy LU-36. The General Plan also calls more generally for the encouragement of “housing production adequate to meet City needs and the City’s share of regional housing needs.” Policy H-32. The LRDP Project does not appear to provide any housing dedicated as affordable, and thus is inconsistent with these policies. As discussed above, the DEIR acknowledges that future development under the LRDP would increase the population in the City of Berkeley by more than 16,000, which is approximately 60 percent of the projected growth for the City by 2037. DEIR at 5.12-22, -23. DEIR at 5.12-22 and 23. The additional student, faculty and staff population would exceed anticipated growth in UC Berkeley-provided housing, placing greater demand on the private housing market and exacerbating housing demand and prices. In addition, the University also is not paying the City’s affordable housing mitigation fee (BMC § 22.20.065(A)8; Resolution No. 68, 074-N.S) or the affordable child care fee (Resolution 66,618-N.S.).</p> <p>New development – whether it be commercial, residential, or institutional – generates increased demand for services, and associated demand for affordable housing and childcare services. These mitigation fees are meant to offset the impacts of new development by enabling the City to help fund housing and childcare that satisfies increased demands. Although UC is not legally subject to those fees, it still generates those impacts. Additionally, although UC’s exemption from the fees is solely related to their educational mission, they’ve demonstrated a pattern of developing space on their property for uses not associated with their mission (e.g., leased office space to Microsoft).</p>	<p>This comment summarizes City of Berkeley policies and information contained in the Draft EIR, and expresses an opinion about UC Berkeley’s exemption from City of Berkeley fees. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>UC Berkeley’s mission is not just education, as the commenter asserts. UC Berkeley’s mission is more broadly the development, dissemination, and stewardship of knowledge. To the more specific point of having commercial space that is offered to third party tenants, in some cases it is to provide services to UC Berkeley affiliates (such as cafes on campus or in UC Berkeley’s-owned buildings) that may also be used by members of the community; in other cases third party tenants may occupy existing buildings at the time of acquisition and UC Berkeley honors the leases then in effect, and also certain spaces not located on the Campus Park can be offered to third parties if there is not demand from UC Berkeley affiliates for that particular space at the time it is available.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-107	<p>● Noise. The Berkeley Municipal Code provides exterior noise standards according to zoning districts, and based on the time of day. BMC §13.40.050. In particular, the Municipal Code provides noise standards between 7 A.M. and 10 P.M. which differ from the standards that apply between 10 P.M. and 7 A.M. Id. at Table 13.40-1. The LRDP and the housing projects fail to comply with these noise standards.</p>	<p>UC Berkeley is not required to comply with local regulations and standards for noise. However, for the purposes of CEQA, UC Berkeley uses noise standards from the municipal code from the city where the noise-sensitive receptor is located. Table 5.11-4 of the Draft EIR includes these exterior noise limits from the City of Berkeley Municipal Code based on time of day. The LRDP Update includes CBP NOI-1 to ensure that appropriate mechanical equipment selection and building design strategies are applied so that stationary noise sources would not exceed the City of Berkeley noise standards. The noise analyses on pages 5.11-35 through 5.11-36 for Housing Project #1 and pages 5.11-41 through 5.11-42 for Housing Project #2 demonstrate that operational stationary noise from both housing projects would be less than significant.</p>
A3-108	<p>● Project Labor Agreements. The City of Berkeley has established a WorkSource program, a referral service for Berkeley residents seeking jobs. The University should commit to participating in the City’s WorkSource program.</p> <p>Second, the City’s Municipal Code provides that the Zoning Adjustments Board can approve buildings exceeding the allowable height limits (i.e., 75 feet or 120 feet per BMC sections 23E.68.090 and 23E.68.070 respectively) if it can make findings that the project would result in significant community benefits that may include, but are not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities. These public benefits must be assured through implementation as conditions of approval and/or written agreements that would be binding on all successors in interest. The University should commit to including significant community benefits—including, potentially, a Project Labor Agreement—in both proposed Housing Projects and in future developments planned within the City Environs.</p>	<p>This comment expresses an opinion about UC Berkeley’s participation in the City of Berkeley’s WorkSource program and asserts that UC Berkeley commit to community benefits in its projects but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 2, Constitutional Exemption from Local Regulations. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-109	<p>G. The DEIR Fails to Adequately Analyze and Mitigate the Project’s Noise Impacts.</p> <p>The DEIR’s analysis of Project-related noise impacts contains numerous deficiencies that must be remedied in order for the public and decision-makers to fully understand noise impacts resulting from implementation of the LRDP and the housing projects. Specifically, the evaluation of the Project’s noise impacts must be revised to address: (1) improper thresholds of significance; (2) underestimation of construction and operation noise impacts; and (3) failure to identify all feasible mitigation measures for significant impacts. The Baseline Report, attached as Exhibit B, provides detailed comments on the shortcomings in the DEIR’s noise impacts analysis. We incorporate the Baseline Report into these comments and discuss some of most problematic errors below.</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses A3-110, A3-111, A3-114, A3-115, A3-116, as well as Responses A3-197 through A3-208.</p>
A3-110	<p>1. Thresholds of Significance</p> <p>The DEIR’s thresholds of significance for noise impacts are vague and unclear.</p> <p>For example, in some instances the DEIR states that the City of Berkeley’s noise standards are used to determine thresholds of significance, but in others, it states that the University “may consider” the City’s standards when evaluating noise and vibration impacts from future development projects that implement the proposed LRDP Update, including Housing Projects #1 and #2. DEIR at 5.11-10. In this way, the DEIR introduces uncertainty about how future project-level evaluations will be conducted and whether proposed measures will be implemented.</p> <p>For construction noise, the DEIR cites to the City noise standards, but fails to specify a quantitative threshold for the maximum allowed noise level during construction. The DEIR also fails to present any quantitative analysis of expected construction noise compared to the significance</p>	<p>UC Berkeley is not required to comply with local regulations and standards for noise. Please see Master Response 2, Constitutional Exemption from Local Regulations. However, for the purposes of CEQA, UC Berkeley uses noise standards from the municipal code from the city where the noise-sensitive receptor is located (e.g., for the LRDP Update, the City of Berkeley or City of Oakland). Table 5.11-4 of the Draft EIR includes these exterior noise limits from the City of Berkeley Municipal Code based on time of day for operational stationary sources. These noise limits are used as standards of significance, as discussed on page 5.11-23 of the Draft EIR. For construction noise, the Draft EIR uses a quantitative threshold, as discussed on page 5.11-22 of the Draft EIR, which cites Table 5.11-5 and is applied to the construction noise analysis. Page 5.11-32 presents a quantitative analysis of construction noise with Mitigation Measure NOI-1 and also discusses the effectiveness and requirements of CBPs. It is incorrect that the Draft EIR compares construction noise for future projects to ambient noise levels to make a significance determination. The Draft EIR uses the City of Berkeley construction noise standards shown in Table 5.11-5, which factors in the time of day.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>thresholds along with the implementation of CBP NOI-2 and CBP NOI-3 based on the thresholds of significance. DEIR at 5.11-32. Instead, the DEIR incorrectly compares construction noise for future project scenarios under the LRDP Update to ambient noise levels to make a significance determination. DEIR at 5.11-32. This approach to evaluating noise levels is inconsistent with the City’s Municipal Code. See Berkeley Municipal Code Section 13.40.050. The Code has noise standards that specify noise limits within specific time periods, with more stringent limits between the hours of 10:00 p.m. and 7:00 a.m. Id. A revised environmental document should assess noise levels associated with the project for this time period.</p> <p>The threshold of significance for impacts related to traffic noise during both construction and operation are described using Ldn, which is the energy-average of the A- weighted sound levels during a 24-hour period, with a 10 dB adjustment added from 10:00 p.m. to 7:00 a.m. DEIR at 5.11-1. Construction traffic usually occurs during daytime and would not expand to a 24-hour period. Therefore, it is inappropriate to use the day/night average unit for the construction traffic noise analysis. In addition, this approach results in an underestimation of construction traffic noise increase because construction trips are averaged over a 24-hour period, while in reality the project would generate construction trips only during daytime hours.</p>	<p>UC Berkeley is not aware of a threshold of significance for traffic noise recommended by the City of Berkeley. UC Berkeley has established reasonable thresholds of significance for traffic noise increases which are similar to the FAA standards (see page 5.11-23). The use of Ldn noise standards for traffic noise impacts is common and based on industry standard practice. UC Berkeley’s thresholds of significance for potential traffic noise impacts are conservative in that they include a tier for increases of only 1.5 dBA Ldn; whereas, many other environmental documents use traffic noise thresholds of 3 dBA or higher (including the Acheson Commons Project EIR, State Clearinghouse No. 2011102035, prepared by the City of Berkeley in 2012, which uses a threshold of 4 dBA or higher for permanent ambient noise increases including from traffic). The Acheson Commons Project EIR was prepared for a project across the street from Housing Project #1. Where project-level information was available for the two proposed housing sites, the Draft EIR analyzed the estimated traffic noise increase and found construction traffic noise impacts to be less than significant. It should be noted that the Acheson Commons Project EIR prepared by the City of Berkeley does not include any analysis of on-road construction vehicle-related noise.</p>
A3-111	<p>2. Construction Noise</p> <p>The DEIR discloses that construction noise from future projects associated with implementation of the proposed LRDP Update would generate high levels of construction noise, with noise levels ranging from 73 dBA Lmax to 101 dBA Lmax. DEIR at 5.11-29.</p> <p>The DEIR states that construction would have the potential to affect noise-sensitive land uses in the vicinity of an individual project. Id. However, the DEIR fails to actually conduct any analysis. As a result, it is not possible to evaluate if the proposed mitigation and CBPs would be</p>	<p>The commenter incorrectly asserts that there is no analysis of construction noise under the LRDP. The Draft EIR analyzes construction noise from the two housing projects based on project-level details through the quantification of construction noise levels based on the anticipated equipment list and distance to nearby sensitive receptors. At the plan level, project-level details are not known and, therefore, the Draft EIR provides a range of construction noise levels which may occur from development of individual projects under the LRDP Update. The effectiveness of Mitigation Measure NOI-1 is provided on page 5.11-32 of the Draft EIR. Due to the fact that</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>effective at reducing the impact or to what degree. A revised DEIR should estimate maximum construction traffic noise based on the potential development sites listed in DEIR Table 3-2 Potential Areas of New Development and Redevelopment (DEIR at 3-28), evaluate the potential severity of the impact by comparing it to an appropriate threshold of significance, and recommend mitigation measures to reduce the potential impact.</p>	<p>project-level details for individual projects are unknown at this stage, aside from the two housing projects, the Draft EIR correctly finds the impact to be significant and unavoidable, as explained on pages 5.11-32 and 5.11-33. By comparison, the Acheson Commons Project EIR prepared by the City of Berkeley (State Clearinghouse No. 201102035) simply found that construction noise would be less than significant because “all technically and economically feasible noise reduction measures” would be implemented, though construction noise levels would still exceed the City of Berkeley’s noise level standards. As discussed in Response A3-29 and Response A3-110, the Acheson Commons Project EIR does not include any analysis of on-road construction vehicle-related noise.</p>
A3-112	<p>In addition, the DEIR fails to adequately analyze impacts from construction vibration, particularly at the proposed Housing Project #1 site (Berkeley Landmark #50, University Garage at 1952 Oxford Street). The DEIR states that there are no historic resources subject to potential vibration damage near the site. DEIR at 5.11-19. In fact, there are several historic resources near the site, including the Macfarlane Building (2101, 2105 and 2111 University Avenue), the Sills Grocery and Hardware Building (2145 University), the Acheson’s Physicians Building (2133 and 2129 University), and the Morgan Building (2051 Berkeley Way). The Sills Grocery and Hardware Building and the Acheson’s Physicians Building are approximately 100 feet from the proposed project site. According to the DEIR construction vibration screening analysis, pile driving could cause vibration impacts to structures within 136 feet. DEIR at 5.11-46. Therefore, these resources are located within the distance where vibration levels could cause building damage. The DEIR fails to analyze or mitigate this potential impact.</p>	<p>UC Berkeley acknowledges that there are existing historic resources in the vicinity of Housing Project #1 and revisions have been made to Chapter 5.4, Cultural Resources, and Chapter 5.11, Noise, of the Draft EIR, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. Since the release of the Draft EIR UC Berkeley worked closely with both housing project team’s structural engineers to seek out alternatives to pile driving. Both teams for Housing Projects #1 and #2 have determined that pile driving would not be required for the construction of either project. For Housing Project #1, neither driven nor drilled piles are proposed and the foundation system will include a continuous mat foundation which bears directly on compacted soil. For Housing Project #2, auger-cast piles would be employed which would generate vibration levels similar to drilling. Considering that pile driving is not proposed near newly identified historic resources in the vicinity of Housing Project #1, and as discussed in Table 5.11-20 of the Draft EIR, none of the other construction equipment would result in vibrations beyond the construction vibration threshold of 0.2 in/sec PP; vibration impacts from implementation of the LRDP Update and two housing projects would continue to be less than significant. The revisions acknowledge the change in construction equipment. This revision does not affect any conclusions or significance determinations</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-113	<p>The DEIR also understates construction vibration annoyance impacts. The DEIR discusses the potential vibration annoyance due to the housing projects by calculating vibration levels using the spatially averaged distances from the construction site to the nearest receptor building façade.(DEIR at 5.11-50, 5.11-53. This approach understates the vibration annoyance impacts because using an average distance does not represent the worst-case scenario that could occur (i.e., when vibration causing equipment is operating at the boundary of the project site and in a closer proximity to the nearby receptors).</p>	<p>in the Draft EIR, because it would result in a less impactful construction technique. Therefore, no recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification. Please see Master Response 9, Changes to Housing Project #1.</p> <p>Use of the spatially averaged distance for assessing potential vibration annoyance is appropriate because equipment would be mobile throughout the construction site. The FTA criteria of 72 VdB for residences and 65 VdB for vibration-sensitive equipment is based on frequent events of more than 70 per day (FTA 2018). Therefore, the suggested worst-case scenario at the edge of the construction site boundary is not appropriate, since equipment such as bulldozers would not remain stationary at the edge of the construction site for a substantial amount of time. As discussed above, pile driving is no longer proposed for either housing site. While vibration from use of a vibratory roller in close proximity to residences west of Housing Project #2 could be potentially significant, implementation of Mitigation Measure NOI-2 would require the use of a static roller in lieu of a vibratory roller. Finally, CBP NOI-2 (Updated) outlines the procedure for receiving and responding to any noise or vibration complaints and would ensure that appropriate corrective action is taken and reported to UC Berkeley.</p>
A3-114	<p>3. Mitigation</p> <p>As pointed out throughout this letter, the DEIR’s proposed mitigation measures and CBPs are frequently vague, unenforceable, ineffective, and inadequate; the proposed measures for noise impacts fare no better. The DEIR proposes only minimal measures to lessen the severity of noise impacts and few measures to avoid them. For instance, even though the DEIR discloses that construction noise associated with implementation of the LRDP could be significant, the DEIR fails to include adequate mitigation measures for these noise impacts. DEIR at 5.11-29. The DEIR relies on CBP NOI-2, CBP NOI-3, and Mitigation Measure NOI-1 to address</p>	<p>The construction noise reduction measures included in CBP NOI-2, CBP NOI-3, and Mitigation Measure NOI-1 are not vague. The measures include concrete and feasible methods to reduce construction noise including, but not limited to, equipment selection, noise control technologies, the installation of physical barriers between equipment and receptors, and community noticing and outreach. Mitigation Measure NOI-1 includes measures which are similar to those included in Mitigation Measure NOISE-2 of the Acheson Commons Project EIR prepared by the City of Berkeley. If anything, the measures from Mitigation Measure NOI-1 are more protective through the specification of temporary noise barrier height of at least 12 feet</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	the potential construction noise impacts. DEIR at 5.11-31. However, these measures include ambiguous language that makes them unenforceable and unreliable. For example, CBP NOI-2 requires construction activities to be limited to a schedule to minimize disruption to uses “as much as possible” but it does not specify what schedule would be followed or what limits would be imposed. The CBP also does not commit to implementing these measures so that there is no way to ensure they will actually be used, that they would reduce construction noise impacts to receptors, or by how much.	compared with a minimum height of 6 feet for temporary sound barriers from Mitigation Measure NOISE-2 of the Acheson Commons Project EIR. The assertion that the Draft EIR does not quantify noise reduction from Mitigation Measure NOI-1 is incorrect, as discussed in previous responses. By comparison, the Acheson Commons Project EIR prepared by the City of Berkeley (State Clearinghouse No. 2011102035) simply found that construction noise would be less than significant because “all technically and economically feasible noise reduction measures” would be implemented, though construction noise levels would still exceed the City of Berkeley’s noise level standards.
A3-115	In another example, the DEIR discloses that stationary equipment for future buildings constructed under the LRDP, such as heating and air conditioning units, would result in noise. Although the DEIR fails to disclose the level of noise that would be emitted by such equipment, it relies on CBP NOI-1 to conclude that noise impacts from stationary equipment would be less than significant. However, CBP NOI-1 does not include a performance standard; with no quantitative limits the DEIR fails to support its conclusion that stationary equipment noise would not exceed the City of Berkeley noise standards.	CBP NOI-1 includes the City of Berkeley exterior noise limits as performance standards. Please see Response A3-201 regarding the Draft EIR’s evaluation of impacts associated with stationary equipment.
A3-116	With regard to cumulative construction noise, the DEIR concedes that noise may exceed UC Berkeley’s adopted construction noise standards even with project-level mitigation and reaches the right conclusion that impacts would be significant. DEIR at 5.11-55. Here too, the document relies only on Mitigation Measure NOI-1 to reduce impacts. As discussed above, this measure fails to include a performance standard and therefore cannot be relied upon for mitigation. Moreover, given the potential for project noise to impact thousands of receptors, the DEIR has an obligation to include additional feasible measures. For example, (1) avoid scheduling multiple projects in succession in one area so that noise disturbance would not occur for prolonged periods of time; (2) require construction schedules for future projects to comply with the time limit specified in Berkeley’s noise standards so that noise disturbance during	Mitigation Measure NOI-1 includes the City of Berkeley construction noise limits as performance standards. As discussed in the Draft EIR, it may not be possible in all cases, for construction projects to avoid nighttime work. Mitigation Measure NOI-1 includes measures which are similar to those included in Mitigation Measure NOISE-2 of the Acheson Commons Project EIR prepared by the City of Berkeley (State Clearinghouse No. 2011102035). If anything, the measures from Mitigation Measure NOI-1 are more protective through the specification of temporary noise barrier height of at least 12 feet compared with a minimum height of 6 feet for temporary sound barriers from Mitigation Measure NOISE-2 of the Acheson Commons Project EIR. A review of the Acheson Commons Project EIR indicates that noise monitoring, as suggested by the City of Berkeley’s comment,

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>sensitive nighttime hours would be limited; (3) incorporate performance standards and construction noise monitoring to ensure that proper implementation of best management practices and mitigation measures and that construction noise standards are not exceeded.</p> <p>In short, the DEIR’s analysis of noise impacts dramatically understates the Projects’ potential to significantly affect area residents. At the same time, the DEIR fails to provide effective, enforceable measures to mitigate such potentially significant impacts. To comply with CEQA, the University must prepare a revised EIR fully analyzing the Project’s potential impacts to area receptors and identifying effective mitigation measures.</p>	<p>was not included as mitigation, despite the EIR finding that construction noise would exceed the City of Berkeley’s construction noise standards.</p> <p>Please also note that CBP NOI-2 requires that at least 10 days prior to the start of construction activities, a sign will be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of UC Berkeley’s and contractor’s authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor’s representative receives a complaint, they will investigate, take appropriate corrective action, and report the action to UC Berkeley. As such, residents can contact the authorized representatives on the posted notice if there are noise complaints.</p>
A3-117	<p>H. The DEIR’s Analysis of Project-Related Impacts on Utilities Is Incomplete.</p> <p>The DEIR’s evaluation of the Project’s impacts on utilities and service systems suffers from the same narrow view taken to evaluate impacts discussed throughout this letter. For example, the DEIR estimates the LRDP’s increase in water supply demand based on the net increase in proposed building square footage. DEIR at 5.17-13, -14. This approach only accounts for University population water use within Campus Park, Hill Campus West and East, Clark Kerr Campus, and the City Environs Properties. See DEIR at Table 5.17-2 at 5.17-14 and Figure 3-2 at 3-9. The failure to evaluate increased demand for utilities within the City from new residents resulting from implementation of the LRDP results in underestimation of demand for utilities.</p>	<p>The water demand for the LRDP Update in Table 5.17-2 includes all projected water use both on and off campus (including the City Environs Properties) for all students, faculty, and staff as well as the water usage associated with new and redeveloped UC Berkeley buildings both on- and off-campus. The water demand analysis in the Draft EIR is comprehensive and includes off-campus housing and buildings. In addition, EBMUD stated in the letter provided in Appendix L that this increased water demand with the LRDP Update is accounted for and considered in the EBMUD 2015 UWMP. The LRDP does consider how many new residents in terms of students, faculty, and staff may move to the city of Berkeley in the next 15 years due to implementation of the LRDP Update. However, there may be an additional influx of residents associated with the increase in population in Berkeley over the next 15 years, which is accounted for in the City’s General Plan and Specific Plans, but this is not an impact of the LRDP Update. Accordingly, no additional analysis is need pursuant to the commenter’s assertion.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
A3-118	<p>1. Wastewater</p> <p>The DEIR's analysis of the LRDP's wastewater impacts is similarly deficient. The DEIR fails to adequately describe the existing setting of the wastewater infrastructure to which University wastewater infrastructure would connect. [footnote 12] See, DEIR at 5.17-29. The failure to describe the existing setting is problematic because the city has aging infrastructure that is already suffering leaks and other problems. Adding additional connections to this already burdened infrastructure could result in significant impacts. The DEIR's failure to describe the existing conditions means the document fails to describe the baseline conditions, which implicates the impact analysis.</p> <p><i>Footnote 12: Consequently, the DEIR fails to include the City of Berkeley's Sewer System Management Plan (May 2019) in the list of local regulatory documents and requirements. See DEIR at 5.17-25.</i></p> <p>What analysis the DEIR does conduct related to wastewater collection and treatment is incomplete and inadequate. First, the DEIR provides only cursory information about estimated increases in overall wastewater. DEIR at 5.17-33. The DEIR fails to provide details such as the locations where wastewater increases would be discharged to the City's wastewater collection system. Depending on the amount and location of the wastewater discharge, the increased flows may result in adverse impacts to the City's sewer system related to capacity.</p>	<p>In response to this comment, revisions have been made to Chapter 5.17, Utilities and Service Systems, of the Draft EIR, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. This revision adds the City of Berkeley's Sewer System Management Plan in the list of local regulatory documents and requirements.</p> <p>The commenter is incorrect in stating that existing conditions were not described in the DEIR. On pages 5.17-28 and 5.17-29, the locations and connections from UC Berkeley's sewer collection system to the City of Berkeley's sewer system are described.</p> <p>The methodology used to determine wastewater demand increases is summarized in Table 5.17-6 on page 5.17-33 but the basis for the methodology is described in detail on pages 5.17-32 and 5.17-33. The locations where wastewater would be discharged to the City of Berkeley's sewer collection system are described on pages 5.17-28 and 5.17-29. The exact amount of wastewater that would be discharged at each location is not known at this time because this is a programmatic Draft EIR and the location and timing of future projects will change over the next 15 years. In addition, the City of Berkeley is in the process of upgrading its sewer system and the future capacity of the sewer infrastructure is not known. Therefore, the wastewater increases provided in Table 5.17-6 are the best available estimates based on accepted methodologies and CEQA practices for programmatic EIRs.</p> <p>This revision does not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification.</p>
A3-119	<p>The DEIR's analysis of wastewater impacts is also incomplete because it fails to compare the existing wastewater flows to reasonably foreseeable increases in flows with buildout of the LRDP. The DEIR limits its analysis of wastewater flow to annual averages and fails to consider peak wet</p>	<p>The LRDP Update is a programmatic EIR and as is the case for General Plans and Specific Plans, existing wastewater flows are not typically provided because of the multitude of sewer pipes and connection locations. In addition, the documents typically involve long-range</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>weather flows. This approach fails to evaluate the LRDP’s potential to contribute to high wet weather flows that exceed City infrastructure capacity. A revised analysis should analyze the LRDP’s wastewater flow increases during peak wet weather when collection and treatment systems are most likely to experience impacts.</p>	<p>development projects that may or may not be implemented over many years. Also, UC Berkeley and the City are in the process of upgrading their sewer collection systems so it is not known what the future capacity of these systems will be when and if some of the proposed projects will actually be constructed.</p> <p>The Draft EIR provides the average dry weather wastewater demand rates in Table 5.17-6. This is consistent with the utilities sections in the City of Berkeley’s General Plan and latest Specific Plan (Adeline Corridor) that provide only average dry weather wastewater demand in their analyses.</p>
		<p>The comment that peak wet weather wastewater flow rates will be higher is acknowledged. However, according to the City of Berkeley Sewer System Capacity Assessment (October 2012), there were no deficiencies in dry weather flows under existing and future scenarios and there was very little difference in the results between existing and future scenarios for wet weather flows (page 5-3). UC Berkeley will analyze the sewer capacity and connection for each project to determine specific capacity considerations for both UC Berkeley sewer collection systems as well as off-site City of Berkeley sewer systems in the planning of any project proposed under the LRDP. Off-campus projects will pay sewer connection and wastewater collection fees to the City of Berkeley and EBMUD. Based on the information provided herein, a revised analysis of the LRDP’s wastewater flow increases during peak wet weather conditions is not warranted.</p>
A3-120	<p>In addition, the DEIR indicates that both proposed housing projects would connect to the City’s sewer system. DEIR at 5.17-31. The DEIR asserts that, for the housing projects, “[E]xisting sewer capacity would need to be evaluated by the City of Berkeley Public Works Department to verify that the existing system can accept the wastewater generated by the project.” Id. Under CEQA, it is the lead agency’s responsibility to evaluate project-related impacts prior to approval of the project. The</p>	<p>The Draft EIR analyzes wastewater demand for Housing Projects #1 and #2 on page 5.17-36 under impact discussion UTIL-4. As noted in that section, in total, implementation of proposed Housing Projects #1 and #2 would generate an additional 41 million gallons per year (Mgal/year) or approximately 0.11 million gallons per day (MGD). As indicated in Chapter 5.17 of the Draft EIR, the EBMUD WWTP has a residual capacity of 57 MGD and can therefore accommodate the</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>DEIR cannot defer its assessment of important environmental impacts until after the Project is approved. See <i>Sundstrom v. County of Mendocino</i> (1988) 202 Cal.App.3d 296, 306-07. To do so wholly undermines the DEIR’s purpose as an informational document. The time for UC Berkeley to conduct the analysis of system capacity, with relevant upstream data provided by the City, to determine if LRDP-related wastewater flows can be accommodated is now, as part of this EIR. If the analysis finds that LRDP-related wastewater flows would significantly impact the system, the EIR must also identify measures to mitigate those impacts (i.e., upsizing City’s sewer mains if existing mains are insufficient in meeting the projects’ wastewater needs.)</p>	<p>increase in wastewater generation from the two housing projects. Accordingly, the Draft EIR appropriately indicates that the WWTP can accommodate the increase in wastewater generation from the housing projects.</p> <p>Any connection to the City’s sewer system would require the review and approval by the City, and the City would identify any potential upgrades to the City’s sewer infrastructure required as a result of future development under the LRDP Update, including Housing Projects #1 and #2. Any required upgrades would be implemented as part of project construction activities evaluated in this EIR. Those construction activities would occur within previously developed areas and would be required to comply with the mitigation measures in this EIR, such as Mitigation Measure AIR-2.1, which establishes construction equipment requirements to reduce dust and exhaust; Mitigation Measure CUL-2, which outlines procedures to identify and protect cultural resources discovered during ground-disturbing activities; and Mitigation Measures NOI-1 and NOI-2, which would reduce construction noise and vibration, respectively.</p> <p>The commenter has provided no evidence that either Housing Projects #1 or #2 would adversely impact the City’s sewer system. According to the City of Berkeley’s Sewer System Hydraulic Modeling and Capacity Assessment (October 2012), the sewer connections for both these projects are in areas where there are no surcharges or capacity limitations under wet weather flow conditions (Figure 5-2). In addition, both projects would pay sewer connection and wastewater collections fees to the City of Berkeley and EBMUD, which would help fund capital improvements to the wastewater collection system. For Housing Project #1, UC Berkeley is currently working with the City of Berkeley’s Sewer Division to evaluate wastewater discharge; UC Berkeley submitted to the City plumbing fixture counts and sewer flow rate</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-121	<p>Finally, the DEIR cannot rely on CBP USS-4 to reduce LRDP-related impacts on water and wastewater systems. DEIR at 5.17-34. CBP USS-4 provides that “UC Berkeley will analyze water and sewer systems on a project-by-project basis to determine specific capacity considerations for both UC Berkeley systems and off-site municipal systems in the planning of any project proposed under the LRDP.” Id. CEQA prohibits such deferral. CEQA Guidelines §15378(a) (“Project’ means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.”). Breaking the project into smaller sub-projects will lead to inadequate environmental review. See, e.g., <i>Bozung v. Local Agency Formation Com.</i> (1975) 13 Cal.3d 263, 283-84 (CEQA mandates that “environmental considerations do not become submerged by chopping a large project into many little ones”).</p>	<p>calculations for this project for review and comment in March 2021 and is awaiting response. When the fixture counts and wastewater flow rates are determined for Housing Project #2, UC Berkeley will also work with the City of Berkeley to evaluate wastewater discharge. A revision has been made to Chapter 15.17, Utilities and Service Systems, of the Draft EIR, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, to show that Housing Project #1 would also require the review and approval by the City of Berkeley prior to its connection to the City of Berkeley’s sewer system.</p> <p>Regarding UC Berkeley’s sewer system capacity, UC Berkeley is currently identifying a comprehensive program to incorporate deferred maintenance, as well as any appropriate upgrades to its sewer system, implement a scheduled inspection program, and upgrade deficient infrastructure. The program will include a schedule and funding mechanism for planned activities and is expected to be complete by the end of this fiscal year.</p> <p>The EIR prepared for the LRDP Update is a programmatic EIR and all foreseeable future development projects that qualify as a “project” under CEQA are subject to compliance with CEQA, which would require subsequent, project-specific environmental analysis. This is not a piecemeal approach or chopping a large project into many little ones, as the commenter asserts. Please see Master Response 3, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.</p> <p>The City of Berkeley’s Infrastructure Section of the EIR for the General Plan states that adverse environmental impacts to the sewer system would not result, because individual projects would be subject to separate environmental review and therefore this is a less-than-significant impact (page 151). The latest Specific Plan EIR for Adeline Corridor states that “the precise sizing of new wastewater conveyance pipes would be determined at the time of installation and would be</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-122	<p>2. Stormwater</p> <p>The DEIR's analysis of the LRDP's impacts on hydrology and water quality suffers from several major problems and fails to meet CEQA's standards. First, the DEIR fails to adequately describe the existing hydrologic setting of the Project area. It fails to describe areas with inadequate drainage facilities despite the fact that it acknowledges that such areas could experience nuisance flooding due to project-related increased runoff. DEIR at 5.17-45. The DEIR includes a map of areas subject to flooding but limits the boundary to the Campus Park area, excluding both housing projects and areas downstream in the City that are relevant to this analysis. Without a proper description of baseline conditions, the DEIR is unable to provide an adequate analysis of Project-related contributions to changes in water quality relative to existing conditions. Thus, a revised analysis must include a Hydrology and Water Quality section that adequately describes the hydrologic setting.</p>	<p>subject to the approval of the City of Berkeley to ensure that the system is adequate" (page 4.13-11). This is the same approach taken in the LRDP Update and therefore no revision or recirculation of the EIR is required.</p> <p>The existing hydrologic setting of the LRDP Update is adequately described as follows. The stormwater section in Chapter 15.17, Utilities and Service Systems, of the Draft EIR provides a summary of the storm drain system on pages 5.17-41 through 5.17-44. A more detailed analysis of existing conditions is provided in Chapter 15.9, Hydrology and Water Quality, of the Draft EIR (pages 5.9-10 to 5.9-22).</p> <p>The Draft EIR on page 5.17-45 states that future development and redevelopment as part of the LRDP Update have "the potential to cause nuisance flooding in areas without adequate drainage facilities." It does not state that nuisance flooding would occur. With the implementation of CBP HYD-13, runoff into the storm drain system will be managed so that the aggregate effect of projects implemented pursuant to the LRDP Update creates no net increase in runoff over existing conditions. In addition, UC Berkeley is developing a stormwater credit program in consultation with the RWQCB that would permit the installation of centralized stormwater management facilities at the Campus Park and the Hill Campus West which would exceed the requirements of the Phase II MS4 permit and further minimize the amount of stormwater runoff. UC Berkeley is also planning several capital improvement projects that include creek and watershed restoration and decentralized green infrastructure , as discussed in Section 5.17.3.2 that would reduce stormwater runoff. UC Berkeley is committed to repairing, rehabilitating, and upgrading its storm drain system through implementation of the recommendations in the 2015 Campus Infrastructure Master Plan.</p> <p>The map provided in Chapter 5.9, Hydrology and Water Quality, Figure 5.9-2, shows the 100-year floodplains as mapped by FEMA. The map</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-123	<p>Second, the DEIR includes virtually no discussion of the potential LRDP Project impacts to hydrology and water quality. The DEIR’s failure to fully describe the LRDP Project implicates the analysis. As discussed above, the DEIR acknowledges that the proposed development would increase impervious surfaces, but it fails to disclose by how much. DEIR at 5.9-33. The DEIR discloses that the LRDP could result in increased stormwater runoff, peak discharges to drainage channels, and erosion and siltation in swales and streams. Id. Yet, the DEIR needlessly defers critical stormwater considerations to the future and once again relies on compliance with existing regulations, vague noncommittal CBPs, and implementation of unspecified post- construction stormwater control measures to conclude that impacts would be less than significant. See DEIR at 5.9-27, 5.17-45. There is no reason why the DEIR could not or should not have analyzed hydrological impacts at a program level. Indeed, the University already has the ability to model pre-development runoff conditions and assess downstream drainage and stormwater facilities. DEIR at 5.17-16. Instead, however, the DEIR once again defers this analysis, contrary to CEQA.</p>	<p>includes both Housing Projects #1 and #2, which are both outside of the 100-year floodplain. All of the other potential LRDP development and redevelopment sites in the City Environs Properties are also outside the 100-year floodplain and not subject to flooding. The map focuses on the Campus Park because this is the only area that contains land within the 100-year floodplain. The existing conditions for hydrology and water quality as well as utilities, as documented in Chapters 15.9 and 15.17 of the Draft EIR, have been adequately characterized and no revised analysis is warranted.</p> <p>Chapter 5.9, Hydrology and Water Quality, of the Draft EIR provides 19 pages of discussion on the potential impacts of the LRDP Update to hydrology and water quality. There are an additional five pages of discussion pertaining to stormwater impacts in Chapter 5.17, Utilities and Service Systems.</p> <p>As is the case for programmatic EIRs, including General Plans and Specific Plans, the amount of impervious surfaces are not estimated because the design details for each individual project are not known and may change as the project is implemented over many years. All foreseeable future development projects that qualify as a “project” under CEQA are subject to compliance with CEQA, which would require subsequent, project-specific environmental analysis and include the amount of impervious surface. For example, both the City of Berkeley’s General Plan EIR and the City of Berkeley’s 2019 Adeline Corridor Specific Plan do not specify the amount of impervious surfaces. These documents rely on compliance with existing regulations and implementation of post-construction stormwater control measures to state that impacts to hydrology and water quality would be less than significant. The increase in impervious surfaces is provided for both Housing Projects #1 and #2; in fact, Housing Project #1 would result in a net decrease in impervious surfaces.</p>
		<p>The hydrological impacts were analyzed at a program level in the Draft</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
A3-124	<p>I. The DEIR's Mitigation Measures Addressing Significant Impacts to Cultural Resources Are Inadequate.</p> <p>The DEIR evaluates impacts of the LRDP Update and of implementation of Housing Project #1 (the site of Berkeley Landmark #50, University Garage at 1952 Oxford Street) and Housing Project #2 (the site of Berkeley Landmark #84, Peoples' Park at 2525 Haste Street). The DEIR acknowledges that both the long-term projects proposed under the LRDP and the two housing projects analyzed would result in significant impacts to designated cultural resources, many of which are designated as City of Berkeley historic landmarks. DEIR at Table 5.4-3 and Table 5.4-4 and 5.4-30 and 5.4-31. Given that known resources would be impacted by implementation of the Project, one would expect thorough evaluation and mitigation measures to ensure significant impacts are minimized to the degree practicable. The DEIR fails to meet these expectations once again.</p>	<p>EIR. Further analysis would be required for future projects that qualify as a "project" under CEQA, including the quantification of the increase or decrease in impervious surfaces. The Draft EIR did not defer this analysis and followed standard procedures for a programmatic EIR. Therefore, no revision is warranted.</p> <p>The commenter incorrectly asserts that the Draft EIR does not include mitigation measures that address reducing impacts to historic resources from implementation of proposed Housing Projects #1 and #2. Impacts to historical resources resulting from implementation of projects under the LRDP Update, Housing Project #1, and Housing Project #2 are thoroughly evaluated in the Draft EIR (pages 5.4-35 to 5.4-41) and the Historical Resources Technical Reports (HRTRs) appended to the Draft EIR (see Appendix F, Cultural Resources Data). Feasible mitigation measures that would reduce impacts to historical resources have been applied. The Draft EIR, in Chapter 4, Cultural Resources, includes Mitigation Measures required to reduce impacts to historic resources (see Mitigation Measures CUL-1.1a through CUL-1.1e) and CBP AES-4 that is required to coordinate with the Cities of Berkeley and Oakland, and specifically the City of Berkeley LPC. Note that CBP AES-4 is an ongoing practice that has routinely been conducted by UC Berkeley since the 2005 LRDP was approved. With regard to Housing Project #1, the Draft EIR concludes on page 5.4-37 that though application of the feasible mitigation measures would reduce impacts from the demolition of the University Garage, the proposed Housing Project #1 would still result in permanent removal of the University Garage, and therefore result in a significant and unavoidable cultural impact.</p>
A3-125	<p>Despite the DEIR's disclosure and conclusion of significant impacts to cultural resources, the proposed mitigation measures are inadequate to ensure appropriate review and protection of the resources. For instance, for Impact CUL-1 (Future development under the proposed LRDP Update has the potential to permanently impact historic resources by demolishing or renovating historic buildings in a manner that is not in</p>	<p>The commenter incorrectly asserts that the Draft EIR does not include mitigation measures that address reducing impacts to historic resources from implementation of proposed Housing Projects #1 and #2. No revisions to the mitigations measures as suggested by the commenter are required.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>conformance with the Secretary of the Interior’s Standards for Rehabilitation) the DEIR does not make clear whether the proposed mitigation measures (Mitigation Measures CUL-1.1a through CUL-1.1e) apply to the two proposed Housing Projects as well as for future development under the LRDP Update. If the measures do apply to the Housing Projects (and they should), then the DEIR mitigations for cultural resources have not been applied completely thus far. Specifically, Mitigation Measure CUL-1.1a requires a historic resource assessment be prepared for the resource. DEIR at 5.4-35. Neither the DEIR nor the accompanying technical appendix (DEIR Appendix F) appear to include the historic resources assessment. The assessment should be made available for review by the City Landmarks Preservation Commission. In addition, Mitigation Measure CUL- 1.1a should be revised to provide explicit guidance to the Campus Architect for action in response to recommendations for project modifications to achieve Secretary of the Interior Standards compliance.</p>	<p>Relevant mitigation measures required to reduce impacts to historical resources under the proposed LRDP Update (Mitigation Measures CUL-1.1a through CUL-1.1e) have been applied to Housing Project #1 and Housing Project #2.</p> <p>For Housing Project #1, relevant mitigation measures include Mitigation Measure CUL-1.2a (Implement Mitigation Measure CUL-1.1b) and Mitigation Measure CUL-1.2b (Implement Mitigation Measure CUL-1.1d) (see Draft EIR, pages 5.4-37 and 5.4-38). As stated on page 5.4-37 of the Draft EIR, Mitigation Measures CUL-1.1a and CUL-1.1c are not required for Housing Project #1:</p> <ul style="list-style-type: none"> ▪ Mitigation Measure CUL-1.1a is not required because an HRTR was prepared for Housing Project #1 as part of the Draft EIR (see Appendix F.2 of the Draft EIR). In addition, the UC Berkeley presented the proposed Housing Project #1 to the Berkeley Landmarks Preservation Commission and Planning Commission for informational presentations on November 5, 2020. ▪ Though the 2018 joint historical assessment completed by Knapp Architects for the University Garage identified the building’s character-defining features—including its clay tile roofs, Moorish arched openings, brick construction, and skylights—it was determined that due to the type and quality of the building materials and the fact that the character defining features are forms or assemblages of brick, it would not be feasible to salvage them. Accordingly, since it is not feasible to salvage these materials, compliance with Mitigation Measure CUL-1.1c requiring the salvaging of character defining materials when feasible is not required. <p>Since the publication of the Draft EIR, it has been determined that the foundation for Housing Projects #1 and #2 will not require the installation of any driven or drilled piles. Therefore, compliance with</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-126	Consistent with CUL-1.1a, with regard to Mitigation Measures CUL-1.2a, CUL- 1.3a, and CUL-4, the University should confirm whether they have received recommendations for modifications to achieve SOI Standards compliance for Housing Project #1 (University Garage at 1952 Oxford Street) and for Housing Project #2 (Peoples' Park at 2525 Haste Street) and whether and how such recommendations would be applied to the project.	<p>Mitigation Measure CUL-1.1e (Implement Mitigation Measure NOI-2) is no longer required.</p> <p>For Housing Project #2, relevant mitigation measures include Mitigation Measure CUL-1.3a (Implement Mitigation Measure CUL-1.1b), Mitigation Measure CUL-1.3b (Implement Mitigation Measure CUL-1.1d), and Mitigation Measure CUL-1.4 (Implement Mitigation Measure CUL-1.1e) (see Draft EIR, pages 5.4-39 and 5.4-40). As stated on page 5.4-40 of the Draft EIR, Mitigation Measures CUL-1.1a and CUL-1.1c are not required for Housing Project #2:</p> <ul style="list-style-type: none"> ▪ Mitigation Measure CUL-1.1a is not required because an HRTR was prepared for Housing Project #2 as part of the Draft EIR (see Appendix F.3 of the Draft EIR). In addition, the UC Berkeley presented the proposed Housing Project #2 to the Berkeley Landmarks Preservation Commission and Planning Commission for informational presentations on November 5, 2020. ▪ Even though the HRTR for the site found that there were character-defining features that convey the site's historic significance, these features cannot be feasibly salvaged. Accordingly, since it is not feasible to salvage these materials, compliance with Mitigation Measure CUL-1.1c requiring the salvaging of character defining materials when feasible is not required. <p>The HRTRs completed for Housing Projects #1 and #2 assessed project-related impacts to historical resources. The HRTR for Housing Project #1 concluded that the design of Housing Project #1 is compatible with the composition and materials of nearby historical resources, including those that contribute to the proposed Shattuck Avenue Downtown Historic District. (Contributors to this proposed district include a wide range of late nineteenth and early twentieth commercial building architectural styles.) As a result, no impacts to</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-127	<p>DEIR Mitigation Measures CUL-1.1c and CUL-4 provide that if any project could result in alteration of features of a historical resource that are character-defining or convey the significance of a resource, UC Berkeley shall give local historical societies or local architectural salvage companies the opportunity to salvage such features from the historical resource for public information or reuse in other locations. The City requests that the timeline for retrieving salvaged materials be increased from 30 days to 90 days in order to ensure organizations with limited resources have sufficient time to respond and to increase opportunities for salvaging historically important features.</p>	<p>nearby historical resources that derive from the project design are anticipated. (See page 47 through 50 in Appendix F.2 of the Draft EIR.)</p> <p>The HRTR for Housing Project #2 (Appendix F.3 of the Draft EIR) concluded that the design of Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People’s Park through incompatible design (Impact CUL-1.5 in the Draft EIR) and, as a result, specified Mitigation Measure CUL-1.5 (see page 5.4-41 of the Draft EIR). Mitigation Measure CUL-1.5, which is part of Housing Project #2, specifies the type of input the commenter requests, requiring that, prior to approval of final design plans for Housing Project #2, UC Berkeley shall retain an architect meeting the National Park Service Professional Qualifications Standards for historic architecture to review plans for the proposed student housing and affordable and supportive housing buildings. The historic architect shall provide input and refinements to the design team regarding fenestration patterns, entry design, and the palette of exterior materials to improve compatibility with neighboring historical resources and to enhance compliance with the Secretary of the Interior’s Standards and the City of Berkeley Southside Design Guidelines.</p> <p>The commenters request to provide additional time to retrieve salvage materials is not required to further reduce the impact. The 30-day timeline is based on UC Berkeley’s experience with other projects and is deemed an adequate period for retrieval.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-128	Impact CUL-1.5 (The design of Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People’s Park through incompatible design) identifies Mitigation Measure CUL-1.5 to reduce impacts to historic resources in the vicinity. DEIR at 5.4-41. The City requests that the DEIR incorporate the new design guidelines contained in the pending Southside Area Plan and include in the measure coordination with the City’s Landmarks Preservation Commission to ensure that design of the proposed buildings are compatible with the historic resources in the area. The City similarly requests that Mitigation Measure CUL-4 be revised in the same way.	The commenters request to modify the mitigation measures is not required to further reduce the impact. Mitigation Measure CUL-1.5, which states that prior to approval of final design plans for Housing Project #2, UC Berkeley shall retain an architect meeting the National Park Service Professional Qualifications Standards for historic architecture to review plans for the proposed student housing and affordable and supportive housing buildings and that the historic architect shall provide input and refinements to the design team regarding fenestration patterns, entry design, and the palette of exterior materials to improve compatibility with neighboring historical resources and to enhance compliance with the Secretary of the Interior’s Standards and the City of Berkeley Southside Design Guidelines, meets the standards requested by the commenter. As previously described to the commenter, CBP AES-4, which is an ongoing UC Berkeley practice, already requires UC Berkeley to meet with the City of Berkeley LPC.
A3-129	In addition, the City also requests that CBP AES-4 be expanded to provide a firmer commitment for the University to outreach and coordinate with the City’s Landmarks Preservation Commission on City of Berkeley Landmarks and Structures of Merit sites. It would be useful if the University could clarify and provide specified guidance on coordination (terms, methods, invocation) with the City’s Landmarks Preservation Commission through this planning horizon for the LRDP. In addition, we request that the DEIR add an additional mitigation measure in section 5.4 Cultural Resources, that specifically provides for informal presentations of major projects to the City’s Landmarks Preservation Commission and Zoning Adjustments Board, for projects affecting City of Berkeley Landmarks and Structures of Merit sites as determined by UC campus architect.	UC Berkeley remains committed to collaboration and coordination with the City of Berkeley. As described in Chapter 5.1, Aesthetics, CBP AES-4 encourages collaboration with local agencies and would serve to reduce potential impacts to historic resources through this collaboration. No changes to this CBP are necessary, as CBP AES-4 has been and will continue to be UC Berkeley standard practice to make informational presentations of major projects in the City Environs Properties and Clark Kerr Campus to relevant city commissions and boards. Concerning major projects affecting City of Berkeley designated landmarks that are located on the Campus Park and the Clark Kerr Campus, the UC Berkeley Campus Architect and City of Berkeley Planning Director will jointly consider whether it is appropriate for UC Berkeley to provide project information or make an informational presentation to the city on a project basis. Please note that UC Berkeley presented the proposed LRDP Update and Housing Projects #1 and #2 to the City Council on October 13, 2020, the Zoning Adjustments Board on October 22, 2020, and the Berkeley LPC and

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-130	<p>Finally, the DEIR’s approach to analyzing and mitigation potential impacts on tribal cultural resources is inconsistent with CEQA requirements. Under CEQA, if a project may have a significant impact on a tribal cultural resource, the lead agency’s environmental document shall discuss both of the following: (1) whether the proposed project has a significant impact on an identified tribal cultural resource; and (2) whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. CEQA PRC § 21082.3; emphasis added. This CEQA provision thus includes a hierarchy of avoidance of the resource first and lessening of the impact second.</p>	<p>Planning Commission for informational presentations on November 5, 2020. With respect to adding a mitigation measure to Chapter 5.1, there is no impact to mitigate. Consistent with Section 15126.4(a)(4)(A) of the CEQA Guidelines, the mitigation measures in this Final EIR have a direct nexus (i.e., connection) between the mitigation measure and the significant impact (<i>Nollan v. California Coastal Commission</i>, 483 U.S. 825 (1987)). Please see Master Response 5, Mitigation.</p> <p>The commenter incorrectly asserts that the assessment of tribal cultural resources is inconsistent with CEQA requirements. As the Draft EIR presents both a program and project-level review, it includes appropriate program level mitigation measures for future projects to comply with that would mitigate impacts. Please see Master Response 3, Programmatic Analysis. For the two housing projects, it is acknowledged they could unearth TCRs and therefore would be required to comply with Mitigation Measure TCR-2. Mitigation Measure TCR-1 clearly states “If the resource is a tribal cultural resource, the consulting archaeologist shall consult with the appropriate tribe to evaluate the significance of the resource and to recommend appropriate and feasible <i>avoidance</i> [emphasis added], testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations.</p>
A3-131	<p>The DEIR asserts that implementation of CBP CUL-1 and implementation of Mitigation Measure CUL-2 would ensure that impacts to tribal cultural resources would be reduced to less than significant levels. DEIR at 5.16-8. However, this conclusion is erroneous for two reasons. First, CBP CUL-1 is insufficient to protect tribal cultural resources because it only provides procedures in the event that human remains are detected, despite the fact that tribal cultural resources are defined as including “a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, or object with cultural value to a California Native American tribe.” DEIR at 5.16-7. Second, Mitigation Measure CUL-2 provides for a process of collecting and recording any tribal cultural</p>	<p>The commenter incorrectly assumes that CBP CUL-1 would not protect tribal cultural resources. To the degree Native American remains are considered TCRs, then compliance with CBP CUL-1 would ensure their protection. This is consistent with the definition of a TCR as provided by the commenter. Further, Mitigation Measure TCR-1 clearly states “If the resource is a tribal cultural resource, the consulting archaeologist shall consult with the appropriate tribe to evaluate the significance of the resource and to recommend appropriate and feasible <i>avoidance</i> [emphasis added], testing, preservation or mitigation measures, in light of factors such as the</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	resources but fails to provide measures to avoid the resource if feasible. DEIR at 5.4-43 and 5.4-44. Such an approach does not comply with CEQA and cannot be relied upon to conclude that impacts from implementation of the LRDP would be less than significant. See, <i>Save the Agoura Cornell Knoll v. City of Agoura Hills</i> (2020) 46 Cal.App.5th 665, 731-33 (mitigation measure that requires completion of data recovery program if preservation becomes impossible does not mitigate impact to a less-than-significant level).	significance of the find, proposed project design, costs, and other considerations.
A3-132	<p data-bbox="321 607 884 633">J. The DEIR's Alternatives Analysis Is Inadequate.</p> <p data-bbox="321 675 1125 1227">A proper analysis of alternatives is essential to comply with CEQA's mandate that, where feasible, significant environmental damage be avoided. Pub. Resources Code § 21002 (projects should not be approved if there are feasible alternatives that would substantially lessen environmental impacts); CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(f). The primary purpose of CEQA's alternatives requirement is to explore options that will reduce or avoid adverse impacts on the environment. <i>Watsonville Pilots Assn. v. City of Watsonville</i> (2010) 183 Cal.App.4th 1059, 1089. Therefore, the discussion of alternatives must focus on project alternatives that are capable of avoiding or substantially lessening the significant effects of the project, even if such alternatives would impede to some degree the attainment of the project objectives or would be more costly. CEQA Guidelines § 15126.6(b); see also <i>Watsonville Pilots</i>, 183 Cal.App.4th at 1089 (“[T]he key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts.”).</p> <p data-bbox="321 1269 1125 1472">As a preliminary matter, the DEIR's use of an artificially constrained study area and failure to disclose the extent and severity of the LRDP's broad-ranging impacts necessarily distorts the document's analysis of Project alternatives. As a result, the alternatives are evaluated against an inaccurate representation of the Project's impacts. Proper identification and analysis of alternatives is impossible until Project impacts are fully</p>	The commenter expresses an opinion about the alternative evaluation presented in Chapter 6, Alternatives to the Proposed Project. However the comments are based on the commenters incorrect assertion that the EIR Study Area is inappropriate and that the proposed LRDP Update would apply to other UC Berkeley properties outside of the LRDP Planning Area. As described in Chapter 3, Project Description, of the Draft EIR on page 3-8, the EIR Study Area or “project site” is contiguous with the proposed LRDP Update Planning Area, which is the subject of this EIR. Accordingly, the EIR Study Area is appropriate and subsequently the alternatives evaluation is also appropriate. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 7, EIR Study Area.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-133	<p>disclosed. Moreover, as discussed above, the document’s analysis is incomplete and/or inaccurate so that it is simply not possible to conduct a comparative evaluation of the Project’s and the alternatives’ impacts.</p> <p>The DEIR prematurely rejects alternatives. As part of the DEIR’s alternatives analysis, the University considered an alternative that would have included additional TDM measures. DEIR at 6-7. Such an alternative would have increased funding for additional and new transit service, long haul shuttles and local capital improvement projects including bicycle lane gap closures, and unspecified improvements to Telegraph Avenue. Id. The DEIR rejects this alternative as infeasible stating that UC Berkeley determined that the additional costs of the measures would be high relative to the additional benefit gained. Id. The DEIR further suggests that such an alternative is unnecessary as the LRDP includes an objective that focuses on partnering with the City of Berkeley on capital improvement projects that would achieve many of the same benefits of an enhanced TDM project alternative. Id. In order for UC Berkeley to determine that the costs of a TDM alternative outweigh its benefits, the DEIR should have included a cost benefit analysis. Without such an analysis, the DEIR does not have sufficient justification for rejecting this alternative. Furthermore, while the LRDP has an objective calling for partnering with the City, as this letter explains, the LRDP would result in numerous impacts that would benefit from enhanced TDM measures. It is not sufficient for the DEIR to include an objective calling for a partnership with the City when the University could take real action to strengthen TDM measures such as funding for additional and new transit service, long haul shuttles, and local capital improvement projects to increase bicycle and pedestrian use.</p> <p>In any case, the DEIR improperly circumscribes its analysis of potential LRDP Update alternatives and makes no serious attempt to describe an alternative that avoids or substantially minimizes the impacts of the Project. The DEIR identifies three build alternatives. Alternative B, the Reduced Development Program alternative, includes a 25 percent</p>	<p>The comment expresses an opinion and describes the alternatives evaluated in Chapter 6, Alternatives to the Proposed Project, of the Draft EIR. The commenter incorrectly states that the Draft EIR should have included a cost analysis for TDMs in order for the alternatives evaluation to be adequate. As described in Response A3-62, the LRDP is a long-term planning document, and various factors that affect commute patterns and the effectiveness of specific TDM measures are expected to continue to change over the life of the LRDP. Although the specific existing TDM measures that would be expanded or the new measures that could be implemented in the next 15 years cannot be known at this time, Mitigation Measure TRAN-1 provides the flexibility in implementing the appropriate measures necessary in meeting the single-occupant vehicle mode share goals required by Mitigation Measure TRAN-1. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>As described in Chapter 6, pursuant to CEQA Guidelines Section 15126.6(a) through (c), the range of alternatives must include alternatives that could feasibly attain most of the basic objectives of the project and could avoid or substantially lessen any of the significant effects of the project. CEQA Guidelines Section 15126.6(f)(1) generally defines “feasible” to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period, considering economic [emphasis added], environmental, social, technological, and legal factors. In addition, the following may be taken into consideration when assessing the feasibility of alternatives: site suitability; economic viability [emphasis added]; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and the ability of the proponent to attain site control. Accordingly, rejecting an alternative for</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>reduction in undergraduate beds and academic life square footage and a 25 percent reduction in beds in the two proposed housing projects. Alternative C, the Reduced Vehicle Miles Travelled alternative, incorporates additional project features to reduce VMT, such as incorporating more remote learning and working opportunities, increased transportation demand management measures, reducing parking on campus with zero net new parking spaces, and adding 500 beds for faculty and staff for a total of 12,231 beds for students, faculty, and staff. Alternative D, the Additional Faculty and Staff Housing alternative would add an additional 1,000 beds for faculty and staff in the Hill Campus East and the Clark Kerr Campus.</p>	<p>economic reasons is appropriate and the determination for such is at the discretion of the lead agency.</p>
	<p>The DEIR identifies Alternative C as the environmentally superior alternative. DEIR at 6-76. By minimizing VMT, this alternative would be more consistent with UC Berkeley’s Sustainability Plan and Policy. This alternative would also be more in line with the City of Berkeley’s goals to deliver significant benefits to travel by pedestrians, bicycle, or transit, and/or reduced impacts on air quality, greenhouse gas emissions, and safety. (See City of Berkeley General Plan Policy T-18 Transportation Impact Analysis and for the purposes of CEQA, Vehicle Miles Traveled).</p>	<p>As described on page 3-16 in Chapter 3, Project Description, of the Draft EIR, the LRDP Update would improve on the existing TDM strategies to reduce the drive-alone mode-share to UC Berkeley; however, the specific enhancements that would be implemented are not known at this time.</p> <p>In addition, Mitigation Measure TRAN-1, described in Chapter 5.15, Transportation, of the Draft EIR, commits UC Berkeley to enhancing the TDM program or implementing other measures in order the meet UC Berkeley’s commute mode share goals. Mitigation Measure TRAN-1 includes adjusting the TDM programs, parking pricing, education and outreach, support for telecommuting, and other measures to achieve the vehicle mode share goals in the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan. Furthermore, as described in Chapter 5.15, Transportation, of the Draft EIR, impacts associated with vehicle miles traveled would be less than significant with mitigation and no additional TDMs are warranted.</p>
		<p>The commenter incorrectly asserts that the Draft EIR “suggests” that an Increased TDM Alternative is “unnecessary” as the LRDP includes an objective that focuses on partnering with the City of Berkeley on capital improvement projects that would achieve many of the same benefits of an enhanced TDM project alternative. This is not the case. The Draft EIR describes this as an objective, but does not state that this is the reason why the alternative is unnecessary. Please see Section 6.2.3.4, Increased Transportation Demand Management Measures, in Chapter 6 on page 6-7 for a complete and accurate description for why this alternative was rejected as being infeasible. Please see Master Response 18, Alternatives.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-134	<p>However, the DEIR failed to consider a comprehensive alternative that would address multiple impacts and concerns. For example, at a minimum, the DEIR should have considered a Reduced Enrollment Growth Alternative as was done in the EIR for the 2020 LRDP. 2020 LRDP DEIR at 5.1-1 to 5.1-7. The DEIR should have also considered other alternatives that would provide substantially more housing to address the issue of unhoused students, faculty, and staff. For instance, the DEIR should have analyzed an alternative that reduces the square footage of some ‘campus life’ uses for use of the space for residential uses. The LRDP Buildout includes an increase in the campus life square footage per student from the current 49 campus life square feet/student to 59 square feet/student at Buildout. The average residential square footage per bed also increases, which also indicates reduced density. Currently, residential square footage is 224 residential square feet/bed, but the LRDP Buildout proposes 282 residential square feet/bed. If the LRDP Buildout residential square footage was built at the current 224 residential square feet/bed average, the University could implement a substantial number of additional beds. When combined, these changes represent an opportunity cost of prioritizing campus life and lower density over provision of beds/housing.</p>	<p>The commenter expresses an opinion about what additional alternatives could have been included in the Draft EIR and makes assumptions about room sizes and campus life space per student that are not applied as metrics to evaluate environmental impacts in the EIR. As described in Chapter 6, Alternatives to the Proposed Project, CEQA Guidelines Sections 15126.6(a) and (d) require that an EIR describe and evaluate a range of reasonable alternatives to the proposed project, or to the location of the proposed project, and evaluate the comparative merits of the alternatives. CEQA Guidelines Section 15126.6(a) and (f) describe that the “range of alternatives” is governed by the “rule of reason,” which requires the EIR to describe and consider only those alternatives necessary to permit informed public participation, and an informed and reasoned choice by the decision-making body. Accordingly, the commenters suggestions are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. However, no additional alternatives need be evaluated pursuant to this comment. As noted by the commenter in Comment A3-133, the Draft EIR includes two alternatives (Alternative C: Reduced Vehicle Miles Traveled, and Alternative D: Increased Faculty and Staff Housing) that would increase UC Berkeley housing). Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 18, Alternatives.</p>
A3-135	<p>The DEIR should have also considered additional locations to implement more housing. These could include, but are not limited to, additional housing within the Campus Core, additional housing on the Mills College campus (which UC Berkeley will be using as a satellite campus), and construction of additional housing in Albany Village [footnote 13]. At the latter location, the existing housing is mostly two- to three-story buildings so the University could consider more dense housing in that area.</p>	<p>Please see Response A3-133 regarding project alternatives.</p>
	<p><i>Footnote 13: Albany Village is located approximately 3.5 miles from the</i></p>	<p>The comment suggests that UC Berkeley should consider locating housing on the Campus Park (referred to by the commenter as Campus Core). Land at UC Berkeley has always been and continues to be a scarce resource. In order to optimize the use of limited resources, programs that directly engage students in instruction, research and campus life have always been prioritized on the Campus Park. Consistent with this guiding principle, necessary instructional, research, and campus life facilities have been expanded over time</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>Core Campus and thousands of students, faculty and staff commute via bicycle and mass transit.</i></p> <p>In addition, because the DEIR identifies significant/unavoidable impacts associated with increased development in the Very High Fire Hazard Severity Zone, it should have considered an alternative that avoids or reduces this impact. A revised DEIR should analyze an alternative that considers alternative off-site locations for building additional housing, whether on-campus or off, that would house people out of harm’s way.</p> <p>Finally, the DEIR should have considered an alternative that combines Alternative C and Alternative D, which would be more effective to address the campus’s housing shortage.</p>	<p>based on UC Berkeley’s program needs, in accordance with previous LRDPs. The LRDP Update includes as Goal 5.1: “Ensure the highest and best use of campus land to serve UC Berkeley’s mission”; and as a land use objective for the Campus Park: “Prioritize land in the Campus Park for academic, research, student life, and student service uses that directly engage students.” The LRDP Update anticipates future instructional, research, and campus life program needs on the Campus Park, associated with key drivers such as the Strategic Plan and the UC Seismic Safety Policy, in accordance with Goal 5.1 and the Campus Park land use objectives. Thus, UC Berkeley, continues to find that it is neither feasible nor desirable to locate housing on the Campus Park. Please see Master Response 18, Alternatives.</p> <p>The Albany Village site is not in the EIR Study Area and not part of the existing LRDP or the proposed LRDP Update. Please see Master Response 7, EIR Study Area. On a similar note, Mills College is located in an area of the city of Oakland that is outside of the LRDP Planning Area and is not owned or managed by UC Berkeley. Accordingly, no sites outside of the LRDP Planning Area are considered viable options to reduce the impacts described in the Draft EIR.</p> <p>With respect to the portion of the comment that references the significant and unavoidable impact identified in Chapter 5.18, Wildfire, as described on page 5.18-23, this finding is purely based on the programmatic nature of the EIR. Please see Master Response 4, Programmatic Analysis. As described on page 5.18-23, development of potential future projects within the Hill Campus East under the proposed LRDP Update shall implement CBP WF-1 through CBP WF-4, and Mitigation Measures WF-2a and WF-2b, and would be subject to future project approval. Future projects could be required to implement site-specific mitigation measures to reduce potentially significant environmental impacts. In addition, potential future development under the proposed LRDP Update would be required to</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-136	<p>III. A Revised EIR Must Be Prepared And Recirculated.</p> <p>CEQA requires recirculation of a revised draft EIR “[w]hen significant new information is added to an environmental impact report” after public review and comment on the earlier draft EIR. Pub. Resources Code § 21092.1. The opportunity for meaningful public review of significant new information is essential “to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom.” <i>Sutter Sensible Planning, Inc. v. Sutter County Bd. of Supervisors</i> (1981) 122 Cal.App.3d 813, 822; see also <i>City of San Jose v. Great Oaks Water Co.</i> (1987) 192 Cal.App.3d 1005, 1017.</p> <p>In order to cure the panoply of the LRDP EIR defects identified in this letter, UC Berkeley must obtain substantial new information to adequately assess the proposed Project’s environmental impacts, and to identify effective mitigation and alternatives capable of alleviating the Project’s significant impacts. This new information will clearly necessitate recirculation. CEQA requires that the public have a meaningful opportunity to review and comment upon this significant new information in the form of a recirculated draft supplemental EIR.</p>	<p>submit grading plans and construction drawings for UC Berkeley review and comply with the California Building Code, California Fire Code, and Public Resources Code Sections 4201 through 4204, 4290, 4291, and 4442 (see Section 5.18-1.1, Regulatory Framework, pages 5.18-1 through 5.18-8, of the Draft EIR for a summary of each of these regulations). This conclusion does not prevent a finding of less-than-significant impacts at the project level; however, due to potential unknown impacts from future development within the Hill Campus East under the proposed LRDP Update, impacts at the programmatic level would remain significant and unavoidable.</p> <p>Please see Response A3-5 regarding recirculation. UC Berkeley remains committed to collaboration and coordination with the City of Berkeley as demonstrated in the ongoing implementation of the proposed LRDP Update CBPs and the mitigation measures identified in the Draft EIR. For a complete listing of CBPs please see Appendix B, Continuing Best Practices, of the EIR. For a complete listing of mitigation measures by project component, please see Chapter 2, Executive Summary, and Chapter 6, Mitigation Monitoring and Reporting Program, of this Final EIR. For a complete listing of CBPs by project component, please see Chapter 7, CBP Implementation and Monitoring, of this Final EIR.</p>

IV. Conclusion

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	As described above, the DEIR violates CEQA in numerous respects. For these reasons, the City urges UC Berkeley to revise and recirculate the environmental analysis, particularly for the LRDP Update. Through the environmental review process, UC Berkeley has an opportunity to develop an LRDP that minimizes the Project's significant impacts and complies with CEQA, while at the same time ensuring that the City and the community do not unreasonably bear the burden of the University's growth. The revised EIR should include specific commitments to mitigate significant impacts through fair share contributions and should include a specific commitment to construct an adequate amount of housing to serve planned and foreseeable increases in enrollment.	
A3-137	Exhibit A. Kittelson & Associates, Inc. Report dated April 14, 2021 Kittelson and Associates, Inc. (Kittelson), has completed a review of the "Transportation" section of the UC Berkeley 2021 Long Range Development Program and Housing Projects #1 and #2 Draft Environmental Impact Report (EIR) prepared for the University of California, Berkeley and published on March 8, 2021. This letter documents the results of our review.	The attachment provides the comments provided on the Draft EIR by the transportation firm hired by the City of Berkeley. The comments made in this attachment are responded to in Comments A3-137 to A3-170 .
A3-138	<p>1. Overarching Comments/Project Description</p> <p>Underestimates number of commuters and underestimates impacts related to increased vehicle traffic. UC Berkeley proposes 8.1 million square feet of net new growth and development in 2036-37, yet the Draft EIR states that commuting population would increase by just 449 commuters. The Draft EIR likely underestimates the number of commuters. It is our understanding that the current (2020) LRDP estimated a substantial increase in residential development and this development did not materialize. The Draft EIR, page 3-1, states that the proposed LRDP does not bind the University to achieving a specific development level. If UC Berkeley does not achieve its target residential growth, students will commute to campus at far greater levels than the Draft EIR anticipates. This would substantially affect the proposed</p>	Regarding the comment that the Draft EIR may understate the number of new commuters, it is important to clarify that the Draft EIR analyzes the whole of the LRDP Update, including increased population and a building program to serve that population. Much like a general plan for a city, the LRDP Update provides for land use designations and programs and policies aimed at guiding development of the campus over time, but only focuses on the impacts of development in the horizon year of the plan ("buildout"). This is for good reason: the development of campus will largely be based on future demand/demographics and market conditions for academic and housing needs, but the timing of each is unpredictable. Consideration of impacts based on speculation that one component of the building program would not occur is not required under CEQA (refer to Section 15144 of the CEQA Guidelines).

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	project's trip generation estimates and its VMT analysis causing it to underestimate potential impacts.	UC Berkeley, based on UC campus-specific projections for student enrollment, forecasts that it could reach the student enrollment described in the LRDP Update. The LRDP Update provides a plan for potential growth in campus facilities to accommodate these students and associated faculty and staff. The year 2036-37 is not a horizon year for the plan but a reasonable forecast of when this growth could occur. The EIR properly determines the impacts of the LRDP Update based on the differences between baseline and total growth under the LRDP Update.
A3-139	<p>Inconsistent and Unclear Description of Proposed Parking Program. UC Berkeley proposes 8,562 vehicle parking spaces in 2036-37, in Table 3-1, including 22 net new parking spaces at Clark Kerr Campus. This information is inconsistent with the number of existing and proposed vehicle parking spaces identified in Table 3-2, which shows 327 existing spaces and 412 proposed spaces, or a net increase of 85 spaces at the Clark Kerr Campus. This is one example of inconsistencies in the description and documentation of the proposed parking program. The information presented in the Project Description should be clarified and confirmed.</p>	Please see Response A3-15 regarding parking.
A3-140	<p>Failure to provide travel demand estimates. The LRDP Update would increase enrollment by 5,068 undergraduate students, 3,424 graduate students, and 3,579 faculty/staff yet the Draft EIR fails to calculate how many trips (all modes) would be added to the transportation network. The Draft EIR does not estimate the number of people walking, biking, taking transit, and driving that would be generated by the project, and fails to analyze how the increase in traffic (all modes) would affect transportation and circulation and traffic safety or how the increase in traffic has the potential to exacerbate existing deficiencies in the transportation network. Therefore, the analysis presented in the Draft EIR is deficient and lacks substantial evidence to support its impact findings.</p>	Please see Response A3-23 regarding the information provided in the transportation impact analysis.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-141	Failure to provide sufficient information about proposed transportation network modifications and parking and transportation demand management plan. Page 3-16 of the Draft EIR states that the LRDP includes several improvements to the existing roadways on the UC Berkeley campus, bicycle, and pedestrian circulation networks, and transit-supportive improvements, yet the document does not specify or describe these improvements. Therefore, the analysis presented in the Draft EIR is deficient and lacks substantial evidence to support its impact findings with respect to traffic hazards, emergency access, and consistency with plans and policies.	Please see Response A3-14 regarding the level of detail provided in the Draft EIR for transportation improvements.
A3-142	Failure to evaluate consistency with relevant policies. The Draft EIR's analysis of the LRDP's consistency with transportation-related plans and policies is incomplete and fails to provide sufficient analysis to determine consistency. The Draft EIR does not provide substantial evidence to support the finding that the LRDP Update and Housing Project #1 and #2 would be consistent with existing plans.	Please see Responses A3-57, A3-58, A3-59, and A3-60 regarding the City of Berkeley's planning documents.
A3-143	Failure to provide thresholds of significance for the impact analysis. With the exception of the VMT significance thresholds and calculation methodology provided beginning on page 4.15-42 of the Draft EIR, the Draft EIR does not provide thresholds of significance used in the analysis of other impact topics. It is not clear how the potential of the proposed project to exceed standards of significance stated on Draft EIR page 5.15-40 are analyzed.	Please see Responses A3-57, A3-58, A3-59, and A3-60 regarding the City of Berkeley's planning documents. Please see Response A3-68 and A3-70 regarding the Draft EIR's evaluation of transportation impacts.
A3-144	Insufficient study area. The Draft EIR study area is insufficient. The Draft EIR analysis focuses on Campus Park and does not analyze potential impacts to the Campus Hills East, Campus Hills West, Clark Kerr, City Environs, or other planning areas that would occur as a result of implementation of the LRDP Update.	Please see Response A3-54 regarding the study area used in the evaluation of transportation impacts. Please also see Master Response 7, EIR Study Area.
A3-145	2. Failure to Identify Conflicts with Programs, Plans, and Policies Established by UC Berkeley According to page 5.12-50 of the Draft EIR, the LRDP update would	Please see Response A3-55 regarding the Draft EIR's evaluation of single-occupancy vehicle mode share.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>conflict with the UC Sustainable Practice Policy [footnote 1] and UC Berkeley Sustainability Plan [footnote 2] because UC Berkeley currently does not meet the single occupancy vehicle (SOV) targets. The Draft EIR determines this impact is significant. Although the Draft EIR arrives at the correct conclusion, the Draft EIR errs because it does not analyze how SOV mode share would change as a result of the LRDP (i.e., the anticipated increase in students, faculty and staff) or how mode share would need to change to meet the SOV targets; instead it discusses the fact that UC Berkeley does not currently meet SOV targets.</p> <p><i>Footnote 1: https://policy.ucop.edu/doc/3100155/SustainablePractices</i> <i>Footnote 2: https://sustainability.berkeley.edu/sites/default/files/uc_berkeley_sustainability_plan_2020_1.pdf</i></p> <p>The Draft EIR concludes that the LRDP Update’s inconsistency with UC Berkeley’s Sustainability Plan constitutes a significant impact. The proposed mitigation measure (MM Trans-1) on page 5.15-53 of the Draft EIR is inadequate – it simply calls for UC Berkeley to continue to survey students. The Draft EIR lacks evidence for its conclusion that this mitigation measure would reduce impacts to a less than significant level.</p>	
A3-146	<p>Furthermore, the Draft EIR fails to identify other ways the LRDP Update and Housing Projects #1 and #2 would conflict with applicable policies established by UC Berkeley. Several examples of these omissions are provided in this section.</p> <p>According to page 11 of the University of California’s Sustainable Practices Policy in Section III. Policy Text, Part D. Sustainable Transportation:</p> <p><i>Consistent with the State of California goal of increasing alternative fuel – specifically electric – vehicle usage, the University shall promote purchases and support investment in alternative fuel infrastructure at</i></p>	Please see Response A3-55 regarding alternative fuel vehicle usage.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>each location.</i></p> <ul style="list-style-type: none"> ● <i>By 2025, each location shall strive to have at least 4.5% of commuter vehicles be ZEV.</i> ● <i>By 2050, each location shall strive to have at least 30% of commuter vehicles be ZEV.</i> <p>The Draft EIR does not analyze the effect of the LRDP Update and Housing Projects #1 and #2 on the ability of UC Berkeley to increase alternative fuel vehicle usage and meet established targets for use of zero emission vehicles.</p>	
A3-147	<p>According to page 26 of the University of California’s Sustainable Practices Policy in Section V. Procedures, Part D. Sustainable Transportation:</p> <p><i>“To amplify the impact of campus programs, each location is encouraged to partner with local agencies on opportunities to improve sustainable transportation access to and around university facilities in addition to developing its own transportation programs.”</i></p> <p>The Draft EIR describes potential initiatives to support an integrated, connected, and coordinated multimodal transportation network providing access to, from, and within the UC Berkeley campus within Section 3.5.1.5 Mobility Systems Element beginning on page 3-16. Several potential initiatives, such as: the integration of the campus bicycle network with the broader City of Berkeley bicycle network; the development of mobility hubs throughout Campus Park, Clark Kerr Campus, and City Environs Properties; and modifications to curb management practices, sidewalk design, and gateway treatments at the Campus Park edge as described in this section would require coordination with City of Berkeley and other local agencies. The LRDP Update includes several objectives that support sustainable modes of transportation, including on page 5-15-48 of the Draft EIR, “Work with the City of Berkeley and other partners on projects and initiatives that</p>	<p>Please see Response A3-55 regarding consistency with UC Berkeley and University of California sustainability plans and policies.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	enhance pedestrian, bicycle, transit, and vehicular connections and safety between university properties and surrounding areas.” However, the Draft EIR fails to describe how UC Berkeley will partner with local agencies during development of the LRDP Update and Housing Projects #1 and #2.	
A3-148	<p>According to page 26 of the University of California’s Sustainable Practices Policy in Section V. Procedures, Part D. Sustainable Transportation:</p> <p><i>“Each location shall implement parking management and pricing strategies to support emissions reduction and sustainable transportation goals, including variable pricing and unbundling parking and housing costs.”</i></p> <p>According to page 3-16 of the Draft EIR, the LRDP Update would maintain the parking supply at the same ratio as the current parking supply. While the LRDP Update would implement key elements of the existing TDM program presented in Table 5.15-1 on page 5.15-18, including Priced Permit Parking, the provision of vehicle parking at the current parking ratio is inconsistent with the UC Sustainable Practices Policy to implement parking management and pricing strategies and would not support SOV targets, emissions reduction, and sustainable transportation goals.</p>	Please see Response A3-55 regarding consistency with UC Berkeley and University of California sustainability plans and policies.
A3-149	<p>According to page 18 of the UC Berkeley Sustainability Plan, the key transportation strategies to achieve established goals for building performance include:</p> <p><i>“Bike parking to accommodate at least 5% of regular peak building users.”</i></p> <p>The LRDP Update and Housing Project #1 and #2 would increase the amount of traffic (people driving, walking, bicycling, and taking transit) but the Draft EIR fails to estimate how many people would be added to</p>	The comment twice refers to the number of bicycle parking spaces for Housing Project #1; we assume the comment meant to cite 250 bicycle parking spaces for Housing Project #1 per Table 3-6 and 129 bicycle parking spaces for Housing Project #2 per Table 3-7. As shown in Table 3-6 (as revised in Chapter 3, Revisions to the Draft EIR, of this Final EIR), Housing Project #1 would accommodate 772 student residents and 46 employees for a total population of 818 people. The 250 bicycle parking spaces would accommodate about 31 percent of the building population. Similarly, as shown in Table 3-7, the student housing

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>the transportation and circulation network. According to the description of Housing Project #1 included in Table 3-6 on page 3-34 of the Draft EIR, the development would include 250 long-term bicycle parking spaces. According to the description of Housing Project #1 included in Table 3-7 on page 3-51 of the Draft EIR, the development would include 129 long-term bicycle parking spaces. The number of “regular peak building users” is not estimated for either building. The Draft EIR fails to analyze how the proposed provision of bicycle parking would accommodate at least 5% of regular peak building users.</p>	<p>component of the Housing Project #2 would accommodate 1,187 residents and 45 employees for a peak building usage of 1,232 people. The 129 bicycle parking spaces would accommodate about 10 percent of the building population. Thus, both housing projects would exceed the UC Berkeley Sustainability Plan goal for buildings to provide bike parking to accommodate at least 5 percent of regular peak building usage.</p>
A3-150	<p>According to page 18 of the UC Berkeley Sustainability Plan, the key transportation strategies to achieve established goals for building performance include:</p> <p><i>“Where feasible and during construction and renovations involving parking, install conduit and/or electrical vehicle charging equipment.”</i></p> <p>According to the description of Housing Project #1 included in Table 3-6 on page 3-34 of the Draft EIR, the development would include 21 employee vehicle parking spaces. According to the description of Housing Project #1 included in Table 3-6 on page 3-34 of the Draft EIR, the development would include 250 long-term bicycle parking spaces. The proposed project should install electric vehicle charging equipment.</p>	<p>As stated in the comment, Housing Project #1 would include 21 employee vehicle parking spaces, with 2 EV charging stations.</p>
A3-151	<p>The Draft EIR does not include effective feasible mitigation measures for these impacts and there are additional mitigation measures that would potentially reduce these impacts. The revised EIR should evaluate the feasibility of the following measures and consider incorporating them as mitigation as appropriate.</p>	<p>The commenter expresses an opinion that the mitigation measures in the Draft EIR are not effective and that there are additional measures but provides no substantial evidence to support their opinion. The comment also requests that a revised EIR evaluate the feasibility of “the following measures” but does not provide specific measures. No further response is required.</p>
A3-152	<p>3. Failure to Identify Conflicts with Programs, Plans, and Policies Established by Local Agencies</p> <p>Long Range Development Plan Update: The Draft EIR fails to identify</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses A3-153 through A3-159.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	ways the LRDP Update and Housing Projects #1 and #2 would conflict with applicable policies established by UC Berkeley within the Draft 2021 Long Range Development Plan. Several examples of these omissions are provided in this section.	
A3-153	<p>The LRDP Update describes the following Mobility Systems Objectives on page 58:</p> <p><i>Prioritize more sustainable and carbon-neutral transportation solutions</i></p> <p><i>Develop legible, convenient, accessible, and safe circulation networks</i></p> <p><i>Prioritize pedestrian and bicycle travel within the Campus Park and to adjacent areas</i></p> <p>Similar objectives are included on page 5.14-48 of the Draft EIR:</p> <p><i>Prioritize more sustainable and carbon neutral transportation solutions for campus mobility needs, and include transportation demand management (TDM) strategies when planning for new campus facilities.</i></p> <p><i>Prioritize pedestrian and bicycle travel within the Campus Park and to adjacent university properties by removing opportunities for unnecessary vehicle travel, redesigning potential areas of conflicts to improve and prioritize pedestrian and bicycle safety, and including pedestrian and bicycle facilities in new projects, to the extent feasible. Maintain necessary emergency and handicap accessible vehicle access to university properties while prioritizing pedestrian and bicycle access.</i></p> <p>The Draft EIR describes potential initiatives to support an integrated, connected, and coordinated multimodal transportation network providing access to, from, and within the UC Berkeley campus within Section 3.5.1.5 Mobility Systems Element beginning on page 3-16. Several</p>	Please see Response A3-14 regarding the level of detail provided in the Draft EIR for transportation improvements.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>potential initiatives, such as: the integration of the campus bicycle network with the broader City of Berkeley bicycle network; the development of mobility hubs throughout Campus Park, Clark Kerr Campus, and City Environs Properties; and modifications to curb management practices, sidewalk design, and gateway treatments at the Campus Park edge are described in this section. However, the implementation of these initiatives is uncertain and the Draft EIR fails to describe how the LRDP Update and Housing Projects #1 and #2 will implement required circulation improvements including bicycle and pedestrian projects connecting the City Environs properties and achieve the stated objectives.</p> <p>The LRDP Update describes the following Collaborative Planning Objectives on page 68, which are also stated on page 5.15-51 of the Draft EIR:</p>	
	<p><i>Continue to partner with the City of Berkeley and transportation providers to provide efficient, reliable, and safe transportation service to the campus</i></p>	
	<p><i>Work with the City of Berkeley and other partners on projects and initiatives that enhance pedestrian, bicycle, transit, and vehicular connections and safety between university properties and surrounding areas</i></p>	
	<p>As mentioned above, Draft EIR page 3-16 describes several potential initiatives, such as: the integration of the campus bicycle network with the broader City of Berkeley bicycle network; the development of mobility hubs throughout Campus Park, Clark Kerr Campus, and City Environs Properties; and modifications to curb management practices, sidewalk design, and gateway treatments at the Campus Park edge. However, the Draft EIR fails to analyze how UC Berkeley will partner with local agencies during development of the LRDP Update and Housing Projects #1 and #2 and achieve the stated objectives.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-154	<p>City of Berkeley General Plan: The Draft EIR selects a few policies from the City’s General Plan and on page 5.15-52, concludes the LRDP Update would be consistent. The Draft EIR fails to provide sufficient information to determine consistency with the City’s General Plan. Several examples of these omissions are provided in this section.</p> <p>General Plan Policy T-37 University of California and Large Employer Parking, Action A is to:</p> <p><i>Encourage the University of California to cap its parking supply at current levels, to postpone any plans to expand its existing (year 2000) parking supply, and instead to encourage transit use and alternative modes of transportation, and better manage and utilize existing parking.</i></p> <p>According to Table 3-1 on page 3-25 of the Draft EIR, the LRDP Update and Housing Project #1 and #2 would increase the amount of vehicle parking spaces by 1,240 spaces. As such, the parking supply would not be capped at the 2000 levels.</p> <p>General Plan Policy T-43: Bicycle Network is to:</p> <p><i>Develop a safe, convenient, and continuous network of bikeways that serves the needs of all types of bicyclists, and provide bicycle-parking facilities to promote cycling</i></p> <p><i>Action A. Expand the supply of highly secure bicycle parking near transit hubs and commercial areas.</i></p> <p><i>Action B. Encourage business owners to provide bicycle parking, showers, and lockers for employees and bicycle parking for customers.</i></p> <p>General Plan Policy T-50: Sidewalks is to:</p> <p><i>Maintain and improve sidewalks in residential and commercial pedestrian</i></p>	<p>Please see Response A3-57 regarding the City of Berkeley’s General Plan.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>areas throughout Berkeley and in the vicinity of public transportation facilities so that they are safe, accessible, clean, attractive, and appropriately lighted.</i></p>	
	<p><i>Action C. Ensure that sidewalks are kept in good repair and are level, with a suitable grade for pedestrians and wheelchairs. Discourage, and when possible prevent, new developments from creating uncomfortably steep grades.</i></p>	
	<p><i>Action D. Ensure adequate unobstructed sidewalk passage by appropriate placement of street furniture and amenities and prevention of obstruction of travel ways by such items as advertisement signs, merchandise, and utility boxes.</i></p>	
	<p>The Draft EIR describes potential initiatives to support an integrated, connected, and coordinated multimodal transportation network providing access to, from, and within the UC Berkeley campus within Section 3.5.1.5 Mobility Systems Element beginning on page 3-16. Several potential initiatives, such as: the integration of the campus bicycle network with the broader City of Berkeley bicycle network; the development of mobility hubs throughout Campus Park, Clark Kerr Campus, and City Environs Properties; and modifications to curb management practices, sidewalk design, and gateway treatments at the Campus Park edge are described in this section. However, the details of these projects are not provided and their implementation is uncertain.</p>	
	<p>As it is currently written, the Draft EIR does not provide evidence to support the finding that the LRDP's consistency with the City of Berkeley General Plan would not be a significant impact. In order to determine potential impacts related to conflicts with established plans and policies, the Draft EIR must evaluate the LRDP in comparison to all applicable</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-155	<p>policies within the City of Berkeley’s General Plan Transportation Element and Complete Streets Policy.</p> <p>City of Berkeley Bicycle Plan: The Draft EIR fails to provide sufficient information to determine consistency with the City’s Bicycle Plan. Several examples are provided in this section.</p> <p>The Draft EIR only analyzes the LRDP’s consistency with one policy, Policy D-1, in the Berkeley Bicycle Plan (2017). The Draft EIR states on page 5.15-52, that the University is working with the City to: (a) minimize transit-vehicle interactions; (b) optimize transit service and operations, and (c) provide low stress bike-to-transit access, but it does not explain how specifically UC Berkeley is accomplishing these actions.</p> <p>The Bicycle Plan describes the following policies beginning on page 2-2.</p> <p><i>Policy PL-1. Integrate bicycle network and facility needs into all City planning documents and capital improvement projects</i></p> <p><i>Policy PL-2. When considering transportation impacts under the California Environmental Quality Act, the City shall consider how a plan or project affects bicyclists per Berkeley General Plan Policy T-18</i></p> <p><i>Policy PL-3. Coordinate with other agencies to incorporate Berkeley Bicycle Plan elements</i></p> <p>According to page 3-17 of the Draft EIR, the LRDP Update and Housing Project #1 and #2 would include an updated and expanded bicycle network on the Campus Park and Clark Kerr Campus. However, the specific bicycle network modifications are not identified or discussed. The Draft EIR does not analyze how the proposed project would affect bicyclists. The Draft EIR must identify the specific projects that would be</p>	<p>Please see Response A3-58 regarding the City of Berkeley’s Bicycle Plan.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>implemented by the proposed project and then evaluate consistency with the Bicycle Plan.</p>	
	<p>According to the landscape plan for Housing Project #1 provided in Figure 3-12 of the Draft EIR, the development would replace the vehicle parking lane along the Oxford Street frontage with a cycle track. As shown in Figure 5-4 of the 2017 Bicycle Plan, there are numerous bicycle network recommendations within the Draft EIR study area, including recommendations to conduct a Complete Streets Corridor Study on Oxford Street and University Avenue, which fronts the proposed Housing Project #1 site. The streetscape changes proposed as part of Housing Project #1 are inconsistent with the recommendations in the Bicycle Plan and demonstrate a lack of coordination to incorporate Berkeley Bicycle Plan elements.</p>	
	<p>Furthermore, Figure 5-15-5 in the Draft EIR presents the existing bicycle network. This map does not accurately reflect the existing bikeways in the vicinity of Campus Park. For example, Hearst Avenue is a Class IV parking protected cycletrack in the eastbound direction between Oxford Street and Spruce Street and between Shattuck Avenue and Oxford Street in the westbound direction. Hearst Avenue is shown on the map as a Class II bikeway from MLK Jr Way to Arch Street. Additionally, the Draft EIR does not identify the proposed bikeway network (Figure 5-1 in the 2017 Bicycle Plan) or describe the recommended network improvements in the UC Berkeley Campus and Downtown Area (Figure 5-4 in the 2017 Bicycle Plan).</p>	
	<p>The Draft EIR lacks evidentiary support for its conclusion that impacts would be less than significant. The Draft EIR should have analyzed the impact of the LRDP Update and Housing Project #1 and #2 on the bicycle network and should have identified and discussed the existing and proposed bicycle network as presented in the City's Bicycle Plan. Had the Draft EIR conducted the appropriate analysis, it would have determined</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>that the impacts would likely be significant and mitigation would be required. Consequently, the revised EIR must identify mitigation measures for these impacts. For example, support development of an All Ages and Abilities network (Goal 3 of the Bicycle Plan) through fair share contribution to the Tier 1 Bikeway Network, including high priority Bicycle Boulevards, Milvia Street Bikeway, Complete Street Corridor Studies (including Downtown and UC Berkeley Campus perimeter streets and the Southside Pilot Project), and the Ohlone Greenway.</p>	
<p>A3-156</p>	<p>Berkeley Pedestrian Plan: The Draft EIR references the 2010 Pedestrian Master Plan and does not reference the current plan, which was published in November 2020 and adopted by the Berkeley City Council in January 2021. The Draft EIR does not specifically analyze the LRDP’s consistency with this plan and again does not describe or consider all relevant and applicable policies. The Draft EIR asserts that the LRDP would not impede these policies but it fails to explain how it reached this conclusion and it lacks evidentiary support for its conclusion that impacts would be less than significant.</p> <p>According to page 3-17 of the Draft EIR, the LRDP Update and Housing Project #1 and #2 would include modifications to the pedestrian network, such as widened sidewalks, a new pedestrian connection at Ellsworth Street, and improvements to the Campus Park gateways. However, the specific pedestrian network modifications are not identified or described. The Draft EIR does not analyze how the proposed project would affect people walking. The Draft EIR must identify the specific projects that would be implemented by the proposed project and then evaluate consistency with the Pedestrian Plan.</p> <p>Figure 5.15-2 in the Draft EIR presents the existing pedestrian routes and campus gateways. However, the Draft EIR fails to illustrate or describe the City’s Pedestrian High-Injury Streets on any of the maps in Section 5.15 Transportation, despite their central importance to the City’s local</p>	<p>Please see Response A3-59 regarding the City of Berkeley’s Pedestrian Plan.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>roadway hazard and traffic safety planning. A map illustrating the Pedestrian High Injury Streets and the fatal and severe injury pedestrian-involved collisions that occurred between 2008 and 2017 is provided in Figure 12 on page 28 of the 2020 Pedestrian Plan. As shown in this map, the following High-Injury Streets are located nearest to Campus Park. These streets are the City's stated priority for investments to improve pedestrian safety:</p> <ul style="list-style-type: none"> ● Hearst ● University ● Oxford/Fulton ● Shattuck ● Dwight ● Piedmont/Warring ● Telegraph (south of Dwight) <p>Housing Project #1 has two frontages (Oxford Street and University Avenue) that are Pedestrian High Injury Streets and University Avenue, between San Pablo Avenue and Oxford Street, is one of the ten priority street segments. Housing Project #2 has one frontage (Dwight Way) that is a Pedestrian High Injury Street.</p> <p>The Draft EIR should have analyzed the impact of the LRDP Update and Housing Project #1 and #2 on the pedestrian network and should have identified and discussed the Pedestrian High Injury Streets, Priority Streets, and pedestrian network recommendations, as presented in the City's 2020 Pedestrian Plan. Had the Draft EIR conducted the appropriate analysis, it would have determined that the impacts would likely be significant and mitigation would be required. Consequently, the revised EIR must identify mitigation measures for these impacts.</p>	
A3-157	<p>City of Berkeley Vision Zero Resolution and Vision Zero Action Plan: The Draft EIR mentions the Vision Zero Policy Resolution and Vision Zero Action Plan on page 5.15-53, but does not evaluate the proposed project's consistency with the Resolution or Plan. The Draft EIR states that the</p>	Please see Response A3-60 regarding the City of Berkeley's Vision Zero Resolution and Vision Zero Action Plan.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>LRDP contains several objectives that support the Vision Zero goals and it does not identify the specific objectives nor does it discuss how the LRDP would be consistent with the City's Vision Zero Action Plan, adopted by the Berkeley City Council on March 10, 2020.</p>	
	<p>The one-sentence discussion of the Vision Zero Action Plan on page 5.15-53 of the Draft EIR only mentions the administrative/coordination elements of the Vision Zero actions. It does not mention, let alone describe, the traffic safety capital projects which would address the City's safety priorities identified in the Vision Zero Action Plan. This impact analysis should engage with all elements of the Vision Zero Action Plan, especially capital traffic safety project actions relevant to potential roadway hazards and safety impacts. For example, Policy 2.3 of the Vision Zero Action Plan is to:</p>	
	<p><i>Deliver Vision Zero traffic safety infrastructure improvements both reactively and proactively.</i></p>	
	<p><i>Actions:</i> <i>- Proactively build capital-intensive and quick-build safety projects on all Vision Zero High-Injury Streets on a schedule to complete such projects by 2028.</i></p>	
	<p>While the Draft EIR identifies the roadways in the project study area, it does not describe existing collision history or collision rates (vehicular, bicycle, pedestrian) on roadways. The Draft EIR fails to illustrate or describe the City's Vision Zero High-Injury Streets on any of the maps in Section 5.15 Transportation, despite their central importance to the City's local roadway hazard and traffic safety planning. A map of the High Injury Streets is provided on page 13 of the Vision Zero Action Plan. As shown in this map, the following High-Injury Streets are located in the Campus Park vicinity. These streets are the City's stated traffic safety priority:</p>	
	<ul style="list-style-type: none"> ● Hearst ● Oxford/Fulton 	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
<ul style="list-style-type: none"> ● Shattuck ● Bancroft ● Durant ● Channing ● Haste ● Dwight ● Telegraph (south of Dwight) ● College ● Piedmont 	<p>Housing Project #1 has two frontages (Oxford Street and University Avenue) that are Vision Zero High- Injury Streets. Housing Project #2 has one frontage (Haste Street) that is a Vision Zero High-Injury Street.</p>	<p>The Draft EIR should have analyzed the LRDP Update and Housing Project #1 and #2 consistency with the Vision Zero Resolution and Vision Zero Action Plan including an analysis of traffic safety. This analysis should have identified and discussed the Vision Zero High-Injury Streets and traffic safety capital projects which would address potential traffic safety concerns. Had the Draft EIR conducted the appropriate analysis, it would have determined that the impacts would likely be significant and mitigation would be required. Consequently, the revised EIR must identify mitigation measures for these impacts. Consistent with the priority of the Vision Zero Action Plan, the University should commit to “Proactively build capital-intensive and quick-build safety projects on all Vision Zero High-Injury Streets on a schedule to complete such projects by 2028.” An appropriate mitigation measure would be to provide a fair-share contribution to transportation safety projects on the High-Injury Streets identified in the Vision Zero Plan.</p>
A3-158	<p>Local Transit Plans: The Draft EIR identifies potential conflicts with transit plans in its thresholds of significance on page Draft EIR at 5.15-40,</p>	Please see Response A3-61 regarding local transit plans.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>but it does not analyze how the LRDP would impact the plans, services or facilities of local transit providers.</p>	
	<p>The Draft EIR identifies AC Transit’s existing operations (Table 5.15-1 on page 5.15-15), but it does not identify the capacity of the bus routes currently serving the campus nor does it analyze how the LRDP would affect bus service or operations. The LRDP would increase transit demand potentially causing overcrowding of buses and the potential for drivers to pass-up waiting passengers. The addition of vehicle traffic generated by the LRDP could increase delay and reduce the ability of AC Transit to meet on-time performance and schedule goals. This could cause people to switch to using private vehicles, increasing the low-occupancy vehicle share of trips and resulting greenhouse gas emissions, and causing secondary safety impacts from the increased number of motor vehicles on Berkeley streets, which would conflict with the UC Sustainable Practice Policy and UC Berkeley Sustainability Plan and further impede the ability of the University to achieve established SOV targets.</p>	
	<p>Similarly, the Draft EIR describes BART’s existing service and daily ridership on page 5.15-14, but it does not identify the capacity of the service nor does it analyze how the LRDP would affect BART service and operations. For example, the Draft EIR does not analyze how the LRDP would affect station access and circulation, including fare gate delay, platform crowding, or congestion on vertical circulation elements (i.e., stairways, escalators, and elevators). The proposed project would increase ridership which may cause overcrowding and the potential for pass-ups of passengers. Furthermore, the addition of people traveling between the BART station and Campus Park may result in overcrowding and safety concerns on street corners, crosswalks, and sidewalks along connecting routes.</p>	
	<p>The revised Draft EIR must provide a comprehensive analysis of the</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-159	<p>Project’s potential to impact the plans, services or facilities of these local transit providers. If the impacts are determined to be significant, UC Berkeley must identify feasible mitigation measures capable of addressing these impacts.</p> <p>4. Failure to Sufficiently Analyze and Disclose VMT Impacts</p> <p>The Draft EIR concludes that the LRDP would result in a net reduction in student commuters and that all UC Berkeley VMT metrics would fall below the Draft EIR’s thresholds of significance. As discussed above, if the University does not achieve its residential/bed goals, the LRDP would potentially result in a far greater increase in VMT (i.e., there would be more than 449 new commuters) than the Draft EIR discloses.</p> <p>According to page 5.12-22 of the Draft EIR:</p> <p><i>“Other indirect effects of population growth, such as increased vehicular usage, utilities, transit demand, and demand for public services, are discussed elsewhere in Chapter 5 (see Chapters 5.15, Transportation, and 5.13, Public Services, of this Draft EIR).”</i></p> <p>However, the VMT analysis does not evaluate the effects of population growth associated with implementation of the LRDP. The Draft EIR fails to provide access to relevant data or information used in the VMT calculation and does not include substantial evidence or documentation to support the claim that the proposed project would result in an increase of 449 commuters. The Draft EIR Appendix M, Transportation Data, does not provide travel demand estimates, traffic volumes, mode share data, travel survey data, or calculations to support the impact analysis or conclusions. Without this information, it is not possible to verify the accuracy of the Draft EIR’s VMT analysis.</p>	<p>Please see Response A3-67 regarding the Draft EIR’s VMT impact conclusions.</p>
A3-160	<p>5. Failure to Sufficiently Analyze and Disclose Potential Roadway and Design Hazards</p>	<p>Please see Response A3-69 regarding transportation improvements.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The LRDP Update includes campus-wide roadway, bicycle, and pedestrian network changes and off-campus bikeway network changes on pages 5.15-46 and 5.16-47 but the Draft EIR fails to analyze how these changes would affect hazards (page 5.15-56). The Draft EIR mentions potential hazards associated with roadway and sidewalk improvements on page 5.15-59 and inappropriately focuses the analysis of hazards on wind hazards despite stating that UCB does not require wind studies on page 5.15-60.</p>	
A3-161	<p>Housing Project #1 proposes a number of streetscape changes described on page 3-44 and shown in Figure 3-12 of the Draft EIR, including installation of a cycletrack on Oxford Street, provision of a vehicle driveway on Walnut Street, and provision of freight loading spaces on Berkeley Way. Housing Project #2 proposes a number of streetscape changes described on page 3-60 and shown in Figure 3-15 of the Draft EIR, including installation of a sidewalk extension and uncontrolled midblock crossing on Haste Street. Additionally, on page 3-17, the Draft EIR describes how modifications would be made at several access points near the Campus Park edge to restrict most private vehicle access to the Campus Park interior. The Draft EIR fails to specify what these changes to vehicle access are and where they would occur. The Draft EIR also fails to analyze the potential for these access modifications and streetscape changes to create hazardous conditions for people walking, biking, driving, or taking transit. Instead it looks to “industry standard roadway design and safety guidelines” and the implementation of vague CBPs (described on page 5.15-57) related to construction activities to suggest impacts would be less than significant. The revised Draft EIR must analyze the potential hazards associated with the streetscape changes proposed by the project and identify specific and enforceable mitigation measures for impacts that are identified.</p>	Please see Response A3-69 regarding transportation improvements.
A3-162	<p>As shown in Table 3-1 on Draft EIR page 3-25, the LRDP Update would increase enrollment by 5,068 undergraduate students, 3,424 graduate students, and 3,579 faculty/staff. The Draft EIR fails to calculate how many</p>	Please see Response A3-23 regarding the information provided in the transportation impact analysis.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	trips (all modes) would be added to the transportation network. The Draft EIR does not estimate the number of people walking, biking, taking transit, and driving that would be generated by the project. This information must be provided to: (a) verify the accuracy of the Draft EIR's VMT analysis; (b) analyze how the LRDP's increase in traffic (all modes) would affect transportation and circulation (e.g., exacerbate existing deficiencies in the transportation network; and (c) evaluate how the increase in traffic from the LRDP would affect hazards (e.g., bicyclists, pedestrians and drivers).	
A3-163	Nor does the Draft EIR analyze how construction of Housing Projects #1 and #2 could potentially impact automobile drivers, bicyclists and pedestrians. The Draft EIR relies on CBPs that call for contractors to develop and implement a Construction Traffic Management Plan (Draft EIR at 5.15-57) to purportedly reduce construction-period impacts on circulation and parking and address job-site access, vehicle circulation, bicycle and pedestrian safety. The Draft EIR should have analyzed the potential for impacts during construction of Housing Projects # 1 and # 2 now; the University should not wait until after the LRDP is approved to provide this analysis.	Please see Response A3-18 regarding traffic management plans.
A3-164	The Draft EIR should analyze whether proposed streetscape changes would create hazardous conditions for people walking, biking, driving, or taking transit. The Draft EIR should analyze how ongoing operations of the proposed project, such as events or residential move-in/move-out, would create potentially hazardous conditions. Finally, the Draft EIR should analyze impacts associated with construction of Housing Projects #1 and #2 on people walking, biking, driving, and taking transit. Had the Draft EIR conducted the appropriate analysis, it would have determined that the impacts would likely be significant and mitigation would be required. Consequently, the revised EIR must first provide this comprehensive analysis and then identify mitigation measures for significant impacts.	Please see Response A3-18 regarding traffic management plans, Response A3-58 regarding the City of Berkeley's Bicycle Plan, Response A3-59 regarding the City of Berkeley's Pedestrian Plan, Response A3-60 regarding the City of Berkeley's Vision Zero Resolution and Vision Zero Action Plan, and A3-69 regarding transportation improvements. The list of relevant transportation projects from existing planning documents is acknowledged and will be included for the record, and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
	As discussed above, mitigation measures for traffic safety and roadway	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>hazards should be considered for the High-Injury Streets identified on the map on Page 13 of the Vision Zero Action Plan. Mitigation measures for these streets and others should also be identified by referencing the Berkeley Bicycle Plan Chapter 5, Figures 5-3, 5-4, 5-13, 5-14, 5-15; and the Berkeley Pedestrian Plan, Chapter 3, Pages 33 to 56 and Appendix F, Figure F-3. In addition, measures to mitigate traffic hazards by reducing the motor traffic volume by way of shifting people from driving private vehicles to use of transit services should be considered. As described above, these mitigation measures should be drawn from local transit plans for infrastructure, vehicles, and services affecting the UC Berkeley campus area covered in the LRDP. A list of relevant transportation projects from existing planning documents are provided as an attachment to this comment letter. UC Berkeley should provide a fair share contribution to implementation of these projects as mitigation for identified impacts.</p>	
A3-165	<p>Had the Draft EIR actually analyzed the project’s potential construction-related impacts for Housing Projects # 1 and #2, it would have determined these impacts to be significant. Consequently, the Draft EIR should have identified feasible mitigation. As a mitigation measure for these impacts and for future projects that will be built as part of the LRDP, UC Berkeley should commit to coordinate with the City prior to construction. (see CBP - TRAN 5 (Draft EIR at 5-15-57). In addition, the revised Draft EIR should include the following measures to mitigate for significant construction-related transportation impacts:</p> <ul style="list-style-type: none"> ● UC Berkeley will develop and maintain a public information website re: Project status, scheduled lane closures, and other construction-related traffic impacts. ● UC Berkeley will cooperate with City staff to provide residents with advance notice of construction-related lane closures and traffic impacts. ● UC Berkeley will cooperate with City staff to evaluate and implement potential modification of bicycle routes and timing of traffic signals in City to address construction-related traffic impacts. ● UC Berkeley should undertake a process, in coordination with the City, 	<p>Please see Response A3-18 regarding traffic management plans and A3-31 regarding transportation mitigation measures. The recommended construction-related mitigation measures are acknowledged and will be included for the record, and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>to mitigate haul route pavement damage incurred as a result of the Project. This process would involve development of a baseline Pavement Condition Index (“PCI”) for key roadways identified by City prior to initiation of construction work. Following completion of the Project, the PCI evaluation process would be repeated, and UCB would commit to undertaking any necessary pavement repairs, repaving, or roadway reconstruction, to the satisfaction of the City.</p> <ul style="list-style-type: none"> • UC Berkeley should adopt the Caltrans Temporary Pedestrian Access Routes Handbook (2020) and utilize it for construction projects in the public right of way. This is consistent with recommendations for construction conditions included in the City’s Pedestrian Plan. 	
A3-166	<p>6. Failure to Sufficiently Analyze and Disclose Potential Emergency Access Impacts</p> <p>The Draft EIR states on page 5.15-62, that the emergency access analysis was conducted to determine if the LRDP has the potential to impact emergency vehicle access by creating conditions that would substantially affect the ability of drivers to yield the right-of-way to emergency vehicles or preclude the ability of emergency vehicles to access streets within the EIR Study Area. Despite this statement, there is no actual analysis.</p> <p>The LRDP Update includes campus-wide roadway, bicycle, and pedestrian network changes, changes to vehicle access at the campus park edge, and off-campus streetscape modifications, but the Draft EIR fails to analyze how these changes would affect emergency vehicle access.</p> <p>The Draft EIR also asserts, on page 5.15-62, that <i>“additional vehicles associated with implementation of the proposed LRDP Update could increase delays for emergency response vehicles during peak commute hours, especially in the immediate vicinity of the Campus Park”</i> but again there is no actual analysis. The Draft EIR does not estimate the number</p>	Please see Response A3-70 regarding emergency access.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>of people walking, biking, taking transit, and driving that would be generated by the project, and fails to analyze how the increase in traffic (all modes) would affect emergency access within the study area.</p> <p>Page 3-17 of the Draft EIR describes how modifications would be made at several access points near the Campus Park edge to restrict most private vehicle access to the Campus Park interior. The Draft EIR fails to specify what these changes to vehicle access are, where they would occur, and how they would affect emergency vehicle access. The Draft EIR claims that the proposed transportation network would not conflict with fire access routes. However, the Draft EIR fails to analyze the potential for these vehicle restrictions to impede or delay emergency access.</p> <p>The Draft EIR relies on a City of Berkeley policy to ensure that the City maintain adequate emergency response times. This analysis is insufficient because the Draft EIR does not actually analyze how the increase in traffic from the project would affect emergency access and emergency response. As a result, the Draft EIR lacks evidence for its conclusion that emergency access impacts would be less than significant.</p>	
A3-167	<p>7. Failure to Sufficiently Analyze Cumulative Impacts</p> <p>The LRDP, together with the cumulative projects listed in Table 5-1 (Draft EIR p. 5-10) have the potential to increase traffic hazards and emergency access and response yet the Draft EIR ignores these potential impacts. The Draft EIR states that the implementation of the CBPs listed in Appendix B would not create additional transportation impacts and “the activities associated with these CBPs would not involve physical effects that would have the potential to create significant environmental impacts.” (page 5.15- 65). However, the Draft EIR does not analyze the potential cumulative impacts associated with implementation of the CBPs. The Draft EIR should analyze cumulative impacts associated with implementation of the CPBs. Had the Draft EIR conducted the appropriate analysis, it would have determined that the impacts would</p>	<p>Please see Response A3-71 regarding cumulative transportation impacts.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
A3-168	likely be significant and mitigation would be required. Consequently, the revised EIR must identify mitigation measures for these impacts.	
	8. Failure to Sufficiently Analyze Alternatives	
	<p>As part of the Draft EIR’s alternatives analysis, on page 6-7 of the Draft EIR, UC Berkeley considered an alternative that would have included additional TDM measures. Such an alternative would have increased funding for additional and new transit service, long haul shuttles and local capital improvement projects including bicycle lane gap closures, and unspecified improvements to Telegraph Avenue. The Draft EIR rejects this alternative as infeasible stating that UC Berkeley determined that the additional costs of the measures would be high relative to the additional benefit gained. The Draft EIR further suggests that such an alternative is unnecessary as the LRDP includes an objective that focuses on partnering with the City of Berkeley on capital improvement projects that would achieve many of the same benefits of an enhanced TDM project alternative.</p> <p>In order for UC Berkeley to determine that the costs of a TDM alternative outweigh its benefits, the Draft EIR should have prepared a cost benefit analysis. Without such an analysis, the Draft EIR does not have sufficient justification for rejecting this alternative. Furthermore, while the LRDP has an objective calling for partnering with the City, the LRDP would result in numerous impacts that would benefit from enhanced TDM measures. It is not sufficient for the Draft EIR to look to an objective calling for a partnership with the City when UC Berkeley could take action to strengthen TDM measures such as funding for additional and new transit service, long haul shuttles and local capital improvement projects to increase bicycle and pedestrian use.</p>	<p>The commenter expresses an opinion about the selection of alternatives to the proposed project evaluated in Chapter 6 of the Draft EIR. The commenter provides no substantial evidence for their claim that “ the LRDP would result in numerous impacts that would benefit from enhanced TDM measures.” Accordingly, no further response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 18, Alternatives.</p> <p>Also, please see Response A3-133 and Section 6.2.3.4, Increased Transportation Demand Management Measures, in Chapter 6 on page 6-7, and Master Response 18, Alternatives, for why this alternative was rejected as being infeasible.</p>
A3-169	<p>Conclusion</p> <p>The transportation analysis presented in the Draft EIR is deficient and lacks substantial evidence to support its impact findings. Had the Draft</p>	The comment serves as a closing remark. No response is required.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-170	<p>EIR conducted the appropriate analysis, it would have determined that the impacts would likely be significant and mitigation would be required. Consequently, the revised EIR must first provide this comprehensive analysis and then identify mitigation measures for significant impacts. A list of relevant transportation projects from existing planning documents are provided as an attachment to this comment letter. UC Berkeley should provide a fair share contribution to implementation of these projects as mitigation for identified impacts.</p> <p>Attachment A: Transportation Project List</p> <p>Figure 5-3: Recommended Network Improvements of the City of Berkeley’s Bicycle Plan</p> <p>Figure 5-4: Recommended Network Improvements, UC Berkeley Campus and Downtown Area of the City of Berkeley’s 2017 Bicycle Plan</p> <p>Figure 12: High Injury Streets in Berkeley of the City of Berkeley’s Pedestrian Plan</p> <p>High Injury Streets map of the City of Berkeley’s Vision Zero Action Plan</p>	<p>The commenter provided a list of transportation projects from existing City of Berkeley planning documents that they believe UC Berkeley should provide a fair share contribution to implementation of these projects as mitigation for identified impacts, as well as the listed maps and figures. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.</p>
A3-171	<p>Exhibit B. Baseline Environmental, Inc. Report dated April 16, 2021. Baseline Environmental Consulting has reviewed the UC Berkeley 2021 Long Range Development Plan (LRDP Update) and LRDP Update Draft Environmental Impact Report (DEIR) to determine whether potential environmental impacts related to air quality, greenhouse gas (GHG) emissions, energy, and noise are appropriately evaluated in the DEIR. Based on our review, one of our overarching concerns is that the DEIR does not discuss how implementation of the proposed LRDP Update would control the rate of future increases in UC Berkeley population to ensure the population can be adequately accommodated by on-campus housing development, which is necessary to avoid or minimize environmental impacts associated with increases in off-campus commuter trips. We have also identified numerous flaws in the DEIR</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses A3-172 through A3-193.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-172	<p>analyses used to support the significance determinations, such as unsubstantiated emission and health risk calculations, technically infeasible and/or inadequate performance standards for mitigation, and significant data gaps. The specific concerns identified in the DEIR analysis for potential environmental impacts related to air quality, GHG emissions, energy, and noise are described in detail below.</p> <p>Impact AIR-1: Incomplete Analysis of Consistency with the Primary Goals of the 2017 Clean Air Plan</p> <p>One of the primary goals of the Bay Area Air Quality Management District’s (BAAQMD) 2017 Clean Air Plan [footnote 1] is to reduce population exposure to air pollutants and protect public health in the Bay Area. Buildout of the proposed LRDP Update could result in new stationary sources of toxic air contaminants (TACs) and fine particulate matter (PM_{2.5}), such as diesel-fueled emergency generators.</p> <p><i>Footnote 1: Bay Area Air Quality Management District (BAAQMD), 2017. 2017 Clean Air Plan: Spare the Air, Cool the Climate, April 19.</i></p> <p>The DEIR states on page 5.2-41 that adherence to the BAAQMD’s permitting regulations would ensure that new stationary sources of TACs do not expose populations to significant health risks above the BAAQMD’s project- and cumulative-level thresholds of significance. The BAAQMD Regulation 2, Rule 5, New Source Review of Toxic Air Contaminants, includes risk limits for TACs that are consistent with the BAAQMD’s project-level thresholds of significance; however, the regulation does not include risks limits for the BAAQMD’s cumulative-level thresholds of significance. Therefore, adherence with BAAQMD’s permitting regulations would not ensure that new stationary sources of TACs introduced under the LRDP Update would not expose sensitive populations to health risks that exceed the BAAQMD’s cumulative thresholds of significance.</p>	<p>Please see Response A3-73 regarding consistency with the BAAQMD 2017 Clean Air Plan. The comment states that the analysis of consistency with BAAQMD’s 2017 Clean Air Plan is incomplete because it doesn’t address BAAQMD’s cumulative thresholds. Chapter 5.2, Air Quality, consistency analysis was conducted based on the guidance identified by BAAQMD in its CEQA Air Quality Guidelines. Table 5.2-10 identifies the LRDP plans or policies that would ensure consistency with the types of control measures in the 2017 Clean Air Plan.</p> <p>Neither BAAQMD nor CEQA require a quantified analysis with the air quality management plan. Rather, a quantified analysis of project-level and cumulative impacts associated with sources at the UC Berkeley campus was addressed in the Draft EIR in Tables 5.2-18 and 5.2-24, respectively. Therefore, the Draft EIR does consider the potential cumulative impacts from stationary sources at UC Berkeley compared to the BAAQMD cumulative thresholds.</p> <p>Furthermore, emissions associated with the cogeneration plant and other stationary sources on campus are covered under UC Berkeley’s Title V Permit (Facility ID #A0059), which limits emissions that can be generated at the UC Berkeley campus from stationary sources. UC Berkeley is required under the Clean Air Act to submit a revision to the Major Facility Review Permit for new sources of emissions on campus, including emergency generators and boilers. Because existing and new stationary emissions at UC Berkeley would be covered under the Title V Permit, BAAQMD’s existing permit conditions ensure that TACs at UC Berkeley do not expose populations to significant health risk.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The DEIR also states on page 5.2-41 that modeling conducted for the proposed LRDP Update found that implementation of the proposed LRDP Update would not introduce new sources of TACs that on a cumulative basis could expose sensitive populations to significant health risks. As discussed in comments related to Impact AIR-5, below, the cumulative health risk assessment was not completed in accordance with BAAQMD’s CEQA Air Quality Guidelines² because it did not include the following sources of TACs and PM_{2.5} within 1,000 feet of the EIR Study Area:</p> <ul style="list-style-type: none"> ● Existing stationary sources not affiliated with UC Berkeley; ● Reasonably foreseeable future projects in the City of Berkeley that would include new stationary sources (e.g., emergency generators); ● Roadways with over 10,000 average daily traffic (ADT); and ● Future construction projects under the LRDP Update. <p>As a result, there is insufficient information provided in the DEIR to determine whether implementation of the proposed LRDP Update would introduce new sources of TACs and PM_{2.5} that could expose sensitive populations to significant health risks above the BAAQMD’s cumulative thresholds of significance. Therefore, the DEIR fails to demonstrate how implementation of the proposed LRDP Update would not expose sensitive populations to significant health risks and be consistent with the 2017 Clean Air Plan.</p>	<p>Please see Responses A3-87 through A3-91 regarding additional cumulative sources of TACs surrounding UC Berkeley. At the request of the commenter, the analysis in Table 5.2-24 of the Draft EIR has been updated to identify the additional following additional sources identified by the commenter: stationary sources within 1,000 feet of the EIR Study Area and high-volume roadways with more than 10,000 ADT (see Chapter 3, Revisions to the Draft EIR). As identified in Chapter 5.2, Air Quality, the cumulative health risk values remain less than the BAAQMD threshold of 100 in a million for a lifetime cancer risk and less than the noncarcinogenic chronic or acute hazard index of 10.0. Additionally, the PM_{2.5} concentrations for all emission sources are below the cumulative BAAQMD significance threshold of 0.8 µg/m³.</p>
A3-173	<p>Impact AIR-1: Incomplete Analysis of Consistency with the Transportation Control Measures from the 2017 Clean Air Plan</p> <p>The transportation control measures of the 2017 Clean Air Plan are designed to reduce vehicle trips, miles traveled, idling, and traffic congestion for the purpose of reducing vehicle emissions. As stated on page 5.2-4 [footnote 2] of the DEIR in Table 5.2-10, Control Measures from the BAAQMD 2017 Clean Air Plan, the UC Berkeley 2020</p>	<p>Please see Response A3-73 regarding consistency with the BAAQMD Clean Air Plan. The analysis in Table 5.2-10 identifies LRDP-related plans or policies that would ensure consistency with these measures in the 2017 Clean Air Plan. This is sufficient to demonstrate less than significant impacts under this subtopic. Additionally, the commenter did not identify any control measures that would need to be added as mitigation since the LRDP Update already incorporates applicable measures through its existing plans and policies, including the UC Berkeley Sustainability Plan and UC Sustainable Practices Policy.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>Sustainability Plan identifies several transportation measures that would ensure consistency of the proposed LRDP Update with the transportation control measures of the 2017 Clean Air Plan. However, these specific transportation control measures from the UC Berkeley 2020 Sustainability Plan are not clearly identified and described in the Air Quality chapter of the DEIR. As a result, there is insufficient information provided in the Air Quality chapter of the DEIR to determine whether implementation of the proposed LRDP Update would be consistent with the transportation control measures of the 2017 Clean Air Plan.</p> <p><i>Footnote 2: Bay Area Air Quality Management District (BAAQMD), 2017. California Environmental Quality Act Air Quality Guidelines, May</i></p>	<p>However, at the request of the commenter, the analysis in Table 5.2-10 has been updated to identify the individual control measures in the 2017 Clean Air Plan (see Chapter 3, Revisions to the Draft EIR).</p>
A3-174	<p>Furthermore, the DEIR does not discuss how implementation of the proposed LRDP Update would control the rate of future increases in UC Berkeley population to ensure the population can be adequately accommodated by on-campus housing development. For example, the DEIR states on pages 5.2-45 and 5.2-46 that Housing Projects #1 and #2 are needed to accommodate the existing unmet demand for student housing at UC Berkeley. Based on current conditions, the student population is increasing at a rate that cannot be accommodated by on-campus housing, which has resulted in a net increase in off-campus living and associated commuter trips. The Project Description of the DEIR states on page 3-1 that varying factors affect population and the provision of new facilities or any specific project may or may not occur with the increased population. The DEIR also states on page 3-2 that the proposed LRDP Update does not set a maximum population limit that the campus can support physically. This suggests that the UC Berkeley population could continue to increase at a rate that exceeds on-campus housing accommodations, which could substantially increase off-campus commuter trips and associated criteria air pollutant emissions above the levels evaluated in the DEIR.</p> <p>There are no control measures identified in the Air Quality chapter of</p>	<p>Please see Master Response 8, Population Projections, regarding the student population allocation from the State. Chapter 5.2, Air Quality, identifies that the increase of student population above that currently forecast in the 2020 LRDP is a potential indicator for inconsistency with the BAAQMD Clean Air Plan. As a result, impacts under Impact AIR-1 were considered significant and unavoidable. The EIR identifies Mitigation Measure POP-1 to better coordinate the UC Berkeley student, faculty, and staff growth anticipated in the LRDP Update. However, UC Berkeley has limited authority to restrict student population growth (see Chapter 5.12, Population and Housing) since the UCOP's Institutional Research and Academic Planning coordinates the collection of enrollment data and the development of short- and long-term plans for the numbers and types of students that can be accommodated in the UC system. The intent of the LRDP is to ensure that UC Berkeley is meeting its undergraduate enrollment commitments to the State. Measures that limit the role of the LRDP in regards to the ability to plan for student population growth are contrary to the objectives of the proposed project and the obligation that UC Berkeley has to the State. The Draft EIR evaluates the environmental impacts from an increase of up to 8,492 students by</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>the DEIR that would ensure the UC Berkeley population increases at a rate that can be accommodated by future on-campus housing development, nor any measures to help reduce vehicle trips generated by increases in off-campus living. Therefore, the DEIR fails to demonstrate how implementation of the proposed LRDP Update would be consistent with the traffic control measures of the 2017 Clean Air Plan.</p>	<p>2036-2037. If student population increases more than that evaluated in the Draft EIR, an update to the LRDP would be necessary.</p> <p>The Draft EIR does consider measures to reduce vehicle trips generated by student, faculty, and staff, including CBP AIR-1, which requires implementation of the UC Berkeley transportation programs to reduce single-occupancy vehicles. The LRDP Update includes a comprehensive plan of bicycle and pedestrian paths, outlines UC Berkeley’s shuttle and transit system, and transportation demand management (TDM) measures implemented at UC Berkeley. The UC Berkeley Sustainability Plan (https://sustainability.berkeley.edu/sites/default/files/uc_berkeley_sustainability_plan_2020_1.pdf) also includes measures to reduce transportation commute (see Table 5.7-6), including expand and market a comprehensive environmentally sustainable, safe, accessible, and equitable multi-modal transportation program to reduce parking demand and carbon emissions and increase sustainable commute and intra-campus travel; support campus housing initiative that includes new student and other campus housing within walking distance and transit to campus; update the Campus Bicycle Plan; participate in efforts to evaluate expansion of telework options for employees; promote AC Transit route planning, services, and amenities to increase campus ridership; and support continuing activities to strengthen active transportation options. The analysis in Table 5.2-10 (see “Transportation Control Measures”) cites the UC Berkeley 2020 Sustainability Plan transportation measures that would ensure consistency of the proposed LRDP Update with the transportation control measures of the 2017 Clean Air Plan.</p>
A3-175	<p>Impact AIR-1: Incomplete Analysis of Consistency with the Energy and Climate Control Measures from the 2017 Clean Air Plan</p> <p>The energy and climate control measures of the 2017 Clean Air Plan are designed to reduce emissions of criteria air pollutants, TACs, and GHGs</p>	<p>Please see Response A3-73 regarding consistency with the BAAQMD Clean Air Plan. The analysis in Table 5.2-10 identifies the LRDP plans and policies that would ensure consistency with these measures in the 2017 Clean Air Plan. This is sufficient to demonstrate less than significant impacts under this subtopic.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>by decreasing the amount of electricity consumed in the Bay Area, as well as decreasing the carbon intensity of the electricity used by switching to less GHG-intensive fuel sources for electricity generation. The DEIR states on page 5.2-42 in Table 5.2-10, Control Measures from the BAAQMD 2017 Clean Air Plan, that the proposed LRDP Update would not conflict with energy and climate control measures of the 2017 Clean Air Plan because the UC Berkeley 2020 Sustainability Plan and University of California Office of the President (UCOP) have specific goals with regard to use of carbon neutral energy sources, including procuring 100 percent clean electricity for eligible accounts by 2020. However, Table 5.2-10 does not identify any measures to reduce GHG emissions from electricity generated by the natural-gas powered cogeneration plant on the Campus Park, which is the largest source of GHG emissions in the EIR Study Area. The cogeneration plant accounted for approximately 66 percent of UC Berkeley's baseline GHG emissions in 2018 (DEIR page 5.7-35).</p> <p>As described in the Project Description of the DEIR on pages 3-21 and 3-22, the proposed LRDP Update would include potential upgrades to the existing cogeneration system on the Campus Park. One of the potential options being considered is to maintain and replace the equipment of the cogeneration plant to continue existing operations, which would not reduce the amount of GHG emissions generated by the cogeneration plant. The Air Quality chapter of the DEIR does not identify any enforceable actions or measures that would be implemented under the proposed LRDP Update to ensure UC Berkeley's natural-gas powered cogeneration plant is upgraded to reduce air pollutant and GHG emissions. As a result, the DEIR fails to demonstrate how implementation of the proposed LRDP Update would be consistent with the energy and climate control measures of the 2017 Clean Air Plan.</p>	<p>The comment also states that the EIR does not identify measures to reduce GHG emissions from electricity generated by the natural gas cogeneration plant on campus. This is not the case, the EIR evaluated an Adjusted business-as-usual (BAU) scenario plus three design options outlined in the Campus Energy Plan (see Appendix C1). Chapter 5.7, Greenhouse Gas Emissions, of the Draft EIR, quantifies emissions from the design options under the Sustainability Scenario from implementation of the Campus Energy Plan. As identified in Chapter 5.2, Air Quality, and Chapter 5.7, emissions at the cogeneration plant are not anticipated to increase from existing conditions (Please see Response A3-79). Moreover, as described in Response A3-99, Chapter 5.7, Greenhouse Gas Emissions, includes a detailed analysis of consistency of the project with plans adopted for the purpose of reducing GHG emissions. Chapter 5.7, provides a qualitative analysis of consistency with the 2017 Scoping Plan, which is CARB's statewide plan for reducing GHG emissions as well as a quantitative analysis of consistency with UC Berkeley's carbon neutrality goals. The cogeneration plant is a covered entity under the cap-and-trade program. While the Draft EIR quantifies and discloses emissions associated with this Scope 1 emissions sources (consistent with UC Berkeley's annual inventories), GHG emissions from this source is fully covered under the 2017 Scoping Plan and cap-and-trade. Therefore, there is no potential inconsistency between emissions generated by the cogeneration plant and the goals of the BAAQMD 2017 Clean Air Plan.</p>
A3-176	Impact AIR-1: Incomplete Analysis of Regional Growth Projections for Vehicle Miles Travelled and Population	Please see Response A3-67 regarding VMT generated by the proposed project and Response A3-174. Measures that limit the role of the LRDP Update to plan for student population growth are contrary to the

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The BAAQMD considers reductions in the regional average of vehicle miles travelled (VMT) per person a key strategy for achieving the federal and State ambient air quality standards for ozone, respirable particulate matter (PM₁₀), and PM_{2.5}. As shown in Table 5.2-11, Comparison of the Change in Population and VMT in the EIR Study Area, the overall VMT per person (students, faculty, and staff) at buildout of the proposed LRDP Update is anticipated to beneficially decrease by about 1 percent compared to existing conditions. However, this assumes that the on-campus housing developments proposed under the LRDP Update will be built prior to increasing the UC Berkeley population to avoid or minimize commuter trips generated off-campus.</p> <p>As previously discussed, the DEIR states on pages 5.2-45 and p. 5.2-46 that Housing Projects #1 and #2 are needed to accommodate the existing unmet demand for student housing at UC Berkeley. Based on current conditions, the student population is increasing at a rate that cannot be accommodated by on-campus housing, which has resulted in a net increase in off-campus living and associated commuter trips. The Project Description of the DEIR states on page 3-1 that varying factors affect population and the provision of new facilities or any specific project may or may not occur with the increased population. The DEIR also states on page 3-2 that the proposed LRDP Update does not set a maximum population limit that the campus can support physically. This suggests that the UC Berkeley population could continue to increase at a rate that exceeds on-campus housing accommodations, which would increase off-campus commuter trips, average VMT per person, and associated criteria air pollutant emissions above levels evaluated in the DEIR.</p> <p>There are no control measures identified in the DEIR that would ensure the student, faculty, and staff population increases at a rate that can be accommodated by future on-campus housing development, which would</p>	<p>objectives of the proposed project and the obligation that UC Berkeley has to the State. The Draft EIR evaluates the environmental impacts from an increase of up to 8,492 students by 2036-2037. If student population increases more than that evaluated in the Draft EIR, an update to the LRDP Update would be necessary.</p> <p>The purpose of conducting a VMT efficiency evaluation as part program-level consistency analysis pursuant to BAAQMD CEQA Air Quality Guidelines is to evaluate whether the other land uses are equally as efficient in meeting the region's air quality goals. Hence, an analysis of VMT changes over time is not warranted. Additionally, for program-level environmental evaluations, the timing of when an individual construction activity under the LRDP Update is unknown; and therefore, the type of analysis requested by the commenter would be speculative. The EIR evaluated the potential for up to 11,731 beds at UC Berkeley by the end of the 2036-37 academic year to accommodate existing and projected student population. As identified in impact discussion AIR-1, overall VMT per person (students and faculty and staff) is anticipated to decrease by 11 miles per person, or 1 percent compared to existing conditions. Consequently, this indicates that buildout conditions under the proposed LRDP Update would be more efficient (UC Berkeley population) than existing conditions; and the proposed project would be consistent with the 2017 Clean Air Plan in this regard.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**


Letter/ Comment #	Comment	Response
	<p>avoid or minimize increases in off-campus commuter trips. As a result, the assumption that all of the proposed on-campus housing developments will be built to accommodate the projected increase in UC Berkeley population under the LRDP Update introduces substantial bias and uncertainty regarding the estimated change in VMT per person over time. Therefore, there is insufficient information provided in the DEIR to determine if the proposed LRDP Update would result in VMT and associated criteria air pollutant emissions increasing at a lower rate than the UC Berkeley population growth to be consistent with the 2017 Clean Air Plan.</p>	
A3-177	<p>Impact AIR-2.1: Failure to Mitigate Construction Criteria Air Pollutant Emissions to the Maximum Extent Feasible</p> <p>Under Impact AIR-2.1 on page 5.2-48, construction activities associated with implementation of the proposed LRDP Update would generate criteria air pollutants emissions that could potentially exceed the BAAQMD's thresholds of significance. To reduce construction emissions, Mitigation Measure AIR-2.1 requires all off-road diesel-powered construction equipment with more than 50 horsepower to meet United States Environmental Protection Agency Tier 4 Interim emissions standards or higher, unless it can be demonstrated to UC Berkeley that such equipment is not commercially available. After implementation of Mitigation Measure AIR-2.1 and UC Berkeley's continuing best practices, the impact was considered significant and unavoidable (DEIR page 5.2-49). However, the impact has not been mitigated to the maximum extent feasible.</p> <p>As discussed on page 5.2-49 of the DEIR, implementation of Mitigation Measure AIR-2.1 would reduce NOx emissions by requiring all off-road diesel equipment to be equipped with Tier 4 Interim or higher engines. However, there is a significant difference between the NOx emission standards for Tier 4 Interim and Tier 4 Final engines. Based on the emissions rates from the California Air Resources Board's (CARB's) Off-</p>	<p>Please see Response A3-77 regarding air quality impacts from construction.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																														
	<p>Road Emissions Inventory Model (OFFROAD2011), [footnote 3] the emission rates for oxides of nitrogen (NOx) from Tier 4 Final engines are about 80 to 88 percent lower than Tier 4 Interim engines for off-road equipment ranging between 75 and 750 horsepower (see Table 1).</p> <p><i>Footnote 3: California Air Resources Board (CARB), 2010, Off-road Simulation Model and Summary of Off-Road Emissions Inventory Update.</i></p> <p>Table 1. NOx Emissions Rates for Tier 4 Interim and Tier 4 Final Off-Road Diesel Equipment</p> <table border="1"> <thead> <tr> <th>Low HP</th> <th>High HP</th> <th>Tier 4 Interim NOx Emissions (g/bhp-hr)</th> <th>Tier 4 Final NOx Emissions (g/bhp-hr)</th> <th>Percent Decrease with Tier 4 Final</th> </tr> </thead> <tbody> <tr> <td>75</td> <td>119</td> <td>2.14</td> <td>0.26</td> <td>88%</td> </tr> <tr> <td>120</td> <td>174</td> <td>2.15</td> <td>0.26</td> <td>88%</td> </tr> <tr> <td>175</td> <td>299</td> <td>1.29</td> <td>0.26</td> <td>80%</td> </tr> <tr> <td>300</td> <td>599</td> <td>1.29</td> <td>0.26</td> <td>80%</td> </tr> <tr> <td>600</td> <td>750</td> <td>1.29</td> <td>0.26</td> <td>80%</td> </tr> </tbody> </table> <p><small>Notes: g/bhp-hr = gram per brake horsepower-hour; HP = horsepower; NOx = oxides of nitrogen Source: OFFROAD2011</small></p>	Low HP	High HP	Tier 4 Interim NOx Emissions (g/bhp-hr)	Tier 4 Final NOx Emissions (g/bhp-hr)	Percent Decrease with Tier 4 Final	75	119	2.14	0.26	88%	120	174	2.15	0.26	88%	175	299	1.29	0.26	80%	300	599	1.29	0.26	80%	600	750	1.29	0.26	80%	
Low HP	High HP	Tier 4 Interim NOx Emissions (g/bhp-hr)	Tier 4 Final NOx Emissions (g/bhp-hr)	Percent Decrease with Tier 4 Final																												
75	119	2.14	0.26	88%																												
120	174	2.15	0.26	88%																												
175	299	1.29	0.26	80%																												
300	599	1.29	0.26	80%																												
600	750	1.29	0.26	80%																												
A3-178	<p>The manufacturing and sale of off-road diesel equipment with Tier 4 Final engines began in 2013 and as of 2015, all new off-road diesel engines sold in the United States are required to meet Tier 4 Final emissions standards.[footnote 4] Since 2015, the nationwide monthly sales trend for new equipment with Tier 4 Final engines has steadily increased and exceeded the monthly sales for used equipment. [footnote 5] As a result, off-road diesel equipment with Tier 4 Final engines should be readily available in the Bay Area. Therefore, requiring the use of Tier 4 Final or higher engines (instead of Tier 4 Interim engines) during implementation of the LRDP Update is a feasible mitigation measure that could maximize future reductions in criteria air pollutant emissions during construction.</p> <p><i>Footnote 4: California Air Resources Board, 2021. Non-road Diesel Engine Certification Tier Chart. https://ww2.arb.ca.gov/resources/documents/non-road-diesel-engine-certification-tier-chart. Accessed March 23, 2021. Frequently Asked</i></p>	<p>Please see Response A3-177 regarding air quality impacts from construction. Currently and for the next several years, the mix of construction equipment includes some Tier 4 Final equipment but the ability to exclusively use Tier 4 Final equipment is not anticipated to always be feasible to occur for the next several years. Tier 4 interim equipment was first phased-in in 2008 and is readily integrated into California construction fleets. Tier 4 Final equipment, which was phased-in in 2015, has lower NOx emission rates but similar particulate matter (PM) emission rates. Furthermore, future discretionary projects under the LRDP Update would be required to evaluate construction impacts and compare to the BAAQMD significance thresholds to ensure less-than-significant impacts. If Tier 4 Final equipment is necessary to reduce construction emissions below the BAAQMD regional construction thresholds, then this would be required. For this programmatic evaluation of potential construction impacts, use of Tier 4 interim construction equipment was identified</p>																														

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Questions; Regulation for In-Use Off-Road Diesel-Fueled Fleets. Revised December.</p> <p>Footnote 5: EDA, 2021. Industry Insight; Construction Market Trends. Updated 2/24/2021. https://edadata.com/industryinsight/construction/. Accessed March 23, 2021.</p>	<p>to substantially reduce impacts associated with future construction activities under the LRDP Update. Nonetheless, Mitigation Measure AIR-2.1 has been revised to apply Tier 4 Final equipment as the first step and to specify that Tier 3 equipment shall be retrofitted with CARB Level 3 verified diesel emissions control strategy (VDECS). These revisions, shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, do not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to Section 15088.5(a), Recirculation of an EIR Prior to Certification.</p>
	<p>Figure 1. United States Construction Equipment Sales (2015 to 2021)</p>  <p>Source: EDA, 2021.</p>	
	<p>In the event that a specific type of Tier 4 equipment is not commercially available, Mitigation Measure AIR-2.1 also allows for the use of Tier 3 equipment. It is unclear in the mitigation measure if the Tier 3 equipment must include emission control devices. As stated on page 5.2- 48 of the DEIR, “Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Tier 4 interim emissions standard for a similarly sized engine, as defined by the CARB’s regulations.” While it may be implied, the mitigation measure doesn’t explicitly state that emission control devices must be used on Tier 3 equipment. It states that if they are used, then they must achieve emissions reductions equivalent to the Tier 4 interim emissions</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-179	<p>standard. By not explicitly requiring the use of emission controls on Tier 3 equipment, future projects implemented under the LRDP update may not be mitigating to the maximum extent feasible.</p> <p>Impact AIR-2.1: Performance Standards for Controlling Construction Criteria Air Pollutant Emissions under Mitigation Measure AIR-2.1 are not Technically Feasible</p> <p>Mitigation Measure AIR-2.1 on page 5.2-48 requires any emissions controls used on Tier 3 off- road diesel equipment to achieve emissions reductions equivalent to the Tier 4 Interim emissions standards, which is not technically feasible. The CARB evaluates and verifies the use of emissions control strategies used to reduce particulate matter and/or NOx from off-road construction equipment: these are known as Verified Diesel Emissions Control Strategies (VDECS). The most commonly used VDECS are diesel particulate filters. The most effective VDECS for particulate matter are level 3 diesel particulate filters, which can reduce particulate matter emissions by 85 percent.⁶ A shown in Table 2, below, the Tier 4 Interim emission standards for PM₁₀ are about 91 to 96 percent lower than the Tier 3 emission standards for off- road diesel equipment ranging between 75 and 750 horsepower. Therefore, the most effective VDECS available for controlling PM₁₀ emissions from most Tier 3 off-road diesel equipment cannot achieve reductions that would be equivalent to the Tier 4 Interim emission standards.</p>	<p>At the request of the commenter, Mitigation Measure AIR-2.1 has been revised to not equate the reduction levels of Tier 3 engines with Level 3 diesel emission controls to the reductions achieved by Tier 4 interim engines (see Chapter 3, Revisions to the Draft EIR).</p>

Table 2. PM₁₀ Emissions Rates for Tier 3 and Tier 4 Interim Off-Road Diesel Equipment

Low HP	High HP	Tier 3 PM ₁₀ Emissions (g/bhp-hr)	Tier 4 Interim PM ₁₀ Emissions (g/bhp-hr)	Percent Decrease
75	119	0.192	0.008	96%
120	174	0.112	0.008	93%
175	299	0.088	0.008	91%
300	599	0.088	0.008	91%
600	750	0.088	0.008	91%

Notes: g/bhp-hr = gram per brake horsepower-hour; HP = horsepower; PM₁₀ = respirable particulate matter
Source: OFFROAD2011

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The availability and use of VDECS for NOx emissions are substantially less common than diesel particulate filters. Based on the CARB’s current list of VDECS, the only available NOx emission controls for Tier 3 off-road diesel equipment are lean NOx catalyst systems, which can achieve about a 25 percent reduction in NOx emissions.⁷ For off-road diesel equipment ranging between 175 and 750 horsepower, the NOx VDECS would need to achieve at least a 44 percent reduction to achieve the Tier 4 Interim emission standards.⁸ Based on the limited application and effectiveness of VDECS for NOx emissions, the NOx emissions from most Tier 3 off-road diesel equipment cannot be reduced to achieve the Tier 4 Interim emission standards.</p>	
	<p>There are no VDECS to reduce ROG emissions from Tier 3 engines to meet the Tier 4 Interim emission standards. Based on the limitations of VDECS summarized above, the performance standard described in Mitigation Measure AIR-2.1 for reducing emissions from Tier 3 equipment to achieve the Tier 4 Interim emission standards is not technically feasible.</p>	
A3-180	<p>Impact AIR-2.2: Analysis of Criteria Air Pollutant Emissions during Operation of the Proposed LRDP Update is Inadequate</p> <p>The methodology for estimating criteria air pollutant emissions from the cogeneration plant is summarized in Table 5.2-7, Criteria Air Pollutant Emissions Forecast Analysis Methodology, on page 5.2-32 of the DEIR. Emissions for the existing year (2018) were estimated based on fuel usage reported by UC Berkeley. Emissions for the 2036 LRDP Update were based on the 2020 Campus Energy Plan⁹ business-as-usual (BAU) option. As described on page 5.2-33 of the DEIR, the BAU option assumes continued operation of the cogeneration plant with maintenance and equipment replacement. Based on the information provided, it would be reasonable to conclude that the criteria air pollutants emissions estimated for the existing year (2018) would be the same at the BAU option for 2036; however, Table 5.2-12, UC Berkeley LRDP 2036 Forecast,</p>	<p>Please see Response A3-78 regarding operational air quality impacts. The methodology for calculating the future emissions at the cogeneration plant is fully documented and is consistent with the forecasted natural gas use at the cogeneration plant identified in the baseline scenario of the Campus Energy Plan. The cogeneration plant is a Title V facility regulated by BAAQMD (Facility ID #A0059). Therefore, UC Berkeley is required to monitor and report monthly emissions to BAAQMD and ensure that equipment is maintained to achieve the mandatory emissions limits specified for NOx, CO, and PM in the Title V Permit.</p> <p>It is not reasonable to assume that 30+ year old equipment would not be maintained or replaced, resulting in a deterioration of emissions rates that would not be permitted under the Title V Permit for the cogeneration plant. Therefore, in accordance with the Campus Energy</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>on page 5.2-50 of the DEIR shows that the criteria air pollutant emissions from the cogeneration plant would be about 10 percent lower in 2036 than in 2018.</p> <p>Based on review of the 2020 Campus Energy Plan and the Air Quality chapter of the DEIR, there is no apparent explanation for why operation of the cogeneration plant under the BAU option in 2036 would decrease the natural gas use and associated criteria air pollutants by 10 percent relative to existing conditions. Because the cogeneration plant is the predominant source of criteria air pollutant emissions in the EIR Study Area, describing the methodology for estimating the 2036 criteria air pollutant estimates is critical for evaluating the significance of the potential air quality impact. For example, if the NOx emissions under the BAU option remain the same as the 2018 conditions, then the average daily NOx emissions reported in Table 5.2-12 (2 pounds per day) would increase by about 1,600 percent to 32 pounds per day. Furthermore, since there are no measures in the DEIR that would require maintenance and replacement of the existing system under the BAU option, it would be reasonable to assume that the efficiency of the cogeneration plant would deteriorate with time and require more natural gas use, which would increase the criteria air pollutant emissions above baseline conditions. As a result, the unsubstantiated estimates of criteria air pollutants from the cogeneration plant in 2036 introduces a significant level of uncertainty to the air quality analysis.</p> <p>As previously discussed, the transportation analysis assumes full buildout of the LRDP Update in 2036, which would minimize off-campus commuter trips. However, there are no control measures identified in the DEIR that would ensure the student, faculty, and staff population increases at a rate that can be accommodated by future on-campus housing development. As a result, estimates of criteria air pollutants from commuter trips may be significantly underestimated.</p>	<p>Plan prepared by ARUP, the BAU scenario assumes continued operation of the cogeneration plant, but includes seismic upgrade of the existing cogeneration plant, replacement of turbines and boilers, repair of sections of the steam distribution system, and installation of new building-level cooling equipment. These assumptions are part of normal operations of the existing cogeneration plant and are assumed as part of the LRDP Update buildout BAU scenario. The reduction in natural gas use at the cogeneration plant is consistent with the Campus Energy Plan (see Appendix C1, “UCB ARUP Energy Plan”) Scenario “o”.</p> <p>Furthermore, it should be noted that the difference between the existing (2018) cogeneration plant NOx emissions and the LRDP is 3 lbs per day of ROG, 30 lbs per day of NOx, and 5 lbs per day of PM10 and PM2.5. Therefore, even if existing 2018 emissions were used for the BAU scenario, it would not affect the significance conclusions in the Draft EIR.</p> <p>Please see Response A3-67 regarding VMT generated by the proposed project and Response A3-174.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-181	<p>Based on the significant levels of uncertainty described above, there is inadequate information provided in the DEIR to determine the severity of air quality impacts associated with criteria air pollutant emissions during operation of the proposed LRDP Update.</p> <p>Impact AIR-3: Undefined basic control measures during construction of the LRDP Update</p> <p>Page 5.2-60 of the DEIR states the following regarding the use of emission controls during construction activities for the LRDP Update:</p> <p>“Potential future projects would be subject to the basic control measures related to reducing off-road construction equipment exhaust emissions. Specific actions include requiring off-road construction equipment to have diesel particulate filters installed and using electric-powered equipment.”</p> <p>It is unclear what “basic control measures” are being referenced in the statement above. The BAAQMD’s basic control measures described under CBP AIR-2 of the DEIR would reduce fugitive dust emissions, but these measures would not reduce exhaust emissions. It is also unclear what specific actions would require the use of diesel particulate filters or electric-powered equipment, as this is the first and only time these specific measures appear to be mentioned in the Air Quality chapter of the DEIR. As a result, there is inadequate information present to determine what basic control measure must be implemented during future construction projects for the LRDP Update.</p>	<p>See also Response A3-82, The Basic Control Measures are clearly described under CBP AIR-2 and are consistent with that outlined in BAAQMD’s CEQA Air Quality Guidelines. The Draft EIR specifies that these Basic Control Measures primarily control for fugitive dust. The EIR does not assume use of diesel particulate filters or electric powered equipment as part of the baseline analysis. However, Mitigation Measure AIR-3 (renumbered as Mitigation Measure AIR-3.1 as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR) requires that site-specific construction health risk assessments (HRAs) consider feasible measures to achieve the BAAQMD thresholds of 10 in a million, a hazard index of 1, or 0.3 µg/m³, which would include consideration of diesel particulate filter (DPFs) or electric equipment in addition to Tier 4 equipment. At the request of the commenter, Mitigation Measure AIR-3.1 has been modified to reference these example control measures to reduce diesel particulate matter (see Chapter 3, Revisions to the Draft EIR).</p>
A3-182	<p>Impact AIR-3: Mitigation Measures AIR-3 includes unsubstantiated criteria that could result in sensitive receptors being exposed to substantial levels of toxic air contaminants during construction of the LRDP Update</p>	<p>Please see Response A3-84. The criteria in Mitigation Measure AIR-3.1 is based on a combination of BAAQMD guidance and OEHHA Guidance Manual. Mitigation Measure AIR-3.1 requires more intensive construction activities on sites larger than one-acre that have a duration of 12 months or longer to conduct a HRA to quantify and</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Mitigation Measure AIR-3 on page 5.2-60 of the DEIR states the following: “Construction of projects subject to CEQA on sites one acre or greater, within 1,000 feet of residential and other sensitive land use projects (e.g., hospitals, schools, nursing homes, day care centers), as measured from the property line of the project to the property line of the source/edge of the sensitive land use, utilize off-road equipment of 50 horsepower or more and, that occur for more than 12 months of active construction (i.e., exclusive of interior renovations), shall require preparation of a construction health risk assessment (HRA) prior to future discretionary project approval, as recommended in the current HRA Guidance Manual prepared by the California Office of Environmental Health Hazard Assessment (OEHHA).”</p> <p>The OEHHA Risk Assessment Guidelines [footnote 10] do not provide any recommendations for when to prepare a construction HRA based on the distance to sensitive receptors (e.g., 1,000 feet), the size of the project (e.g., 1 acre or more), the type of equipment used (e.g., 50 horsepower or more), or duration of construction activities (e.g., more than 12 months). Mitigation Measure AIR-3 inaccurately claims these criteria are established by the OEHHA guidelines.</p> <p><i>Footnote 10: Office of Environmental Health Hazard Assessment (OEHHA, 2015. Risk Assessment Guidelines; Guidance for Preparation of Health Risk Assessment.</i></p> <p>Furthermore, there is no justification provided in the DEIR for only evaluating health risks from projects that are one acre or greater and occur for more than 12 months. Many compact infill development projects include mid- to high-rise buildings that are less than one acre in size, but still result in construction emissions that can cause significant health risks. [footnote 11] For example, proposed Housing Projects #1</p>	<p>mitigate site-specific construction impacts. Based on correspondence with Alison Kirk, Principal Environmental Planner, at BAAQMD, CalEEMod generated construction emissions are generally not substantial enough to result in significant construction impacts to off-site sensitive receptors for projects with small site acreage of less than one acre. BAAQMD CEQA Air Quality Guidelines cites 1,000 feet in the methodology for health risk assessment. Additionally, UC San Francisco required in its mitigation measures for Comprehensive Parnassus Heights Plan EIR a 12-month duration or longer for when the UC would require a project-specific health risk analysis for construction activities. (UC San Francisco, 2020. Environmental Impact Report for the Comprehensive Parnassus Heights Plan. Prepared by ESA, dated July 2020.) It should be noted that BAAQMD did not comment on this mitigation measure for the proposed LRDP Update or the Comprehensive Parnassus Heights Plan, which was completed in January 2021. Additionally, at the request of the commenter, the language to Mitigation Measure AIR-3.1 has been revised to not preclude UC Berkeley from considering a construction HRA for projects with durations of less than 12 months or smaller than one acre (see Chapter 3, Revisions to the Draft EIR).</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>and #2 would be 16 stories and 13 stories high, respectively. Therefore, the footprint of a construction site is a poor indicator of the anticipated level of construction activities and associated level of exposure to toxic air contaminant emissions from construction equipment, such as diesel particulate matter (DPM).</p> <p><i>Footnote 11: Association of Environmental Professionals, 2018. AEP Environmental Monitor; Spring/Summer 2018. Construction Emissions from Small-Lot Infill Development.</i></p> <p>Similarly, the duration of construction activities is not a reliable indicator of the anticipated level of exposure to DPM emissions from construction equipment. For example, a project with an aggressive construction schedule completed in 10 months would pose similar health risks to sensitive receptors exposed to the same project completed at a slower pace in 14 months, assuming the total hours of equipment operation needed to complete the project remain the same. This is because a more aggressive construction schedule would increase the intensity of daily construction equipment use and associated emissions, which would result in a linear increase in the concentration of DPM at nearby sensitive receptors.</p> <p>As described above, the criteria used in Mitigation Measure AIR-3 to determine when to conduct a construction HRA are unsubstantiated and could result in sensitive receptors being exposed to substantial levels of toxic air contaminants.</p>	
A3-183	<p>Impact AIR-3: Mitigation Measures AIR-3 fails to reduce health risks to the maximum extent feasible during construction of the LRDP Update</p> <p>Mitigation Measure AIR-3 on pages 5.2-60 and 5.2-61 of the DEIR state the following: “If the construction HRA shows that the incremental cancer risk exceeds</p>	<p>Please see Response A3-84. Mitigation Measure AIR-3.1 clearly states “If the construction HRA shows that the incremental cancer risk exceeds 10 in a million (10E-06), PM2.5 concentrations exceed 0.3 µg/m3, or the appropriate noncancer hazard index exceeds 1.0...” At the request of the commenter, Mitigation Measure AIR-3.1 has been modified to specifically state the three BAAQMD project-level performance</p>

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
	<p>10 in a million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the construction HRA shall be required to identify all feasible measures capable of reducing potential cancer and noncancer risks to an acceptable level to the extent feasible (i.e., below 10 in a million or a hazard index of 1.0), including appropriate enforcement mechanisms.”</p> <p>According to this statement, PM_{2.5} concentrations that exceed the BAAQMD’s threshold of 0.3 micrograms per cubic meter (µg/m³) do not need to be reduced below the BAAQMD’s threshold to the extent feasible, only the cancer risk and hazard index need to be reduced below the BAAQMD’s threshold to the extent feasible. In addition, Mitigation Measure AIR-3 does not require an evaluation of a project’s cumulative contribution to health risks based on the BAAQMD’s cumulative thresholds (excess cancer risk above 100 in a million, PM_{2.5} concentration above 0.8 µg/m³, or hazard index above 10.0). As a result, Mitigation Measure AIR-3 fails to reduce health risks to the maximum extent feasible during construction of the LRDP Update.</p>	<p>standards needed for the impact to be reduced to less-than-significant levels (see Chapter 3, Revisions to the Draft EIR).</p> <p>Please see Response A3-84. The program-level LRDP EIR considers cumulative health risk impacts under AIR-5, under Table 5.2-24, which include two simultaneous construction projects associated with Housing Projects #1 and #2. As shown in this table, no significant cumulative health risks, non-cancer hazard index (chronic hazards and acute hazards), or PM_{2.5} impacts were identified. Consequently, the intent of Mitigation Measure AIR-3.1 is to reduce project-level construction-related health risk impacts to less-than-significant levels. However, by doing so, cumulative construction risks are inherently less than significant (see Impact AIR-5). As identified in AIR-5, Table 5.2-24 reflects the maximum potential construction health risk from cumulative activities at a single receptor at any one time. Hence this explains why BAAQMD cumulative thresholds were not cited in Mitigation Measure AIR-3.1.</p>
A3-184	<p>Impact AIR-3: The Operational Health Risks Assessment for the LRDP Update fails to evaluate health risks to existing sensitive receptors located on the UC Berkeley Campus</p> <p>The operational HRA described on pages 5.2-61 through 5.2-63 of the DEIR evaluated health risks to existing sensitive receptors located off-campus. However, there are existing sensitive receptors located on the UC Berkeley campus, such as childcare facilities and family housing, that could be exposed to future sources of toxic air contaminant emissions during operation of the proposed LRDP Update. Therefore, the analysis of health risks from operation of the proposed LRDP Update is incomplete.</p>	<p>Please see Responses A3-85. The receptor grid used for the LRDP Update HRA (Draft EIR Appendix D1) included family housing and UC Berkeley Early Childhood Education (ECE) facility locations. UC Berkeley confirmed there are no family housing nor childcare facilities on the Campus Park. As shown in Table 5.2-18, LRDP Update Operational Health Risk Results, the health risks to the maximum exposed individual resident, worker and sensitive receptor (school/day care) would be less than significant.</p>
A3-185	<p>Impact AIR-3: The Operational Health Risk Assessment for the LRDP Update is Not Substantiated</p>	<p>The contribution from each emission source type (i.e., laboratory emissions, emergency generators, etc.) to the incremental cancer risk</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>The operational HRA results for LRDP Update are summarized in Table 5.2-18, LRDP Update Operational Health Risk Assessment Results (page 5.2-63), and the supporting documentation is included in Appendix D, Health Risk Assessments. According to page 17 of Appendix D, over 100 emission sources from UC Berkeley’s existing and future laboratory buildings, emergency generators, boilers, fume hoods, and the cogeneration plant were included in the operational HRA for the LRDP Update. The total health risks from all of these emission sources were reported at the Maximum Exposed Individual Resident (MEIR); however, the health risk contributions from each individual source at the MEIR are not summarized in the DEIR. For example, there is no apparent documentation of the ambient pollutant concentrations and associated cancer risk levels that were calculated at the MEIR due to emissions from the cogeneration plant. As a result, there is inadequate information to validate the accuracy of the operational HRA.</p>	<p>at the maximum exposed individual resident (MEIR) is provided on page 21 of the LRDP Update HRA (Draft EIR Appendix D1). Similarly, the summary of each emission source types contribution to the MEIR cancer risk is also provided on page 5.2-68 of the Draft EIR. Due to the complexity of the air dispersion modeling and risk calculations using Lakes AERMOD View and CARB’s Air Dispersion Modeling and Risk Tool (ADMRT), the determined risks are best shown graphically for all emission sources, as provided in Figure 5.2-3, Existing Residential (30-Year) Cancer Risk Contours, and Figure 5.2-6, LRDP Update Residential (30-Year) Cancer Risk Contours. However, the contributions from each individual emission source types were provided at the MEIR in the HRA and Draft EIR.</p>
A3-186	<p>Impact AIR-3: Inaccurate Construction Health Risks Estimated for the Housing Projects</p> <p>According to supporting documentation presented in Appendix D, Health Risk Assessments, [footnote 12] a “Risk Scalar” was applied to the health risk calculations for the Housing Projects during the first and last years of construction because construction activities would not last the entire calendar year. According to the footnotes for the Risk Scalars, the purpose was “to adjust receptor exposures to the exposure durations for each construction year.” In other words, the average ambient concentration that a sensitive receptor would be exposed to during construction was diluted to account for the calendar months of the year when no construction would be occurring. There is no justification provided for this approach and it’s not supported by OEHHA guidance.[footnote 13]</p>	<p>Please see Responses A3-86 regarding the site specific construction HRA methodology. The 2015 OEHHA HRA guidance recommends in Section 8.2.10, Cancer Risk Evaluation of Short Term Projects, that exposures for projects lasting more than 6 months should be evaluated for the duration of the project. (Office of Environmental Health Hazard Assessment (OEHHA), 2015. Guidance Manual for Preparation of Health Risk Assessments. Air Toxics Hot Spots Program, Risk Assessment Guidelines, section 8.2.10.) Therefore, per the OEHHA guidance, the health risks from the short-term construction of Housing Projects #1 and #2 were determined using the projected construction durations as nearby residences and other receptors would only be exposed to construction emissions during construction hours. As shown in Draft EIR Tables 5.2-8 and Table 5.2-9, housing project construction does not occur all 12 months for the first and final years of construction. Therefore, the off-site receptor exposure durations were scaled for the first and final year of construction to properly assess the times off-site receptors would be exposed to construction</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																																																	
	<p>Footnote 12: DEIR Appendix D, Health Risk Assessments, p. 168, 169, 192, 205, 206, 344, 346, and 348.</p> <p>Footnote 13: Office of Environmental Health Hazard Assessment (OEHHA, 2015. Risk Assessment Guidelines; Guidance for Preparation of Health Risk Assessment.</p>	<p>emissions in those particular years. As shown in Table 5.2-20, Housing Project #1 Construction Health Risk Results: with Mitigation, the health risks to the maximum exposed individual resident would be less than significant with incorporation of Mitigation Measure AIR-2.1. For construction of Housing Project #2, Table 5.2-21, Housing Project #2 Construction Health Risk Results: without Mitigation, the health risks to the maximum exposed sensitive receptors (day care and school student) would be less than significant. Table 5.2-22, Housing Project #2 Construction Health Risk Results: with Mitigation provides the health risks to the maximum exposed individual resident would be less than significant with incorporation of Mitigation Measure AIR-2.1.</p>																																																	
	<p>As shown in Table 3, below, the unmitigated cancer risks after removing the Risk Scalars for Housing Projects #1 and #2 would increase by 23 percent and 50 percent, respectively. With implementation of Mitigation Measure AIR-2.1, the project-level impact for exposing sensitive receptors to substantial levels of TACs would be expected to remain less than significant after removing the Risk Scalars. However, the cumulative-level impact would become potentially significant without mitigation, as discussed further in comments for Impact AIR-5, below. Furthermore, accurate health risks calculations performed in accordance with OEHHA guidance [footnote 14] (without Risk Scalars) should be presented for public disclosure.</p>	<p>Please see Responses A3-90. At the request of the Commenter, the cumulative health risk including the unmitigated health risk from Housing Projects #1 and #2 are provided in Appendix D, Revised Health Risk Assessments, to the Final EIR. The cumulative health risks including unmitigated risks from Housing Projects #1 and #2 are below BAAQMD’s cumulative thresholds and cumulative impacts are less than significant.</p>																																																	
	<p>Footnote 14: Office of Environmental Health Hazard Assessment (OEHHA, 2015. Risk Assessment Guidelines; Guidance for Preparation of Health Risk Assessment.</p>																																																		
	<p>Table 3. Adjusted Cancer Risks Values without Risk Scalars for the Housing Projects</p>																																																		
<table border="1"> <thead> <tr> <th>Project</th> <th>Year</th> <th>Risk Scalar</th> <th>Cancer Risk with Risk Scalar (10⁻⁶)</th> <th>Cancer Risk without Risk Scalar (10⁻⁶)</th> <th>Percent Increase without Risk Scalar</th> </tr> </thead> <tbody> <tr> <td rowspan="5">Housing Project #1</td> <td>2021</td> <td>0.34</td> <td>1.9</td> <td>5.6</td> <td></td> </tr> <tr> <td>2022</td> <td>1.00</td> <td>9.7</td> <td>9.7</td> <td></td> </tr> <tr> <td>2023</td> <td>1.00</td> <td>7.7</td> <td>7.7</td> <td></td> </tr> <tr> <td>2024</td> <td>0.5</td> <td>0.9</td> <td>1.8</td> <td></td> </tr> <tr> <td>TOTAL</td> <td></td> <td></td> <td>20.2</td> <td>24.8</td> <td>23%</td> </tr> <tr> <td rowspan="3">Housing Project #2</td> <td>2023</td> <td>0.75</td> <td>8.7</td> <td>11.6</td> <td></td> </tr> <tr> <td>2024</td> <td>0.53</td> <td>3.7</td> <td>7.0</td> <td></td> </tr> <tr> <td>TOTAL</td> <td></td> <td>12.4</td> <td>18.6</td> <td>50%</td> </tr> </tbody> </table>	Project	Year	Risk Scalar	Cancer Risk with Risk Scalar (10 ⁻⁶)	Cancer Risk without Risk Scalar (10 ⁻⁶)	Percent Increase without Risk Scalar	Housing Project #1	2021	0.34	1.9	5.6		2022	1.00	9.7	9.7		2023	1.00	7.7	7.7		2024	0.5	0.9	1.8		TOTAL			20.2	24.8	23%	Housing Project #2	2023	0.75	8.7	11.6		2024	0.53	3.7	7.0		TOTAL		12.4	18.6	50%		
Project	Year	Risk Scalar	Cancer Risk with Risk Scalar (10 ⁻⁶)	Cancer Risk without Risk Scalar (10 ⁻⁶)	Percent Increase without Risk Scalar																																														
Housing Project #1	2021	0.34	1.9	5.6																																															
	2022	1.00	9.7	9.7																																															
	2023	1.00	7.7	7.7																																															
	2024	0.5	0.9	1.8																																															
	TOTAL			20.2	24.8	23%																																													
Housing Project #2	2023	0.75	8.7	11.6																																															
	2024	0.53	3.7	7.0																																															
	TOTAL		12.4	18.6	50%																																														
	<p>Note: Risk Scalars and cancer risk values with the Risk Scalars applied were derived from the DEIR, Appendix D, Health Risk Assessments.</p>																																																		

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-187	<p>Impact AIR-5: Cumulative Health Risks for the LRDP Update are Potentially Significant without Mitigation</p> <p>The cumulative HRA on page 5.2-75 and 5.2-76 of the DEIR concluded that the cumulative health risks with implementation of the proposed LRDP Update would be less than significant without mitigation. However, the health risks values summarized on page 5.2-76 in Table 5.2- 24, Cumulative Operational Health Risk Assessment Results, included mitigated health risks from the two Housing Projects after implementation of Mitigation Measure AIR-2.1. Therefore, an analysis of the cumulative unmitigated health risks has not been presented in the DEIR to support the significance determination that the cumulative health risks would be less than significant without mitigation.</p>	<p>Please see Responses A3-90 and A3-186 regarding the site-specific construction HRA methodology. Table 5.2-24 provides the cumulative risk associated with the proposed project. The mitigated health risk from construction of Housing Projects #1 and #2 was included in this table. At the request of the commenter, the cumulative health risk including the unmitigated health risk from Housing Projects #1 and #2 are provided in Appendix D, Revised Health Risk Assessments, to the Final EIR. The cumulative health risks including unmitigated risks from Housing Projects #1 and #2 are below BAAQMD’s cumulative thresholds and cumulative impacts are less than significant.</p>

Using the adjusted cancer risk values for the Housing Projects (Table 3), the cumulative cancer risks values from Table 5.2-24 of the DEIR were updated to show only the unmitigated health risks in Table 4, below. As shown in Table 4, the unmitigated health risks would exceed the BAAQMD’s significance threshold of 100 in million. Therefore, the project would have a potentially significant cumulative impact without mitigation.

Table 4. Updated Cumulative Health Risks Assessment for Unmitigated Emissions

Source	Cancer Risk (10 ⁻⁶)
LRDP Update	7.3
Construction: Housing Project #1	24.8
Construction: Housing Project #2	18.6
Lawrence Berkeley National Laboratory	8.0
Freeways	3.7
Railroads	1.3
Major Surface Streets	46.5
Total	110
BAAQMD Cumulative Threshold	100
Exceed Threshold?	Yes

Note: Construction health risks from Housing Projects #1 and #2 based on the unmitigated cancer risks without Risk Scalars summarized in Table 3. All other values derived from the DEIR Table 5.2-24, Cumulative Operational Health Risk Assessment Results.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-188	<p>Impact AIR-5: The Cumulative Health Risk Assessment for the LRDP Update is Incomplete</p> <p>The cumulative HRA on page 5.2-75 and 5.2-76 of the DEIR was not completed in accordance with BAAQMD guidance [footnotes 15,16] because it did not include the following sources of TACs and PM2.5 within 1,000 feet of the EIR Study Area:</p> <ul style="list-style-type: none"> ● Existing stationary sources not affiliated with UC Berkeley; ● Reasonably foreseeable future projects in the City of Berkeley that would include new stationary sources (e.g., emergency generators); ● Roadways with over 10,000 ADT; and ● Future construction projects under the LRDP Update. <p><i>Footnote 15: Bay Area Air Quality Management District (BAAQMD), 2017. California Environmental Quality Act Air Quality Guidelines, May.</i></p> <p><i>Footnote 16: Bay Area Air Quality Management District (BAAQMD), 2020. Risk and Hazard Screening Analysis Process Flow Chart. February, 20.</i></p> <p>The cumulative HRA included health risks from stationary sources located at the Lawrence Berkeley National Laboratory; however, it didn't include any other existing stationary sources within 1,000 feet of the EIR Study Area. Based on review of DEIR Figure 5.2-2, UC Berkeley Permitted Sources of Emissions on page 5.2-21, there are 16 other existing stationary sources of TAC and/or PM2.5 emissions located within 1,000 feet of the EIR Study Area that are not affiliated with UC Berkeley (Table 5).</p>	<p>Please see Responses A3-87 and A3-89. At the request of the commenter, the cumulative analysis in Table 5.2-24 has been updated to identify the additional stationary sources identified by the commenter within 1,000 feet of the EIR Study Area and high-volume roadways with more than 10,000 average vehicle daily trips (see Chapter 3, Revisions to the Draft EIR). The risks from the additional stationary and mobile sources at the maximum exposed individual resident (MEIR) are shown in the revised Table 5.2-24. The cumulative operational health risks remain below BAAQMD's cumulative thresholds and cumulative impacts are remain less than significant.</p>
		<p>Please see Responses A3-88 regarding reasonably foreseeable projects (e.g., emergency generators). Any emergency generator installed on the cumulative projects would be required to comply with BAAQMD permitting regulations (i.e., Regulation 2), which imposes limits on maintenance and reliability run-time hours. Additionally, generators planned for future development are required to comply with U.S. EPA's Tier 4 engine standards which greatly reduces DPM emissions and potential impacts to nearby sensitive receptors. Therefore, generator emissions from projects on the City of Berkeley's pending projects list were not included in the cumulative health risk analysis and are not anticipated to create a cumulative significant impact when added to the cumulative health risks provided in the Draft EIR.</p>
		<p>Please see Response A3-82 regarding future construction projects under the LRDP. Chapter 5.2, Air Quality, includes a qualitative analysis of potential program-level impacts at sensitive receptors from construction activities associated with the LRDP Update under impact discussion AIR-3. The analysis of these program-level construction concentration and risk impacts is qualitative, not quantitative, because the specifics of individual, site-specific construction activities (phasing, duration, construction equipment list, etc.) are simply unknown at this time. See, e.g., CEQA Guidelines, Section 15064.7(a) (significance</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Table 5. Existing Stationary Sources within 1,000 Feet of EIR Study Area

Facility	Name	Type	Address
13451	Pacific Bell	Generators	2116 Bancroft Way
13614	Hustead's Collision Center	Contact BAAQMD	2037 Durant Ave
17006	Pacifica Foundation/KPFA	Generators	1929 Mrtn Lthr Kng Jr Way
17864	Peralta Community College District	Generators	2050 Center Street
19070	Golden Bear Center	Generators	1995 University Ave
20070	Berkeley Central	Generators	2055 Center Street
21054	City of Berkeley Public Safety Building	Generators	2100 Mrtn Lthr Kng Jr Way
21118	City of Berkeley Fire Station #2	Generators	2029 Berkeley Way
21418	City of Berkeley Civic Center	Generators	2180 Milvia Street
100070	Berkeley Touchless Carwash	Gas Dispensing Facility	2176 Kittredge St
107925	Campus Mini-Mart	Gas Dispensing Facility	2200 Durant Ave
109030	Number One Gas	Gas Dispensing Facility	1900 Martin Luthr Kng
110524	University Vallero	Gas Dispensing Facility	1894 University Ave
200362	City of Berkeley Public Library	Generators	2031 Bancroft Way
200623	Stonefire Apartments	Generators	1974 University Ave
200806	ACC OP (Bancroft Way) LP	Generators	2400 Bancroft Way

Note: Names and spellings are derived from the BAAQMD database.
 Source: Bay Area Air Quality Management District (BAAQMD), 2021. Permitted Stationary Sources Risk and Hazards GIS Map.
<https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65>.
 Accessed March 26, 2021.

As discussed in Chapter 5, Environmental Analysis, the City of Berkeley's pending projects should be included in the cumulative impact analysis. Based on review of Table 5-2, Pending Projects in The City of Berkeley on page 5-11, there are at least five new building projects that would be constructed in the foreseeable future within 1,000 feet of the EIR Study Area that would be six or more stories in height (Table 6). In accordance with the California Building Code, these projects would require an emergency generator to support elevator operations. It would be reasonable to assume that at least one diesel emergency generator would be maintained at each of these developments that would be a source of future TAC and PM2.5 emissions.

threshold can be qualitative or quantitative); Section 15142 (EIR shall consider "qualitative as well as quantitative factors"); *Ebbetts Pass Forest Watch v. California Dept. of Forestry & Fire Protection* (2008) 43 Cal.4th 936, 954 (CEQA analysis may include a general discussion where detailed, site-specific analysis would be speculative and require an analysis of specific acts that cannot reasonably be foreseen). Without these specifics, it is not possible to quantify impacts, such as what the construction emissions concentrations at sensitive receptors would be.

This is consistent with the methodology for analysis of program-level impacts in BAAQMD's CEQA Air Quality Guidelines. Therefore, the EIR explains what those impacts may be and why quantification would be speculative. No more is required.

Please see Responses A3-92 regarding BAAQMD mapping localized areas of elevated air pollution. BAAQMD released its Planning Healthy Places (PHP) guidance manual and online interactive map that identifies Best Practices areas (i.e., purple zones) near highways and other sources of air emissions. The purple zones are defined as areas which BAAQMD recommends either best practices to reduce emissions exposure (such as the installation of high efficiency air filters for residences) or to conduct "further study" which entails air quality modeling to more precisely determine fine PM concentrations and/or estimate health risks from air toxics. BAAQMD's PHP online interactive map tool does not predict localized health risks but helps identify areas which may need to implement the air district's recommended best practices or need further study. The commenter is correct that a substantial portion of the EIR Study Area is within a PHP purple zone. Additionally, there are also a few blue zone areas within the EIR Study Area, which correspond to areas where "further study" is recommended. Therefore, implementing "best practices" or "further study" is recommended according to BAAQMD's PHP guidance. The

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Table 6. Pending Project in the City of Berkeley within 1,000 Feet of EIR Study Area

Project Address	Land Use	Number of Stories
2510 Channing Way	Mixed-Use	8
2503 Haste Street	Mixed-Use	7
1951 Shattuck Avenue	Mixed-Use	12
2023 Shattuck Avenue	Mixed-Use	7
2433 Telegraph Avenue	Group Housing	7

Source: Table 5-2, *Pending Projects in The City of Berkeley*, p. 5-11

The cumulative HRA included health risks from roadways with more than 30,000 ADT that have been modeled by BAAQMD. However, BAAQMD guidance also recommends the analysis of TACs and PM_{2.5} from roadways with more than 10,000 ADT. [footnotes 17,18] Based on review of Table 5.11- 8, Existing Traffic Noise: EIR Study Area on pages 5.11-16 and 5.11-17, there are 17 roadway segments with more than 10,000 average daily trips within 1,000 feet of the EIR Study Area (Table 7) that would be sources of TAC and PM_{2.5} emissions.

Footnote 17: Bay Area Air Quality Management District (BAAQMD), 2017. *California Environmental Quality Act Air Quality Guidelines*, May.

Footnote 18: Bay Area Air Quality Management District (BAAQMD), 2020. *Risk and Hazard Screening Analysis Process Flow Chart*. February, 20.

LRDP Update HRA for the EIR Study Area is an example of a site-specific study that satisfies BAAQMD’s recommendations to conduct “further study” within their blue and purple zones. Additionally, Mitigation Measure AIR-2.1 and Mitigation Measure AIR-3 (renumbered as Mitigation Measure AIR-3.1 as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR) incorporate construction equipment mitigation language from BAAQMD’s 2016 PHP guidance manual.

Therefore, the Draft EIR adequately analyzes cumulative impacts associated with the LRDP Update. As shown in the revised Table 5.2-24, the cumulative health risks are below BAAQMD’s cumulative thresholds and cumulative health risk impacts remain less than significant.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Table 7. Existing Major Roadway Segments within 1,000 Feet of EIR Study Area

Roadway Segment	Average Daily Trips
Bancroft Way - Dana Street to Telegraph Avenue	11,600
Bancroft Way - Ellsworth Street to Fulton Street	10,690
Dwight Way - west of Telegraph Street	12,820
Fulton Street - south of Bancroft Way	11,720
Gayley Road - north of University Drive	13,120
Gayley Road - Stadium Rim Way to University Drive	13,250
Hearst Avenue - west of Arch Street	12,100
Hearst Avenue - Euclid Avenue to Scenic Avenue	10,310
Oxford Street - north of Hearst Avenue	12,390
Oxford Street - north of Berkeley Way	15,690
Oxford Street - south of Center Street	19,220
Oxford Street - north of University Avenue	16,410
Piedmont Avenue - Bancroft Way to Durant Avenue	11,630
Piedmont Avenue - Bancroft Way to Optometry Lane	12,150
Shattuck Avenue - Hearst Avenue to University Avenue	14,340

Roadway Segment	Average Daily Trips
Shattuck Avenue - University Avenue to Addison Street	18,180
Warring Street - north of Derby Street	15,870

Source: Table 5.11-8, *Existing Traffic Noise: EIR Study Area*, p. 5.11-16 and 5.11-17

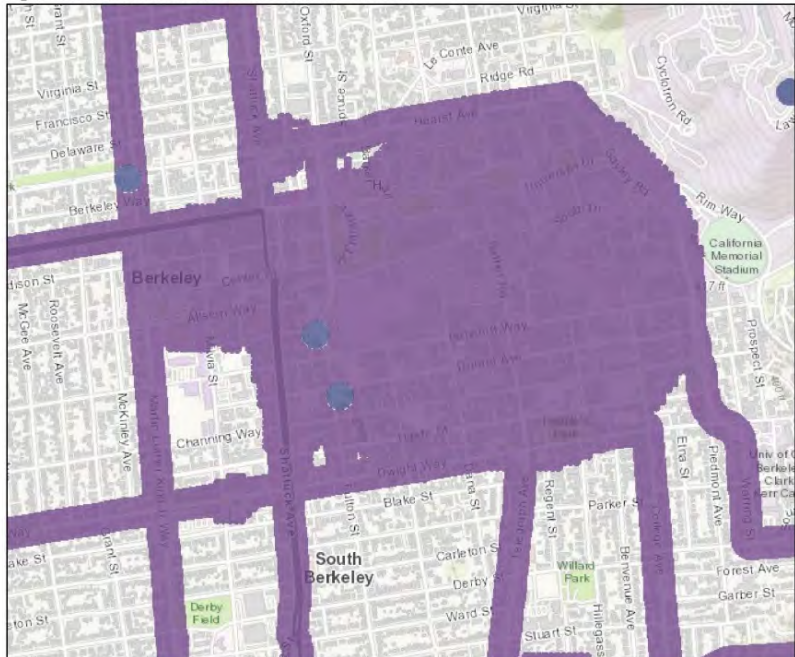
The cumulative HRA included health risks from construction of the two Housing Projects. However, the cumulative HRA does not evaluate health risks from other construction projects that would occur with implementation of the proposed LRDP Update. There is also no mitigation measure identified in the DEIR that would require future projects implemented under the proposed LRDP Update to evaluate and reduce (if necessary) construction health risks below the BAAQMD's cumulative thresholds of significance.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Based on a screening-level cumulative analysis of mobile and stationary sources in the Bay Area, the BAAQMD has mapped localized areas of elevated air pollution that exceed an excess cancer risk of 100 in a million or PM_{2.5} concentrations of 0.8 µg/m³, or are within 500 feet of a freeway, 175 feet of a roadway with more than 30,000 ADT, or 500 feet of a ferry terminal. [footnote 19] Within these localized areas of elevated air pollution, the BAAQMD encourages local governments to implement best practices to reduce exposure to and emissions from local sources of air pollutants. As shown by the purple areas in Figure 2, elevated levels of TAC and/or PM_{2.5} pollution currently extend across a substantial portion of the EIR Study Area. The BAAQMD's screening-level cumulative analysis of health risks in the vicinity of the EIR Study Area is significantly different than the findings presented in the DEIR, which is likely due to all the sources of TACs and PM_{2.5} described above that have been excluded from the cumulative analysis.</p> <p><i>Footnote 19: Bay Area Air Quality Management District (BAAQMD), 2016. Planning Healthy Places; A Guidebook for Addressing Local Sources of Air Pollutants in Community Planning, May.</i></p> <p>In conclusion, the existing cumulative HRA is incomplete because it was not performed in accordance with BAAQMD guidance, and the DEIR provides no assurance that future construction projects under the LRDP Update would not pose a cumulatively significant health risk to sensitive receptors.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<p>Figure 2. Localized Areas of Elevated Air Pollution</p>		
		
<p>Note: Purple shows areas with elevated TACs and/or PM_{2.5}, and blue shows areas of undetermined health risks that require further study. Source: Bay Area Air Quality Management District (BAAQMD), 2021. Planning Healthy Places; Interactive map. https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=51c2d0bc59244013ad9d52b8c35cbf66. Accessed on March 26, 2021.</p>		
A3-189	<p>Impact GHG-1: Analysis of GHG Emissions from Implementation of the Proposed LRDP Update is Inadequate</p> <p>As described on page 5.7-28 of the DEIR, a “no net increase” threshold was used to demonstrate that implementation of the proposed LRDP Update would not contribute to existing climate change impacts. The methodology for estimating GHG emissions from the cogeneration plant are summarized in Table 5.7-8, GHG Emissions Forecast Analysis Methodology on page 5.7-30 of the DEIR. Emissions for the existing year (2018) were estimated based on fuel usage reported by UC Berkeley.</p>	<p>Please see Responses A3-95 through A3-100. The methodology for calculating the future emissions at the cogeneration plant is fully documented and is consistent with the forecasted natural gas use at the cogeneration plant identified in the Campus Energy Plan. GHG emissions from all three Campus Energy Plan options are detailed in Appendix C1 (“Central Plant Design Option Energy Use – LRDP Buildout”). The GHG modeling methodology included in the Campus Energy Plan differs from the methodology UC Berkeley uses for tracking and monitoring of GHG emissions in the UC Berkeley peer-reviewed annual reports (see “Climate Registry – 2018 GHG</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Emissions for the 2036 LRDP Update were based on the 2020 Campus Energy Plan [footnote 20] BAU design option. As described on page 5.7-32 of the DEIR, the BAU option assumes continued operation of the cogeneration plant with maintenance and equipment replacement. According to Table 5.7-9, UC Berkeley LRDP GHG Emissions Forecast, on page 5.7-35 of the DEIR, the GHG emissions from the BAU option for the cogeneration plant in 2036 (111,393 metric tons of carbon dioxide equivalents [MTCO_{2e}]) would be about 10 percent lower than in 2018 (123,888 MTCO_{2e}). However, according to Table 4 on page 17 of the 2020 Campus Energy Plan, operation of the BAU option for the cogeneration plant in 2036 would generate 141,000 MTCO_{2e}, which is about 14 percent higher than the 2018 emissions.</p> <p><i>Footnote 20: ARUP, 2020. University of California, Berkeley, Campus Energy Plan, Additional Options Analysis. July 21.</i></p> <p>This would result in a net increase in overall GHG emissions under the proposed LRDP Update, which should be considered a potentially significant impact based on the no net increase threshold.</p> <p>Based on review of the 2020 Campus Energy Plan and the GHG chapter of the DEIR, there is no apparent explanation or evidence to support how the forecasted GHG emissions from the cogeneration plant under the BAU option were derived. Because the cogeneration plant is the predominant source of GHG emissions in the EIR Study Area, describing the methodology for estimating the 2036 GHG emissions is critical for evaluating the significance of the potential environmental impact. As a result, the unsubstantiated estimates of GHG emissions from the cogeneration plant in 2036 introduces a significant level of uncertainty to the analysis.</p> <p>As previously discussed, the transportation analysis assumes full buildout</p>	<p>Inventory”). The natural gas use from the Campus Energy Plan was utilized. However, the Draft EIR utilizes the latest carbon intensity from electricity purchased by UC Berkeley to operate the cogeneration plant as well as the emissions factors for natural gas. This was done to ensure consistency of the Draft EIR with the tracking and monitoring of the cogeneration plant conducted by UC Berkeley (see “Scope 1: 2018 Central Plant” and “Central Plant Design Option Energy Use – LRDP Buildout”) and other emissions sectors.</p> <p>It is not reasonable to assume that 30+ year old equipment would not be maintained or replaced, resulting in a deterioration of emissions rates that would not be permitted under the Title V Permit for the cogeneration plant. Therefore, in accordance with the Campus Energy Plan prepared by ARUP, the BAU scenario assumes continued operation of the cogeneration plant, but includes seismic upgrade of the existing cogeneration plant, replacement of turbines and boilers, repair of sections of the steam distribution system, and installation of new building-level cooling equipment. These assumptions are part of normal operations of the existing cogeneration plant and are assumed as part of the LRDP update BAU scenario. The reduction in natural gas use at the cogeneration plant is consistent with the Campus Energy Plan (see Appendix C1, “UCB ARUP Energy Plan”) Scenario “o”.</p> <p>GHG emissions from the Hybrid Nodal Recovery System are similarly based on the natural gas use identified from the Campus Energy Plan. However, the EIR utilizes the latest carbon intensity from electricity purchased by UC Berkeley to operate the cogeneration plant as well as the emissions factors for natural gas. This was done to ensure consistency of the Draft EIR with the tracking and monitoring of the cogeneration plant conducted by UC Berkeley (see “Central Plant Design Option Energy Use – LRDP Buildout”) and other emissions sectors.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>of the LRDP Update (including construction of housing) in 2036, which would minimize off-campus commuter trips. However, there are no control measures identified in the DEIR that would ensure the student, faculty, and staff population increases at a rate that can be accommodated by future on- campus housing development. As a result, estimates of GHG emissions from commuter trips may be significantly underestimated.</p> <p>Based on the significant levels of uncertainty described above, there is inadequate information provided in the DEIR to determine the significance of impacts associated with GHG emissions during implementation of the proposed LRDP Update.</p>	<p>The Hybrid Nodal Recovery System would utilize natural gas, albeit to a much lesser degree than the Adjusted BAU Scenario. If UC Berkeley utilizes this option, pursuant to the UC Sustainability Practices Policy, GHG emission from natural gas use at the cogeneration plant would need to be offset through purchase of voluntary carbon credits. Biogas is not currently available at this time. Therefore, there are no potential conflicts with the UC Berkeley Sustainability Plan or UC Sustainable Practices Policy if UC Berkeley moves forward with this design option for the cogeneration plant.</p> <p>Furthermore, it should be noted that UC Sustainability Practices Policy in combination with Mitigation Measure GHG-2 requires on-campus reductions (e.g., such as that outlined under the Sustainability Scenario) and, if necessary, purchase of voluntary carbon offsets to offset GHG emissions to achieve carbon neutrality by 2045. The implementation of UC Sustainability Practices Policy ensures that at no time, GHG emissions impacts would be greater than 2018 conditions, and Mitigation Measure GHG-2 expands this requirement so that by 2045 the UC Berkeley campus would be carbon neutral. There is no greater standard that can be achieved.</p> <p>Moreover, GHG emissions from the cogeneration plant are covered under the Scoping Plan and are less than significant solely based on compliance with the cap-and-trade program (<i>Association of Irrigated Residents v. Kern County Bd. of Supervisors</i> (2017) 17 Cal.App.5th 708). Nonetheless, the EIR considered emissions from the cogeneration plant in the emissions forecast and regardless of which design option UC Berkeley moves forward with to upgrade the cogeneration plant, GHG emissions generated by the project would not substantially contribute to GHG emissions impacts.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-190	<p>Impact GHG-1: The 2036 Sustainability Scenario for the LRDP Update is Not Explained and Inadequate to Support an Analysis of Unmitigated Emissions</p> <p>Table 5.7-9, UC Berkeley LRDP GHG Emissions Forecast (page 5.7-35), includes a summary of estimated GHG emissions for the 2036 Sustainability Scenario. According to footnote “c” in Table 5.7-9, the 2036 Sustainability Scenario considers emissions reductions associated with the University’s Scope 1 and 2 emissions sources. However, there is no discussion or reference to the 2036 Sustainability Scenario under Impact GHG-1, and there is no explanation for how and why the 2036 Sustainability Scenario was included in Table 5.7-9.</p> <p>According to footnote “a” in DEIR Table 5.7-9, the 2036 Sustainability Scenario assumes the cogeneration plant will be converted to a Hybrid Nodal Recovery system. Based on the 2020 Campus Energy Plan, [footnote 21] operation of the Hybrid Nodal Recovery system in 2036 would generate 21,000 MTCO_{2e}, which is about 26 percent higher than the value reported in DEIR Table 5.7-9 (16,667 MTCO_{2e}). There is no apparent explanation or evidence in the 2020 Campus Energy Plan or GHG chapter of the DEIR for this deviation.</p> <p><i>Footnote 21: ARUP, 2020. University of California, Berkeley, Campus Energy Plan, Additional Options Analysis. Table 4 on page 17 July 21.</i></p> <p>If the intent of including a 2036 Sustainability Scenario in Table 5.7-9 is to conservatively show the unmitigated GHG reductions that will be required and enforced through the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan, then the level of analysis shown in Table 5.7-9 and the absence of a supporting discussion appears to be substantially inadequate. Most notably, there is no quantification or</p>	<p>See also Responses A3-24 and A3-94. Chapter 5.7, Greenhouse Gas Emissions, in Table 5.7-9 includes an accounting of the LRDP Update’s adjusted business-as-usual (BAU) and Sustainability Scenario emissions. Pages 5.7-31 through 5.7-33 clearly specify the individual measures from UC Berkeley and UC Sustainability Practices Policies considered in the Sustainability Scenario and why the EIR included a Sustainability Scenario. The intent of showing the Sustainability Scenario is to show the potential effect from full implementation of the UC Berkeley Sustainability Plan and UC Sustainable Practices Policies at buildout of the LRDP Update (Please see Response A3-96). The Adjusted BAU scenario is to provide a conservative estimate of the maximum emissions generated at buildout of the LRDP Update in the absence of these existing plans that have been adopted for the purpose of reducing GHG emissions. However, these existing GHG reduction plans are part of the LRDP Update and guide growth and development at UC Berkeley. Thus, the Sustainability Scenario shows the potential on-site reductions that could be achieved on-campus with implementation of the UC Berkeley Sustainability Plan and UC Sustainable Practices Policies.</p> <p>See also Response A3-189 regarding emissions from the cogeneration plant. The GHG modeling methodology included in the Campus Energy Plan differs from the methodology UC Berkeley uses for tracking and monitoring of GHG emissions in the UC Berkeley peer-reviewed annual reports (see “Climate Registry – 2018 GHG Inventory”). The natural gas use from the Campus Energy Plan was utilized. However, the EIR utilizes the latest carbon intensity from electricity purchased by UC Berkeley to operate the cogeneration plant as well as the emissions factors for natural gas. This was done to ensure consistency of the Draft EIR with the tracking and monitoring of the cogeneration plant conducted by UC Berkeley (see “Scope 1: 2018 Central Plant” and “Central Plant Design Option Energy Use – LRDP Buildout”) and other emissions sectors.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-191	<p data-bbox="323 323 1125 805">discussion of potential GHG reductions that could be achieved through specific on-site measures identified in the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan. For example, pages 5.7-32 and 5.7-33 of the DEIR indicate that some of the new building projects will be prohibited from using natural gas for space and water heating, laundry, and cooking, which could be quantified to show the expected reduction in GHG emissions from fuel use under the 2036 Sustainability Scenario. Similarly, the prohibition of natural gas for space and water heaters would result in an increase in electric heaters that use heat pumps with refrigerants, which could be quantified to show the expected increase in GHG emissions from refrigerants above the BAU assumption shown in Table 5.7-9. This level of analysis of unmitigated GHG Emissions expected under the LRDP Update is missing from Table 5.7-9 and the GHG chapter in general.</p> <p data-bbox="323 899 1125 959">Impact GHG-2: Analysis of Potential Conflicts from Implementation of the LRDP Update with the 2017 Scoping Plan are Inadequate</p> <p data-bbox="323 1008 1125 1243">The DEIR analysis of the LRDP Update’s potential conflicts with the CARB’s 2017 Scoping Plan [footnote 22] is very misleading and inadequate. On page 5.7-36, the DEIR states the following: “The CARB Scoping Plan is applicable to State agencies but is not directly applicable to cities/counties and individual projects (i.e., the Scoping Plan does not require UC Berkeley to adopt policies, programs, or regulations to reduce GHG emissions).”</p> <p data-bbox="323 1292 1125 1386"><i>Footnote 22: California Air Resources Board (CARB), 2017. California’s 2017 Climate Change Scoping Plan; The Strategy for Achieving California’s 2030 Greenhouse Gas Target. November.</i></p> <p data-bbox="323 1435 1125 1456">While the 2017 Scoping Plan may not explicitly require UC Berkeley to</p>	<p data-bbox="1157 363 1944 561">On-campus reductions (e.g., such as that outlined under the Sustainability Scenario) and purchase of voluntary carbon offsets (e.g., as required by the UC Sustainable Practices Policy and Mitigation Measure GHG-2) are required to offset GHG emissions to achieve UC Berkeley’s long-term carbon neutrality goals. The full accounting of the reductions in the Sustainability Scenario can be found in Appendix C1.</p> <p data-bbox="1157 610 1944 813">New residential and non-residential buildings would be 100 percent electric for water heating, space heating, and cooking. The increase in electricity use for the Adjusted BAU and Sustainability Scenario reflect this. Electricity would be purchased from carbon neutral sources, which is accounted for in the Sustainability Scenario (i.e., a minimum of 3,964 MTCO_{2e} of reductions from electricity).</p> <p data-bbox="1157 862 1944 883">See Response A3-96 regarding PSPS events and refrigerant use.</p> <p data-bbox="1157 899 1944 1138">Please see Response A3-99. Chapter 5.7, Greenhouse Gas Emissions, in the Draft EIR includes a detailed analysis of consistency of the project with plans adopted for the purpose of reducing GHG emissions. Chapter 5.7, provides a qualitative analysis of consistency with the 2017 Scoping Plan, which is CARB’s statewide plan for reducing GHG emissions as well as a quantitative analysis of consistency with UC Berkeley’s carbon neutrality goals.</p> <p data-bbox="1157 1187 1944 1456">Individual projects need not demonstrate how they would achieve the state’s GHG emissions limit of 260 million MTCO_{2e} for 2030. The 2017 Scoping Plan establishes the overall statewide goals and target for GHG emissions under Senate Bill 32 for year 2030. There is no executive order, legislation, or other mandate that cities and other lead agencies adopt local GHG reduction targets consistent with the 2017 Scoping Plan. Nonetheless, the UC system and UC Berkeley have established local policies and plans to align with the legislative targets</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>adopt policies, programs, or regulations, it does strongly encourage local governments to adopt goals and implement actions to help reduce GHG emissions and achieve the statewide GHG reductions goals. Page 5-7-36 of the DEIR then states the following as the basis for a less-than-significant impact determination:</p> <p>“Development projects accommodated under the proposed LRDP Update are required to adhere to the programs and regulations identified by the Scoping Plan and implemented by state, regional, and local agencies to achieve the statewide GHG reduction goals of AB 32 and SB 32.”</p> <p>Compliance with state regulations and programs is not substantial evidence that implementation of the proposed LRDP Update will meet the statewide GHG reduction goals included in the 2017 Scoping Plan. As described on pages 100 and 101 of the 2017 Scoping Plan, local governments play a critical role in evaluating and reducing GHG emissions to achieve statewide GHG emission reduction goals:</p> <p>“Local governments have primary authority to plan, zone, approve, and permit how and where land is developed to accommodate population growth, economic growth, and the changing needs of their jurisdictions. Land use decisions affect GHG emissions associated with transportation, water use, wastewater treatment, waste generation and treatment, energy consumption, and conversion of natural and working lands. Local land use decisions also play a particularly critical role in reducing GHG emissions associated with the transportation sector, both at the project level, and in long-term plans, including general plans, local and regional climate action plans, specific plans, transportation plans, and supporting sustainable community strategies developed under SB 375 among others.”</p>	<p>of SB 32 and even more ambitious carbon neutrality targets outlined in Executive Order B-55-18. UC Berkeley’s local GHG reduction goals that align with the strategies of the 2017 Scoping Plan are provided for in UC Berkeley’s Sustainability Plan and under the UC Sustainable Practices Policy. Additionally, the analysis under GHG-1 demonstrates that under both the Adjusted BAU and the Sustainability Scenario, the proposed project would not result in a net increase in GHG emissions.</p> <p>Use of Executive Order B-55-18 to accelerate the carbon neutrality goals outlined in the UC Sustainable Practices Policy is even more stringent than the goal outlined in the 2017 Scoping Plan. As such, the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan contain more aggressive actions that are applicable to the proposed project. Overall, the consistency analysis provides conservative findings with regard to GHG reduction goals and consistency with plans that outline a trajectory to achieve these goals since it includes the cogeneration plant (which is a covered entity) and identifies even more ambitious targets and measures that are specific to UC Berkeley. The discussion under GHG-2 clearly articulates how the significance conclusions were reached.</p> <p>The analysis under GHG-2 clearly demonstrates the extent to which the proposed project complies with regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. The LRDP Update would far exceed the state goals outlined in the 2017 Scoping Plan and implementation of the LRDP Update would further the statewide carbon neutrality goals despite the net increase in student population, faculty, and staff at UC Berkeley. The proposed project would not conflict with the 2017 Scoping Plan.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
A3-192	<p>Impact GHG-2: Mitigation Measure GHG-2 Fails to Ensure that the LRDP Update Does Not Conflict with Applicable GHG Reduction Plans</p> <p>To ensure consistency with the long-term GHG reductions goals under the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan, the DEIR for the proposed LRDP Update considers a 2045 carbon neutrality target (i.e., net zero emissions from all sources), which would satisfy both the statewide 2045 GHG reduction goal under Executive Order B-55-18 and UC Berkeley’s commitment to net zero emissions by 2050. In addition, the DEIR considers the trajectory in GHG reductions the proposed LRDP Update would need to achieve by the horizon year 2036 to comply with the 2045 carbon neutrality target, which would be a 67 percent reduction in GHG emissions from 2018 levels. These targets are incorporated into Mitigation Measure GHG-2 on pages 5.7-40 through 5.7-42 of the DEIR as the following performance standards:</p> <ol style="list-style-type: none"> 1. By 2036, UC Berkeley shall offset 67 percent of GHG emissions; and 2. By 2045 and thereafter, UC Berkeley shall achieve carbon neutrality (100 percent offset). 	<p>GHG-2 evaluates consistency with plans adopted to reduce GHG emissions. As identified in the analysis of GHG-1 in the Draft EIR, GHG emissions at UC Berkeley are declining as a result of UC Berkeley’s aggressive actions to reduce emissions despite an increasing student, faculty, and staff population. The Sustainability Scenario documents the potential decrease in GHG emissions from on-campus GHG reduction strategies. Despite this decrease in emissions, use of voluntary carbon offsets is necessary to achieve the UC Berkeley carbon neutrality goals (see also Response A3-100 regarding use of carbon offsets)</p> <p>GHG emissions reductions on campus are governed by the existing UC Sustainable Practices Policy and UC Berkeley Sustainability Plan (see Table 5.7-6). The quantitative thresholds used to evaluate impacts under Impact GHG-2 are based on the UC Sustainable Practice Policy goals, as expedited for Executive Order B-55-18 (Please see Response A3-191). The UC Sustainable Practices Policy requires UC Berkeley to track and monitor the following post-2020 goals as part of annual GHG</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>To meet the performances standards, Mitigation Measures GHG-2 includes options to either implement on-site GHG reduction measures or purchase carbon offsets (compliance related and/or voluntary). On page 5.7-42 of the DEIR, the following is stated as the basis for a less- than-significant impact determination:</p> <p>“Because Mitigation Measure GHG-2 would reduce GHG emissions resulting from implementation of the proposed LRDP Update by a minimum of 67 percent below 2018 emissions levels by 2036 and carbon neutral by 2045, the project would not conflict with UC Berkeley’s carbon neutrality goals or the State’s SB 32 reduction goals.”</p> <p>The performance standards described in Mitigation Measure GHG-2 do not require UC Berkeley to take any actions to reduce their annual GHG emissions leading up to the calendar year 2036. For example, the performance standards would allow UC Berkeley to increase their GHG emissions on a yearly basis leading up to the 2036 target date, and then starting in 2036 UC Berkeley could purchase carbon offsets and/or implement on-site measures to achieve the 67 percent reduction in annual GHG emissions required by Mitigation Measure GHG-2. By not requiring future projects under the LRDP Update to meet or make substantial progress toward the next statewide or local GHG reduction goal in advance of the target date, Mitigation Measure GHG-2 does not adequately address potential conflicts of the proposed LRDP Update with applicable GHG reduction plans.</p> <p>Furthermore, there is no apparent explanation or substantial evidence provided in the DEIR to demonstrate how meeting the performance standards in Mitigation Measure GHG-2 will not conflict with the statewide 2030 GHG reduction target under SB 32. Future projects developed under the LRDP Update prior to 2030 could result in a net</p>	<p>emission reporting: (1) carbon neutrality for Scope 1 and 2 sources by 2025; and (2) climate neutrality for specific Scope 3 source by 2050. There are currently no interim goals for year 2036 or 2045, for which Mitigation Measure GHG-2 covers.</p> <p>Mitigation Measure GHG-2 does not require interim actions because UC Berkeley is already required to track and monitor annually to ensure compliance with the year 2025 carbon neutrality goals for Scope 1 and Scope 2 sources. For example, starting in 2025, for emissions reductions that cannot be achieved on-campus, UC Berkeley is required to purchase voluntary carbon offsets for Scope 1 and 2 sources. No other interim GHG goals for Scope 1, 2, and 3 sources have been adopted by the UC System or UC Berkeley. Therefore, the LRDP Update does not conflict with these local GHG reduction goals.</p> <p>In addition, as identified in the UC Berkeley Sustainability Plan, by 2023 UC Berkeley will produce an updated climate action plan that considers reductions in Scope 1, 2, and 3 sources and a path to zero carbon operations. The LRDP Update exceeds the UC Sustainable Practices Policy Goal for 2050 because the EIR applies this goal to all sectors and expedites the date of compliance to align with Executive Order B-55-18. As identified in Response A3-191, the carbon neutrality goals outlined in the UC Sustainable Practices Policy is even more stringent than the goal outlined in the 2017 Scoping Plan. Further, the analysis under GHG-1 demonstrates that GHG emissions even under the Adjusted BAU scenario would decrease from existing conditions. Therefore, there is no scenario in which GHG emissions would increase on a yearly basis.</p> <p>As identified in Response A3-100 use of voluntary carbon offsets is not speculative. Voluntary offsets are required to demonstrate that the reduction of GHG emissions are real, permanent, quantifiable,</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-193	<p>increase in GHG emissions that exceed and conflict with the statewide 2030 GHG reduction target under SB 32, but Mitigation Measure GHG-2 doesn't require UC Berkeley to offset those GHG emissions until 2036.</p> <p>Therefore, the performance standards established under Mitigation Measure GHG-2 fail to address the statewide 2030 GHG reduction target under SB 32.</p>	<p>verifiable, enforceable, and additional (per the definition in California Health and Safety Code Sections 38562(d)(1) and (2)).</p> <p>The analysis under GHG-2 clearly demonstrates the extent to which the proposed project complies with regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.</p>
	<p>Impact GHG-2: The Analysis of GHG Reduction Measures is Inadequate</p> <p>We understand it is UC Berkeley's intention to reduce GHG emissions over time through implementation of the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan, as well as supporting documents. However, it's unclear what specific GHG reduction measures from these documents are required and enforceable. For example, in Table 5.7-6, UC Berkeley 2020 Sustainability Plan Goals (pages 5.7-19 through 5.7-23), goals are identified from the UC Berkeley Sustainability Plan, such as developing an updated campus climate action plan and an actionable plan to decarbonize the main campus energy system; however, there is no discussion in the DEIR of how these goals will translate into specific actions that will be implemented and enforced under the LRDP Update. In addition, there is no quantitative analysis of specific on-site GHG reduction measures that would be implemented through the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan.</p> <p>The DEIR appears to rely heavily on the option of purchasing off-site carbon credits to avoid committing to specific on-site GHG reduction measures. For example, the DEIR discusses options for replacing and upgrading the cogeneration plant, which is the predominant source of GHG emissions in the EIR Study Area, but there are no apparent measures requiring UC Berkeley to change the existing cogeneration</p>	<p>Please see Response A3-24, A3-96, A3-99, and A3-100.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>plant operations. UC Berkeley could continue to purchase off-site carbon credits without upgrading and/or replacing the cogeneration plant.</p> <p>The ability of UC Berkeley to reliably acquire carbon offsets on an annual basis from third party organizations to meet the statewide and local GHG reduction goals seems speculative. The DEIR does not provide any evidence that such offsets are even available. By not prioritizing the use of specific on-site and quantifiable GHG reduction measures over the use of off-site carbon credits, the DEIR finding of a less-than-significant impact with mitigation under Impact GHG-2 cannot be substantiated. As a result, the overall analysis of GHG reduction measures for the proposed LRDP Update is substantially inadequate to make a significance determination.</p>	
A3-194	<p>Impact ENE-1: Failure to Control Long-Term Non-Transportation Energy Demand</p> <p>The non-transportation energy demands estimated for the proposed LRDP Update are summarized in DEIR Table 5.5-4, LRDP Update Nontransportation Energy Demand (page 5.5-17). Three options were considered in the energy demand analysis to upgrade or replace the existing cogeneration plant:</p> <ul style="list-style-type: none"> ● Central Cogeneration Plant (Option 1 in Table 5.5-4) ● Central Heat Recovery System (Option 2 in Table 5.5-4) ● Hybrid Nodal Heat Recovery System (Option 3 in Table 5.5-4) <p>The three options considered for the cogeneration system would provide improvements and updates that result in the system operating more efficiently than it does currently. However, there is no apparent measure requiring UC Berkeley to commit to one of these options, or to change the existing cogeneration plant operations in any way. There are also no measures that would prevent new buildings constructed under the LRDP Update to connect to the existing cogeneration plant prior to a</p>	Please see Response A3-101.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-195	<p>system upgrade or replacement (if any), which would be an inefficient use of available energy systems (e.g., purchased electricity from renewable sources). Therefore, non-transportation energy impacts associated with the LRDP Update would be potentially significant.</p> <p>Impact ENE-1: Failure to Control Long-Term Transportation Energy Demand</p>	Please see Response A3-102.
A3-196	<p>The transportation energy demands estimated for the proposed LRDP Update are summarized in DEIR Table 5.5-5, LRDP Update Transportation Energy Demand (page 5.5-19). As previously discussed, the transportation analysis assumes full buildout of the LRDP Update in 2036, which would minimize off-campus commuter trips. However, there are no control measures identified in the DEIR that would ensure the student, faculty, and staff population increases at a rate that can be accommodated by future on-campus housing development. As a result, estimates of fuel use from commuter trips may be significantly underestimated and the failure to control off-campus commuter trips would result in wasteful and unnecessary transportation energy demands. Therefore, transportation energy impacts associated with the LRDP Update would be potentially significant.</p> <p>Impact ENE-2: Incomplete Analysis of Consistency with Local Plans for Renewable Energy and Energy Efficiency</p> <p>The discussion of potential conflicts or obstructions with local plans under Impact ENE-2 (page 5.5-28) fails to discuss how implementation of the proposed LRDP Update will be consistent with the UC Sustainable Practices Policy, UC Berkeley Sustainability Plan, UC Strategic Energy Plan, and UC Berkeley Energy Policy. Therefore, the energy analysis under Impact ENE-2 is incomplete.</p>	<p>The commenter incorrectly asserts that the energy analysis under Impact ENE-2 is incomplete. Please see Master Response 6, LRDP and LRDP Implementation, for a description of what an LRDP is and how it is implemented. As described in Chapter 3, Project Description, of the Draft EIR and summarized in Master Response 4, Programmatic Analysis, the proposed LRDP Update is an overarching planning document to guide long-term development of the entire LRDP Planning Area. Upon approval, the proposed LRDP Update, would be implemented in conjunction with implementation of the UC Sustainable Practices Policy, UC Berkeley Sustainability Plan, UC Berkeley Energy Policy, UC Strategic Energy Plan, and UC Berkeley Campus Design Standards. Growth and individual projects accommodated under the proposed LRDP Update would be subject to</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-197	<p>Impact NOI-1: Unclear Thresholds of Significance for Land Use Compatibility</p> <p>Impact NOI-1 of the DEIR fails to clearly specify thresholds of significance for land use compatibility. The DEIR states that future projects under the LRDP Update may include requirements to provide compliance with the California Building Code or other provisions for acceptable indoor and outdoor levels (page 5.11-24). However, the DEIR fails to specify the</p>	<p>the aforementioned UC Berkeley plans, policies, and standards where applicable. For example, as stated on page 5.5-10 of Chapter 5.5, Energy, of the Draft EIR, the UC Berkeley Energy Policy creates requirements for UC Berkeley departments and a specific framework to support energy and carbon-efficient decisions in accordance with the UC Sustainable Practices Policy, UC Berkeley LRDP, Campus Master Plan, and Climate Action Plan. Furthermore, as also stated on page 5.5-10 of the Draft EIR, Section 01 81 13 of the UC Berkeley Campus Design Standards describes that UC and UC Berkeley have sustainability policies and goals related to green building, energy efficiency, renewable energy supply, water, waste, procurement, food, transportation, land use, and academics and learning. Projects will need to comply with all applicable policies in the most recent version of the UC Sustainable Practices Policy. Additionally, UC Berkeley may have sustainable design policies that exceed the standards. Potential future projects will need to comply will applicable UC Berkeley specific guidelines as well.</p> <p>In response to this comment, revisions have been made to impact discussion ENE-2, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. This revision includes the discussion that highlights this response. This revision does not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>quantitative thresholds for the acceptable indoor and outdoor levels. As a result, the DEIR fails to discuss the existing noise levels for future projects under the LRDP Update and what conditions are required to ensure that the proposed new land uses are compatible with existing conditions. For example, existing traffic noise levels in the vicinity of Housing Project #1 range from 55.6 dBA Ldn to 67.7 dBA Ldn (page 5.11-19) and in the vicinity of Housing Project #2 range from 58.0 dBA Ldn to 61.1 dBA Ldn (page 5.11-21). According to the City of Berkeley’s land use compatibility standards in Table 5.11-3, City of Berkeley Land Use Compatibility for Community Noise Environments, the existing noise levels at both project locations are considered conditionally acceptable. As also indicated in Table 5.11-3, new construction or development under this noise environment (i.e. conditionally acceptable) should conduct a detailed analysis of the noise reduction requirements and include needed noise insulation features in the design. The DEIR fails to discuss the noise reduction requirements and needed noise insulation features for Housing Projects #1 and #2. As a result, it is not possible to evaluate if both projects would be compatible with land use standards.</p>	<p>noise and vibration sources relative to land use compatibility of a future project is typically no longer a required topic for impact evaluation under CEQA. Generally, no determination of significance is required with the exception of projects affected by airport noise.</p>
A3-198	<p>Impact NOI-1: Inconsistent Thresholds of Significance for Noise Standards</p> <p>The thresholds of significance that are used in the analysis of Impact NOI-1 are inconsistent with the City of Berkeley Noise Standards. On page 5.11-7, the DEIR states that the City of Berkeley noise standards will be used for determining the thresholds of significance. However, the DEIR introduces uncertainty with regard to what standards will be used in the future by stating that UC Berkeley “may consider” the City of Berkeley’s policies and regulations related to noise and vibration when evaluating future development projects that implement the proposed LRDP Update, including Housing Projects #1 and #2 (page 5.11-10). This indicates that future development projects would not be committed to the previously identified noise standards. The DEIR text should be revised</p>	<p>The Draft EIR uses the City of Berkeley noise standards from the City of Berkeley Municipal Code. for both construction and operational stationary sources of noise. These standards have been incorporated into CBP NOI-1 and Mitigation Measure NOI-1, so that it is clear what performance standards will be used to evaluate potential noise impacts from future projects under the LRDP. The assertion that there is no analysis of construction noise under the LRDP is incorrect. The Draft EIR analyzes construction noise from the two housing projects based on project-level details through the quantification of construction noise levels based on the anticipated equipment list and distance to nearby sensitive receptors. At the plan level, project-level details are not known and, therefore, the Draft EIR provides a range of construction noise levels which may occur from development of individual projects under the LRDP. The effectiveness of Mitigation Measure NOI-1 is provided on page 5.11-32 of the Draft EIR.</p>

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
	<p>so that the thresholds of significance are consistent and clear throughout the DEIR.</p> <p>The DEIR also states that the City of Berkeley noise standards will be used as the thresholds of significance for construction noise impacts (page 5.11-22). However, the DEIR fails to present any quantitative analysis of expected construction noise compared to the significance thresholds along with the implementation of CBP NOI-2 and CBP NOI-3 (page 5.11-32). Instead, the DEIR incorrectly compares construction noise for future project scenarios under the LRDP Update to ambient noise levels to make a significance statement (page 5.11-32).</p>	
A3-199	<p>Impact NOI-1: Inappropriate Thresholds of Significance for Construction Traffic Noise</p> <p>The DEIR uses inappropriate thresholds of significance when evaluating construction traffic noise impacts. The DEIR determines thresholds of significance for traffic noise in the unit of dBA Ldn (page 5.11-23). The DEIR's analysis uses these thresholds to discuss both construction and operational traffic noise impacts (pages 5.11-33 and 5.11-37). As described in the DEIR, Ldn is the energy-average of the A-weighted sound levels during a 24-hour period, with 10 dB added from 10:00 p.m. to 7:00 a.m (page 5.11-1). Construction traffic usually occurs during daytime and would not expand to a 24-hour period. Therefore, it is inappropriate to use the day-night average unit for the construction traffic noise discussion. In addition, the DEIR's analysis underestimates the construction traffic noise increase because construction trips are averaged over a 24-hour period, while in reality the project would generate most construction trips during daytime hours and therefore result in more traffic noise increase than what is calculated in the DEIR.</p>	UC Berkeley is not aware of a threshold of significance for traffic noise recommended by the City of Berkeley. Please see Response A3-110.
A3-200	<p>Impact NOI-1: Undefined Source for Traffic Volumes Used for Traffic Noise Analysis</p>	The daily roadway volumes used in the noise analysis in Chapter 5.11 and presented in Appendix J, Noise Data, of the Draft EIR, are derived from counts conducted throughout the city of Berkeley between 2015

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The DEIR fails to support how the traffic volumes were derived for the traffic noise analysis for the proposed LRDP Update. The DEIR indicates that the traffic volumes were calculated based on the ADT volumes and other parameters provided by the traffic consultant, which are included in the Noise Appendix (Appendix J). However, the Transportation Section (Section 5.15 of the DEIR) fails to explain how the ADT volumes were estimated. Especially how the traffic volumes for the “Existing + Project” scenario were estimated and what assumptions were made. Due to the lack of explanation, the reader of the DEIR has no way to determine whether the traffic volumes include proper assumptions to account for the future LRDP development, or if the traffic volumes for the existing condition are representative of the baseline condition.</p>	<p>and 2019 for the Existing Conditions. The Existing plus Project traffic volumes were estimated by adding daily Project traffic, derived from the information underlying the VMT analysis in Chapter 5.15 (projected population increases with the LRDP Update, vehicle mode share, and commute frequency) and detailed in Appendix M, Transportation Data, of the Draft EIR, to the existing volumes based on the relative location of the Potential Areas of New Development and Redevelopment, as described in Chapter 3, Project Description, and current traffic patterns in the region.</p>
A3-201	<p>Impact NOI-1: Inadequate Mitigation Measures for Potential Noise Impacts Associated with Stationary Equipment</p> <p>The DEIR fails to include adequate mitigation measures for potential noise impacts associated with stationary equipment for the proposed LRDP Update. The DEIR states that the City of Berkeley noise standards will be used as the thresholds of significance for stationary noise sources (page 5.11-23). The DEIR acknowledges that stationary equipment will result in high levels of noise, but then relies on implementation of CBP NOI-1 to conclude that the impacts would be less than significant (page 5.11-28). However, there are no quantitative limits included in CBP NOI-1 to support a significance statement that stationary noise would not exceed the City of Berkeley noise standards. In addition, the CBP does not specify a responsible party who will ensure that provisions in CBP NOI-1 are enforced.</p>	<p>CBP NOI-1 on page 5.11-28 clearly states that “Mechanical equipment selection and building design shielding will be used, as appropriate, so that noise levels from future building operations would not exceed the City of Berkeley Noise Ordinance limits for commercial areas or residential zones as measured on any commercial or residential property in the area surrounding a project proposed to implement the LRDP. Accordingly, CBP NOI-1 includes the City of Berkeley exterior noise limits as performance standards. The Draft EIR discloses noise levels that would be emitted by equipment for Housing Projects #1 and #2) and these noise levels do not exceed the applicable thresholds of significance as indicated in Chapter 5.11 of the Draft EIR. Since project-level details are not available at this stage for other future individual projects under the LRDP Update, CBP NOI-1 is included to be protective of the noise environment surrounding future projects under the LRDP Update and to ensure that those projects comply with the exterior noise limits from the City of Berkeley Municipal Code. UC Berkeley will be responsible for enforcing CBP NOI-1. Please see Chapter 7, CBP Implementation and Monitoring, for a description of the party responsible for implementing the CBPs; the timing for</p>
	<p>Impact NOI-1: Incomplete Analysis of Potential Construction Traffic Noise Impact</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-202	<p>Impact NOI-1: Inadequate Mitigation Measures for Potential Construction Noise Impacts</p> <p>The DEIR fails to include adequate mitigation measures for potential construction noise impacts for the proposed LRDP Update and Housing Projects #1 and #2. The DEIR relies on CBP NOI-2, CBP NOI-3, and Mitigation Measure NOI-1 to address the potential construction noise impacts (page 5.11-31). However, the measures include ambiguous language that makes the measures unenforceable and unreliable. For example, CBP NOI-2 requires construction activities to be limited to a schedule to minimize disruption to uses “as much as possible”, and concrete mixing and equipment repair to be performed off-site “whenever possible”. The CBP NOI-2 does not specify what schedule would be followed or under what conditions noisy operations like concrete mixing and equipment repair would be done off-site. The CBP also does not commit to implementing these measures so that there is no way to ensure they will actually be used, that they would reduce construction noise impacts at receptors, or by how much. A revised DEIR should include mitigation measures that incorporate performance</p>	<p>implementation of CBPs; the agency responsible for monitoring the implementation; and the CBP monitoring action and frequency.</p> <p>UC Berkeley is not aware of a threshold of significance for traffic noise recommended by the City of Berkeley, including temporary construction traffic noise. Please see Response A3-110.</p> <p>The construction noise reduction measures included in the Draft EIR in CBP NOI-2, CBP NOI-3, and Mitigation Measure NOI-1 are not vague. The measures include concrete and feasible methods to reduce construction noise including, but not limited to, equipment selection, noise control technologies, the installation of physical barriers between equipment and receptors, and community noticing and outreach. Mitigation Measure NOI-1 includes measures which are similar to those included in Mitigation Measure NOISE-2 of the Acheson Commons Project EIR prepared by the City of Berkeley (State Clearinghouse No. 2011102035). If anything, the measures from Mitigation Measure NOI-1 are more protective through the specification of temporary noise barrier height of at least 12 feet compared with a minimum height of 6 feet for temporary sound barriers from Mitigation Measure NOISE-2 of the Acheson Commons Project EIR. The assertion that the Draft EIR does not quantify noise reduction from Mitigation Measure NOI-1 is incorrect, as discussed in previous responses. By comparison, the Acheson Commons Project EIR prepared by the City of Berkeley simply found that construction noise would be less than significant because “all technically and economically feasible noise reduction measures” would be</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	standards and construction noise monitoring to ensure that best management practices and mitigation measures are effective.	implemented, though construction noise levels would still exceed the City of Berkeley's noise level standards. A review of Mitigation Measure NOISE-2 from the Acheson Commons Project EIR reveals the use of language such as "wherever feasible" and "as practical."
A3-203	<p data-bbox="323 467 1113 526">Impact NOI-2: Incomplete Analysis of Potential Vibration Impacts on Historic Resources</p> <p data-bbox="323 574 1113 878">The DEIR inadequately describes the existing settings for the proposed LRDP Update and fails to evaluate potential vibration impacts on historic resources for the Housing Project #1. The DEIR identifies sensitive receptors to noise, but fails to identify historic resources that would be more susceptible to adverse effects from construction vibration for future projects under the LRDP Update (page 5.11-15). A revised analysis should identify all historic resources near potential development sites listed in Table 3-2, Potential Areas of New Development and Redevelopment.</p> <p data-bbox="323 927 1113 1474">Because the DEIR fails to identify all existing historic resources that could be impacted by construction of the Housing Project #1, the subsequent DEIR subsections provide incomplete and inadequate analysis for potential vibration impacts. For example, the DEIR concludes that there are no nearby historic buildings or structures that would be subject to potential vibration damage during construction of Housing Project #1 (page 5.11-19). In fact, there are several historic resources near the Housing Project #1, including the Macfarlane Building (2101, 2105 and 2111 University Avenue), the Sills Grocery and Hardware Building (2145 University Avenue), the Acheson's Physicians Building (2133 and 2129 University Avenue), and the Morgan Building (2051 Berkeley Way). The Sills Grocery and Hardware Building and the Acheson's Physicians Building are located about 100 feet of proposed Housing Project #1. According to the DEIR construction vibration screening analysis, pile driving could cause vibration impacts to structures within 136 feet (page 5.11-46). These resources are located within the distance where vibration</p>	Since the publication of the Draft EIR, it has been determined that the foundation for Housing Project #1 will not require the installation of any driven or drilled piles. Please see Master Response 9, Changes to Housing Project #1. Therefore, there will be no potential construction (vibration damage) impacts on adjacent historical resources and compliance with Mitigation Measure CUL-1.1e (Implement Mitigation Measure NOI-2) is not required. Please see Response A3-112.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	levels could cause building damage. This potential impact is not identified in the DEIR, and no mitigation is provided.	
A3-204	<p>Impact NOI-2: Understated Potential Vibration Annoyance Impacts and Inadequate Mitigation Measures</p> <p>The DEIR understates construction vibration annoyance impacts from the proposed housing projects. The DEIR discusses the potential vibration annoyance by calculating vibration levels using the spatially averaged distances from the construction site to the nearest receptor building façade (pages 5.11-50 and 5.11-53). This understates the vibration annoyance impacts because using an average distance does not represent the worst-case scenario that could occur (i.e., when vibration causing equipment is operating at the boundary of the project site and in a closer proximity to the nearby receptors).</p> <p>In addition, the DEIR fails to include adequate mitigation measures for potential vibration impacts associated with vibration annoyance to people or disturbance to equipment for the proposed LRDP Update and Housing Projects #1 and #2. The DEIR recognizes potential impacts on sensitive equipment and annoyance to people. However, MM NOI-2 is focused on building damage, and does not include any measures to reduce the impacts associated with vibration annoyance to people or disturbance to sensitive equipment.</p>	<p>Use of the spatially averaged distance for assessing potential vibration annoyance is appropriate because equipment would be mobile throughout the construction site. The FTA criteria of 72 VdB for residences and 65 VdB for vibration-sensitive equipment is based on frequent events of more than 70 per day (FTA 2018). Therefore, the suggested worst-case scenario at the edge of the construction site boundary is not appropriate, since equipment such as bulldozers would not remain stationary at the edge of the construction site for a substantial amount of time. As discussed above, pile driving is no longer proposed for either housing site. While vibration from use of a vibratory roller in close proximity to residences west of Housing Project #2 could be potentially significant, implementation of Mitigation Measure NOI-2 would require the use of a static roller in lieu of a vibratory roller. Finally, CBP NOI-2 (Updated) outlines the procedure for receiving and responding to any noise or vibration complaints and would ensure that appropriate corrective action is taken and reported to UC Berkeley.</p>
A3-205	<p>Impact NOI-3: Inadequate Mitigation Measures for Potential Cumulative Construction Noise Impacts</p> <p>The DEIR concludes that construction of potential future projects under the LRDP Update were to overlap with cumulative projects in the vicinity, and the cumulative construction noise impacts would be significant and unavoidable (page 5.11-55). This is because noise disturbances may occur for prolonged periods of time, during the more sensitive nighttime hours, or may exceed UC Berkeley’s adopted construction noise</p>	<p>As discussed in previous responses, Mitigation Measure NOI-1 includes the City of Berkeley construction noise limits as performance standards. As discussed in the Draft EIR, it may not be possible in all cases, for construction projects to avoid nighttime work. As discussed in previous responses, Mitigation Measure NOI-1 includes measures which are similar to those included in Mitigation Measure NOISE-2 of the Acheson Commons Project EIR prepared by the City of Berkeley (State Clearinghouse No. 2011102035). If anything, the measures from Mitigation Measure NOI-1 are more protective through the</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	standards (page 5.11-55). The DEIR relies on Mitigation Measure NOI-1, which requires temporary noise barriers, to address the potential cumulative construction noise impacts. Mitigation Measure NOI-1 is inadequate because it does not identify all feasible measures to address the prolonged construction noise, noise during the more sensitive nighttime hours, or exceedances of UC Berkeley’s adopted construction noise standards. A revised analysis should include additional measures to reduce the construction noise impacts. For example: 1) to avoid scheduling multiple projects in succession in one area so that noise disturbance would not occur for prolonged periods of time; 2) to require construction schedules for future projects to comply with the time limits specified in City of Berkeley’s ordinance (page 5.11-13) so that noise disturbance would not occur during the more sensitive nighttime hours; 3) to incorporate performance standards and construction noise monitoring to ensure that best management practices and mitigation measures are effective and no exceedance of UC Berkeley’s adopted construction noise standards occur.	specification of temporary noise barrier height of at least 12 feet compared with a minimum height of 6 feet for temporary sound barriers from Mitigation Measure NOISE-2 of the Acheson Commons Project EIR. A review of the Acheson Commons Project EIR indicates that noise monitoring, as suggested by the City’s comment, was not included as mitigation, despite the EIR finding that construction noise would exceed the City’s construction noise standards.
A3-206	<p data-bbox="321 922 1121 948">Impact NOI-3: Inaccurate Data for Potential Cumulative Traffic Noise</p> <p data-bbox="321 992 1121 1338">The DEIR improperly relies on project-level data to evaluate cumulative traffic noise impacts for the proposed LRDP Update. The DEIR relies on the traffic noise data in Table 5.11-11, Traffic Noise Increases: EIR Study Area, to calculate project-level traffic noise increase (page 5.11-25) and cumulative traffic noise increase (page 5.11-54) for the LRDP Update. According to the data included in Appendix J, the column title in Table 5.11-11 is wrong. The third column actually includes the traffic noise for the “Existing + Project” scenario. Therefore, the analysis for the cumulative traffic noise increase on page 5.11-54 is inaccurate because it relies on project-level data to discuss a cumulative impact.</p>	A review of the Table 5.11-11 header in question in comparison with the data from Appendix J indicates that the header of “2040 Plus LRDP Buildout” was erroneously labeled and has been revised to “Existing Plus LRDP Buildout,” as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. In addition, Table 5.11-24, Cumulative Traffic Noise Increases: EIR Study Area, has been added to the Draft EIR, as shown in Chapter 3 of this Final EIR. As shown in Table 5.11-24, traffic noise would increase up to 2.9 dBA Ldn along Addison Street from Shattuck Avenue to Oxford Street under cumulative 2040 conditions. The existing noise environment along Addison Street is 55 dBA Ldn, so the 5 dBA increase threshold would apply. All other noise increases are less than 2.9 dBA Ldn. Roadway segments that result in a cumulative noise increase greater than 1.5 dBA Ldn occur where the existing ambient is less than 65 dBA Ldn, so the 3 dBA or 5 dBA increase thresholds would apply. The traffic noise increase along all study roadway segments

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
		would not exceed the thresholds of significance, and the cumulative traffic noise increases would remain less than significant.
		This revision does not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification.
A3-207	<p>Impact NOI-3: Failure to Discuss Potential Cumulative Vibration Impacts</p> <p>There is no discussion of potential cumulative vibration impacts for the proposed LRDP Update and Housing Projects #1 and #2. The DEIR should identify if there are any cumulative projects that could have overlapping construction schedules with future projects under the proposed LRDP Update and Housing Projects #1 and #2. If any potential for concurrent construction is identified, the DEIR should determine if these cumulative projects would have vibration impacts on the same receptors and then if cumulative vibration impacts would occur on these receptors. Otherwise, the DEIR should explain why no cumulative vibration impacts would occur.</p>	<p>Construction vibration is a highly localized impact. The vibration level at the affected building facade is a function of the source strength and the distance. In the hypothetical scenario of vibration from multiple construction projects affecting one receptor, the vibration level at the building facade would be driven by the closest piece of construction equipment with the highest vibration level. Any hypothetical contribution from vibration-intensive equipment at a further distance would be negligible since ground vibration attenuates rapidly with distance. The concept of a cumulative vibration impact from a theoretical scenario of simultaneous construction projects is fallacious and unsupported.</p>
A3-208	<p>Conclusions</p> <p>Based on our review of the DEIR for the proposed LRDP Update, Baseline recommends that UC Berkeley revises and recirculates the environmental analysis to address the environmental concerns related to air quality, GHG emissions, energy, and noise described above.</p>	<p>The comment serves as a conclusion for the comments above. The commenters recommendation to revise and recirculate is based on their flawed review of the Draft EIR and no recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification as demonstrated in Responses A3-1 through A3-207.</p>
A3-209	<p>Exhibit C. Captioner’s Record from Berkeley City Council hearing on the LRDP EIR, April 13, 2021.</p> <p>>> MAYOR J. ARREGUIN: GOOD EVENING. I’D LIKE TO CALL TO ORDER THE SPECIAL MEETING OF THE BERKELEY CITY COUNCIL FOR TUESDAY, APRIL 13, 2021. BEFORE WE CALL THE ROLL, IF STAFF CAN</p>	<p>The attachment provides a transcript from a Berkeley City Council hearing concerning the Draft EIR held on April 13, 2021. Responses to the comments made in this attachment are provided in Responses A3-209 to A3-284.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>PLEASE PLAY THE COVID-19 MESSAGE.</p> <p>>> STAFF: CERTAINLY, ONE MOMENT.</p> <p>>> PURSUANT TO THE EXECUTIVE ORDER ISSUED BY GOVERNOR NEWSOM THIS 2020 OF THE MEETING OF THE CITY COUNCIL WILL BE CONDUCTED THROUGH TELECONFERENCE AND ZOOM VIDEO CONFERENCE. PURSUANT TO THE EXECUTIVE ORDER AND BY LIMITING HUMAN CONTACT THAT CAN SPREAD THE COVID-19 THERE'S NO MEETING LOCATION AVAILABLE. LIVE BROADCAST MEETING AVAILABLE ON CHANNEL 33 AND VIA VIDEO STREAM. TO ACCESS THE MEET USE THE LINK IF YOU DO NOT WISH YOUR NAME TO APPEAR CLICK ON RENAME TO RENAME YOURSELF TO BE ANONYMOUS. TO REQUEST TO SPEAK ROLL OVER THE BOTTOM OF THE SCREEN WITH RAISE HAND AND ENTER THE MEETING I.D. PROVIDED. IF YOU WISH TO COMMENT DURING THE PUBLIC COMMENT PORTION PRESS STAR 9 AND WAIT TO BE RECOGNIZED. TO SUBMIT WRITTEN INFORMATION SEND IT TO PUBLIC COMMENT ITEM NUMBER. OBSERVE A 150 WORD LIMIT. TIME LIMITS ON PUBLIC COMMENTS WILL APPLY. WRITTEN COMMENTS WILL BE ENTERED IN THE PUBLIC RECORD. BE MINDFUL THE TELECONFERENCE WILL BE MEETING AND OTHER RULES WILL APPLY FOR COUNCIL MEETINGS BY TELECONFERENCE OR VIDEO CONFERENCE.</p> <p>>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH. THE FIRST ITEM ON THE AGENDA IS ROLL CALL. THE CITY CLERK CAN PLEASE CALL THE ROLL.</p> <p>>> CLERK: COUNCIL MEMBER KESARWANI.</p> <p>>> R. KESARWANI: HERE.</p> <p>>> CLERK: TAPLIN.</p> <p>>> T. TAPLIN: PRESENT.</p> <p>>> CLERK: BARTLETT.</p> <p>>> B. BARTLETT: PRESENT.</p> <p>>> CLERK: HARRISON.</p> <p>>> K. HARRISON: HERE.</p> <p>>> CLERK: WENGRAF.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>>> S. WENGRAF: PRESENT. >> CLERK: DROSTE. >> L. DROSTE: HERE. >> CLERK: MAYOR ARREGUIN. >> MAYOR J. ARREGUIN: PRESENT. >> CLERK: I'D LIKE TO CIRCLE BACK TO COUNCIL MEMBER TAPLIN TO MAKE SURE I CAPTURED HIM. ARE YOU PRESENT? HE IS ABSENT.</p>	
A3-210	<p>>> MAYOR J. ARREGUIN: A QUORUM IS PRESENT. WE'RE TECHNICALLY IN A SPRING LEGISLATIVE RECESS BUT WOULD LIKE TO THANK MEMBERS OF THE CITY COUNCIL FOR PARTICIPATING IN THE SPECIAL MEETING AND THIS IS THE UNIVERSITY'S 2021 PLAN AND THE DEADLINE FOR PUBLIC COMMENT IS NEXT FRIDAY. I'M GOING TO DO THIS MULTIPLE TIMES THROUGHOUT THE MEETING BUT I'LL TAKE LIBERTY TO SHARE ON SCREEN ON HOW PEOPLE CAN COMMENT AND MEMBERS CAN E-MAIL IT TO THIS ADDRESS. E-MAIL ALSO TO BERKELEY@PLANNING.EDU WITH THE DEADLINE NEXT FRIDAY, APRIL 23. GIVEN THE TIME SENSITIVE NATURE OF THIS IMPORTANT ISSUE WE DID WANT TO CALL THE MEETING OF THE CITY COUNCIL TO NOT JUST GET COMMUNITY INPUT ON THE UNIVERSITY'S PROPOSED LONG RANGE DEVELOPMENT PLAN BUT ALSO TO GET COUNCIL INPUT TO HELP INFORM THE OFFICIAL COMMENTS THE CITY COUNCIL WILL SEND TO THE UNIVERSITY OF CALIFORNIA BERKELEY. SO WITH THAT WE'LL GO TO OUR ONE AGENDA ITEM FOR TONIGHT WHICH IS ITEM 1, UNIVERSITY OF CALIFORNIA BERKELEY LONG RANGE DEVELOPMENT PLAN UPDATE AND HOUSING PROJECTS ONE AND TWO DRAFT ENVIRONMENTAL IMPACT REPORT AND THIS IS AN OPPORTUNITY FOR THE CITY COUNCIL AND BERKELEY COMMUNITY TO REVIEW THE CEQA PROCESS AND PROVIDE INPUT ON THE RESPECTED PROJECTS. JORDAN KLEIN WILL PROVIDE AN OPENING PRESENTATION AND THEN ASK IF THERE'S ANY CLARIFYING QUESTIONS FROM COUNCIL AND THEN OPEN UP THE PUBLIC COMMENT PROCESS AND NOW TURN IT OVER TO TOLL JORDAN KLEIN. THE UNIVERSITY OF CALIFORNIA HAS RELEASED A DRAFT</p>	The comment serves as an opening remark. No response is required.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>ENVIRONMENTAL IMPACT REPORT FOR THEIR LONG RANGE DEVELOPMENT PLAN UPDATE PROJECTS AND THE PURPOSE IS TO PROVIDE A FORUM FOR DISCUSSION AND COMMENT ON THE DRAFT E.I.R. PRESENTING FOR STAFF WILL BE SHANNON ALLEN, PRINCIPLE PLANNER.</p> <p>>> THANK YOU, JORDAN. ON FEBRUARY 23, 2021, U.C. BERKELEY PUBLISHED ITS L.R.D.P. AND MARCH 8 THE ASSOCIATED DRAFT ENVIRONMENTAL IMPACT REPORT OR DRAFT E.I.R. FOR HOUSING PROJECTS ONE AND TWO. THE DOCUMENT AVAILABLE ONLINE AT LRDP.BERKELEY.EDU AND TWO AVAILABLE AT THE BERKELEY CITY LIBRARY. THEY'RE SOLICITING WRITTEN COMMENTS THIS DURING A 45-DAY PUBLIC COMMENT PERIOD WHICH ENDS APRIL 21ST. I HATE TO CORRECT THE MAYOR --</p> <p>>> MAYOR J. ARREGUIN: THANK YOU. I GOT THE DAY OF THE WEEK WRONG. IT'S ACTUALLY THIS WEDNESDAY APRIL 21 SO IT'S ABOUT A WEEK FROM NOW. THAT PEOPLE HAVE TO SUBMIT THEIR COMMENTS. APRIL 21.</p>	
A3-211	<p>>> THEY'RE VERY SPECIFIC AT 5:05 P.M. THE CITY ASKED TO EXTEND THE COMMENTS ON MULTIPLE OCCASIONS BUT U.C. BERKELEY HELD AN ONLINE PUBLIC HEARING TOWARDS THE PUBLIC COMMENT COMMENTS ON MARCH 29 OF 2021 AND STATED THEY CANNOT. THE WRITTEN COMMENTS THEY RECEIVED WILL BE RESPONDED TO IN A FINAL ENVIRONMENTAL IMPACT REPORT AND U.C. BERKELEY PLANS TO SUBMIT THE UPDATED SUBMISSIONS FOR APPROVAL. AGAIN THE LRDP IS AVAILABLE ONLINE AS IS THE DRAFT E.I.R. HERE'S THE ADDRESSES. THE NEXT SLIDE ARE THE ADDRESSES THEY CAN BE SUBMITTED TO AS THE MAYOR POINTED OUT AT THE BEGINNING OF THE MEETING. THE PROPOSED 2021 LRDP WITHOUT REPLACE THE EXISTING ONE AND GUIDE INVESTMENT DECISIONS TO MEET FUTURE ACADEMIC GOALS AND OBJECTIVES. A BUILD OUT HORIZON YEAR OF 2036 THROUGH 2037 SCHOOL YEAR IS USED TO PROVIDE A BASIS FOR ASSOCIATE ENVIRONMENTAL IMPACTS. THE PROPOSED LRDP LIKE THE EXISTING ONE DOES NOT COMMIT U.C. BERKELY TO SPECIFIC</p>	<p>This comment provides a summary of the proposed project and conclusions of the Draft EIR but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Please see Response A3-2 regarding the extension of the CEQA-required public review periods.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>PROJECTS BUT FRAMEWORK FORS ON FUTURE PROJECTS. THE DEVELOPMENT PROGRAM HOWEVER, DOES ESTABLISH A MAXIMUM OF NET NEW GROWTH IN THE BERKELEY SPACE INVENTORY DURING THE TIME FRAME. THE PROPOSED 2021 LRDP PROGRAM IS APPROXIMATELY 8 MILLION NET GROSS SQUARE FEET INCLUDING APPROXIMATELY 11,000 STUDENT BEDS AND 550 FACULTY AND STAFF BEDS AND THE PROJECTION FOR THE U.C. BERKELEY POPULATION IS 48,200 STUDENTS AND 19,000 FACULTY AND STAFF AND AGAIN THIS IS BY THE 2036-2037 ACADEMIC YEAR. PROPOSED HOUSING PROJECTS ONE AND TWO DESCRIBED NEXT WOULD BE THE FIRST MAJOR PROJECTS IMPLEMENTING THE NEW LRDP. THE DRAFT E.I.R. INCLUDES ANALYSIS OF THE BUILD OUT OF THE LRDP AND TWO SPECIFIC HOUSING PROJECTS. HOUSING PROJECT NUMBER ONE IS ALSO CALLED THE ANCHOR HOUSE AND REDEVELOPMENT OF THE SITE BOUND BY BERKELEY WAY, OXFORD STREET AND UNIVERSITY AVENUE AND WALNUT STREET AND INVOLVE THE DEMOLITION OF EXISTING ON SITE STRUCTURES AND OPERATION OF A NEW 16-STORY MIXED USE BUILDING INCLUDING STUDENT HOUSING, CAMPUS LIFE SPACE AND GROUND FLOOR COMMERCIAL USE. THE EXISTING ON SITE STRUCTURES TO BE DEMOLISHED INCLUDE 1921 WALNUT STREET WHICH IS AN EIGHT-STORY APARTMENT BUILDING WITH UNITS UNDER THE CITY'S RENT CONTROL AND A LOCATION ON OXFORD STREET CURRENTLY THE BERKELEY MAINTENANCE GARAGE AND ELIGIBLE FOR LISTING ON THE CALIFORNIA LISTING OF HISTORIC PLACES. HOUSING PROJECT NUMBER TWO IS A PEOPLE'S PARK SITE. IT'S BOUND BY HAYES STREET AND DWIGHT WAY AND COMMERCIAL BUILDING THAT FRONT TELEGRAPH AVENUE. IT WOULD INVOLVE THE DEMOLITION OF THE EXISTING ON SITE STRUCTURES AND PARK AMENITIES AND CONSTRUCTION AND OPERATION OF TWO NEW MIXED USE BUILDING AND REDESIGNED OPEN SPACE. THE PROPOSED STUDENT RESIDENTIAL BUILDING INCLUDES STUDENT FACULTY HOUSING AND GROUND FLOOR PUBLIC SPACE. THE SUPPORTIVE HOUSING</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>BUILDING WOULD INCLUDE APPROXIMATELY 125 BEDS, THE HOUSING COMPONENT AND ACADEMIC LIFE SPACE WHICH WILL BE UTILIZED AS A CLINIC AND INCLUDE 82,000 SQUARE FEET OF OPEN SPACE WITH AMENITIES FOR CAMPUS AND COMMUNITY USE. PEOPLE'S PARK IS A CITY OF BERKELEY LANDMARK AND IT STEMS FROM SOCIAL AND POLITICAL ACTIVISM BETWEEN 1969 AND 1979. THE DRAFT E.I.R. INCLUDES ANALYSIS OF ALL THE ISSUE TOPICS REQUIRED UNDER CEQA THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THIS IS ENVIRONMENTAL IMPACT BASED ON TO THE CONCLUSIONS OF THE DRAFT E.I.R. THERE'S NO IMPACTS TO AGRICULTURE, FORESTRY AND RESOURCES AND LESS THAN SIGNIFICANT IMPACTS TO ENERGY, HAZARDOUS MATERIALS, HYDROLOGY AND PUBLIC SERVICES AND PARKS AND RECREATION AND UTILITIES AND SERVICE SYSTEMS. THE DRAFT E.I.R. FOUND LESS THAN SIGNIFICANT IMPACT TO AESTHETICS, BIOLOGICAL RESOURCES, GEOLOGY AND SOILS, GREENHOUSE GAS EMISSIONS, NOISE, POPULATION HOUSING, TRANSPORTATION AND TRIBAL CULTURAL RESOURCES. THE DRAFT E.I.R. FOUND SIGNIFICANT AND UNAVOIDABLE IMPACTS EVEN WITH MITIGATION INCORPORATED TO AIR QUALITY, CULTURAL RESOURCES, NOISE, PUBLIC SERVICES AND TRANSPORTATION AND WILDFIRE.</p>	
	<p>AS REQUIRED UNDER CEQA OUT REQUIRES THE ANALYSIS OF A RANGE OF ALTERNATIVES FEASIBLY OBTAIN THE OBJECTIVES OF THE PROJECT AND COULD AVOID OR SUBSTANTIALLY LESSEN THE SIGNIFICANT EFFECTS OF THE PROJECTS. THE ALTERNATIVES INCLUDED A NO-PROJECT ALTERNATIVE INCLUDING THE CONTINUED IMPLEMENTATION OF THE CURRENT LRDP AND A REDUCED DEVELOPMENT PROGRAM IMPLEMENT THE LRDP WITH A 25% REDUCTION IN UNDERGRADUATE BEDS AND SQUARE FOOTAGE AND REDUCE DMT AND CORRESPONDING GREENHOUSE GAS EMISSIONS AND INCREASED FACULTY AND HOUSING ALTERNATIVE TO ADD AN ADDITIONAL 1,000 BEDS FOR FACULTY AND STAFF HOUSING IN THE</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>HILLS CAMPUS EAST OR CLARK CAMPUS AREA. SO WHAT HAS THE CITY STAFF BEEN DOING? IN ANTICIPATION OF THE RELEASE OF THE LRDP AND DRAFT E.I.R. THE CITY MANAGER'S OFFICE REACHED OUT TO DEVELOPMENT AND PUBLIC WORKS AND POLICE AND FIRE REQUESTING STAFF BE MADE AVAILABLE TO REVIEW SECTIONS OF THE DRAFT E.I.R. RELATED TO THE PROCESSES, FACILITIES OR INFRASTRUCTURE. SINCE PUBLICATION OF THE DRAFT E.I.R. STAFF HAS BEEN REVIEWING AND PROVIDING COMMENTS ON THE SECTIONS AND SUBMITTING THEM TO THE PLANNING DEPARTMENT TO REVIEW AND COMPILE. IN ADDITION, THE CITY ENGAGED OUTSIDE AND LEGAL AND TECHNICAL EXPERTS TO ASSIST IN THE LONG RANGE DEVELOPMENT PLAN AND STAFF WILL BE SUBMITTING A COMPREHENSIVE LETTER TO U.C. BERKELEY BY THE CLOSE OF THE REVIEW PERIOD APRIL 21. AS JORDAN MENTIONED, THE CITY COUNCIL IS HOLDING THIS MEETING TO PROVIDE AN ADDITIONAL FORUM FOR RESIDENTS TO PROVIDE COMMENTS ON THE DRAFT. THE CAPTIONER'S RECORD WILL BE ATTACHED TO THE CITY'S COMMENT LETTER ON THE DRAFT E.I.R. WITH THE STATEMENT THE COMMENTS REQUIRE A RESPONSE IN THE FINAL E.I.R. HOWEVER, WE ALSO RECOMMEND COMMENTS BE SUBMITTED DIRECTLY TO THE U.C. BERKELEY AT THE ADDRESSES PROVIDED AT THE BEGINNING OF THE MEETING BY THE MAYOR. AND ONE LAST REMINDER BEFORE WE CONCLUDE, ALL COMMENTS ARE DUE TO THE U.C. IN APPROXIMATELY TWO WEEKS BY WEDNESDAY, APRIL 21 BY 5:00 P.M. THANK YOU.</p> <p>>> THAT'S ONE WEEK.</p> <p>>> MAYOR J. ARREGUIN: THANK YOU SO MUCH. DOES THAT CONCLUDE THE INITIAL PRESENTATION?</p> <p>>> IT DOES.</p>	
A3-212	<p>>> MAYOR J. ARREGUIN: THANK YOU. BEFORE I GO TO THE COUNCIL FOR INITIAL QUESTIONS AND COMMENTS I WANT TO PROVIDE OPENING COMMENTS. I WANT TO FIRST BEGINNING BY THANKING OUR CITY MANAGER AND CITY ATTORNEY AND PLANNING</p>	<p>Contrary to the commenter's statement that comments made at the City's April 13, 2021 meeting will not be considered as formal comments on the Draft EIR, this Final EIR includes the full transcript of the meeting and includes all comments as formal comments on the Draft</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>DEPARTMENT AND STAFF AND CONSULTANTS ENGAGED IN REVIEWING AND COMMENTING OVER 500 PAGES IN THE LDIR AND IN THE ADDENDUM. IT'S A HERCULEAN PROJECT AND HAS IMPLICATION TO THE COMMUNITY THE NEXT 15 YEARS. SECONDLY, IT'S VERY IMPORTANT THAT THE PUBLIC UNDERSTAND TONIGHT'S SPECIAL COUNCIL MEETING WILL NOT BE CONSIDERED AS FORMAL COMMENTS TO THE E.I.R. PARTICIPATING MEMBERS OF THE PUBLIC WHO TESTIFY MUST PROVIDE WRITTEN COMMENTS TO THE E.I.R. AND SEND THEM DIRECTLY TO THE UNIVERSITY OF CALIFORNIA THOUGH AS NOTED WE'LL INCLUDE THE CAPTIONER'S TRANSCRIPT AS WELL TO BE PART OF THE OFFICIAL RECORD AND HOPEFULLY TO BE REVIEWED AND COMMENTED ON BY THE UNIVERSITY. SO ONCE AGAIN, WE ENCOURAGE ANY BERKELEY RESIDENT OR INTERESTED PARTY TO PLEASE COMMENT BY APRIL 21, NO LATER THAN 5:00 P.M. TO U.C. BERKELEY AT THE ADDRESS PROVIDED AND PLANNING AT BERKELEY.EDU. WE KNOW THE CITY AND THE UNIVERSITY ARE INTERTWINED BUT NEEDS TO BE NOT JUST A SYMBIOTIC BUT EQUITABLE RELATIONSHIP. THERE MUST BE A BALANCE BETWEEN THE VALUES DERIVED AND THE IMPACTS ON EACH OTHER AND THE RELATIONSHIP CANNOT BE LOPSIDED. IT NEEDS TO BE FAIR. OUR COMMUNITY NEEDS MUST BE HEARD AND THE UNIVERSITY'S IMPACT MITIGATED AND THE VALUE OF EACH ENTITY'S BENEFIT. THERE'S CURRENTLY UNMITIGATED IMPACT FROM THE PREVIOUS 2005 LONG RANGE DEVELOPMENT PLAN MOSTLY THE LACK OF ADEQUATE HOUSING FOR THE UNIVERSITY'S GROWING STUDENT POPULATION WHICH HAS BROADER IMPACTS ON OUR BROADER HOUSING NEEDS IN THE COMMUNITY AND FURTHER GROWTH WILL COMPOUND THAT IF MITIGATIONS ARE NOT FULLY REALIZED. IN ADDITION TO THE NEED FOR HOUSING, I'M ALSO REALLY CONCERNED ABOUT WHAT HAS BEEN IDENTIFIED AS THE MOST SIGNIFICANT UNAVOIDABLE IMPACT, WILDFIRE AND PUBLIC SAFETY. WE KNOW BERKELEY FACES EXTREME FIRE RISK AND THE EAST BAY HILLS FACE EXTREME FIRE RISK. THIS WAS SPECIFICALLY IDENTIFIED AS A</p>	<p>EIR.</p> <p>The comment expresses concerns regarding growth that has already occurred following adoption of the previous (2005) LRDP, wildfire, and public services, and states that the City of Berkeley will be submitting comments on these topics. Please see Response A3-3, Response A3-35, and Responses A3-40 through A3-49. Also, please see Master Response 17, 2005 LRDP EIR Population Projections.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-213	<p>SIGNIFICANT AND UNAVOIDABLE IMPACT AND DO BELIEVE THE UNIVERSITY MUST SERIOUSLY ADDRESS THIS ISSUE WITH OTHER STAKEHOLDERS AND PUT ON THE TABLE REAL FINANCIAL COMMITMENT TO HELP US MITIGATE FIRE RISK IN THE EAST BAY HILLS. SO THE CITY WILL BE DELIVERING TO THE UNIVERSITY THOROUGH COMMENTS AND HOLD THE UNIVERSITY ACCOUNTABLE IN ADDRESSING THE CONCERNS OF ALL BERKELEY RESIDENTS AND IMPACTS ON OUR CITY'S INFRASTRUCTURE AND HOUSING MARKET AND SO I LOOK FORWARD TO THE COMMENTS BUT WANTED TO OPEN BY SAYING THAT WHILE WE WELCOME YOUR INPUT WE ENCOURAGE YOU TO SUBMIT WRITTEN COMMENTS BY THE DEADLINE NEXT WEDNESDAY AT 5:00 P.M. AND IT'S MY HOPE THROUGH THIS PROCESS THE NEW LONG RANGE DEVELOPMENT PLAN THE CITY AND UNIVERSITY CAN DEVELOP A FAIR AND EQUITABLE RELATIONSHIP TO ENSURE SHARED PROSPERITY GOING FORWARD. WITH THAT, I WANT TO NOW GO TO MEMBERS OF THE CITY COUNCIL AND VICE MAYOR DROSTE.</p>	<p>With respect to parking, please see Master Response 6, LRDP and LRDP Implementation, and Response A3-15. With respect to recirculation, please see Response A3-5.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>DIFFERENCE THERE IS NOT 22 BUT 85. THEN THE CITY ENVIRONS TABLE DIDN'T MATCH PAGE 25. PAGE 25 SAYS AROUND 1,240 AND ON PAGE 28 THERE'S A NET ADDITION OF AROUND 2500 PARKING SPACES. THAT APPEARS TO BE AN ENORMOUS DISCREPANCY BETWEEN THE STATED NUMBERS IN THE PREVIOUS THREE PAGES AND I'M JUST WONDERING IF YOU HAVE AN EXPLANATION STAFF FOR THAT OR IF YOU SEE IT PROVIDED FOR THE DIFFERENCE IN THE DATA.</p> <p>>> THANK YOU FOR BRINGING THAT TO OUR ATTENTION, VICE MAYOR DROSTE. WE DON'T HAVE AN EXPLANATION AT THIS TIME BUT WILL TAKE A LOOK AT THAT AND SEE IF THE ERROR WARRANTS REPORTING TO U.C. AND INCORPORATING IT. AND IN THAT IS IN FACT A MISSTATEMENT WHAT HAPPENS TO THE PROCESS?</p> <p>>> YOU KNOW, I WOULD DEFER TO SHANNON OR PERHAPS THE CITY ATTORNEY'S OFFICE STAFF WHETHER THAT WOULD WARRANT RECIRCULATION.</p> <p>>> RECIRCULATION IS THE KEY WORD, JORDAN. AND THERE ARE REQUIREMENTS IN CEQA THAT OUTLINE WHEN RECIRCULATION WOULD BE NECESSARY. AND SO WE'LL LOOK AT THE NUMBERS, COMPARE THE NUMBERS IN THE PROJECT DESCRIPTION NUMBERS THAT OCCUR LATER IN THE DOCUMENTS FOR OTHER INCONSISTENCIES, CONSIDER CALLING THAT OUT AND I'M TEMPTED AND THIS IS REQUIRED.</p> <p>>> BUT AT THE LEAST IT'S CONFUSING. I THINK I WANT TO MAKE SURE THAT'S IN THE RECORD AND THAT'S THE CLARIFYING QUESTION I HAD.</p> <p>>> COUNCILOR.</p>	
A3-214	<p>>> I'LL DIRECT IT. WE SPOKE AND THEY'RE NOT APPEARING. THE NUMBER OF STUDENTS 48,200. DOES THE DOCUMENT BREAK DOWN HOW MANY WILL BE LIVING IN BERKELEY. I KNOW THE CAMPUS IN THE PAST HAS HAD NUMBER AND WHAT DOES IT SAY.</p> <p>>> STAFF: COUNCIL MEMBER HARRISON I DON'T KNOW WHETHER THE E.I.R. OR LRDP GETS TO THAT LEVEL.</p>	<p>As described in Chapter 3, Project Description, of the Draft EIR, on pages 3-24 and 3-25 the LRDP does not determine future enrollment or population or set a future population limit for the UC Berkeley campus, but guides land development and physical infrastructure to support enrollment projections and activities coordinated by the University of California Office of the President. The buildout projections shown in</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<p>>> I WAS GOING ANSWER IT DIFFERENTLY WHICH IS THERE ARE 950 PAGES IN THE DRAFT E.I.R. AND I DON'T KNOW -- I MEAN, I COULD LOOK IT UP JUST AS THE SAME AS ANYBODY ELSE. I DON'T KNOW OFF THE TOP OF MY HEAD HOW THAT'S BROKEN DOWN.</p> <p>>> K. HARRISON: I KNOW THEY HAVE THE DATA BECAUSE I'M ON THE 4X6 WITH THE UNIVERSITY. I WOULD LIKE TO KNOW WHAT THEY'RE ASSUMING ABOUT RESIDENTS IN OUR CITY IN THE HOUSING NUMBERS. I THINK THAT'S A VERY IMPORTANT BASE FIGURE WE NEED TO HAVE. AND HOW IT DIFFERS IF AT ALL FROM THE OR CURRENT DISTRIBUTION OF PEOPLE LIVING HERE AND ELSEWHERE.</p>	<p>Table 3-1, Proposed LRDP Update Buildout Projections, provide a foundation for understanding UC Berkeley's long-term space needs. The buildout projections for the proposed development program are organized by campus uses, which include residential, academic life, campus life, and parking; UC Berkeley uses are described in detail in Section 3.5.1.3, Land Use Element. As shown in Table 3-1 a total of 11,731 new beds for faculty, student, and family housing are projected. Table 3-5, Proposed LRDP Update Housing Program, on page 3-33 provides a detailed summary of the proposed housing program, organized by campus zone. Table 3-5 includes existing conditions and horizon year housing estimates for undergraduate, graduate, faculty/staff, and non-university beds.</p>	
A3-215	<p>ALSO I WANT TO GO BACK TO THE TWO SLIDES OF YOURS, SHANNON, THAT SHOW A MITIGATABLE TRANSPORTATION IMPACT AND NON-MITIGATABLE, PARDON MY ENGLISH, IMPACT IF YOU CAN TALK ABOUT THE DIFFERENCE THERE.</p> <p>>> LET ME FIND THE SLIDE. WITHIN EACH ISSUE THERE'S THRESHOLDS AGAINST WHICH YOU GOT THE EXISTING PROPOSED PROJECT AND THEN WHAT THE DIFFERENCE IS AND WILL THAT DIFFERENCE RESULT IN AN IMPACT. SO LET'S SAY FOR EACH ISSUE TOPIC THERE'S TWO TO SEVEN CRITERIA THAT ARE BEING ANALYZED. SO FOR TRANSPORTATION THEY HAVE THE LESS SIGNIFICANT MITIGATION IS CONSISTENCY WITH PLANS AND IT DOES -- THE DRAFT E.I.R. DOES STEP THROUGH MULTIPLE PLANS THE CITY HAS AS WELL AS THE U.C. AND UNDER SIGNIFICANT AND UNAVOIDABLE IF YOU INCORPORATE THE MITIGATION IMPACT THERE'S NO WAY TO LESSEN IT. THE IMPACT IS PEDESTRIAN HAZARD.</p> <p>>> K. HARRISON: I'M CONCERNED ABOUT THAT. DON'T WE WANT TO ASK THEM TO ADDRESS HOW THEY MIGHT MITIGATE THAT. THERE MUST BE TECHNIQUES. THAT'S UNACCEPTABLE TO ME SAYING THEY CAN'T DO ANYTHING ABOUT COLLISIONS WITH PEDESTRIANS. THAT'S A SERIOUS COMMENT AND THEN ASK ABOUT THE REDUCED VEHICLE MILES TRAVELLED. WHEN THEY SAY HERE'S ALTERNATIVES</p>	<p>Chapter 5.15, Transportation, of the Draft EIR identifies a significant impact with respect to buildings 100 feet or taller having the potential to cause a wind hazard at the pedestrian level. There is not a transportation related pedestrian impact related to infrastructure or collision. Regarding selection of the reduced VMT alternative, UC Berkeley is not required to select an environmentally superior alternative. Please see Master Response 18, Alternatives.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>AND PRESENT THEM SAYING WE CONSIDERED IT BUT REJECTED IT IS THAT THE POINT OF THE ALTERNATIVES OR SOMETIMES INCORPORATED AFTER THEY ANALYZED THEM.</p>	
	<p>>> STAFF: THAT'S AN INTERESTING QUESTION. SO CEQA OFFERS A RANGE OF ALTERNATIVES AND THEY SHOULD BE WORKED TO REDUCE OR BASICALLY ATTAIN THE PROJECT OBJECTIVES AND THE OBJECTIVES FOR BOTH THE LRDP AND PROJECT HOUSING 1 AND HOUSING 2 ARE INCLUDED IN THE PROJECT DESCRIPTION. THEY NEED TO MEET THE OBJECTIVES AND THEN SHOULD ALSO AND AVOID OR LESSEN SIGNIFICANT EFFECTS THAT'S THE FRAMEWORK IN WHICH THEY'RE DEVELOPED. THEY ARE REQUIRED UNDER CEQA -- I'LL USE THE LANGUAGE, ENVIRONMENTALLY SUPERIOR ALTERNATIVE WHICH I BELIEVE IS THE REDUCED VEHICLE MILES ALTERNATIVE. IT DOES NOT REQUIRE THE ADOPT ANY OF THESE ALTERNATIVES. MAY THEY INCORPORATE ELEMENTS AS THEY MODIFY OR REVISE THE PROJECT BUT DON'T NEED TO ADOPT ANY OF THE ALTERNATIVES.</p>	
	<p>>> K. HARRISON: AREN'T WE GOING TO TALK ABOUT WE WANT YOU TO DO REDUCED V.M.T.? I'M CONFUSED ABOUT THE CONTEXT. YOU'LL PREPARE A STAFF SUMMARY OF COMMENTS AND APPROACHES COMING FROM YOU BASED ON ALL THE HEARINGS YOU'VE HAD AND TONIGHT AND EVERYTHING ELSE. ARE YOU GOING TO SAY WE LOOKED AT THE V.M.T. AND WE WANT X. WHAT'S THE STAFF REPORT GOING TO LOOK LIKE? HOW DOES IT UNFOLD, I KNOW THEY DON'T HAVE TO DO IT BUT WE ARE PROVIDING A CENTRALIZED CITY REASON AND THIS AND THE PEDESTRIAN IMPACT ARE THE LARGEST FOR ME, THE PEDESTRIAN IMPACTS. HOW DO WE RESPOND, I GUESS, IS WHAT I'M ASKING TO THEIR PROFFERED ALTERNATIVE ANALYSIS?</p>	
	<p>>> STAFF: YOU MAY RESPOND HOWEVER, YOU'D LIKE TO HEAR COMMENTS AND DIALOGUE. IN TERMS OF THE CITY'S STAFF REVIEW, I CAN'T SPEAK SPECIFICALLY TO HOW WE'LL COMMENT ON THAT. WE'VE GOT PEOPLE READING IT AND COMPILING THOUGHTS AND IT</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-216	<p>WILL BE AN INTERESTING AND FRANTIC TUESDAY/WEDNESDAY.</p> <p>>> K. HARRISON: CAN I ASK THE STAFF LOOK AT THIS SERIOUSLY? I'M HAPPY THEY'LL DO HOUSING AT GILMAN TRACK, MY QUESTION IS HOW WILL PEOPLE GET TO CAMPUS. THE ENVIRONMENTAL IMPACTS IS SOMETHING I'M FOCUSSED ON. AND ON SEWER AND UTILITIES HOW WILL IT NOT IMPACT SEWER AND UTILITIES? IT KIND OF HAS TO. MAYBE THEY CAN'T MITIGATE IT BUT TO SAY IT'S LIMITED IMPACT I FIND ODD. IS THAT WHAT THEY'RE SAYING? TO SAY IT'S LIMITED IMPACT DOESN'T SEEM RIGHT.</p> <p>>> K. HARRISON: WHEN WE HAVE A STATUS OF A LANDMARK VIS A VIS HOW CAN A LANDMARK BE CHANGED WHEN WE LANDMARK SOMETHING. HOW DOES THAT WORK WHEN THERE'S A NEW PLANNING PROCESS?</p> <p>>> STAFF: JUST BECAUSE A BUILDING IS A LAND MARK DOESN'T MEAN IT CAN'T BE IMPACTED OR DEMOLISHED SO THERE'S MITIGATION MEASURES TYPICALLY DOCUMENTATION OF THE BUILDING, DESTROYING THAT DOCUMENTATION IN A CERTAIN LOCATION, MULTIPLE LOCATIONS PERHAPS, BUT IT CAN STILL BE DEMOLISHED AND CEQA CAN SAY THERE'S IMPACTS WE CAN'T MITIGATE BUT GIVEN OTHER IMPORTANT PRIORITIES, WE CAN MAKE A STATEMENT OF OVERRIDING CONSIDERATIONS. OTHER THINGS OVERRIDE THIS.</p> <p>>> K. HARRISON: AND HAVE THEY SAID WHAT THEY'D INDICATED HOW THEY'LL DO THAT.</p> <p>>> STAFF: THEY HAVE BEEN OUTLINED IN THE MITIGATION PORTION. I WOULD WANT TO PULL THE DOCUMENT UP AND NOT MISSPEAK TO STEP THROUGH THEM.</p> <p>>> K. HARRISON: THAT'S ANOTHER AREA OF INTEREST TO ME. THANK YOU FOR THE TIME. I APPRECIATE IT.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. The commenter is directed to Chapter 6, Mitigation Monitoring or Reporting Program, of this Final EIR, to see the applicable mitigation measures for each project component.</p>
A3-217	<p>>> STAFF: CAN I ADD ONE THING TO WHAT SHANNON MENTIONED ABOUT V.M.T. THE CITY PLANNING DEPARTMENT HAS ALSO ENGAGED A TRAFFIC ENGINEER SO THE KITLESON FIRM WILL BE LOOKING AT THE NUMBERS AND VERIFYING THE ACCURACY OF THE V.M.T. ESTIMATES. I WANTED TO REASSURE YOU ABOUT THAT.</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>>> K. HARRISON: THANK YOU.</p> <p>>> MAYOR J. ARREGUIN: COUNCIL MEMBER TAPLIN.</p> <p>>> T. TAPLIN: DO WE KNOW IF THEY'RE USING PROJECT LABOR AGREEMENTS FOR THE CONSTRUCTION PROJECTS?</p> <p>>> STAFF: I DON'T BELIEVE SO.</p> <p>>> STAFF: I'M NOT AWARE OF THAT ONE WAY OR THE OTHER, COUNCIL MEMBER.</p> <p>>> T. TAPLIN: THANK YOU. THAT'S ALL I HAVE.</p> <p>>> MAYOR J. ARREGUIN: I THINK -- IF THEY GET CERTAIN STATE FUNDING, DAVIS BACON APPLIES AND SAME FOR MOST PROJECTS AND PREVAILING WAGES WOULD HAVE TO BE PAID BUT DON'T HAVE AN UMBRELLA P.L.A. AND P₃ PROJECTS, PRIVATE-PUBLIC PARTNERSHIPS THERE'S NO GUARANTEE THEY HAVE TO BRING IN UNION LABOR. IF THEY GET CERTAIN FUNDING DAVIS BACON CAN APPLY BUT DON'T HAVE TO USE A PROJECT LABOR. COUNCIL MEMBER WENGRAF.</p>	<p>of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-218	<p>>> S. WENGRAF: THANK YOU PLANNING STAFF FOR ALL YOUR WORK. I HAVE A COUPLE QUESTIONS AND HOPEFULLY YOU'LL BE ABLE TO CLARIFY FOR ME. I REMEMBER WHEN WE WERE DISCUSSING THE CURRENT LRDP AND HAD A COMMITMENT FROM THE PREVIOUS COUNSELOR THERE WOULD BE A NO GROWTH POLICY AND NOT ADMIT MORE STUDENTS. AM I NOT REMEMBERING THAT CORRECTLY? THIS IS A QUESTION FOR THE MAYOR AND MAYBE CITY ATTORNEY.</p> <p>>> MAYOR J. ARREGUIN: THE 33,000 STUDENTS AS WE KNOW DUE TO DECISIONS MADE BY THE STATE NOT NECESSARILY BY THE BERKELEY CAMPUS, THE UNIVERSITY STUDENT POPULATION HAS INCREASED BY 11,000 MORE STUDENTS BEYOND WHAT THEY STUDIED IN 2005. AND NOW THERE'S MORE ON TOP OF THAT. IT STATED THAT NOT THROUGH THIS -- WELL, THROUGH THE LONG RANGE DEVELOPMENT PROCESS AND THROUGH THE DISCUSSIONS THAT THEY ARE COMMITTED TO CAPPING THE STUDENT POPULATION TO 1% PER YEAR. THAT'S A COMMITMENT NOT A GUARANTEE. BECAUSE</p>	<p>The comment includes an exchange between Councilmember Wengraf, City of Berkeley Mayor Arreguin, and City staff. The comment shows that Mayor Arreguin and City staff provided responses to Councilmember Wengraf's questions. The buildout projections evaluated in the Draft EIR are shown in Table 3-1, Proposed LRDP Update Buildout Projections, of the Draft EIR. As shown in Table 3-1, the Draft EIR evaluates at a program-level the net new development of 8,096,249 square feet of development, 11,731 beds, and 1,240 parking spaces to accommodate a projected increase of 5,068 net new undergraduate students, 3,424 graduate students, and 3,579 faculty/staff.</p> <p>Please see Master Response 8, Population Projections, and Master Response 17, 2005 LRDP EIR Population Projections.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>AT THE END OF THE DAY THE DECISION ABOUT HOW MANY STUDENTS EACH CAMPUS HAS TO ACCOMMODATE IS MADE BY THE STATE AND NOT BY CHANCELLOR CHRIS.</p>	
	<p>>> S. WENGRAF: I SEE. BECAUSE IT SEEMS LIKE THEY'RE PROJECTING ABOUT 8,000 MORE STUDENTS AND A LITTLE BIT MORE THAN 3,000 FACULTY. WE HAVE TO THINK ABOUT THE FACULTY TOO BECAUSE EITHER THEY'LL BE LIVING IN BERKELEY OR COMMUTING IN AND OUT. EITHER WAY WE HAVE TO TAKE THAT INTO CONSIDERATION IN TERMS OF IMPACTS. THEY IDENTIFIED PROJECT 1 AND PROJECT 2. PROJECT 1 BEING THE OXFORD UNIVERSITY PARCELS AND PROJECT 2 BEING PEOPLE'S PARK. SAN FRANCISCO BUSINESS TIMES REPORTED TONIGHT THAT U.C. IS PLANNING ON AN 8 MILLION SQUARE FOOT BUILD OUT. CAN YOU CLARIFY FOR ME WHERE IS ALL THAT SQUARE FOOTAGE GOING? I GUESS SHANNON.</p>	
	<p>>> STAFF: SURE. SO THAT 8 MILLION SQUARE FOOTAGE -- THE U.C. LONG RANGE DEVELOPMENT PLAN DOESN'T IDENTIFY SPECIFIC PROJECTS BEYOND HOUSING PROJECT 1 AND 2. THEY IDENTIFY THE NEED AND SOME ZONES IN WHICH DEVELOPMENT AND THE U.C. TALKED ABOUT FUNDING AND WHEN THEY CAN DO CONSTRUCTION IS WHEN THEY'LL CIRCLE BACK TO THE LONG RANGE DEVELOPMENT PLAN AND OTHER CAPITAL STRATEGY PLANS AND LOOK FOR THE BEST SPECIFIC SITE FOR THAT DEVELOPMENT.</p>	
	<p>>> S. WENGRAF: SO WE DON'T KNOW IF THAT'S MITIGATED OR NOT BECAUSE WE DON'T KNOW WHERE IT IS.</p>	
	<p>>> WELL, YES AND NO. IT WILL BE -- THERE IS QUITE A LOT OF DESCRIPTION ABOUT THE EXISTING CONDITIONS IN THE DIFFERENT ZONES OF THE CAMPUS AND ON THE SITES THE U.C. OWNS THAT ARE IN THE CITY ENVIRONMENTS. BUT THERE ARE ASSUMPTIONS THAT ARE MADE ABOUT IMPACTS AND THERE ARE ALSO THEN REQUIREMENTS AT FUTURE DATES OF WHEN A PROJECT IS PROPOSED AND ON A SPECIFIC SITE THAT IT WILL GO THROUGH THAT'S THE TIME YOU WILL HAVE A SITE SPECIFIC GEOTECHNICAL STUDY AND THE TIME YOU'LL DO MORE PROJECT SPECIFIC ANALYSIS.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-219	<p>>> S. WENGRAF: IF THOSE PROPOSED PROJECTS ARE IN THE CITY ENVIRONS NOT THE CORE CAMPUS, BUT IN THE CITY ENVIRONS, WHAT ABILITY DO WE HAVE TO WEIGH IN ON IT AT THAT POINT?</p> <p>>> STAFF: WELL, WE CAN WEIGH IN BUT THEY ARE NOT REQUIRED TO DO ANYTHING MEANINGFUL WITH OUR COMMENTS. YOU KNOW HOW THIS WORKS.</p> <p>>> S. WENGRAF: DO THEY MAKE EFFORTS TO MITIGATE WILDFIRES? THEY PROUDLY SHOWED THE EUCALYPTUS GROVES IN THEIR PHOTOGRAPHS. THEY'RE BEAUTIFUL PHOTOGRAPHS AND ONE WAS OF A EUCALYPTUS GROVE. DO THEY MAKE ANY EFFORT TO REMOVE THOSE EUCALYPTUS GROVES?</p> <p>>> STAFF: THAT'S ANOTHER TOPIC I DON'T WANT TO WEIGH IN WITHOUT REVIEWING THAT SECTION OF THE E.I.R. AND OUTSIDE THE LONG RANGE DEVELOPMENT PLAN THAT WAS CIRCULATED MAYBE A MONTH AGO. I HEAR YOUR COMMENTS BUT I CAN'T PROVIDE DETAILED RESPONSE.</p> <p>>> S. WENGRAF: I THINK THEY HAVE TO MAKE AN EFFORT TO MITIGATE THAT RISK. THEY JUST SAY CANNOT BE MITIGATED AND WALK AWAY FROM THE ISSUE. IS THAT WHAT HAPPENS?</p> <p>>> S. ALLEN: WELL, THAT'S ONE OF THE BIGGER PICTURE COMMENTS THAT STAFF IS IDENTIFYING IN OUR REVIEW OF THE DRAFT E.I.R. IT'S CERTAINLY IMPORTANT AND REQUIRED UNDER CEQA TO IDENTIFY A SIGNIFICANT IMPACT TO WORK TO MITIGATE IT. AND MITIGATION MEASURES SHOULD BE REQUIRED. MITIGATION EFFORTS SHOULD BE CLEAR IN TERMS OF WHO WILL IMPLEMENT THEM AND WHEN THEY'LL BE IMPLEMENTED AND HOW THEY WILL REDUCE THE IMPACTS OF THAT SPECIFIC ISSUE. WE HAVE FOUND SOME DEFICIENCIES THROUGHOUT THE DOCUMENT AS IT RELATES TO THEIR DEVELOPMENTS OF MITIGATION MEASURES.</p> <p>>> S. WENGRAF: OKAY. THANK YOU VERY MUCH.</p>	<p>Chapter 5.18, Wildfire, of the Draft EIR describes potential significant impacts from the proposed project pertaining to wildfire, as well as any required mitigation measures. The Draft EIR includes Mitigation Measures WF-2a, WF-2b, WF-3, WF-4, and WF-5 to address significant impacts related to wildfire. Specific to vegetation management, Mitigation Measure WF-2b requires that "Vegetation and wildland management activities shall comply with Public Resources Code Section 4442, which requires that engines that use hydrocarbon fuels be equipped with a spark arrester, and that these engines be maintained in effective working order to help prevent fire. These activities shall also comply with the Environmental Protection Measures in the UC Berkeley Wildland Vegetative Fuel Management Plan. UC Berkeley's Office of Physical & Environmental Planning shall verify compliance with this measure for ongoing UC Berkeley vegetation management activities and for future development projects."</p> <p>Please also see Response A3-25 with respect to significant and unavoidable impacts, and Master Response 5, Mitigation.</p>
A3-220	<p>>> MAYOR J. ARREGUIN: ONE THING I WILL SAY, THE 2005 LRDP HAD AN ACTUAL POLICY THE CAMPUS WAS GOING HONOR THE CITY'S UNDERLYING ZONING FOR PROJECTS AND THE CITY ENVIRONS. THIS</p>	<p>This comment expresses an opinion about the current LRDP that is incorrect. The current 2020 LRDP states on page 49 that "UC Berkeley serves the entire state of California, and thus has a mission that cannot</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>PLAN DOES NOT INCLUDE THAT. I THINK THAT’S EXTREMELY IMPORTANT PARTICULARLY WITH REGARD TO THE OXFORD TRACT PROJECT, FOR EXAMPLE. THEY MAY NOT BE REQUIRED UNDER STATE LAW TO HAVE TO COMPLY WITH OUR ZONING BUT THEY SHOULD RESPECT THE CITY’S ZONING AND CITY’S GENERAL PLAN. COUNCIL MEMBER HAHN.</p>	<p>always be met entirely within the parameters of municipal policy. In the City Environs, however, the objectives of UC Berkeley must be informed by the plans and policies of neighboring cities, to respect and enhance their character and livability through new university investment.” The project design policy states that UC Berkeley will “use municipal plans and policies to inform the design of future capital projects in the city environs. Use the Southside Plan as a guide to the design of future capital projects in the southside. Prepare project specific design guidelines for each major new project.” This same concept is carried through with the proposed LRDP Update’s City Environs Land Use objectives listed on page 37, which states that UC Berkeley will “Consider City of Berkeley plans such as the Downtown Area Plan and the Southside Plan to the extent feasible in the planning and development of university properties within the City Environs, to support the vitality of surrounding neighborhoods.”</p>
		<p>The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. UC Berkeley remains committed to collaboration and coordination with the City of Berkeley.</p>
A3-221	<p>>> S. HAHN: THANK YOU SO MUCH. I APPRECIATE YOUR COMMENTS, MAYOR, ABOUT WANTING TO WORK IN THE SPIRIT OF PARTNERSHIP AND AS SOMEONE WHO GREW UP IN BERKELEY, THE DAUGHTER OF A PROFESSOR AT CAL, I GREW UP IN THE BOSOM OF U.C. BERKELEY. MY WHOLE LIFE HAS BEEN IMMERSSED IN THE UNIVERSITY AND AS AN ALUM, I JUST -- I WANT TO JUST STATE FOR THE RECORD HOW DEEPLY DISAPPOINTED AM THAT U.C. BERKELEY IS NOT HERE WITH</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>US PRESENTING THEIR OWN PLANS AND LISTENING TO COMMENTS OF CITY COUNCIL AND THE PUBLIC. NOW, I'M GOING VENTURE AMONG THE 75 ATTENDEES PERHAPS SOME ATTORNEYS FOR U.C. BERKELEY OR U.C. BERKELEY OFFICIALS ARE ACTUAL HERE OR WILL BE LISTENING TO A TAPE OF THIS. I CAN ASSUME FOR 100% CERTAINLY AT SOME TIME SOME OR MANY PEOPLE FROM THE UNIVERSITY ARE GOING TO REVIEW THIS THIS STATEMENT IS DIRECTED TO THEM. I AM SO DEEPLY DISAPPOINTED AT HOW DISRESPECTFUL THIS FEELS TO ME AS A COUNCIL MEMBER AND ALUM AND AS SOMEONE WHO LOVE BOTH THE UNIVERSITY AND THE CITY. I'M BESIDE MYSELF HOW UPSETTING IT IS AND HOW FAR FROM THE SPIRIT OF PARTNERSHIP AND HOW DISAPPOINT DISAPPOINTING IT IS FOR YOU NOT TO BE HERE MAKING THE PRESENTATION. I'LL ALSO EXPRESS MY DEEP GRATITUDE TO JORDAN KLEIN, SHANNON ALLEN AND HELLO, IT'S GOOD TO SEE YOU. WE USED TO SEE EACH OTHER TWO WEEKS WHEN I WAS ON STAFF AND I MISS YOU AND GOOD TO SEE YOU HERE BUT I FEEL IT'S PUT OUR STAFF IN EXTREMELY DIFFICULT POSITION AND WOULD LIKE CLARIFICATION FROM MR. KLEIN ON EXACTLY WHAT WE'RE DOING HERE. WE'RE NOT U.C. BERKELEY. WE'RE THOUGHT THE EXPERTS ON WHAT THEY PUT FORWARD AND I WOULD LIKE SOME CONFIRMATION OF THE ROLE THAT STAFF IS PLAYING HERE TONIGHT IN THE ABSENCE OF U.C. BERKELEY, IF I MAY. U.C. BERKELEY DID PRESENT LAST FALL DURING THE DEVELOPMENT PHASE OF THE LRDP AND WE INVITED THEM TO DIRECT THEM TONIGHT AND THEY LET US KNOW THEY WOULD LIKE TO DIRECT PUBLIC COMMON TO THEIR OWN PUBLIC HEARING. SINCE THE LRDP WAS RELEASED WE'VE BEEN ENGAGING WEEKLY TO AND TO COORDINATE OUR REVIEW. SHANNON HAS BEEN WORKING WITH STAFF TO MAKE SURE WE'RE LEVERAGING OUR EXPERTISE AS A CITY AND OUTSIDE HELP TO THE GREATEST EXTENT WE CAN WE STILL DESPITE ALL THAT WORK WE'RE STILL NOT IN A POSITION TO COMMENT ON THE SPECIFIC MITIGATION MEASURES OR DETAILED ANALYSIS OF THE E.I.R. ITSELF</p>	<p>decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>BECAUSE IT'S A DOCUMENT BUT OUR ANALYSIS IS CONTINUING AND WE'RE HERE TO ANSWER QUESTIONS TO THE BEST OF OUR ABILITY TO CONTENT BUT MORE FOCUSED ON FACILITATING YOUR COMMENT AND DISCUSSION ON WHAT YOU OBSERVED AND YOUR CONCERNS AND OF COURSE THOSE FROM THE COMMUNITY AS WELL.</p>	
	<p>>> MAYOR J. ARREGUIN: I BELIEVE IT'S IMPORTANT FOR COUNCIL TO PROVIDE COMMENT TO STAFF AS THEY'RE DEVELOPING FORMAL COMMENTS OVER THE NEXT FEW DAYS AND THE COMMUNITY AND WE REACHED OUT TO THE COMMUNITY AND ASKED THEM TO PARTICIPATE AND THEY UNFORTUNATELY DECLINED. THIS IS REALLY A FORUM NOR COUNCIL AND COMMUNITY TO BE HEARD TO TRANSMIT THAT THROUGH THE FORMAL PROCESS.</p>	
	<p>>> S. HAHN: THEY HAVE A LOT OF STAFF AND LAWYERS AND SOMEBODY COULD HAVE SHOWN UP. THAT'S MY PERSONAL FEELING AND FIRST COMMENT. MY NEXT GENERAL COMMENT ON THIS AND A WANT TO THANK STAFF AGAIN I DON'T THINK WE SHOULD BE REPRESENTING ANYTHING ON THEIR BEHALF. THIS IS THEIR DOCUMENT AND THEIR WORK AND WE DON'T HAVE A POSITION DEFENDING IT OR EXPLAINING IT. IT'S NOT OUR ROLE AND OUR ROLE IS TO COMMENT ON THIS WITH THE CITY'S INTERESTS AT HEART. THAT'S OUR ROLE HERE. I APPRECIATE THE AWKWARD POSITION OF PRESENTING SOMEONE ELSE'S WORK AND IT'S NOT FOR US TO ANSWER THEM. GENERAL COMMENTS. I FIND THE ENTIRE DOCUMENT ->> MAYOR J. ARREGUIN: COUNCIL MEMBER HAHN, I HAD STATED EARLY ON WE WANT TO HAVE THIS INITIAL PERIOD BE FOCUSED ON INITIAL QUESTIONS AND HAVE PEOPLE STATE COMMENTS UNTIL AFTER THE PUBLIC TESTIMONY IF POSSIBLE.</p>	
	<p>>> S. HAHN: OKAY. MY OTHER COLLEAGUES WENT THROUGH THEIR COMMENTS SO IT GETS CONFUSING WHEN SOME PEOPLE COMMENT AND SOME PEOPLE DON'T. OKAY TO THE EXTENT WE SHOULDN'T BE ASKING OUR STAFF TO ANSWER QUESTIONS ON BEHALF OF THE UNIVERSITY. I GUESS MY ONLY QUESTION THEN HAS BEEN</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>ANSWERED ON WHY THEY'RE NOT HERE. SOUNDS LIKE THEY WERE INVITED AND CHOSE NOT TO COME. I'M NOT SURE WHAT OTHER QUESTIONS I COULD HAVE OTHERWISE I FEEL LIKE OUR ROLE IS TO MAYBE PROVIDE COMMENT TO INFORM THE COMMENTS THE CITY IS PREPARING. IS THAT OUR ONLY OTHER ROLE HERE?</p> <p>>> MAYOR J. ARREGUIN: YES.</p> <p>>> S. HAHN: THEN I DON'T HAVE ANY OTHER QUESTIONS BECAUSE I DON'T THINK IT'S LEGITIMATE TO ASK STAFF QUESTIONS ON THEIR BEHALF.</p>	
A3-222	<p>>> MAYOR J. ARREGUIN: THANK YOU. COUNCIL MEMBER ROBINSON.</p> <p>>> R. ROBINSON: THANK YOU FOR THE CONTEXT YOU JUST PROVIDED, JORDAN AND IN RESPONSE TO COUNCIL MEMBER HAHN'S QUESTION AND TO SHANNON, I DO NOT ENVY YOU. I'VE HAD A LOT OF FUN REVIEWING THE DOCUMENTS I'VE HAD A LOT OF COMMAND F BECAUSE THEY'RE MASSIVE SO I APPRECIATE THE WORK YOUR TEAM IS DOING AND HOW HECTIC THE NEXT COUPLE DAYS WILL BE, I'M SURE. THERE'S A LOT TO LIKE AND A COUPLE KEY QUESTIONS DRILLED DOWN AND THIS PUTS US IN A DEEPLY LOPSIDED POSITION AND HOPE THIS IS SEVERAL STEPS FORWARD TO THE EXTENT BUT THERE'S WORK TO BE DONE. AT THE FIRST LEVEL AND THIS IS E.I.R. SEMANTICS WAY ABOVE ME BUT THE FOUR ALTERNATIVES LISTED, GOING THROUGH THEM I ONLY REALLY READ THE FIRST TWO OF THEM REALLY AS ALTERNATIVES AND I WANTED TO MAKE SURE I'M UNDERSTANDING THAT RIGHT AND SEE IF THAT'S THE PERSPECTIVE SHARED BY STAFF. PART C AND D REALLY ALMOST SEEM LIKE A LIST OF ADDITIONAL PROJECTS AND COMMITMENTS THAT ARE SORT OF ACCESSORY TO THE LRDP AS NOT DEFINED IN THE DRAFT LRDP AS IT EXISTS. ON THE VEHICLE MILES TRAVEL INCREASING THE MEASURES AND COMMITTING O A NO-NET PARKING SPACE BUILD OUT TO 2036. ADDITIONAL 500 BEDS FOR FACULTY AND STAFF AND PART D IS A FURTHER EXTENSION OF THE FACULTY AND STAFF IS A HOUSING QUESTION WHICH SEEMS THEY'RE ADDITIONAL IDEAS AND TO THE SIGNIFICANT MITIGATIONS IN THE E.I.R. AND SEEK TO RESOLVE THEM.</p>	<p>This comment is a conversation about the alternatives to the proposed project evaluated in Chapter 6 of the Draft EIR. Please see Chapter 6, Alternatives to the Proposed Project, of the Draft EIR for a complete explanation of the contents of the chapter. As stated on page 6-1, the chapter describes the CEQA requirements for evaluating alternatives to the proposed project, describes the project, summarizes the significant effects of the proposed LRDP Update (proposed project) that cannot be avoided or reduced to less than significant, and describes the reasonable range of alternatives, including those that were considered but dismissed from further evaluation. The chapter then considers the comparative environmental effects of each of the alternatives relative to those of the proposed project and evaluates the relationship of the alternatives to the project objectives. As required under CEQA Guidelines Section 15126.6(e), an environmentally superior alternative is identified at the end of this chapter, followed by a summary of the alternative's ability to meet the basic project objectives.</p> <p>The commenters do not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>IT'S CURIOUS TO ME THEY'RE DESCRIBED HERE AS ALTERNATIVES WHEN TO ME THEY FEEL LIKE ADDITIONAL PROJECTS THAT MAY BE SHOULD BE IN THE SCOPE OF THE LRDP.</p> <p>>> S. ALLEN: AND AS OUTLINED IN THE MEASURE C AND PROJECT TO INCLUDE ADDITIONAL BEDS TO BETTER SUPPORT THE GOAL OF PROVIDING HOUSING. I LIKE THAT AND SUPPORT.</p> <p>>> R. ROBINSON: LRDP'S ARE IMPORTANT BUT NOT EVERYTHING IN THEM HAPPENS AND IT'S ABOUT THE SCOPE OF GROWTH AND WITHIN THE POSSIBILITY OF GROWTH AND I HAVEN'T SPENT AS MUCH AS TIME WITH THE LANGUAGE OF THESE AS YOU HAVE BUT THEY SOUND LIKE IMPORTANT APPROACH TO ME THAT DO RESPOND TO SOME OF THE MOST SIGNIFICANT MITIGATIONS THAT WILL BE OF CONCERN TO US AS A CITY. AS A FOLLOW UP TO AND TO WHAT COUNCIL MEMBER WENGRAF GOT TO REGARDING HILL CAMPUS EAST AND THERE'S BEEN IMPORTANT WILDLIFE WORK IN THE PAST COUPLE MONTHS. IN PARTICULAR, I TOOK A DRIVE AND HUGE CLEARING OF EUCALYPTUS PAST GRIZZLY PEAK AND THE DOCUMENT GOES TO GREAT LENGTHS TO DESCRIBE THE REGIONAL PARTNERSHIPS AND THE WORK AROUND THAT ALREADY. WHAT I'M MISSING IS AN UNDERSTANDING OF WHAT'S -- HOW THEIR WILDFIRE MITIGATION APPROACH WOULD RESPOND TO DIFFERENT SCENARIOS OF GROWTH IN THE HILL CAMPUS EAST SHOULD THEY HAPPEN. FOR EXAMPLE, ONE OF THE PIECES IN THE ALTERNATIVES SUGGESTS THAT A MAJOR POTENTIAL DEVELOPMENT INTO A LARGELY UNDEVELOPED SCOPE OF THE LRDP AND IF THAT WERE TO HAPPEN IS THERE AN IF-THEN SCENARIO, IF THE CAMPUS WERE TO PERFORM MORE DEVELOPMENT MAYBE FACULTY STAFF HOUSING IN THE EAST HILL CAMPUS IS THERE MORE WILDFIRE PREVENTION OR MORE FUNDING? HOW DO THOSE TWO PIECES CONNECT? IS THAT DESCRIBED IN THE DOCUMENT AT ANY LEVEL AS IT IS?</p> <p>>> STAFF: WE'RE NOT ABLE TO RESPOND TO THAT AND VERY ASTUTE OBSERVATION.</p> <p>>> IT'S INTERESTING AND IF IT COULD RESULT IN THE INCREASED</p>	<p>be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Please note that concerning the significant and unavoidable impact identified in Chapter 5.18, Wildfire, as described on page 5.18-23, this finding is purely based on the programmatic nature of the EIR. Please see Master Response 4, Programmatic Analysis. As described on page 5.18-23, development of potential future projects within the Hill Campus East under the proposed LRDP Update shall implement CBP WF-1 through CBP WF-4, and Mitigation Measures WF-2a and WF-2b, and would be subject to future project approval. Future projects could be required to implement site-specific mitigation measures to reduce potentially significant environmental impacts. In addition, potential future development under the proposed LRDP Update would be required to submit grading plans and construction drawings for UC Berkeley review and comply with the California Building Code, California Fire Code, and Public Resources Code Sections 4201 through 4204, 4290, 4291, and 4442 (see Section 5.18-1.1, Regulatory Framework, pages 5.18-1 through 5.18-8, of the Draft EIR for a summary of each of these regulations). This conclusion does not prevent a finding of less-than-significant impacts at the project level; however, due to potential unknown impacts from future development within the Hill Campus East under the proposed LRDP Update, impacts at the programmatic level would remain significant and unavoidable.</p> <p>Please also see Response A3-25 with respect to significant and unavoidable impacts, and Master Response 5, Mitigation.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>DEVELOPMENT IN THE HILL CAMPUS EAST THERE SHOULD BE A DESCRIBED MECHANISM THAT WOULD TRIGGER SOME ENHANCED STRATEGY AROUND THE WILDFIRE ISSUES. NOT SURE WHAT THAT WOULD LIKE THAT BUT WE'LL FIGURE THAT OUT. I'LL LEAVE THAT THERE FOR NOW. THANK YOU.</p>	
	<p>>> MAYOR J. ARREGUIN: THANK YOU, ONCE AGAIN, INITIAL QUESTIONS. I HAVE COMMENTS AND OTHER COUNCIL MEMBERS HAVE COMMENTS SO IF WE CAN DO INITIAL QUESTIONS BEFORE WE DO PUBLIC COMMENT. COUNCIL MEMBER HARRISON.</p>	
	<p>>> K. HARRISON: IS THERE A WAY TO SAY WE WANT YOU TO CONSIDER THAT WITHOUT TALKING ABOUT LOCATIONS? I FEEL THAT SEEMS INTERVENTIONIST AND WE WANT TO SAY SOMETHING ABOUT MORE FACULTY AND STAFF HOUSING WITHOUT GETTING INTO WHICH LOCATION THEY WANT TO CHOOSE. I DON'T KNOW HOW THESE DOCUMENTS WORK. CAN WE BE MORE GENERAL WHEN WE RESPOND TO ALTERNATIVES OR ARE WE STUCK TO ALTERNATIVES THEY OFFER AS OUR FRAME?</p>	
	<p>>> STAFF: I THINK WE HAVE THE ALTERNATIVE TO BE MORE GENERAL.</p>	
	<p>>> K. HARRISON: THANK YOU.</p>	
	<p>>> MAYOR J. ARREGUIN: ANY OTHER QUESTIONS OF STAFF BEFORE WE GO PUBLIC COMMENT. MINDFUL WE'LL HAVE A MORE ROBUST DISCUSSION AFTER PUBLIC COMMENT WITH THE OPPORTUNITY TO PROVIDE MORE SPECIFIC COMMENTS FOR CONSIDERATION AS PART OF OUR OFFICIAL COMMENT LETTER. WE'LL GO TO PUBLIC COMMENT. IF YOU'D LIKE TO SPEAK PLEASE RAISE YOUR HAND BY PRESSING THE RAISED HAND ICON ON YOUR ZOOM SCREEN OR PRESS STAR 9. I SEE 14 RAISED HANDS. EACH PEOPLE HAVE TWO MINUTES. THE FIRST SPEAKER IS MICHAEL KATZ. I'D LIKE IF THE CITY CLERK STAFF CAN ASSIST IN ACTIVATING THE MICROPHONES AND I'LL CALL THEM.</p>	
	<p>>> CLERK: SURE.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-223	<p>>> MAYOR J. ARREGUIN: MICHAEL KATZ IS THE FIRST SPEAKER.</p> <p>>> CALLER: GOOD EVENING. I'M HOPING TO ENLIST YOUR ENTHUSIASM IN THREE PROGRESSIVELY BIGGER THINGS. FIRST, I HOPE YOU'LL VIGOROUSLY ADVOCATE TO PRESERVE THE OXFORD TRACT SPACE AND RENTAL AND TO AVOID A 16 STORY TOWER OR AN 11 STORY OR 8 STORY TOWER OVER PEOPLE'S PARK. DIRECTLY ACROSS THE STREET THE UNIVERSITY BUILT A WONDERFUL EXAMPLE OF LOW-RISE CONTEXTUAL HOUSING ABOUT FIVE STORIES AT THE PEAK AND THE UNIVERSITY'S ARCHITECTS DELIVERED A SIMILAR PLAN CALLED THE 2.8 SPOKE PLAN WHICH WOULD ACCOMMODATE ABOUT THE SAME NUMBER OF BEDS I BELIEVE AND FIT IN THE NEIGHBORHOOD INSTEAD OF DESTROYING IT. I URGE YOU TO URGE THE UNIVERSITY TO CONSIDER SOMETHING LIKE THAT AND THE RENT CONTROL AND THE E.I.R. IS SUPPOSED TO LOOK DEVELOPMENT AND IN THE CASE OF AN EARTHQUAKE ONE INSTITUTION ANNOUNCED IT WILL SHUT DOWN AND A COUPLE DAYS AFTER U.C. ANNOUNCED IT WILL HOUSE 200 INCOMING STUDENTS AS A SATELLITE PROGRAM AND HAS BEEN IN DISCUSSION WITH MILLS ABOUT BROADER COOPERATION AND MERGER. I THINK THE UNIVERSITY OWES IT TO THE CITY, TO THE TAXPAYERS OF CALIFORNIA TO REWRITE THE E.I.R. WITH A SUBSTANTIAL NO-BUILD ALTERNATIVE THAT INVOLVES ASSIMILATING WHAT UNFORTUNATELY IS LIKELY FOR A SHUTDOWN OF MILLS COLLEGE A BEAUTIFUL CAMPUS WITH LOTS OF SPACE. OBVIOUSLY U.C. HAS ASSIMILATED OTHER INSTITUTIONS INCLUDING THE CLARK KER CAMPUS AND HASTINGS COLLEGE. THANK YOU.</p>	<p>This comment expresses an opinion about the alternatives to the proposed project evaluated in Chapter 6 of the Draft EIR. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The site of Mills College is located in an area of the city of Oakland that is outside of the LRDP Planning Area. Mills College is not owned or managed by UC Berkeley and not part of the existing LRDP or the proposed LRDP Update. Please see Master Response 7, EIR Study Area, and Master Response 18, Alternatives. Accordingly, no sites outside of the LRDP Planning Area are considered viable options to reduce the environmental impacts described in the Draft EIR.</p> <p>Please see Chapter 6, Alternatives to the Proposed Project, of the Draft EIR for a complete explanation of the contents of the chapter.</p>
A3-224	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS AIDAN HILL.</p> <p>>> CALLER: I'M A CURRENT U.C. BERKELEY AND LIVE ONE BLOCK PERFECT PEOPLE'S PARK AND FORMER VICE CHAIR OF THE CITY'S HOMELESS COMMISSION. THE DISTINCT MISSION IS TO SERVE AS A CENTER OF HIGHER LEARNING PROVIDING ADVANCED KNOWLEDGE AND RESEARCH THROUGH ACTS OF PUBLIC SERVICE IN ACCORDANCE WITH EDUCATIONAL PURPOSES. TAKING NO ACTION</p>	<p>The commenter expresses an opinion about the impacts of the proposed project but provides no substantial evidence to support their assertions. The commenter is directed to the following chapters of the Draft EIR for a comprehensive analysis on each of these topics for all three components of the proposed project: Chapter 5.2, Air Quality; Chapter 5.3 Biological Resources; Chapter 5.4, Cultural Resources; Chapter 5.5, Energy; Chapter 5.7, Greenhouse Gas</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>ON HOUSING PROJECT 2 PEOPLE'S PARK OFFERS CAPITAL FOR THE CAMPUS. THE PHYSICAL DESIGN FRAMEWORK IN 2009 NOTES OPEN SPACES PROVIDE AN IMPORTANT SPACE FOR RELAXATION AND INTERACTION WITH THE ENVIRONMENT. PEOPLE'S PARK IS AN EXISTING OPEN SPACE WITH INTELLIGENT SYNERGY BUILT BY COMMUNITY DRIVEN DEVELOPMENT. THE PARK HOLDS CULTURAL RELEVANCE WITH ACCESS TO HISTORIC FREE SPEECH STAGE AND COMMUNITY GARDENS AND INSTALLATIONS AND A FLAT TOPOGRAPHY. APPROVAL OF THIS PROJECT WILL PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY AND CAUSE PERMANENT ENVIRONMENTAL AFFECTS BY REMOVING BASKETBALL COURTS AND COMMUNITY GARDENS AND ACCESS TO A PERMANENT PUBLIC RESTROOM AND TREES AND CONSTRUCTION WILL CONTAMINATE GROUND WATER AND INCREASING AIR POLLUTANT EMISSIONS LEADING TO RESPIRATORY DISEASE AND BY TAKING NO EFFECT BERKELEY WILL MAXIMIZE EXISTING LAND AND FINANCIAL RESOURCES FOR EXTRACURRICULARS IN THE SOUTH SIDE NEIGHBORHOOD AND THERE'S OTHER SIGNIFICANT IMPACTS INCLUDING THE CONSTRUCTION OF OUR COMMUNITY GUARDIAN CAPABLE OF FEEDING RESIDENTS AND DESTRUCTION INCLUDING ALL REDWOODS AND PALM TREES AND OAK TREES AND THE NATIVE PLAN PROJECT OF THE PARK. THE PLANS WOULD DESTROY UP TO 60 TREES AS WE SEE. SIGNIFICANT IMPACTS IN SOLAR ENERGY USE AND HYDROLOGY AND WATER QUALITY AND LAND USE AND PLANNING WE CURRENTLY HAVE FIVE CLASSES PER WEEK INCLUDING SIGN LANGUAGE AND SELF-DEFENSE AND PEOPLE'S PARK ACTS AS A REFUGE PACE RESIDENTS SHOULD A NATURAL OR MANMADE DISASTER OCCUR IN OUR AREA.</p>	<p>Emissions; Chapter 5.9, Hydrology and Water Quality; and Chapter 5.14, Parks and Recreation. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required.</p>
A3-225	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS UMA CHANNER. >> CALLER: UMA CHANNER. I APPRECIATE THE SKEPTICISM IN THE DEVELOP THE AND HOPE YOU'LL TAKE THAT AND INTERROGATE FURTHER THE WAYS IN WHICH THE DEVELOPMENT PLANS ARE NOT ONLY DISRESPECTFUL TO THE U.C. CITY PARTNERSHIP AND ACTIVELY</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 14, Displacement and</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>MALICIOUS. THE U.C. STANDS TO GAIN FROM DEMOLITION OF THE PARK AND HOUSING AND THE LONG STANDING COMMUNITY OF BERKELEY STANDS TO LOSE AN IMMENSE AMOUNT. DO EVERYTHING IN YOUR POWER TO PREVENT THE U.C. FROM DESTROYING PEOPLE’S PARK AS AIDAN STATED. IT’S ONE OF THE ONLY BIO DIVERSE SPACES AND PROVIDES SO MUCH FOR U.C. STUDENTS AND ANYONE WHO LIVES IN THE CITY OR LOVE THE CITY AND THE TENANT ARE FIGHTING LIKE HELL TO PROTECT THEIR HOMES AND IT’S ALSO A LONG-TERM AFFORDABLE HOUSING CENTER THAT SHOULD NOT BE DESTROYED. U.C. DEVELOPMENT WILL NOT HELP THE CITY. IT WILL FURTHER ERODE OUR CULTURE AND HISTORY AND COMMUNITY WHILE LINING THE STRATEGY OF OTHER U.C. EXPLOITATION. IF YOU’RE ON THE CALL AND LISTENING IN AND HEAR MORE, I STRONGLY URGE YOU TO COME OUT TO AN ACTION ON THE 24TH AT 12:00 P.M. WE’RE MEETING AT 1921 WALNUT STREET IN DEFENSE OF THE TENANTS AND THEIR BUILDING AND IN DEFENSE OF PEOPLE’S PARK. OFFICIAL DOCUMENTS AND PRO DEVELOPMENT RHETORIC WILL NOT GIVE YOU THE FULL STORY OF U.C. GENTRIFICATION. I URGE YOU TO SUPPORT THE COMMUNITY WE LOVE AND DEFEND PEOPLE’S PARK AND 1921 WALNUT STREET.</p>	<p>Master Response 15, Gentrification. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-226	<p>>> MAYOR J. ARREGUIN: THANK YOU. NEXT IS MAXINA VENTURA. >> I’M GOING TO HOLD SOMETHING UP I HOPE YOU CAN SEE. THIS FROM THE MASSIVE DOCUMENT. IT’S A DRAWING OF THE PLANS FOR THE TREES AT PEOPLE’S PARK AND IF YOU SEE ALL THE RED XS, YOU’RE RIGHT. THEIR PLAN IS TO DESTROY MOST OF THE TREES AND OTHERS THEY SAID THEY’D TRY TO TRANSPLANT. GOOD LUCK WITH THAT. IT IS A CITY LANDMARK FOR GOOD REASON. IT’S ABOUT THE PAST, PRESENT AND FUTURE AND A LIVING MONUMENT AND PEOPLE COME FROM AROUND THE WORLD TO SEE IT. IT’S BEEN ACTING AS AN IMPORTANT ENCAMPMENT BUT THERE’S NOT SUPPORT TO PROVIDE WHAT’S NEEDED. COMMUNITY MEMBERS STUDENTS ARE DOING AN ENORMOUS AMOUNT OF MUTUAL AID AND I WANT TO DRAW ATTENTION TO SOMEWHAT MAY NOT KNOW THERE’S A</p>	<p>The commenter’s concerns regarding the loss of trees at the Housing Project #2 site are noted. Figure 5.3-5, Housing Project #2 Tree Map, on page 5.3-22 of the Draft EIR provides a map of existing trees on the Housing Project #2 site and indicates whether they are to be preserved, transplanted, or removed. As discussed in the analysis on page 5.3-36 of the Draft EIR and indicated in Figure 5.3-5, an estimated 21 of the 75 trees on the site and street frontages would be preserved and a minimum of 30 trees would be removed. An additional 24 trees have been identified for possible transplanting, based on their condition and suitability, although detailed plans for any relocation have not been prepared. Trees proposed for removal or transplanting include a range of species, size, and condition. Mature trees are at risk for decline and possible death as a result of disturbance to their</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>SOUTH SIDE PLAN THE CITY PUT TOGETHER ABOUT A DECADE AGO THAT INCLUDED A LOT ABOUT TRANSPORTATION AND THERE WAS A PLAN AROUND THE POSSIBILITY OF DAYLIGHTING THE CREEK IN THE PARK. THAT COULD SERVE TO BRING IT BACK TO FEELING BEAUTIFUL FOR MORE PEOPLE THAN THOSE WHO ALREADY FIND IT BEAUTIFUL AND IMPORTANT. IT'S SOME OF THE LUNGS OF THE CITY. TO LOSE THAT OPEN SPACE WOULD BE DRAMATIC LOSS. BEYOND THAT I WANT TO PROVIDE YOU WITH A RESOURCE. THERE'S CONCERN ABOUT WILDFIRE. IT'S A SPACE WHERE PEOPLE CAN GATHER IF THERE'S AN EARTHQUAKE OR WILDFIRE BUT BEYOND THAT THERE'S A SPHERE OF EUCALYPTUS TREE NOT BASED IN BIOLOGY. IT'S ALSO NOT BASED IN FIRE BIOLOGY. IF YOU GO TO EAST BAY PESTICIDE ALERT.ORG AND ON THE LEFT SIDE OF THE HOME PAGE IF YOU GO TO THE WILDFIRE PAGES YOU CAN LEARN EASILY A GREAT DEAL. THERE'S A VIDEO OF A PRESENTATION IN JULY 2015 WITH A CONSERVATION BIOLOGIST AND ONE OF THE FIRE PEOPLE BROUGHT IN BY BERKELEY AND OAKLAND AFTER THE '91 FIRE. HE DOES A FIRE DEMONSTRATION AND GREAT PRESENTATION. I ENCOURAGE YOU TO TAKE A FEW MINUTES TO WATCH THAT LEARN WHY YOU SHOULD NOT BE AFRAID OF EUCALYPTUS AND SUPPORT U.C. IN DEMOLISHING EUCALYPTUS.</p>	<p>canopy, trunk, and root systems. Even under careful construction practices supervised by a Certified Arborist, there remains a risk of loss when construction occurs in close proximity to trees to be retained, or individual trees that are to be relocated.</p> <p>Detailed landscaping plans have not yet been prepared for Housing Project #2, but preliminary plans include plantings of native species such as coast live oak, California buckeye, California bay, madrone, and toyon. Pursuant to CBP BIO-10, UC Berkeley would determine which, if any, of the trees on the project site meet the criteria for a specimen tree consistent with the Campus Specimen Tree Program. As described in CBP BIO-10, the replacement landscaping would be provided where specimen resources are adversely affected, either through transplanting of existing trees or through new horticulturally appropriate replacement plantings. The removal of existing trees and other plantings on the site would not affect a sensitive natural community type. New trees would be planted in the City of Berkeley right-of-way that would be selected and planted in cooperation with the City of Berkeley Urban Forestry staff. As concluded under impact discussion BIO-1, no major conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance are anticipated.</p> <p>The commenter suggests that the City of Berkeley Southside Plan recommends daylighting a creek through the Housing Project #2 site. The Southside Plan contains two policies pertaining to People's Park (Policies LU-B3 and CC-F7), neither of which make any reference to daylighting a creek. In addition, the City of Berkeley's Community GIS Portal for the address of People's Park (2556 Haste Street) for applicability of the provisions of the City of Berkeley Municipal Code Chapter 17.08, "Preservation and Restoration of Natural Watercourses," does not contain any records indicating the existence of any culverted creeks, and the property is not subject to the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
A3-227	<p>>> MAYOR J. ARREGUIN: YOUR TIME IS UP. I LET YOU GO OVER. NEXT SPEAKER IS MONEY LAW.</p> <p>>> CALLER: GOOD EVENING, COUNCIL. I SENT A COUPLE E-MAILS THAT PROVIDED MY STATEMENT I GAVE ON MARCH 29 AT THE PUBLIC HEARING IN WHICH JORDAN WAS PRESENT AND IT'S UNFORTUNATE THE UNIVERSITY'S NOT HERE THIS EVENING. YOU HAVE THE RIGHT AND DUTY AND OBLIGATION TO STAND UP TO THIS UNMITIGATED DISASTER. I READ MUCH THE REPORT AND SOME OF</p>	<p>provisions of this chapter of the Municipal Code. The Creek & Watershed Map of Oakland and Berkeley indicates that a tributary of Derby Creek once bisected the block occupied by People's Park, ending less than a block northeast of Bowditch Street. (Source: Sowers, J.M., and Richard, D.M., 2009, Creek & Watershed Map of Oakland & Berkeley (Fourth edition); Oakland Museum of California, Oakland, CA, 1:25,800 scale.) This map was compiled from city and county data, review of aerial photography, and field inspection. The historical locations of creeks were interpreted from 1939 aerial photography and 1850 to 1910 historical maps. The original creek alignment was filled as this part of Berkeley developed over 150 years ago, and surface water is now collected in the City of Berkeley's storm drainage infrastructure.</p> <p>The comment expresses concerns regarding eucalyptus trees, biological resources, and wildlife but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The only eucalyptus tree on the Housing Project #2 site is a silver dollar gum (#147) located along the Dwight Way frontage, and it is not proposed for removal, as indicated in Figure 5.3-5 and discussed on page 5.3-36 of the Draft EIR.</p> <p>Please also see Master Response 12, Biological Resources on the Housing Project #2 Site.</p> <p>This comment expresses an opinion about the alternatives to the proposed project evaluated in Chapter 6 of the Draft EIR. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue.</p> <p>Regarding displacement effects of Housing Project #1, please see Master Response 14, Displacement. Housing Project #2's effects to</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>THE ATTACHMENTS. THERE'S SO MANY COMMENTS TO BE MADE THERE'S TOO MANY IN THIS SHORT PERIOD OF TIME. PROJECT 1 WE ARE DISPLACING LONG-TERM TENANTS AT THE BEHEST OF THE UNIVERSITY NOT AFFORDABLE TO THOSE THEY WILL NOT BE ABLE TO AFFORD. PROJECT 2, THE PROJECT IS AN OPEN SPACE AND THE LAST OF OPEN SPACE REMAINING AND WE HAVE GOALS THAT ARE GOING TO BE FRANKLY OVER RIDDEN BY THE DEVELOPMENT IN THIS LOCATION. ALSO WITH REGARD TO BOTH LOCATIONS, THERE ARE ALTERNATIVES, THERE'S A TO IT OF EIGHT OPPORTUNITY SITES BY THE UNIVERSITY. I'VE BEEN FOLLOWING THE PROCESS THE PAST COUPLE YEARS AND SPOKEN WITH THE CHANCELLOR AT BERKELEY BREAKFAST CLUB AND PLEADED FOR ALTERNATIVES. CEQA REQUIRES THE SUBSTANTIAL EVIDENCE IS PRESENTED WHICH IS IT NOT FOR ALL POTENTIAL IMPACTS AND MEASURE TO REDUCE OR MITIGATE THE IMPACTS AND ANALYSIS OF ALTERNATIVES. THE CITY PAYS \$21 MILLION TO SUPPORT AND PAYS \$1.8 MILLION A YEAR. THEY'RE NOT DOING THEIR EQUAL FAIR SHARE. THEY'RE NOT DOING ANYTHING I AM PROUD OF AS A MEMBER OF THE ALMA MATER OF U.C. BERKELEY AND SADDENED TO SEE WHAT THEY PRESENTED AND THINK IT MUST BE CHALLENGED WITH ALL DUE SPEED.</p>	<p>open space supply are addressed under impact discussion REC-1 in Chapter 5.14, Parks and Recreation, on page 5.14-10 of the Draft EIR. Regarding the analysis of the project's impacts, mitigation measures, and alternatives, the comment expresses an opinion that the Draft EIR does not provide substantial evidence to support its findings but does not state a specific concern or question about the analysis contained in the Draft EIR. Therefore, a more specific response cannot be provided. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 18, Alternatives.</p>
A3-228	<p>>> MAYOR J. ARREGUIN: THANK YOU. NEXT SPEAKER IS JUNE. >> CALLER: I'M JUNE. I'M A RECENT U.C. BERKELEY GRADUATE AND RESIDENT. I THINK THE CITY NEEDS TO PUSH BACK AGAINST THE U.C. THE U.C. AUTONOMY AS A GENTRIFYING FORCE AND EXPAND WITH APPARENTLY NO BOUNDS IN SIGHT. AS YOU HAVE ALREADY TALKED ABOUT THOUGH THEY MAKE COMMITMENTS THEY DON'T HAVE CONCRETE PLANS TO STOP EXPANDING AND THEY'LL CONTINUE TO DRIVE UP THE COST OF LIVING AND DESTROY A COMMUNITY THAT'S BEEN HERE AND DESTROY THE HISTORY OF BERKELEY. I THINK THE CITY CAN'T ALLOW THE UNIVERSITY TO CONTINUE TO GET AWAY WITH THAT UNCHECKED EVEN AT THE MEETING THEY'RE NOT EVEN LISTENING. THERE NEEDS TO BE MORE CONSIDERATION ABOUT WHAT THE U.C. IS DOING BY PROPOSING THE PROJECTS AND GOING</p>	<p>Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources associated with the Housing Project #2 site. No evidence of any nesting by red-tailed hawk or owls was observed during the field reconnaissance surveys conducted during preparation of the Draft EIR. As indicated on page 5.3-21 of the Draft EIR, mature trees provide roosting and possible nesting locations for numerous species of birds, although no evidence of active nests was observed during the field surveys, which as described on page 5.3-1 in Chapter 5.3 of the Draft EIR, were conducted on August 20, 2020, and November 10, 2020. As discussed on page 5.3-27 of the Draft EIR, there is a remote possibility that one or more species of raptor or other native bird may establish a nest in the scattered trees on the site prior to construction. However,</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>THROUGH WITH THEM DESPITE A LARGE AMOUNT OF NEGATIVE PUBLIC RESPONSE. I ALSO WANT TO SAY PEOPLE’S PARK SPECIFICALLY IS A CITY LANDMARK AND CENTER OF COMMUNITY DEVELOPMENT LIKE RIGHT NOW LIKE AIDAN SAID THERE’S CLASSES GOING ON ALMOST EVERY DAY AT THE PARK. THERE’S MOVIE NIGHTS, THINGS GOING ON LIKE WE’RE BUILDING COMMUNITY. IT’S A BEAUTIFUL SPACE THAT SHOULD NOT BE BULLDOZED TO CREATE MORE STUDENT HOUSING THAT’S NOT EVEN GOING TO BE AFFORDABLE. IT WILL CONTINUE TO DRIVE UP THE PRICES ESPECIALLY WHEN THERE’S ALTERNATIVE SITES THAT SHOULD BE CONSIDERED. I ALSO WANT TO SAY THERE’S A LOT OF ENVIRONMENTAL IMPACTS THAT HAVE NOT BEEN CLEARLY ADDRESSED YET. FOR EXAMPLE, I KNOW THAT THERE ARE [INDISCERNIBLE] IN THERE AND RED HAWKS THAT NEST IN PEOPLE’S PARK AND OWLS THAT ARE PROTECTED THAT LIVE IN THE PARK. I THINK THERE’S MORE RESEARCH AND WORK THAT HAS TO BE DONE BEFORE ANY OF THESE DEVELOPMENTS OR THE ONES IN PEOPLE’S PARK CAN BE CONSIDERED.</p>	<p>implementation of CBP BIO-1 would ensure that appropriate preconstruction surveys are conducted and adequate avoidance of bird nests in active use is provided during construction at the site. Implementation of this and other CBPs would serve to address any potentially significant impacts on nesting birds or other special-status species. Therefore, the Draft EIR appropriately identifies anticipated impacts to nesting birds and special-status species as less than significant. Please also see Master Response 12, Biological Resources on the Housing Project #2 Site, and Master Response 15, Gentrification.</p>
<p>A3-229</p>	<p>>> MAYOR J. ARREGUIN: THANK YOU SO MUCH. NEXT SPEAKER ALISSA HARTINGER. >> CALLER: I’M A U.C. BERKELEY STUDENT AND LIFE LONG BERKELEY RESIDENT. OVER THE COURSE OF MY TIME IN BERKELEY I’VE WATCHED AS THE UNIVERSITY CHIPPED AWAY AT THE CULTURE AND AFFORDABILITY OF THE CITY THAT MAKES IT WHAT IT IS AND TIRED OF WATCHING REPRESENTATIVES SIT IDLY BY. PEOPLE’S PARK IS THE ONLY BIO SPACE A LAWN DOES NOT HAVE THE SAME COGNITIVE BENEFITS AS A BIO DIVERSE SWATH OF LAND AND IT PROTECTS TREES, BUTTERFLIES AND HAWKS AND OWLS AND CITY DWELLERS WHO NEED ACCESS TO BIO DIVERSE GREEN SPACES. MAYOR ARREGUIN YOU SAID DISPLACEMENT IS VIOLENCE. I AGREE WITH THAT STATEMENT AND IT’S A QUOTE AND TOOK THE WORDS TO HEART. I HOPE YOU DID AS WELL. DISPLACEMENT IS VIOLENCE WHETHER IT’S HOUSED OR UNHOUSED PEOPLE. DISPLACEMENT IS</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Chapter 5.3, Biological Resources, of the Draft EIR provides an assessment of the potential impacts of the proposed Housing Project #2 on vegetation and wildlife pursuant to CEQA using to the standards of significance identified on page 5.3-23 of the Draft EIR. Please see Response A3-226. Please also see Master Response 12, Biological</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>VIOLENCE WHETHER THROUGH DIRECT EVICTION OR MARKET RACE HOUSING SUCH AS U.C.'S RIDICULOUS PRICES AND REMOVAL OF RENT CONTROL PROPERTY. I BESIEGE EVERYONE AT COUNCIL TO REMEMBER WHAT MAKES OUR CITY GREAT OUR CULTURE AND COMMUNITY AND HISTORY AND DESTROYING THIS PARK WOULD BE A SHAME ON THE CITY AND ON THE COUNCIL. I SENSE THERE'S A FEELING OF HOPELESSNESS IN THE WAKE OF THE POLITICAL AND ECONOMIC WILL OF THE UNIVERSITY BUT STILL THINK IT'S WORTH IT FOR YOU TO MAKE A FUSS AND BE LOUD AND THE CITY IS BEING SMOTHERED AND NOW IS THE TIME TO FIGHT FOR THE CITY AND GO TO THE REGENTS AND FIGHT FOR BERKELEY AND CAN'T SIT BY AS THE CITY IS BULLDOZED LOT BY LOT. STAND UP AGAINST THE DAMAGING DEVELOPMENT AND DEMAND YOU SAVE PEOPLE'S PARK EVEN IF IT DOESN'T FEEL POLITICALLY FEASIBLE OR EASY OR THE MOST FEASIBLE THING TO DO. IT'S THE RIGHT THING TO DO OVER THE COURSE OF HISTORY AND SOME DAY YOU'LL LOOK BACK AND WISH YOU'VE DONE THE RIGHT THING. THANK YOU.</p>	<p>Resources on the Housing Project #2 Site.</p> <p>With respect to displacement, please see Master Response 14, Displacement.</p>
A3-230	<p>>> MAYOR J. ARREGUIN: THANK YOU. THE NEXT SPEAKER IS ELANA AURBACH.</p> <p>>> CALLER: THANK YOU. I AGREE WITH SO MANY COMMENTS. I WANT TO ENCOURAGE YOU TO USE THE OUTRAGE THAT COUNCIL MEMBER THAT I AGREE WITH COUNCIL MEMBER HAHN EXPRESSED FOR THIS IS SUPPOSED TO BE A PARTNERSHIP. THAT'S HOW IT WAS EXPLAINED. I DON'T KNOW THIS PROCESS WORKS AND WHO ULTIMATELY APPROVES THE PLAN AND MUST AS CITY OF BERKELEY SAY THESE ARE OUR DEMANDS AND THEY'RE PUSHING BACK AGAINST 48,000 STUDENTS IS WHAT THEY PROJECT. WHY? THEY'RE CURRENTLY 42,000 AND THAT'S ALREADY DEVASTATING OUR RENTAL AND HOUSING MARKET. WE CAN'T HOUSE OUR TEACHERS OR FIREFIGHTERS OR POLICE AND MOST THE CITY EMPLOYEES LESS ALONE OUR UNHOUSED PEOPLE. WE CAN'T HOUSE MORE STUDENTS IN OUR CITY. WITH REGARD TO THE PROJECTS, NUMBER ONE, NO. WE MUST SAVE 1921 WALNUT AND CANNOT BUILD ON PEOPLE'S</p>	<p>This comment expresses an opinion about the alternatives to the proposed project evaluated in Chapter 6 of the Draft EIR. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, a more specific response cannot be provided. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>Regarding displacement effects of Housing Project #1, please see Master Response 14, Displacement. Impacts to open space supply are addressed under impact discussion REC-1 in Chapter 5.14, Parks and Recreation, on page 5.14-10 of the Draft EIR.</p> <p>With respect to public services, please see Chapter 5.13, Public Services, of the Draft EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>PARK. THERE'S ALTERNATIVES. THIS OF THIS FALLS SHORT OF ANYTHING VISIONARY AND INCLUDING THE CITY OF BERKELEY AND RESIDENTS OF BERKELEY AS PARTNERS AND MEETING US ON EQUAL GROUND. I DON'T KNOW WHERE ALL THIS BUILDING IS GOING TO HAPPEN AND PEOPLE'S PARK OF COURSE BUT ALL THE OTHER GREEN SPACES. I ENCOURAGE YOU TO PUSH BACK AND SAY YOU KNOW WHAT, YOU NEED TO HAVE SATELLITE CAMPUSES. NO MORE BUILDING IN BERKELEY FOR THE U.C. THANK YOU.</p>	<p>No sites outside of the LRDP Planning Area are considered viable options to reduce the environmental impacts described in the Draft EIR. Please see Chapter 6, Alternatives to the Proposed Project, of the Draft EIR for a complete explanation of the contents of the chapter. Please also see Master Response 18, Alternatives.</p>
A3-231	<p>>> MAYOR J. ARREGUIN: THANK YOU. NEXT SPEAKER IS THE CALLER ENDING 915. >> CALLER: THIS IS THOMAS HORT DISTRICT 2. THE UNCONTROVERSIAL SCIENTIFIC CONSENSUS IS FOSSIL FUEL EXTRACTION AND BURNING OF FOSSIL FUELS MUST FALL BY HALF IN FEWER THAN NINE YEARS. MOST OF THAT REDUCTION MUST HAPPEN SOONER RATHER THAN LATER. NO BUSINESS AS USUAL SCENARIOS INCLUDING THE EXPANSION OF [INDISCERNIBLE] AND ABANDONING UNVIABLE PLAN AND STRUGGLING TO SURVIVE. BUSINESS AS USUAL IS LITERALLY IN THIS CASE, GENOCIDAL, ECOCIDAL AND THERE ARE SUICIDAL. OUR OWN LOVED ONES ARE DOOMED IN THE PLANS WE'RE DISCUSSING. THESE FACTS MUST BE BUT ARE NOT CENTRAL TO ALL POLICY DISCUSSIONS INCLUDING THIS ONE ABOUT THE CITY'S OFFICIAL COMMENTS ON THE DRAFT IMPACT RECORD. VAGUE AND PSEUDOSCIENTIFIC MENTIONS OF V.M.T. PROJECTIONS OR OTHERS ARE CLIMATE EMERGENCY DENIAL AND DON'T RISE TO THE SEVERITY AND YOU KNOW THAT. YOU MUST DEVELOP THE COURAGE TO TALK ABOUT IT. I WOULD TELL YOU ALL TO GO TO HELL BUT IT WOULD BE REDUNDANT BECAUSE YOUR DRIVING THERE WITH YOUR PEDALS TO THE METAL. THANK YOU.</p>	<p>This comment expresses general opinions but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-232	<p>>> MAYOR J. ARREGUIN: IF MEMBERS OF THE PUBLIC BE CIVIL OF THE AND EACH OTHER THAT WOULD BE GREATLY APPRECIATED. THE NEXT SPEAKER IS CAT. >> CALLER: I'M A RECENT BERKELEY GRADUATE AS WELL AS A BERKELEY RESIDENT. AND I WOULD FIRST OF ALL LIKE TO URGE THE</p>	<p>This comment expresses opinions but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>CITY COUNCIL TO CENTER UNHOUSED PEOPLE AND FOLKS OF COLOR AND INDIGENOUS AND TRANS PEOPLE AND LOW-INCOME FOLKS ALL VITAL PARTS OF OUR CITY'S COMMUNITY AND WHO FIND SPACES AND HOMES FOR THEMSELVES IN PLACES LIKE PEOPLE'S PARK AND 1921 WALNUT STREET. I'D LIKE TO URGE CITY COUNCIL TO CENTER THE NEEDS OF THE FOLKS IN OUR COMMUNITY MOST VULNERABLE AND HAVE THE MOST TO LOSE FROM THESE DEVELOPMENTS. I URGE THE COUNCIL TO STAND IN SOLIDARITY WITH TENANT AND UNHOUSED FOLKS WHO ARE VITAL MEMBERS OF THE COMMUNITY. LOW-INCOME BERKELEY STUDENTS WILL NOT BE HOUSED BY THE DEVELOPMENTS AS MENTIONED BEFORE BECAUSE THE UNITS WILL NOT BE AFFORDABLE. PEOPLE'S PARK SPECIFICALLY IS A CENTER OR COMMUNITY BUILDING. IT'S A CENTER FOR MUTUAL AID. BESIDES THAT AS SOMEONE WHO STUDIED ENVIRONMENTAL SCIENCE AT BERKELEY AND HAS DONE RESEARCH WITH VARIOUS PARTS OF BERKELEY AND FOR NASA, THE PARK DOES SERVE AN IMPORTANT ECOLOGICAL PURPOSE BECAUSE IT SUPPORTS REALLY IMPORTANT RAPTOR SPECIES SUCH AS THE RED TAIL HAWK AND PEREGRINE FALCONS WHICH COULD BE THE SAME ONE THE UNIVERSITY IS PROUD OF AND SPOTTED OWL PROTECTED BY THE STATE. THIS SPACE IS ONE OF THE FEW LIKE OPEN SPACES THAT CAN'T AFFORD THE BIRDS AS HUNTING GROUNDS AND THIS IS AN IMPORTANT SPACE FOR THE BERKELEY COMMUNITY. FIRST AND FOREMOST THE PEOPLE WHO MAKE UP THE COMMUNITY HAVE TO BE PRIORITIZED. THANK YOU.</p>	<p>and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Please also see Master Response 12, Biological Resources on the Housing Project #2 Site, and Master Response 14, Displacement.</p>
A3-233	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS NATHAN MIZEL. >> CALLER: HI, COUNCIL. I'M SPEAKING AS AN INDIVIDUAL TONIGHT. IN GENERAL TERMS AND I HAVEN'T READ ALL 1,000 PAGES OF THE E.I.R., SOME THOUGHTS. IT'S IMPORTANT FOR THE CITY TO CONSIDER ITS POSITIONALITY WHEN IT COMES TO THE UNIVERSITY. INCREASINGLY IT'S CLEAR YOU'RE NOT VIEWED AS EQUAL PARTNERS. MAYBE NOT AS PARTNERS AT ALL IN SOME CASES. SOME THINGS THE UNIVERSITY TAKES ON ISN'T ALIGNED WITH THE CITY AND PEOPLE'S</p>	<p>This comment expresses opinions but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>PARK IS A GOOD EXAMPLE. OUR OWN RESOLUTION ORDNANCE WOULD REQUIRE A CITY VOTE FOR ANY OPEN SPACE OR PARK TO BE USED TO BE BUILT ON AND STUDENTS VOTED OVER AND OVER AGAIN THEY DON'T WANT THE PARK TO BE BUILT ON AND THERE'S SPECIES THAT BENEFIT FROM THE LAND. I LIVE A BLOCK AWAY FROM THE OWLS EVERY NIGHT AND HEAR THEM AND IT'S NICE IT HEAR. CONSIDER HOW WE INTERACT WITH THE UNIVERSITY AND SPEAK UP. I KNOW YOU'RE DOING THE WORK BEHIND THE SCENES AND MORE WE DON'T SEE BUT SOMETIMES A MORE ACTIVE VOICE IS NEEDED AND WITH THE UNIVERSITY AS I LEARNED IN MY TIME IN STUDENT ADVOCACY I CAN SAY NICE THINGS IN NICE MEETINGS WITH THE UNIVERSITY AND SOMETIMES THINGS HAPPEN BUT A LOT OF TIMES YOU HAVE TO SPEAK UP AND REMIND THE SAME FOR Y'ALL. AND TO MENTION THE ENVIRONMENTAL IMPACTS VISION ZERO OR WITH TELEGRAPH AVENUE AND GET RID OF PARKING THAT STAYS THE SAME OR INCREASES WITH THE PLAN BEING PRESENTED. WHEN IT COMES TO THE PARKING FOR THE AQUATIC CENTER AND UNIVERSITY, THEY'LL PROBABLY DO THAT TO BE USED BY LESS THAN 1% OF U.C. STUDENTS AND DOESN'T DO ANYTHING FOR THE REST OF THE COMMUNITY AND NOW WE'RE ASKING THEM TO BUILD PARKING AMID THE PARKING AND HOUSING CRISIS THEY SAY WE CAN'T DO IT AND TOO HARD AND COMPLICATED. I SAY KEEP THEM ACCOUNTABLE FOR THAT KIND OF THINKING AND PRESS THEM HARD. THANKS.</p>	<p>and EIR.</p> <p>Please also see Master Response 12, Biological Resources on the Housing Project #2 Site, and Master Response 14, Displacement.</p>
<p>A3-234</p>	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS PHIL. >> CALLER: THIS IS PHIL BOCAVOV WITH THE SOUTH SIDE NEIGHBORHOOD CONSORTIUM. I HAVE TWO VERY BRIEF COMMENTS. AN OVERVIEW IS THIS IS PERHAPS THE MOST DEFICIENT ENVIRONMENTAL DOCUMENT I'VE EVER REVIEWED. IT'S THOUSANDS OF PAGES WHEN YOU INCLUDE THE ADDENDICES AND INCLUDES ALMOST NO DATA OR ANALYSIS OF THE NEEDS OF THE UNIVERSITY OVER THE NEXT 15 YEARS. ALL IT DOES IS MAKE ASSUMPTIONS AND PUT OUT A WISH LIST OF WHAT THE UNIVERSITY WOULD LIKE TO</p>	<p>This comment expresses an opinion about enrollment and the evaluation of enrollment in the Draft EIR, and the alternatives to the proposed project evaluated in Chapter 6 of the Draft EIR, specifically, the CEQA-required No Project Alternative. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, a more specific response cannot be provided. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>DO. I THINK AS THE STAFF AND CITY FORMULATE COMMENTS THIS ISSUE NEEDS TO BE FIRST AND FOREMOST. THE TWO MORE DETAILED COMMENTS ARE THAT NOWHERE IN THE PROJECT DESCRIPTION IS ENROLLMENT REALLY REFERRED TO AS PART OF THE PROJECT SO NOT ANALYZED AND CONTRAVENTION TO THE CASE WE WON LAST YEAR AGAINST THE UNIVERSITY IN THE APPELLATE COURT THAT SAID ENROLLMENT IS A PROJECT IS A PROJECT THAT NEEDS TO BE ANALYZED AND THE SECOND PIECE IS THE NO ALTERNATIVE ASSUMES CONTINUED ENROLLMENT GROWTH WITH NO JUSTIFICATION OR ANALYSIS FOR THAT GROWTH. OUR DATA INDICATES THE NUMBER OF U.C. HIGH SCHOOL SENIORS BETWEEN NOW AND 2035 WILL DROP 30%. IT'S INTERESTING THAT THEY'VE PRESENTED NO DATA ON THEIR LONG-TERM ENROLLMENT PROJECTIONS. THAT'S ALL I HAVE TO SAY. I APPRECIATE THE SUPPORT OF THE COUNCIL AND LITIGATION WE HAVE SO FAR AND AS YOU KNOW WE HAVE A TRIAL ON FRIDAY AND WE'LL PROBABLY HAVE AN OUTCOME. THANK YOU.</p>	<p>Commenters.</p> <p>With respect to enrollment, please see Master Response 8, Population Projections. The comments are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Contrary to the commenter's assertion that no explanation is provided for why the CEQA-required No Project alternative (Alternative A) continues the same population as the proposed project. As stated on pages 6-11 and 6-12, of the Draft EIR, varying factors affect UC Berkeley population levels, and State policies require the UC System to enroll a proportion of California high school graduates eligible for admission to state universities. The LRDP itself does not set a maximum population limit or target. In addition, the buildout horizon year of the 2036-37 school year is only for the purposes of providing the basis for identifying the development needed to accommodate projected enrollment and UC Berkeley population growth through a defined period and evaluating the associated long-range environmental impacts in this EIR. As such, while the proposed LRDP Update is intended to accommodate changes in UC Berkeley population, UC Berkeley does not control UC Berkeley population through implementation of its LRDP but rather the undergraduate student population is mandated by the State. Therefore, under the No Project Alternative, UC Berkeley population estimates would remain the same as under the proposed project, but without the accommodations in capital development (including student housing and related development) provided through the proposed LRDP Update.</p>
A3-235	<p>>> MAYOR J. ARREGUIN: THANK YOU, NEXT IS TIM FRANK. >> CALLER: THANK YOU VERY MUCH. I APPRECIATE ALL YOUR ATTENTION NO WITHSTANDING THE FACT THE UNIVERSITY ISN'T HEAR THIS EVENING TO THIS IMPORTANT ENDEAVOR. I'M SPEAKING ON BEHALF OF THE ALMEIDA NEIGHBORHOODS AND TRADES</p>	<p>The commenter expresses an opinion about labor agreements related to construction projects, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>COUNCIL. IF YOU LOOK AT THE WORK THAT THEY'RE ARE PROPOSING, THERE'S A HUGE CONSTRUCTION COMPONENT ASSOCIATED WITH THIS AND WHILE IT'S TRUE THAT THEY HAVE LITTLE DATA REQUIREMENTS IT'S ALSO TRUE THEY CAN DO MORE AS THE CITY'S DONE MORE. THE CITY CREATED VOLUNTARILY A PROJECT LABOR AGREEMENT THAT ACTUALLY IS QUITE FORWARD THINKING AND ASSURES THERE ARE LOCAL HIRE PROVISIONS AND THERE'S A SYSTEM IN PLACE TO PROVIDE TRAINING FOR BERKELEY RESIDENTS AND THE UNIVERSITY'S WORK CAN HAVE THE SAME KIND OF BENEFICIAL IMPACT ON THE CITY IF THEY WERE TO TAKE THE EFFORT TO DO THAT. AND WE THINK IT WOULD BE WORTHWHILE FOR THE CITY TO ENCOURAGE THEM TO DO JUST THAT. THE AREAS MOST MITIGATED WOULD BE SOUTH AND WEST BERKELEY WHERE IS WHERE MOST CONSTRUCTION EMPLOYEES LIVE AND WE THINK THESE NEIGHBORHOODS HAVE REAL NEEDS AND THE UNIVERSITY HAS AN OPPORTUNITY TO ADDRESS THOSE NEEDS AND FOR THE WORK THE CITY HAS DONE THROUGH IT'S OWN PROJECT AGREEMENT SAY MODEL AND WORTHY OF OUR CONSIDERATION. THANK YOU.</p>	<p>see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-236	<p>>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH. NEXT SPEAKER IS PAULA VERDE. >> CALLER: GOOD EVENING MR. MAYOR AND COUNCIL MEMBERS AND I'M SPEAKING ON BEHALF OF THE BERKELEY UNION AND THE CITY NEEDS TO ACT ON BEHALF OF THE 1921 WALNUT AND THE DISPLACE MANY OF TENANT AT 1921 WALNUT IS UNACCEPTABLE AND THE CITY NEEDS TO STAND UP TO THIS. WE NEED YOU TO STAND UP FOR TENANT AND PROTECT PEOPLE'S PARK FOR CEQA VIOLATIONS AND DISPLACING TENANT AT 1921 WALNUT STREET AND REMOVING PEOPLE'S PARK AND IN ADDITION NOT IN LIEU OF, ASK THE MAYOR USE HIS INFLUENCE THANK YOU AND CEDE MY TIME TO MR. LOUIS.</p>	<p>Please see Master Response 14, Displacement. This comment also expresses opinions about the proposed project that are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-237	<p>>> MAYOR J. ARREGUIN: OKAY. WE'LL ADD AN ADDITIONAL MINUTE TO MR. LOUIS. CATHY HAMMERGRIN. >> CALLER: I'VE BEEN SLOW TO COME TO TRYING TO SAVE PEOPLE'S</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>PARK AND WE HAVE SUCH LITTLE OPEN SPACE LEFT IN BERKELEY THINK WE SHOULD DO WHAT WE CAN. AND LOSING MATURE TREES IS JUST REALLY A TRAGEDY. IT SEEMS LIKE THEY HAVE TO LOOK AT OTHER SITES. THE FIRST SPEAKER OF THE EVENING, MICHAEL KATZ, THE MOST SUSTAINABLE CONSTRUCTION IS REUSE OF EXISTING BUILDINGS. I CERTAINLY THINK THAT SHOULD BE A STRONG POINT THAT'S IN THE RESPONSE YOU'LL BE MAKING AND I'LL ADD IT TO MY OWN RESPONSE. AND THE E.I.R. IS SAYING THERE'S LITTLE IMPACT ON THE CITY BY ADDING ALL THE BUILDING AND STUDENTS. I ALWAYS HEARD OR BEEN UNDER THE IMPRESSION AND AS MENTIONED BY MONY ROY AND WHERE DOES IT PUT US IN RECOUPING THE COST OF UTILITIES AND FIRE AND POLICE AND ALL THE OTHER THINGS WE DO FOR THE UNIVERSITY THAT'S PAID FOR BY THE RESIDENTS OF THIS CITY? THOSE ARE MY COMMENTS AND WISH I COULD HAVE HEARD FULL COMMENTS FROM THE COUNCIL FIRST BECAUSE I WOULDN'T HAVE NEEDED TO SAY ANYTHING. THANK YOU VERY MUCH.</p>	<p>does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Alternate locations for Housing Projects #1 and #2 were considered for the Draft EIR but were rejected as being infeasible, as described on pages 6-5 to 6-6 in Chapter 6, Alternatives to the Proposed Project, of the Draft EIR. Potential impacts to the City of Berkeley's public services were evaluated in the Draft EIR in Chapter 5.13, Public Services, and potential impacts to the City of Berkeley's utilities were evaluated in Chapter 5.17, Utilities and Service Systems. Please also see Master Response 18, Alternatives.</p>
A3-238	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS TARA BLOSSOM. >> CALLER: THE U.C.'S THE LARGEST LAND OWNING INSTITUTION IN BERKELEY AND HAVE OTHER SPACES TO BUILD HOUSING BESIDES WALNUT AND PEOPLE'S PARK. FOR EXAMPLE THE EMPTY CHANCELLOR'S MANSION OR THE ACRES AROUND THE MANSION. BY BUILDING ON PEOPLE'S PARK OR ON WALNUT STREET THE U.C. IS DESTROYING AFFORDABLE HOUSING AND TAKING AWAY CRUCIAL RESOURCES FOR UNHOUSED BERKELEY. IT'S TELLING THE U.C. IS SO INVESTED IN DESTROYING THESE SPECIFIC LANDMARKS WHILE PROTECTING THE GREEN SPACES OF THEIR MOST WEALTHY EMPLOYEES AND STUDENTS, FOR EXAMPLE, THE CHANCELLOR'S MANSION WHICH IS EMPTY OR THE LAND AT CLARK KER. I WANT TO REITERATE THAT DISPLACING IS VIOLENCE. IT'S CLEAR THE U.C. IS HARMING LOW INCOME AND UNHOUSED FOLKS A DISPROPORTIONATE AMOUNT IS BLACK AND BROWN PEOPLE AND IT'S DISGUSTING. THERE'S A CORRUPT AND MORAL ANGLE TO THE</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Please see Master Response 14, Displacement. Also, note that as described in Chapter 3, Project Description, of the Draft EIR, and shown in Table 3-1, Proposed LRDP Update Buildout Projections, on page 3-25, the proposed project could result in up to 2,364 new beds on the Clark Kerr Campus.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-239	<p>ISSUE. STOP THE U.C. FROM TAKING OVER THE CITY OF BERKELEY AND STOP THEM FROM DISPLACING THE RESIDENTS OF WALNUT STREET AND PEOPLE'S PARK. I CEDE MY TIME.</p> <p>>> MAYOR J. ARREGUIN: THE NEXT SPEAKER IS BRADLEY HARPER. >> CALLER: I'M SPOKEN WITH YOU BEFORE AND TO ME LISTENING TO EVERYTHING SAID THIS EVENING, THE FIX IS IN. U.C. BERKELEY HAS BEEN TRYING TO DEVELOP PROPERTY AT PEOPLE'S PARK SINCE HOUSING. YOUNG MARINE COMING BACK FROM VIETNAM, THEY SHED BLOOD TO PROTECT THAT PARK. ON THE STREET OF DURANT AND TELEGRAPH I GOT MY BUTT WHOOPED BY THE COPS. TO ME, I'M NOT SURE WHO IT IS BUT SOMEBODY OVER THERE HAS AN IN WITH SOMEBODY OVER THERE MEANING THE CITY OF BERKELEY. YOU GUYS, THE CITY NEEDS TO STAND UP TO U.C. BERKELEY AND DEMAND THEY KEEP THEIR FINGERS OUT OF PEOPLE'S PARK. IT'S AN INTERNATIONAL LOCATION. PEOPLE COME FROM MILES AROUND. I'M SLIGHTLY NERVOUS RIGHT NOW BECAUSE I'M VERY EMOTIONAL ABOUT THIS PROJECT. IF YOU LET THIS HAPPEN, ON YOUR WATCH IT WILL HAUNT YOU FOREVER. PEOPLE'S PARK IS SACRED. PEOPLE DIE FOR IT. IT IS NOT TO BE DEVELOPED. IT'S TO BE ENJOYED. THAT'S ALL I GOT TO SAY.</p>	<p>Please also see Master Response 18, Alternatives.</p> <p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-240	<p>>> MAYOR J. ARREGUIN: THANK YOU. OF THE NEXT SPEAKER IS COLIN USER 1. >> CALLER: CAN YOU HEAR ME? >> MAYOR J. ARREGUIN: YES. >> CALLER: THIS IS CORRELATION TO PROTECT EAST BAY FOREST. PEOPLE'S PARK HOSTS WILDLIFE AND COMMUNITY EVENTS AND ACTIVISTS THAT SHARE FOOD AND GROW GARDENS. THE SERVICE IS WORTH MORE THAN THE PROPOSED DEVELOPMENT AND FURTHER COMPOUNDS THE HOUSING CRISIS BY INCREASING THE UNIVERSITY POPULATION ALREADY IN VIOLATION OF CITY AGREEMENTS AND IT'S -- U.C. DECLARES THE E.I.R. TO PROVIDE BLANKET PERMISSION FOR UNSPECIFIED FUTURE PROJECTS TO LIMIT CEQA COMPLIANCE AND COMMUNITY INVOLVEMENT. U.C. DIDN'T LET ENVIRONMENTAL LOSS</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Chapter 5.3, Biological Resources, of the Draft EIR provides an assessment of the potential impacts of the proposed Housing Project #2 on vegetation and wildlife pursuant to CEQA using to the standards</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>OR FOREST GETS IN ITS WAY OF EXPANSION. HILL CAMPUS TARGETED WAS AMONG SEVERAL AGENCY'S PROJECTS REVIEWED IN THE EAST HILLS WHICH WOULD HAVE DESTROYED HALF A MILLION TREES ON THOUSANDS OF ACRES ON UNIVERSITY PARK, DIRECT AND LAND AN APPROPRIATE FUNDS NOR SAME DEVELOPMENT SCHEME WAS STOPPED IN COURT AS WAS ADDENDUM TO THE PREVIOUS E.I.R. WHICH BERKELEY TRIED TO SNEAK PAST CEQA BUT THEY CLEAR CUT THE RIDGE BEFORE THE E.I.R. WAS DONE AND NEW THEY TARGET MULTIPLE E.I.R.S ONE CHALLENGED IN COURT YET AGAIN. TWO YEARS AGO WITHOUT WARNING U.C. KILLED DOZENS OF TREES AT PEOPLE'S PARK ROBBING OF COOLING SHADE. RECENTLY WITH THE E.I.R. ONGOING, U.C. DRILLED FOR SOIL SAMPLES WITHOUT CONCERN FOR THE CREEK THAT RUNS BELOW IT. I ASK CITY OFFICIALS TO OPPOSE AND ATTEMPTS TO DEMOLISH PEOPLE'S PARK WILL MEET US AND IT REQUIRES PEOPLE'S PARK AND FOR ALL PROTECTED AS A HISTORICAL LANDMARK THAT BELONGS TO THE UNIVERSITY AND NOT COMMUNITY. AS FOR THE EUCALYPTUS AND WILDFIRES, SEE MILLIONSTREES.UE. THANK YOU.</p>	<p>of significance identified on page 5.3-23 of the Draft EIR. Please see Response A3-226. Please also see Master Response 12, Biological Resources on the Housing Project #2 Site.</p>
A3-241	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS REBECCA FINK. >> CALLER: GOOD EVENING, EVERYONE. SO MANY PEOPLE HAVE SPOKEN IN A BEAUTIFUL WAY. WE HAVE SO MANY AMAZING ACTIVISTS IN BERKELEY DOING DEEP WORK RIGHT NOW FOR OUR UNHOUSED CITIZENS AND RESIDENTS AND BLACK AND BROWN COMMUNITY AND THERE WERE OTHER SITES WE CAN GO TO AND OTHERS MENTION THE RED TAIL AND OWLS AND PEREGRINE FALCONS. ALICIA MENTIONED MENTAL HEALTH AND DISPLACEMENT. WE'RE ALSO IN A SITUATION WITH THAT SACRED LAND ALSO IN DANGER. I MYSELF WAS BORN HERE AT THE HOSPITAL IN 1970 AND I ATTENDED BLUE FERRY LAND NURSERY SCHOOL. I RAN FREE IN PEOPLE'S PARK WITH MY MOTHER IN THE WOMEN'S MOVEMENT AND WENT TO CRAGMONT AND ROSA PARKS AND WENT TO KING AND BERKELEY HIGH, 41 YEARS OF MY 51 YEAR. I LOVE THIS CITY. THE WORLD THINKS WE'RE PROGRESSIVE AND CARE ABOUT OUR</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Chapter 5.3, Biological Resources, of the Draft EIR provides an assessment of the potential impacts of the proposed Housing Project #2 on vegetation and wildlife pursuant to CEQA using to the standards of significance identified on page 5.3-23 of the Draft EIR. Please also see Master Response 12, Biological Resources on the Housing Project #2</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-242	<p>COMMUNITY HERE. THIS PAST YEAR I'VE GOTTEN DEEPLY ACTIVE IN THE COMMUNITY IN A WAY I NEVER HAVE BEFORE INSPIRED BY WHAT WE'VE SEEN IN THE LAST YEAR AND FIGHTING FOR OUR DIVERSITY. OUR BEAUTIFUL BELOVED COMMUNITY WE WANT TO HAVE HERE. THE NATURE AND HISTORY. LIKE BRADLEY HARGER SAID, THIS IS SACRED SPACE HERE. THIS IS UNCEDED TERRITORY AND PEOPLE'S PARK IS SACRED AND IT'S MY HISTORY AND THE HISTORY OF BERKELEY AND SAD THE UNIVERSITY -- I WENT TO SANTA US CRUZ AND SAD THE REASON PEOPLE WANT TO LEARN HERE IS BECAUSE BERKELEY IS A VERY SPECIAL PLACE. WE'VE LOST OUR WAY. I ASK YOU ALL CONSIDER THAT AND THINK ABOUT YOUR LEGACY HERE AND OUR LEGACY HERE. PLEASE CONSIDER THAT. BLESSINGS TO YOU ALL THAT YOU LOOK INTO YOUR HEART AND FIND A WAY.</p> <p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS SILVIA. >> CALLER: I'M SILVIA A U.C. BERKELEY STUDENT. I WANT TO SAY WHAT THE UNIVERSITY WANTS TO DO IS TERRIBLE. FIRST OF ALL, DEFEND 1921 WALNUT STREET, RENT CONTROLLED BUILDING TO BUILD IS DISGUSTING AND WANT TO CALL ON THE CITY COUNCIL BECAUSE YOU TALKED ABOUT THE PROJECT AND THERE'S SUPPORT FOR DEFENDING WALNUT STREET BUT I WANT TO SEE THE SAME ENERGY AND ENTHUSIASM AND WILLINGNESS TO SAY THE TRUTH ABOUT PEOPLE'S PARK. BECAUSE PEOPLE'S PARK IS A CITY LANDMARK AND ESSENTIAL SPACE FOR CULTURE AND MUTUAL AID AND GREEN SPACE AND ALL THESE THINGS. IT'S RIDICULOUS. DO SOMETHING. USE YOUR POSITION TO DO SOMETHING ABOUT IT. TELL THE UNIVERSITY TO SCREW OFF. AND WHATEVER POLITICAL TOOLS YOU HAVE AT YOUR DISPOSAL. THE PEOPLE WHO LIVE IN PEOPLE'S PARK AND THE PEOPLE WHO USE PEOPLE'S PARK DON'T HAVE THE POLITICAL POWER AND INFLUENCE AND FANCY POLICIES AND WHATEVER THE UNIVERSITY HAS, THE MEANS TO MAKE A 1,000 PAGE PROPOSAL AND USE A SHADY NONPROFIT TO PROPOSE HOUSING THAT CAN COST UP TO \$1400 A MONTH \$1,400 A MONTH HOW WILL THAT HOUSE THE HOMELESS IN THE PARK. THEY SAID IT</p>	<p>Site.</p> <p>With respect to displacement, please see Master Response 14, Displacement.</p> <p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 14, Displacement. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
A3-243	<p>COULD COST MORE. THE U.C. DORM WILL COST MORE THAN THAT. IT'S A WHOLE ANOTHER LEVEL. DEFEND THE PARK AND DO SOMETHING WITH YOUR POWER. I'LL POWER TO THE PEOPLE. THAT'S MY SPEECH.</p> <p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS GABRIELLE PARK. >> CALLER: THERE'S NO ONE FROM ADMINISTRATION AT U.C. BERKELEY SHOWED UP TODAY. I'M A CURRENT SECOND YEAR AT CAL AND I ALSO STAND AGAINST THE GENTRIFICATION OF THE PARK. ADMINISTRATION IS NOT WILLING TO LISTEN TO EITHER OF US BUT IF WE COME TOGETHER AND USE THE LEVERAGE WE HAVE WE COULD BE MORE ABLE TO FURTHER THE EFFORTS WE'RE WORKING ON AND SECOND WHAT HAS BEEN SAID ABOUT YOU USING YOUR POLITICAL POWER TO STAND AGAINST THE ADMINISTRATION AND AGAINST BERKELEY'S GENTRIFYING EFFORTS. GENTRIFYING EFFORTS. ADMINISTRATION HAS BEEN CONSTANT IN IGNORING US. I APPRECIATE YOU GUYS MAKING EFFORTS AS WELL AND I YIELD THE REST OF MY TIME. THANK YOU.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Please also see Master Response 14, Displacement, and Master Response 15, Gentrification. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-244	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS KAYLA. >> CALLER: I'M A BERKELEY RESIDENT AND WANT TO REITERATE WHAT A NUMBER OF THE COMMUNITY MEMBERS HAVE JUST SAID. TO ASK YOU TO DEFEND PEOPLE'S PARK AND THERE'S COMMUNITY LOSS AND THERE'S SO MUCH MUTUAL AID AT THE PARK AND DEFENDING OF OUR MORE VULNERABLE COMMUNITY MEMBERS. AND MAYOR YOU RAN ON A NO DEVELOPMENT PLATFORM AND EXPECT YOU TO STAY WITH THAT AND TO NOT KEEP ALLOWING U.C. BERKELEY TO FURTHER DEVELOP AND KEEP GENTRIFYING OUR HOME.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Please also see Master Response 15, Gentrification. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-245	<p>>> MAYOR J. ARREGUIN: THANK YOU. THE NEXT SPEAKER IS ANDREA PRICHETTE. >> CALLER: I MOVED HERE IN 1981 TO GO TO CAL AND I GOT MY EDUCATION THERE AND PART OF MY EDUCATION IS REALIZING WHAT A MULTI UNIVERSITY IS AND WHAT IS YOUR LONG RANGE DEVELOPMENT PLAN FOR THE CITY AND YOUR VISION? ARE YOU</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>DOES YOUR VISION INCLUDE FIGHTING OR THE LONG TERM RESIDENTS OF THE CITY AND INCLUDE FIGHTING OR ACCESS TO COMMUNITY AND TO BE ABLE TO HAVE INFORMED STABLE COMMUNITIES OR ARE WE DESTINED TO BE BECOME A FOUR-YEAR EDUCATIONAL STOP FOR PEOPLE FROM OTHER SPACES. I HAVEN'T HAD A CHANCE TO READ THE E.I.R. IN DETAIL BUT DO I KNOW THIS, THE WORLD HAS BEEN UP ENDED BY THE PANDEMIC AND SOME ASSUMPTIONS IN WHICH THE E.I.R. ARE BASED, I WANT TO CHALLENGE. FOR EXAMPLE, MODELS OF DENSITY SO POPULAR IN THE LAST DECADE AND THE NOTION OF KEEP PILING PEOPLE ON AS DENSE AS YOU CAN IS NOT A GOOD IDEA WHEN PANDEMICS ARE PREDICTED IN THE FUTURE. I ALSO WANT TO TELL YOU THAT EDUCATION HAS BEEN UP ENDED AND DISTANCE LEARNING IS HERE IT STAY AND HOW WILL THAT IMPACT UNIVERSITY AND STUDENT POPULATIONS? I DON'T KNOW BUT I DON'T THINK ANYBODY DOES. I NEED YOU TO FIGHT FOR US TO HAVE A CITY. I'M CURIOUS TO HEAR YOU DESCRIBE AND THE REASON THE UNIVERSITY IS NOT AT YOUR MEETING BECAUSE THEY DON'T CARE. YOU DON'T MATTER TO THEM. THE CITY DOESN'T MATTER TO THEM. IT'S A DETAIL. THE QUESTIONS ARE YOU GOING TO STAND UP AND BUT IT WOULD AT LEAST BE AN HONOR TO FIGHT WITH YOU BUT YOU HAVE TO LEAD. YOUR IN THAT SPOT. YOU'RE IN THAT CHAIR.</p>	<p>Master Response, 3, COVID-19. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-246	<p>>> MAYOR J. ARREGUIN: THANK YOU. >> I'M GOING KEEP MY COMMENT SHORT BUT I WANTED TO FIRST START OFF BY POSING THE QUESTION, WHAT IS BERKELEY WITHOUT TEAM'S PARK? IF YOU BUILD ON PEOPLE'S PARK YOU'RE GOING AGAINST EVERYTHING YOU STAND FOR. ARE YOU REPRESENTING THE INTEREST OF THE UNIVERSITY FOR THE INTEREST OF THE PEOPLE YOU SAY YOU REPRESENT. THERE'S SO MANY PLACES THE U.C. CAN BUILD BUT SPECIFICALLY WANT TO BUILD ON PEOPLE'S PARK. THEY CAN BUILD ON THE CHANCELLOR'S MANSION BUT WANT TO SPECIFICALLY BUILD ON PEOPLE'S PARK. WE'RE FACING AN EXISTENTIAL CRISIS AND BUILDING ON PEOPLE'S PARK SAYS YOU'RE</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
A3-247	<p>NOT TAKING CLIMATE CHANGE SERIOUSLY. YOU'RE NOT TAKING SOCIAL JUSTICE SERIOUSLY. I KNOW THE RIGHT THING IS NOT EASY AND DIFFICULT BUT STAND AGAINST THE UNIVERSITY DON'T LET THEM CONTROL YOU BECAUSE THAT'S WHAT YOU'RE DOING. THANK YOU.</p> <p>>> MAYOR J. ARREGUIN: THANK YOU. THE NEXT SPEAKER IS CECILIA. >> CALLER: THANK YOU. I'M CECILIA LINDAPARAA FIRST-YEAR STUDENT AT BERKELEY. I'VE ONLY LIVED IN DISTRICT 4 FOUR MONTHS BUT FALLEN IN LOVE WITH THE HEART AND SOUL OF BERKELEY IN PEOPLE'S PARK. AS A FRESHMEN STUDENT DISCONNECTED DUE TO THE PANDEMIC I SPENT TIME EN PEOPLE'S PARK AND WATCHING MOVIES, LEARNING ASL AND HAVING IMPORTANT CONVERSATIONS. IT'S A SPACE OF COMMUNITARIAN IDEALS WHERE STUDENT AND COMMUNITY MEMBERS COME TOGETHER TO PROVIDE MUTUAL AID. I WANTED TO MENTION WHAT IT MEANS TO ME BUT IT'S ABOUT THE UNHOUSED PEOPLE WHO HAVE SUFFERED AT THE HANDS OF PRICE GOUGING AND DRIVING UP THE COST OF LIVING BY THE UNIVERSITY AND THE HISTORY OF PEOPLE'S PARK, A SYMBOL OF RESISTANCE, DEMOCRACY AND FREE SPEECH AND BIO DIVERSITY AND CULTURE AND COMMUNITY AND ABOUT APPRECIATING AND APPRECIATING THE GREEN LOT AND THE UNHOUSED PEOPLE AND THE BIO DIVERSITY THAT RESIDES THERE. I URGE YOU TO PROTECT PEOPLE'S PARK FOR OTHER TOPICS WE HEARD CITY COUNCIL MEMBERS AND GO TO THE PARK AND LISTEN TO THE PEOPLE. I'VE SEEN SOME ON THE PHONES WHEN YOU SHOULD BE LISTENING TO PEOPLE WHO COME AND TALK TO YOU. COMMUNICATE WITH THE PEOPLE WHO RESIDE AND ACTIVISTS BEFORE SUPPORTING DECISIONS BEING MADE FOR US. OF COURSE, I THINK HOUSING IS IMPORTANT AND NECESSARY. OF COURSE BERKELEY HAS A HOUSING CRISIS WE NEED TO WORK TOWARDS FIXING BUT THIS IS NOT THE WAY. PLEASE PROTECT PEOPLE'S PARK. THANK YOU.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Chapter 5.3, Biological Resources, of the Draft EIR provides an assessment of the potential impacts of the proposed Housing Project #2 on vegetation and wildlife pursuant to CEQA using to the standards of significance identified on page 5.3-23 of the Draft EIR. Please also see Master Response 12, Biological Resources on the Housing Project #2 Site.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-248	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS JESSICA PRADO. WE'RE HAVING DIFFICULTY HEARING YOU.</p> <p>>> CALLER: I'M HERE TO SPEAK AGAINST PEOPLE'S PARK AND WOULD NOT SOLVE THE PROBLEMS IN THE SCHOOL AND CITY. I WOULD LIKE THE CITY COUNCIL TO HELP WITH AFFORDABLE HOUSING AND WHEN YOU SEEK HELP THERE'S NONE AVAILABLE AND SEND YOU TO THE BACK OF THE LINE AND HOPE FOR YOUR TURN. HOW CAN THE UNIVERSITY SAY THEY HAVE THE BEST INTEREST OF THE STUDENTS IN MIND WHEN THEY DON'T BOTHER TO ASK STUDENTS WHAT THEY NEED. MOST DON'T WANT A SHINNY NEW BUILDING. WHY NOT CREATE AN ADMINISTRATIVE DEPARTMENT TO TAKE THE TIME TO HELP FIND HOUSING OR A SAFE PLACE TO PARK AND LIVE. WE'RE COMING TO BERKELEY TO CREATE COMMUNITY NOT DESTROY IT AND THE UNIVERSITY NEEDS TO STOP USING STUDENTS AS AN EXCUSE AND THE PARK A SANCTUARY AND WE'RE LUCKY TO HAVE SUCH A SPECIAL SPACE. TAKE THE TIME TO CONSIDER SAVING THE SPACE. THANK YOU.</p> <p>>> CALLER: A COUPLE WEEKS AGO YOU THAT'D SOLUTION BEFORE YOU. THE STATE HAS ZONING LAWS THAT LONG UP A VAST SWATH OF THE CITY AND PRECLUDE PROGRESSIVE LIVING CHOICES. I KNOW WE WANT TO BLAME THE UNIVERSITY BUT GO BACK A COUPLE WEEKS AND GENTRIFICATION IS AN ISSUE AND ELIMINATE THE PROBLEM, PLEASE. WE'VE GONE THROUGH A PAINFUL PERIOD WHERE WE'VE SEEN THE HARM OF HEALTH AND ECONOMIC DISPARITIES THAT ARE CREATED. IF YOU'RE GOING TO SOLVE THE PROBLEMS RECOGNIZE U.C. IS THE SINGLE ENGINE OF OPPORTUNITY EVER CREATED. LOOK AT THINGS LIKE ALMOST 30% OF THE STUDENTS ARE ON PEL GRANTS. IT CREATES OPPORTUNITY. IT'S LIFTED FOLKS THAT SUCCEEDED THAT BEYOND ANY OTHER INSTITUTION IN THE NATION AND DESERVE CREDIT FOR THAT AND THOUGH WE NEED TO DISCUSS ISSUES WHERE SPECIFIC HOUSING IS ETCETERA, I'LL ACKNOWLEDGE THAT BUT PLEASE DO NOT DISPARAGE WHAT HAS BEEN THE SINGLE GREATEST ENGINE OF</p>	<p>These comments do not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor do they raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comments are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-249	<p>ECONOMIC OPPORTUNITY KNOWN TO THE WORLD. THEY HAVE SERVED MILLIONS AND HUNDREDS OF THOUSANDS OF PEOPLE AND I HAVE TO SAY THAT AND PUT IT ON THE RECORD.</p> <p>>> MAYOR J. ARREGUIN: NEXT SPEAKER. WE LOST ELEANOR.</p> <p>>> CALLER: I AM A GRAN GRADUATE STUDENT OF U.C. BERKELEY AND THE OFFICIAL SURVEY STUDENTS IDENTIFIED BUILDING CLARK KER WITH SEVERAL OTHER OPTIONS AS HIGHER AS PEOPLE’S PARK AS POTENTIAL PLACES TO BUILD MORE HOUSING. THE B.S.E. OFFERED TO HAVE HOUSING TO A COOPERATIVE MODEL AND HAVE NOT TAKEN US UP. IF IT WERE ABOUT AFFORDABLE HOUSING WE’D BE PURSUING ANY OF ONE OF THOSE OR VARIOUS OTHER OPTIONS. THE FACT THIS HASN’T HAPPENED SHOWS IT’S NOT ABOUT HOUSING BUT WHO COUNTS AS NEIGHBORS AND COMMUNITY AND WHO’S INTEREST COUNT AS THE PUBLIC INTEREST. THE REASON PEOPLE’S PARK CONTINUES TO BE THE FOCUS OF THE STUDENT HOUSING CONVERSATION THEY HAVE TWO FACTORS. ONE BEING AN UNWILLING TO LOOK AT THE POLITICAL OPPOSITION IN THEIR OWN NEIGHBORHOODS AND THE OTHER IS A RATIONAL DISDAIN FOR BERKELEY RESIDENTS WHO WEALTHY RESIDENTS REGARD AS AN EYESORE. THE PRIVATE ENTITIES THAT WANT TO MANAGE THESE AND THE U.C. ADMINISTRATORS HAVE BEEN MAKING THE CALCULATION TO EVICT THE RESIDENTS IS CHEAPER THAN EXPLORING THE POLITICAL ALTERNATIVES. THIS IS SHAMEFUL FOR A PUBLIC UNIVERSITY AND SHOULD BE SHAMEFUL FOR THE BERKELEY CITY COUNCIL TO CONDONE IT. THE HOUSING PROPOSED IS TOO EXPENSIVE FOR STUDENTS TO EVEN AFFORD. IF THE B.S.E. CAN BUILD AFFORDABLE HOUSING SO CAN THE U.C. AND THAT’S NOT WHAT THIS IS ABOUT.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Please see Master Response 14, Displacement. Also, note that as described in Chapter 3, Project Description, of the Draft EIR, and shown in Table 3-1, Proposed LRDP Update Buildout Projections, on page 3-25, the proposed project could result in up to 2,364 new beds on the Clark Kerr Campus.</p> <p>Please also see Master Response 18, Alternatives.</p>
A3-250	<p>>> MAYOR J. ARREGUIN: THE NEXT SPEAKER IS IZE COOPER.</p> <p>>> CALLER: CAN YOU HEAR ME? HI, LIKE ELLIE, I’M A MEMBER OF THE BOARD OF DIRECTORS OF STUDENT BERKELEY COOPERATIVE AND VICE PRESIDENT EXTERNAL AFFAIRS AND STUDENT AT BERKELEY CITY COLLEGE. I WANT TO SAY THE BERKELEY STUDENT</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>COOPERATIVE IS IN UNEQUIVOCAL SOLIDARITY AND PART OF THE SAME USER DEVELOPED MEANS OF BUILDING COMMUNITY AND THINK THE UNIVERSITY IS OPERATING UNDER A GRAVE MISASSUMPTION THAT THIS HOUSING CRISIS IS A CRISIS OF AVAILABILITY WHEN IN ALL AND MR. MAYOR ONE OF MY CO-DIRECTORS AT A CANDIDATE FORUM ASKED YOU WHO YOU WOULD DO TO SUPPORT THE COOPERATIVES AND YOU HAD MENTIONED HELPING US TO SECURE THE LAND THAT THE U.C. CONTROLS WE HOUSE STUDENTS ON. I HOPE THAT WASN'T AN EMPTY PROMISE. WE WANT TO GET GOOD TERMS ON OUR LEASE AND WANT TO GET GOOD TERMS SO WE CAN CONTINUE TO HOUSE PEOPLE UP AN AFFORDABLE MEANS THAT IS DONE BECAUSE WE OWN IT. THE WAY WE'RE ABLE TO KEEP IT AFFORDABLE IS DO THIS COLLECTIVELY. THERE'S BEEN CALLS FROM PEOPLE AT THE PARK TO GIVE THE B.S.E. THE CHANCELLOR'S MANSION AND OPERATE IT AS ADDITIONAL AFFORDABLE HOUSING THAT IS DONE IN CONVERSATION AND IN COMMUNITY WITH THE PEOPLE BEING HOUSED. THAT'S ALL I HAVE TO SAY. THANK YOU.</p>	<p>Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Please see Master Response 14, Displacement, and Master Response 18, Alternatives.</p>
A3-251	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS DAVID AXELROD. >> CALLER: WELL, I'D LIKE TO WISH GOOD EVENING TO THE MAYOR AND COUNCIL MEMBERS. I'D LIKE TO MENTION THAT PEOPLE'S PARK IS UNIQUE IN THAT IT'S USER DEVELOPED IN COMMUNITY CONTROLLED OPEN SPACE AND HAS BEEN FOR A LONG TIME SINCE 1970S. THE UNIVERSITY DESTROYED IT IN '69 WE REBUILT IT IN 1974 AND EVER SINCE. THE INTEREST OF THE BERKELEY PEOPLE AND BERKELEY COMMUNITY IS REPRESENTED IN PEOPLE'S PARK. I THINK IT'S NECESSARY FOR THE CITY COUNCIL SPECIFICALLY AND CITY ADMINISTRATION TO STAND UP TO THE PEOPLE OF BERKELEY AND STAND UP FOR PEOPLE'S PARK. THAT'S SOMETHING THAT BRAD SAID. WHAT IS THE CITY COUNCIL FOR IF IT DOESN'T STAND UP FOR THE PEOPLE AND I HAVE A LONG HISTORY AS A GARDENER AND AIM AN ATTORNEY AND I WAS PART OF THE NATIVE PLANT FORUM. PEOPLE'S PARK IS UNIQUE IN THAT IT'S AN OASIS OF PLANT AND HAS</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Potential impacts associated with Housing Project #2 are evaluated throughout the Draft EIR. For example, potential impacts associated with special-status plant species are evaluated on page 5.3-27 in Chapter 5.3, Biological Resources, of the Draft EIR, which explains that no special-status plant species occur on the site. Chapter 5.3 of the</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>BEEN MENTIONED AND MOST IMPORTANTLY PERHAPS FOR PEOPLE. PEOPLE OF ALL WALKS OF LIFE, COMMUNITY, UNHOUSED, PEOPLE WHO HAVE HOUSES AND COME TO THE PARK BECAUSE WE NEED A PARK AND OPEN SPACE. THAT’S REFLECTED IN BERKELEY LAW. OPEN SPACE IS SUPPOSED TO BE DEFENDED AND PROTECTED ACCORDING TO BERKELEY LAW AND PEOPLE’S PARK IS ALSO A LANDMARK. LANDMARKED BY THE CITY AS WELL AS OTHER AGENCIES. IT’S IMPORTANT FOR THE CITY TO TAKE A STRONG STANCE IN FAVOR OF PEOPLE’S PARK AND DEFEND WHAT WE HAVE BUILT.</p>	<p>Draft EIR provides an assessment of the potential impacts of the proposed Housing Project #2 on vegetation and wildlife pursuant to CEQA using to the standards of significance identified on page 5.3-23 of the Draft EIR. Please also see Master Response 12, Biological Resources on the Housing Project #2 Site.</p> <p>Potential impacts associated with the historic significance of the Housing Project #2 site are evaluated on pages 5.4-39 to 5.4-40 in Chapter 5.4, Cultural Resources, of the Draft EIR. As identified on page 5.4-40 of the Draft EIR, the project would result in a significant and unavoidable impact associated with the demolition and reconfiguration of People’s Park, which is a designated City of Berkeley Historical Landmark.</p>
A3-252	<p>>> MAYOR J. ARREGUIN: THE NEXT SPEAKER IS MATTHEW LOUIS AND HE’S GIVEN AN ADDITIONAL MINUTE.</p> <p>>> CALLER: AS BERKELEY UNION MADE CLEAR THE CITY HAS THE POWER TO STOP WHAT THE UNIVERSITY’S DOING THROUGH THE USE OF CEQA LAWSUITS. THE CITY IS NOT IN FACT POWERLESS. IT’S NOT NECESSARILY IN A POWERFUL POSITION BUT ABSOLUTELY NOT POWERLESS. THE CITY MUST USE CEQA LAWSUITS TO STOP THE DEMOLITION OF 1921 WALNUT STREET AND STOP THE DISPLACEMENT OF HOMELESS FOLKS WHO LIVE AT PEOPLE’S PARK THROUGH DEVELOPING AND KICKING THEM OUT AND STOP INCREASING ENROLLMENT UNTIL IT HAS PRODUCED SUFFICIENT AFFORDABLE HOUSING ON CAMPUS AND NOT JUST TO YOU AND NUMEROUS INDIVIDUALS SAYING THESE THINGS. IN FACT ALL OF THE DEMANDS ARE THINGS THAT HAVE BEEN PREVIOUSLY ENDORSED UNANIMOUSLY BY THE A.S.C.C. WHEN THE MEASURE WAS PASSED SAYING THE UNIVERSITY WAS BUILDING 1,000 UNITS OF STUDENT HOUSING WHAT DID THEY DO IMMEDIATELY AFTER? TO PASS THE FIRST OF NUMEROUS RESOLUTIONS SAYING ONE, NO ELIMINATION OF RENT CONTROL UNITS TO MEET STUDENT HOUSING AND TWO, NO DEVELOPMENT</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 14, Displacement. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>AT PEOPLE’S PARK. BOTH OF THOSE WERE PASSED AGAIN AND AGAIN BY THE S.C.C. UNANIMOUSLY. THEY’VE DONE SO AS RECENTLY AS THIS YEAR A FEW WEEKS AGO THEY ONCE AGAIN VOTED UNANIMOUSLY TO OPPOSE BUILDING ON PEOPLE’S PARK. TOMORROW THE SENATE WILL BE IS ON TRACK TO OPPOSE VOTING AT 1921 WALNUT STREET AND THE CALIFORNIA STUDENT ASSOCIATION HAVE PREVIOUSLY SAID THE UNIVERSITY NEEDS TO ENGAGE IN ENROLLMENT ROLL BACKS TO MAKE SURE TO STOP THE UNIVERSITY’S GENTRIFYING PRESENCE. IF THEY HAD AFFORDABLE HOUSING LIKE INCREASING THE SIZE OF THE COOPERATIVE, THE NEGATIVE EFFECTS OF INCREASING STUDENT ENROLLMENT ARE REDUCED AND CAN BE A POSITIVE. IN SUMMARY, THE CITY CAN AND MUST TAKE ACTION TO STOP THE UNIVERSITY AND USE CEQA LAWSUITS TO EXTRACT THIS AND THE MAYOR MUST USE HIS INFLUENCE TOO AND IN TERMS OF THE QUESTION ASKED ABOUT AGREEMENTS, I SUBMITTED A PUBLIC RECORD THAT SHOWS THE UNIVERSITY’S USING P3S FROM USING PROJECT LABOR AGREEMENTS. YOU’RE NOT EVEN GOING TO GET THE BENEFITS. YOU’RE PROBABLY NOT EVEN GOING TO GET A LABOR AGREEMENT TEARING DOWN PEOPLE’S PARK.</p>	
A3-253	<p>>> MAYOR J. ARREGUIN: MATTHEW IS RIGHT THROUGH THE P3 PROJECT WE HAVE NOT SEEN A COMMITMENT TO PLS. THE NEXT SPEAKER IS NAMED VIOLENT ANGEL.</p> <p>>> CALLER: I’M A FORMER STUDENT OF U.C. BERKELEY TEARING OUT PEOPLE’S PARK AND RENT CONTROLLED BUILDING IS VIOLENCE. THE COMMUNITY AT PEOPLE’S PARK HAVE BEEN SUPPORTING THEMSELVES AND THEY’RE SO IGNORED HOW CAN YOU SEE BERKELEY OR THE CITY COUNCIL KNOW WHAT’S GOOD FOR THE COMMUNITIES WHO HAVE HAD TO WORK AND WHY AREN’T THEY BEING ASKED WHAT’S NEEDED. THEY’RE EXPRESSING WHAT’S NEEDED AND KEEP THOSE AND DON’T BUILD THERE. THEY CLEARLY DON’T CARE. ALSO UCPD IS AFFILIATED WITH THE SCHOOL AND ONLY VIOLENTLY HARMING PEOPLE AT THE PARK AND GETTING IN</p>	<p>The Draft EIR evaluates the development of 2,364 net new beds at the Clark Kerr Campus. Please also see Master Response 15, Gentrification. This comment also expresses opinions about the proposed project that are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-254	<p>THE WAY OF HELP EFFORTS AND PUSHING OUT BERKELEY RESIDENTS FOR STUDENTS IS AND GENTRIFICATION AND SHOWS NO CARE FOR THE BERKELEY COMMUNITY AT ALL. ALSO YOU CAN BUILD AT CLARK KERR AND PREEXISTING STUDENT HOUSING IS SEVERELY OVERPRICED AND POOR AND FIX THE ONES THAT EXIST OR BUILD THEM UP. I DON'T REALLY KNOW BUT THEY'RE NOT EVEN BEING UTILIZED TO THE FULL ABILITIES INCLUDING WHEN SEMESTERS ARE OFF NO ONE'S THERE SO IT DOESN'T SERVE RESIDENTS. AND WHEN PEOPLE'S CAMERAS ARE OFF WE CAN SEE THAT AND DISRESPECTFUL TO THE VOICES. THAT'S ALL.</p> <p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS MICHELLE.</p> <p>>> CALLER: HI, I'M CURRENTLY A THIRD YEAR BERKELEY STUDENT AND URGE YOU TO CONDEMN THE BUILDING ON PEOPLE'S PARK AND WALNUT STREET AND PEOPLE'S PARK HAS BEEN A LIVELY COMMUNAL SPACE IN BUILDING COMMUNITY, RELATIONSHIPS AND GET NEEDED RESOURCES THROUGH MUTUAL AID AND WORK ON ENVIRONMENTAL PRESERVATION THROUGH AS WEEKLY GARDENING PARTIES AND CONCERTS AND COMMITTEE MEETINGS AND SO MUCH MORE AND ONLY GOTTEN -- THERE'S ONLY BEEN MORE COMMUNITY BEING BUILT AS THE UNIVERSITY STARTS TO BECOME MORE AGGRESSIVE. THE UPROOTING OF THE COMMUNITY SPACE CAN DEVASTATE THE MANY RESIDENTS WHO CALL THE PARK HOME AND DESTROY THE LAST REMAINING GREEN SPACES AND DESTROY HISTORY OF BERKELEY AND CAUSE ENVIRONMENTAL CONSEQUENCES. MOREOVER, THE UNIVERSITY IS NOT TRANSPARENT AT ALL REGARDING THE CONSTRUCTION PLANS SPECIFICALLY FOR THE PROPOSED HOUSING. THERE'S NO ASSURANCE PEOPLE'S PARK RESIDENTS WILL BE PROVIDED HOUSING ONCE DISPLACED DURING CONSTRUCTION. FOR EXAMPLE, R.T.D. WILL MAY NOT HAVE FUNDS AND MOST WILL NOT BE ABLE TO ACCESS UNITS DUE TO INEFFICIENT INCOME AND LIKELY INELIGIBILITY AS IT'S UNCLEAR WHO THE CITY WILL PROVIDE HOUSING FOR AND BY TRANSFERRING ALL ACCOUNTABILITY OF THE SUPPORTIVE HOUSING MEANS THE</p>	<p>Please see Master Response 14, Displacement. This comment also expresses opinions about the proposed project that are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-255	<p>UNIVERSITY'S NOT TAKING RESPONSIBILITY AT ALL FOR ENSURING SAFETY OF THOSE DISPLACED AT PEOPLE'S PARK. IF THE UNIVERSITY TRULY CARES ABOUT THOSE DISPLACED, THE UNIVERSITY SHOULD USE ITS MONETARY FUNDS AND ENSURE THEY CAN BUILD AFFORDABLE HOUSING AND THOSE DISPLACED FROM THE PARK. THE PROJECT SHOULD NOT BE BUILT ON. THANK YOU.</p>	<p>Please see Master Response 14, Displacement and Master Response 15, Gentrification. This comment also expresses opinions about the proposed project that are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-256	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS ATHENA DAVIS. >> CALLER: I WAS BORN IN BERKELEY AND MOVED TO THE SUBURBS BY MY FAMILY AT A YOUNG AGE BECAUSE WE COULD NO LONGER AFFORD RENT IN THE BERKELEY AREA. BOTH OF MY FAMILY MEMBERS ARE PUBLIC SCHOOL TEACHERS. I WAS LUCKY ENOUGH TO COME BACK TO BERKELEY FOR COLLEGE. THE MORE TIME I SPEND AT THE UNIVERSITY THE MORE IT FEELS LIKE A PRIVATE INSTITUTION. STUDENTS ARE TOLD IT'S AN AREA OF FREE SPEECH AND DESTROYING A BLACK AND BROWN POPULATION AND THE CITY COUNCIL HAS POWER TO RESIST THE GENTRIFICATION AT 1921 WALNUT AND PEOPLE'S PARK. YOU CAN PRESSURE LONG-TERM SOUTH SIDE RESIDENTS TO END THE MORATORIUM THEY HAVE ON REDEVELOPMENT CLARK KERR AND ADDING EXTRA STORIES. YOU CAN PUSH FOR THEM TO STOP GENTRIFYING LONG-TERM RENT CONTROLLED HOUSING LIKE 1921 WALNUT AND STAND WITH YOUR CAMPAIGN PROMISES ABOUT DEFENDING THE PARK AS SOMEONE BORN IN THE CITY EVEN SEEING THE CHANGES OVER MY LIFE TIME HAS BEEN DE PRESSING. I LOVE SEEING BOBA BUT SEEING THE SAME BUSINESSES AND BUILDINGS GETTING HIGHER AND HIGHER AND RESIDENTS ROAMING WITHOUT A PLACE TO GO BERKELEY IS BECOMING A CENTER OF ALL THE CONTRADICTIONS OF CAPITAL RISING. WATCHING WEALTHY PRIVILEGED COLLEGE STUDENTS WALK BY TEAM WHO HAVE NOTHING MAKES ME DEPRESSED AND THE CITY NEEDS TO DO EVERYTHING IN THEIR POWER TO RESIST THE CONTRADICTIONS.</p>	<p>Please see Master Response 14, Displacement and Master Response 15, Gentrification. This comment also expresses opinions about the</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>RESPONSIBLE FOR OVER ENROLLING THE NUMBER OF STUDENTS. I'M A BERKELEY STUDENT AND DISAPPOINTED AS I KNOW MANY CITY COUNCIL MEMBERS ARE ABOUT THE NUMBER OF STUDENTS IN BERKELEY AND WHO WILL BECOME STUDENTS OF BERKELEY AND THEREFORE RESIDENTS OF BERKELEY. THEY'RE USHERING IN HUNDREDS OF NEW STUDENTS EVERY SEMESTER WE DON'T HAVE SPACE FOR AND I'LL BE CURSING BECAUSE I FEEL PASSIONATELY ABOUT THIS. THEY HAVE NEW STUDENTS EVERY SEMESTER MORE THAN WE CAN FIT IN KNOWING DAMN WELL WE DON'T HAVE ENOUGH SPACE AND THE BUILDINGS ARE FALLING APART. THEY HAVE NO PLAN TO ACCOMMODATE HOMELESS FOLKS DISPLACED BY DEVELOPMENT WHILE CONSTRUCTION IS HAPPENING. THEY HAVE NO RECORD FOR HOUSELESS PEOPLE NO MATTER THEIR PLANS FOR SUPPORTIVE HOUSING IN THIS NEW DEVELOPMENT PLAN. I ALSO WANT TO COMMENT ON THE PUBLIC COMMENT THAT SAID THIS IS NOT GENTRIFICATION. THE ABOVE MARKET RATE HOUSING IS ALREADY HIGH AND RAISED BY MORE U.C. TRANSPLANTS AND STUDENTS WITH HUGE DISPOSABLE INCOMES. THE LONG RANGE DEVELOPMENT PLAN IS SO [BLEEP]ING DISRESPECTFUL AND IF YOU DON'T STAND ON BEHALF OF THE STUDENTS AND DEMAND THEIR SUPPORT AGAINST THE DEVELOPMENT PLAN YOU DON'T DESERVE OUR OFFICES AS PUBLIC OFFICIALS. ADDITIONALLY, I WANT TO ECHO THE SENTIMENT, TURN ON YOUR CAMERAS, LOOK AT US. GOT OFF YOUR [BLEEP]ING PHONES. YOU REPRESENT US. LOOK AT US. WE'RE PASSIONATE ABOUT THAT AND REFLECT ON THAT AND SUPPORT US. WE FEEL STRONGLY ABOUT THIS.</p>	<p>proposed project that are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-257	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS LUCCA GILES. >> CALLER: THANK YOU FOR YOUR TIME. AT THE BEGINNING OF THE MEETING YOU KEPT MENTIONING THE PARTNERSHIP BETWEEN THE CITY OF BERKELEY AND U.C. BERKELEY. THIS PARTNERSHIP IS AN ILLUSION. THE U.C. EXISTS ENTIRELY FOR ITS OWN PROFIT. I HAVE NOT SEEN A PARTNERSHIP. THE UNIVERSITY DOES NOT CARE ABOUT THE CITY. WHAT THEY CARE ABOUT IS PROFIT. AND YOU KNOW</p>	<p>Please see Master Response 14, Displacement. This comment also expresses opinions about the proposed project that are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>WHAT CARES ABOUT THE CITY, THE COMMUNITY MEMBERS THE PEOPLE SITTING IN THE MEET THE LAST TWO HOURS AND 17 MINUTES AND WE'RE STUNTS WHO ALSO HAVE ESSAYS AND EXAMS TO DO AND HERE TWO AND A HALF HOURS ON THE CALL BECAUSE WE CARE. THE PEOPLE ARE PUTTING IN HOURS AND HOURS OF WORK NOT BECAUSE WE LIKE TO GO HANG OUT IN A PARK OR WANT TO GO AND DO SOME FUN ACTIVISM PROJECT BUT WE CARE ABOUT OUR CITY LIKE YOU SHOULD DO BECAUSE THAT IS YOUR JOB. THIS IS NOT OUR JOB. WE HAVE OTHER JOBS. THIS IS YOUR JOB. CONTINUING, THE U.C.'S RHETORIC AGAINST THE PARK IS SO OBVIOUS THEY KEEP PAINTING THE PARK AS A VIOLENT OR UNSAFE PLACE AND THAT'S THEIR FAULT FOR REFUSING TO ADDRESS OR BRING ANY MENTION TO THE ISSUES OF HOMELESSNESS AND GENTRIFICATION THEY'RE BRINGING TO THE CITY THE DESIRE TO BUILD ON THE PARK IS A DESIRE TO REMOVE HOMELESS PEOPLE NOT HOMELESSNESS. IF YOU CARE ABOUT YOUR COMMUNITY MEMBERS YOU'LL JOIN YOUR COMMUNITY AT THE PARK. THAT'S THE BERKELEY COMMUNITY I'M A PART OF AND IF YOU CONSIDER YOURSELF BERKELEY COMMUNITY YOU SHOULD SHOW UP AT THE PARK OR THE EVENT AT 1921 WALNUT OR SHOW UP AND TALK TO PEOPLE WHO ARE ACTUALLY OUT THERE WITH THEIR COMMUNITY. THE U.C. NOT BERKELEY COMMUNITY AND IF YOU STAND WITH THE U.C. YOU ARE NOT BERKELEY COMMUNITY.</p>	
A3-258	<p>>> MAYOR J. ARREGUIN: NEXT SPEAKER IS MARK CHECKLE. >> CALLER: THANK YOU FOR HOLDING THIS EVENT TONIGHT. FIRST OF ALL, I WANT TO HIGHLIGHT WHAT WAS SAID ABOUT COUNCIL MEMBER DROSTE NOTICING THE ISSUES ON PARKING BETWEEN PAGES 25 AND 28 ON THE E.I.R. I THINK IT'S IMPORTANT TO LOOK AT THAT. AND WITH THAT IN MIND I WANT TO THANK CITY ATTORNEY AND THEIR STAFF FOR PAYING CLOSE ATTENTION TO THE E.I.R.S AND THE PROPOSED E.I.R. AND ANALYZING IT. GENERALLY, I AM ACTUALLY SUPPORTIVE. I AGREE U.C. IS AN ECONOMIC ENGINE PARTICULARLY U.C. BERKELEY. I AGREE WE NEED TO INCREASE STUDENT</p>	<p>As described in Chapter 5, Environmental Analysis, on page 5-6, and in Chapter 5.15, Transportation, starting on page 5.15-1, of the Draft EIR and consistent with CEQA Guidelines Section 15064.3, traffic congestion or measures of vehicular capacity or delay may no longer be used in CEQA documents as thresholds of significance, and are therefore not addressed in the Draft EIR.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>ENROLLMENT FOR IN-STATE STUDENTS, RESEARCH. WHAT I'M CONCERNED ABOUT IS TRAFFIC AND CONGESTION. I KNOW THE LAWRENCE BERKELEY LAB DID AN E.I.R. I THINK IN 2009 WHERE THEY LOOKED AT SIGNIFICANT UNAVOIDABLE TRAFFIC CONGESTION AT MANY INTERSECTIONS. THAT WAS 12 YEARS AGO AND IT'S ONLY GOTTEN WORSE IN BERKELEY COVID ASIDE. THE TRAFFIC IN BERKELEY IS TERRIBLE. MY OWN SON WAS HIT BY AN UBER DRIVER BRINGING A STUDENT BACK FROM CAMPUS. WE LIVE ON THE SOUTH SIDE WHO WAS LOOKING AT HIS PHONE AND NOT THE STREET AND WAS CRITICALLY INJURED AS CITY COUNCIL IS AWARE. WE HAVE SPEEDING TRAFFIC, TRAFFIC CONGESTION ALL OVER. THE SOLUTION ARE PARTNERING WITH BART TO BRING IN SHUTTLES AND UNION FOLKS BRINGING FOLKS FROM MONTCLAIR AND MILL'S COLLEGE TO AVOID TRAFFIC TO COMMIT TO ALTERNATIVES TO PEOPLE DRIVING AND SUBSIDIZED TRANSPORTATION TO THE TUNE OF 90% OF TRANSIT COST AND CHARGE TAXES. THE STATE ALLOWS THE CITY TO REQUIRE TAXES TO BE PAID ON PARKING AND I THINK THAT SHOULD BE DONE AND THE MONEY GO TO THE CITY. THANK YOU SO MUCH.</p>	
A3-259	<p>>> MAYOR J. ARREGUIN: THE NEXT SPEAKER IS LISA TEAGUE. SHE'S THE LAST RAISED HAND. IF THERE'S ANY OTHER MEMBERS OF THE PUBLIC WHO WISH TO SPEAK YOUR HAND AT THIS TIME. >> CALLER: GOOD EVENING, COUNCIL. CAN YOU HEAR ME? >> MAYOR J. ARREGUIN: YES. >> CALLER: YAY. I ALSO WANT TO THANK YOU FOR HOLDING THE EVENT TONIGHT. PRIMARILY BECAUSE EVEN THOUGH IT IS TWO AND A HALF SOME HOURS INTO THE CALL, I AM STILL HEARING THE PASSION AND COMMITMENT OF U.C. STUDENTS AND COMMUNITY ACTIVISTS TO PROTECT 1921 WALNUT AND PEOPLE'S PARK. AND I URGE COUNCIL TO LOOK BACK AND LOOK AT THE DIFFERENCE OF THE AMOUNT OF SUPPORT FROM THE COMMUNITY FOR SPECIFICALLY PEOPLE'S PARK. THE UNIVERSITY HADN'T DECIDED TO DISPLACE RENT CONTROL TENANTS IT WAS JUST PEOPLE'S PARK</p>	<p>Please see Master Response 14, Displacement. This comment also expresses opinions about the proposed project that are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-260	<p>UNDER THREAT AND OXFORD AND GIL TRACT BUT THE SUPPORT WAS NOT AS FULL THROATED OR PASSIONATE AND THE SUPPORT FROM U.S. STUDENTS WAS NOT NEARLY AS LARGE, I GUESS. I LIVE FEET FROM PEOPLE'S PARK AND HAVE SPENT A LOT OF TIME WITH THE STUDENTS THERE IN THE LAST COUPLE OF MONTHS AND THEY HAVE BROUGHT A PASSION FOR ACTIVISM AND CARE FOR THIS COMMUNITY MAKING US GROW AS A MOVEMENT AND UNDERSTAND THAT MOVEMENT WILL ONLY CONTINUE TO GROW AND I WANT YOU TO HEAR OUR VOICES AND I THANK YOU AGAIN.</p> <p>>> MAYOR J. ARREGUIN: THANK YOU SO MUCH. ANY OTHER MEMBERS OF THE PUBLIC WHO WISH TO SPEAK ON THE UNIVERSITY'S LONG RANGE DEVELOPMENT PLAN AND APPRECIATE THE OVER 70 COMMUNITY MEMBERS WHO PARTICIPATED TODAY. I'LL ASK ONE MORE TIME, ARE THERE ANY OTHER MEMBERS OF THE PUBLIC WHO WISH TO SPEAK ON THE ISSUE? SHANE KIRPATA.</p> <p>>> CALLER: I'M THE VICE CHAIR OF THE PUBLIC COMMISSION AND I'M SPEAKING ON MY OWN BEHALF. I WANT TO THANK EVERYONE WHO SPOKE THIS EVENING AS WELL AS EVERYBODY WHO LISTENED. I WANT TO LET YOU KNOW I TOO AM LISTENING AND WANTED TO THANK EVERYONE.</p>	The comment serves as a closing remark. No response is required.
A3-261	<p>>> MAYOR J. ARREGUIN: THANK YOU, ANY OTHER PUBLIC COMMENT ON THE ZOOM PLATFORM FOR SUPPRESS STAR 9 IF CALLING IN OR CHAT ICON. SEEING NO OTHER RAISED HANDS. I UNDERSTAND WRITTEN COMMENTS WERE SUBMITTED.</p> <p>>> CLERK: WE HAVE APPROXIMATELY THREE WRITTEN COMMENTS. I'LL START WITH THE FIRST. FIRST IS FROM JORDAN BURNS. I'M THE POLITICAL ENGAGEMENT COMMITTEE CHAIR FOR UAW2865 THE UNION OF GRADUATE STUDENT INSTRUCTORS AND READER AT U.C. HOUSING IS ONE OF THE MOST URGENT ISSUES. I URGE THE CITY COUNCIL TO GET THE UNIVERSITY TO BUILD AS MANY HOUSING WHILE MINIMIZING OR REMOVING PARKING AND IT COULD BE SPENT</p>	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. With respect to parking, please see Master Response 6, LRDP and LRDP Implementation.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-262	<p>ON HOUSING INSTEAD. MORE PARKING WILL ONLY INCENTIVIZE STUDENTS TO DRIVE AND THE LAST THING BERKELEY NEEDS IS MORE CARS. PLEASED PUSH FOR MORE HOUSING ESPECIALLY AFFORDABLE HOUSING AND LESS PARKING IN THE LRDP THANK YOU</p> <p>THE NEXT COMMENT IS FROM JULIE MU. I'D LIKE TO VOICE MY SUPPORT FOR HOUSING PROJECTS NUMBER 1 AND 2 OF U.C. BERKELEY'S LRDP. THE PRICE OF HOUSING IN BERKELEY IN INHUMANELY HIGH AND DEMAND IS ONLY INCREASING AS THE POPULATION GROWS AND BAY AREA POPULATION GROWS. THE BEST SOLUTION TO THIS ISSUE IS INCREASING THE SUPPLY.</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-263	<p>FINAL COMMENT IS FROM CHEN LEE. DEAR MAYOR ARREGUIN AND COUNCIL MEMBERS, LISTENING TO THE WONDERFUL COMMENTS BY RESIDENTS, IF THERE'S ANY WAY PEOPLE'S PARK CAN BE DECLARED A HISTORICAL LANDMARK I REQUEST THE CITY OF BERKELEY USE ALL RESOURCE TO DO SO AND SUPPORT MAINTAINING 1921 WALNUT TOO. THANK YOU FOR YOUR CONSIDERATIONS. THAT CONCLUDES WRITTEN COMMENTS, MAYOR.</p>	<p>The commenter expresses an opinion about the historic status of People's Park and 1921 Walnut Street. The commenter's observations are noted.</p>
A3-264	<p>>> MAYOR J. ARREGUIN: THANK YOU. SO WE NEED TO TAKE A CAPTIONER BREAK. SO WE'LL TAKE A 10-MINUTE BREAK AND BE BACK AT 8:36 AND GO TO COUNCIL MEMBER BARTLETT FIRST. THANK YOU. [10 MINUTE BREAK-RETURNING AT 8:36].</p> <p>>> MAYOR J. ARREGUIN: IT IS 8:37 IF COUNCIL MEMBERS CAN REJOIN US AN WE'LL RECONVENE. COMPLETE OF PUBLIC COMMENT. WE WANT TO THANK THE OVER 70 BERKELEY COMMUNITY MEMBERS WHO JOINED US TODAY FOR THE THOUGHTFUL COMMENTS ABOUT THE E.I.R. AND NOW BRING IT BACK TO THE CITY COUNCIL FOR DISCUSSION. COUNCIL MEMBER BARTLETT YOU ARE FIRST.</p> <p>>> B. BARTLETT: THANK YOU, MR. MAYOR. I WANT TO CALL OUT AND THANK THE YOUNG PEOPLE. I SHARE YOUR FRUSTRATION. THE REASON I'M HERE IS AFTER MY MOTHER WAS DISPLACED FOR STUDENT HOUSING SO I HEAR YOU. THIS PLAN SPOOKS TO THE</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-265	<p>PREDATION MY COMMUNITY IS UNDER DUE TO THE GROWTH. THIS COUNCIL SPENDS A LOT OF TIME, THE PEOPLE AND AUDIENCE AND ALL OF US SPEND ENERGY AND CREATIVITY AND DEBATE LIKE CRAZY TO FIND WAYS TO STOP DISPLACEMENT AND MAKE AFFORDABLE HOUSING HAPPEN AND ALL THESE TWISTING AND TURNING OF POSITIONS TO MAKE SOMETHING FROM NOTHING. WHEN WE DO THIS WE'RE LOOKING AT THIS LARGE EPHEMERAL FOR US CALLED THE MARKET. WE HAVE TO CONFRONT OR SHAPE THE MARKET. YOU LOOK CLOSER TO HOME, IT'S NOT JUST THE MARKET, IT'S AN ACTUAL SINGULAR ENTITY CALLED U.C. BERKELEY WE HAVE TO DEFEND AGAINST. UNDERSTAND WE DON'T HAVE A WHOLE LOT OF OPTIONS HERE. THERE'S A LOT OF STATE LAWS AT PLAY THAT ARE HOLDING OUR HANDS BUT WE DO HAVE SOME OPTION AND WILLING TO EXPLORING THOSE ON BEHALF OF THE PEOPLE OF BERKELEY.</p> <p>>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH. NEXT TO COUNCIL MEMBER HAHN.</p> <p>>> S. HAHN: THANK YOU VERY MUCH. I WANT TO NOTE WITH IRONY THE AGENCY THAT APPROVES THIS IS THE REGENTS AND MY UNDERSTANDING IS THEY'RE THE ONES WHO DETERMINE ENROLLMENT PER CAMPUS. THAT THE STATE STATES HOW MUCH ENROLLMENT U.C. OVERALL SHOULD HAVE BUT IT IS ACTUALLY THE REGENTS THAT DIVVY UP THAT TOTAL AMONG THE CAMPUSES. SO THEY CREATE THE IMPACT AND CREATE THE E.I.R. THE COURTS HAVE STATED THE INCREASE IN ENROLLMENT IN AND OF ITSELF IS A PROJECT THAT NEEDS TO BE ADDRESSED IN THE E.I.R. MY FIRST COMMENT HERE AND MY COMMENTS ARE TO STAFF. I'M SURE STAFF AND WE HAVE AN INCREDIBLE TEAM AND CITY ATTORNEY AND CONSULTANTS AND PLANNING DEPARTMENT AND FIRE AND PUBLIC WORKS, I KNOW LOTS OF DEPARTMENTS ARE INVOLVED. THESE ARE MY COMMENTS TO WHAT I HOPE YOU CAN HIGHLIGHT IN THE CITY'S RESPONSE LETTER. I THINK WE SHOULD PUSH BACK THE E.I.R. HAS TO BE ABOUT BUILDINGS AND LAND USE. DESPITE THE MANY PAGES</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>AND WHEN YOU PRACTICE LAW IT'S LIKE 1,000 PAGES. THAT'S THE THIN DOCUMENT. YOU CAN GET INTO THE HUNDREDS AND THOUSAND OF MILLIONS OF PAGES FOR VARIOUS MATTERS. I FIND IT MOSTLY IN THE E.I.R. AND HAVE COMMENTS ON SPECIFICS I THINK WE A CITY SHOULD BE RESPONDING TOO BUT HAVEN'T READ ENOUGH E.I.R.S OF THIS TYPE TO KNOW WHAT COMPLETELY MISSING. I HOPE OUR STAFF MORE EXPERIENCED IN THIS ARE USING THAT LENS. IT'S A VERY THIN SOUP. THERE'S A LITTLE BIT OF MEAT FLOATING AROUND AND NOT A LOT OF ANALYSIS AND TOPIC OR IMPACTS LISTED HERE. I'M VERY INTERESTED IN WHAT'S MISSING AND WANT TO MAKE SURE WE'RE ADDRESSING THE OMISSIONS AS MUCH AS RESPONDING TO WHAT'S IN HERE. ANOTHER OMISSION IS THERE'S LITTLE CONSIDERATION OF IMPACT BEYOND THE CAMPUS ITSELF OR THEIR OWN PROPERTY. THERE'S REALLY NO ANALYSIS OF IMPACT BEYOND. THERE ARE MANY OPPORTUNITIES BUT THEY'RE NOT TAKING THAT. THERE'S ONE AREA OF OMISSION I FEEL I'M ABLE TO IDENTIFY AND I'M GOING TO MAKE COMMENTS AND RUN QUICKLY THROUGH THE EXECUTIVE SUMMARY, IT WILL BE QUICK, MAYOR, DON'T WORRY. WELL, NOT THAT QUICK BUT NEED TO TOUCH TOPIC BY TOPIC AND IT'S GOING TO INCLUDE SOME OF THESE OMISSIONS. I KNOW I'M NOT CATCHING THEM ALL. THE LAST THING I WANT TO DO AS A NOTE, I BELIEVE MR. LOMAX MADE AN IMPASSIONED STATEMENT ABOUT THE IMPORTANCE OF U.C. BERKELEY AS AN ECONOMIC ENGINE AND WHAT A GREAT INSTITUTION IT IS. I WANT TO SAY I AGREE WITH THAT WHOLEHEARTEDLY. I LOVE U.C. BERKELEY. I LOVE THE U.C. SYSTEM. I LITERALLY USE THE SAME WORDS WHEN I TALK ABOUT THE UNIVERSITY TO OTHERS. WHAT AN ENGINE OF OPPORTUNITY AND OF INNOVATION AND THE BACKBONE OF THE ECONOMY OF THE ENTIRE STATE MY ISSUE IS WHO IS PAYING FOR THAT. WE ARE HOSTING THE UNIVERSITY BUT WE SHOULDN'T BE THE ONES, THE CITY, SHOULD NOT BE THE ONES TO SUBSIDIZE THIS GREAT GOOD AND IT IS A GREAT GOOD BUT IT'S THE STATE OF CALIFORNIA THAT</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-266	<p>SHOULD BE SUBSIDIZING THE GREAT GOOD AND SHOULDN'T ABSORB IT IN BERKELEY AND TAXPAYERS AND BERKELEY NEEDS TO PAY ITS FAIR SHARE. I LAUD WHAT U.C. BERKELEY IS AND WHAT IT DOES FOR OUR STATE AND FOR THE PEOPLE OF THE STATE AND FRANKLY FOR THE COUNTRY. THIS IS THE GREATEST PUBLIC UNIVERSITY PROBABLY IN THE WORLD, HANDS DOWN. HERE AS A NEIGHBOR WE NEED THE UNIVERSITY TO DO ITS PART.</p> <p>QUICKLY GOING THROUGH THE EXECUTIVE SUMMARY, I NOTE THE UNIVERSITY TAKES TO TAKE TIME OVER AND OVER THEY DON'T HAVE TO TAKE INTO ACCOUNT THE CITY'S LAND USE AND A WANT TO NOTE THAT FOR THE RECORD. I FIND IT SAD THE NEED TO BEAT THAT OVER THE HEAD. IN THE SPIRIT OF PARTNERSHIP I'M HOPING TO FIND. IT DOESN'T GO A LONG WAY. THAT'S PROBABLY NOT A TECHNICAL E.I.R. COMMENT. THAT'S A COMMENT FOR THE E.C. FOLKS HOPEFULLY ALONG WITH THE 59 STILL WATCHING. THERE'S A NUMBER OF COMMENTS THAT SAY THE LRDP DOES NOT FORESEE FUTURE ENROLLMENT OR POPULATION BUT GUIDES LAND DEVELOPMENT AND INFRASTRUCTURE. I THINK WE NEED TO PUSH BACK AGAINST THAT GIVEN WHAT THE COURTS HAVE SAID THAT THE ENROLLMENT INCREASES IN AND OF THEMSELVES NEED TO BE STUDIES AND THERE AGAIN WE SEE A MAJOR OMISSION. GOING THROUGH THE PROJECT I THINK ALTERNATIVES B AND C HAVE SOME INTERESTING ALTERNATIVES TO. IN PARTICULAR THE REDUCTION IN VEHICLE MILES TRAVELED AND ALSO THE IDEA AND I DON'T REALLY KNOW HOW THEY CAME UP WITH THIS TO STUDY STRAIGHT UP 25% LESS THAN WHAT THEY'RE PROPOSING. IT SEEMS TO ME GIVEN THE MASSIVE AMOUNT OF NEW DEVELOPMENT, THE HUGE INCREASE IN STUDENT POPULATION THAT THEY'RE PUTTING FORWARD HERE WE AS A CITY OUGHT TO BE LOOKING CAREFULLY AT THE 25% LESS OPTION. GOING THROUGH THE CHART, NOT THE SUMMARY BUT VISION CHART AND I'M NOT COMMENTING ON ALL THE AREAS A FEW I THOUGHT WERE IMPORTANT.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Please see Master Response 8, Population Projections, Master Response 14, Displacement, and Master Response 18, Alternatives.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
A3-267	<p>UNDER AIR QUALITY IN 2-2 ON PAGE 2-11. THEY TALK ABOUT ORGANIC GAS EMISSIONS FOR INTERIOR ARCHITECTURAL COATINGS USING CERTIFIED LOW VOLATILE COMPOUNDS ETCETERA. WE NEED TO RAISE THE QUESTION OF TOXIC IN THE INSTALLATION. THE INSTALLATION WITH FLAME RETARDANTS WHEN INSTALLED HAS TOXIC ELEMENTS AND IF NOT WELL SEALED CAN BE TOXIC WITHIN THE BUILDINGS AND OUTSIDE AND MOST IMPORTANTLY IT EMITS TOXINS WHEN IT BURNS AND THIS IS A GREAT CONCERN FOR ME FOR FIREFIGHTERS AND WE'LL GET TO FIRE FIGHTING LATER IN THIS SET OF COMMENTS BUT WE NEED TO BE THINKING ABOUT THE SAFETY OF OUR CITY OF BERKELEY FIREFIGHTERS WHOSE JOB IT IS TO RUN INTO THESE BUILDINGS WITH ALL KINDS OF TOXIC MATERIALS, NUCLEAR, BIOLOGICAL, CHEMICAL, ETCETERA. LET'S NOT ALSO HAVE THEM FIGHTING TOXINS WHEN THESE BUILDINGS ARE BURNING. I HOPE WE CAN HIGHLIGHT THAT THERE.</p>	<p>The commenter speculates about the types of indoor building materials that would be used during construction related to the LRDP Update. There is no substantial evidence that the project will involve use of materials that contain flame retardants improperly sealed with toxic levels that pose a risk to human health. As described on Draft EIR pages 5.5-4 and 5.5-10, UC Berkeley's Campus Design Standards include requirements for building materials, lighting, glass and glazing, screening, planting, and others. The Campus Design Standards largely adopt and build off of other applicable regulations, such as the 2019 California Green Building Code (California Code of Regulations Title 24, Part 11, known as CALGreen) which established planning and design standards for reducing internal air contaminants. Example standards aimed to improve indoor air quality are 09 65 00, Part 2.a.i.3 (flooring materials), 09 91 00, Part 2.a.iii (painting and coating), and 23 00 00, Part 1.a.ii. and Part 2.a (heating, ventilation, and air conditioning). State agencies are also required to implement relevant and feasible voluntary measures Divisions A5.5 of the California Green Building Standards Code (CALGreen), pursuant to Executive Order B-18-12, to ensure healthy indoor environments for occupants. As stated in the CEQA Guidelines Section 15126.4, compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.</p> <p>In summary, without substantial evidence that building materials that will be used in project construction will emit toxics in levels that will exceed the State's emission limits, the commenter's assertion that future project residents or firefighters could be at risk for air toxics constitutes speculation, not substantial evidence.</p>
A3-268	<p>I WANT TO SHINE A LIGHT ON THE AREA OF CULTURAL AND TRIBAL RESOURCES. I THINK THE E.I.R. IS DEEPLY DEFICIENT ON BOTH COUNTS AND I'M ON PAGE 2-13. IT SAYS CULTURAL RESOURCES THIS</p>	<p>Ten historical resources, including the First Church of Christ Scientist, are identified as being located within the immediate vicinity of Housing Project #2 (see page 4.4-30 in the Draft EIR and the HRTR for Housing</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>IS AN AREA WHERE THEY FIND SIGNIFICANT IMPACTS AND NOT AVOIDABLE AND DON'T FIND THEY CAN MITIGATE THEM AND I DON'T THINK THEY'RE OFFERING ALL THE POTENTIAL MITIGATIONS THEY SHOULD BE. ONE THING I DIDN'T SEE WAS CONSIDERATION OF MOVING HISTORIC BUILDINGS IF THEY THINK THEY NEED TO TEAR THEM DOWN. THEY TALK ABOUT SALVAGING AND TALK ABOUT SALVAGING ARCHITECTURAL ELEMENTS WHICH SOUNDS SAD TO ME BUT THEY DON'T TALK ABOUT THE POSSIBILITY OF MOVING BUILDINGS TO OTHER SITES, OFFERING THE WHOLE BUILDING FOR SALE. THEY DON'T SEEM TO TALK MUCH ABOUT REHABILITATING AND SEEM TO TAKE DEMOLITION AS A GIVEN AND WE NEED TO LOOK CAREFULLY AND PUSH BACK AGAINST THAT. THE OTHER THING THEY DON'T ADDRESS IN THE HISTORIC RESOURCES IS THEY DON'T SAY ANYTHING ABOUT ADJACENT HISTORIC RESOURCES. WE KNOW FROM THE WAY WE ANALYZE HISTORIC IMPACTS ON HISTORIC RESOURCES IN BERKELEY, THAT YOU LOOK AT WHAT'S GOING ON AROUND THAT RESOURCE. I'LL CALL OUT IN PARTICULAR THE FIRST CHURCH OF CHRIST. IT IS PROBABLY ONE THE MOST IMPORTANT HISTORIC AND ARCHITECTURAL LANDMARKS IN THE CITY ADJACENT TO PEOPLE'S PARK AND NOT DIRECTLY ON U.C. PROPERTY. WHERE IS THE ANALYSIS OF U.C.'S PLANS ON A RESOURCE LIKE THAT? WE NEED TO MAKE SURE CITY OF BERKELEY HISTORIC RESOURCES ARE TAKEN INTO ACCOUNT IN THIS E.I.R. AND THAT MITIGATIONS GO TO IMPACTS TO THEM NOT JUST IMPACTS TO THE UNIVERSITY'S OWN HISTORIC RESOURCES ON THEIR OWN PROPERTIES. I'M VERY CONCERNED ABOUT THE WHOLE SECTION. ON 2-16 THEY'RE TALKING ABOUT ARCHEOLOGICAL RESOURCES. THIS IS AN AREA I FEEL WE NEED TO COLLABORATE WITH OUR NATIVE-AMERICAN RESIDENTS AND NEIGHBORS. THE UNIVERSITY IS IN THE PROCESS OF LOOKING AT REPATRIATION. AND IS THE UNIVERSITY HOLDS STOLEN NATIVE-AMERICAN ARTIFACTS AND BONES AND REMAINS. AND ARTIFACTS. I'M NOT CONVINCED THEIR PLANS HERE FOR MANAGING ARCHEOLOGICAL RESOURCES WITH THE WORK I</p>	<p>Project #2 in Appendix F.3). Impacts resulting from potential vibration damage during construction (Impact CUL-1.4) and the construction of a new building incompatible with the setting of the ten historical resources (Impact CUL-1.5) are analyzed in the Draft EIR:</p> <ul style="list-style-type: none"> ▪ Impact CUL-1.4 states the following: The proposed use of pile driving during construction of Housing Project #2 could produce significant ground vibration or soil movement under or adjacent to the existing foundations of nearby historical resources, compromising their structural integrity. The Draft EIR concludes that Impact CUL-1.4 would be less than significant with the implementation of Mitigation Measure CUL-1.4 (Draft EIR, page 5.4-40). ▪ Impact CUL-1.5 states the following: The design of Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People's Park through incompatible design. The Draft EIR concludes that Impact CUL-1.5 would remain significant and unavoidable following implementation of Mitigation Measure CUL-1.5 (Draft EIR, page 5.4-41). <p>Furthermore, the commenter is directed to see Master Response 10, Changes to Housing Project #2, where it is described that pile driving is no longer required for Housing Project #2.</p> <p>Please see Response A4-5 with respect to the relocation of historic resources.</p> <p>With respect to impacts to cultural tribal resources, please see Chapter 5.16, Tribal Cultural Resources.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>UNDERSTOOD THEY WERE GOING TO DO IN MITIGATING THE PROBLEM OF HOW THE UNIVERSITY HAS TREATED CULTURAL AND NATIVE-AMERICAN RESOURCES. THERE'S A LOT OF IN HERE THAT REALLY CONCERNS ME THEY TALK ABOUT THEY ESSENTIAL STATE THEY'RE GOING TO GO AHEAD AND DEVELOP WHERE THERE ARE KNOWN ARCHEOLOGICAL RESOURCES. SO THOUGH THE TITLE OF THIS IS AND THE POTENTIAL IS TO DISTURB UNKNOWN ARCHEOLOGICAL RESOURCES, SORRY, I'M CLEARLY SPEAKING AND PEOPLE ARE TRYING TO CALL ME FROM THE FLOOR. AND SAY AREAS WITH HIGH ARCHEOLOGICAL SENSITIVITY. FOR PROJECT AREAS WITH MODERATELY HIGH TO EXTREME ARCHEOLOGICAL SENSITIVITY AS SHOWN ON THE CONFIDENTIAL PRE HISTORIC CULTURAL SENSITIVITY OVERLAY ANALYSIS RESULTS. THEY'RE LITERALLY TALKING HERE ABOUT GOING AHEAD AND DEVELOPING WHERE THEY ALREADY KNOW THESE RESOURCES EXIST. AND CLAIM IT CAN'T BE AVOIDED. I THINK THE WHOLE AREA, WE KNOW STRAWBERRY CREEK AT THE U.C. LOCATION WAS A MAJOR VILLAGE SITE. THERE'S A LOT OF OTHER ARCHEOLOGICAL REMAINS ON THE U.C. CAMPUS. WE CANNOT LET A CURSORY ADDRESSING OF THAT OR ASSUMPTION WE'LL DISTURB THOSE WOULD SERIOUS AND I HOPE WE HAVE EXPERTS WORKING ON THAT ASPECT AND IF YOU DON'T, I KNOW SOME ONLY HAVE A WEEK TO GET THIS DONE AND HOPE THE CITY WILL GET THE EXPERTISE WE NEED TO MAKE SURE WE'RE CONTINUING TO DO OUR PART TO ENSURE THE PROTECTION OF NATIVE-AMERICAN AND ARCHEOLOGICAL RESOURCES.</p>	
A3-269	<p>ON PAGE 2-23, LAND USE AND PLANNING, NO SIGNIFICANT IMPACTS. I CAN ONLY ASSUME THAT'S AN INWARD FACING ANALYSIS WHERE THEY'RE NOT PLANNING IMPACT TO THEMSELVES BUT A WHOLE CITY THAT SURROUNDS THEM THAT NEEDS TO BE CONSIDERED. THAT SEEMS TO BE TO BE AN AREA THAT MIGHT NEED ADDITIONAL THOUGHT. ON PAGE 2-29, POPULATION AND HOUSING. SEEMS CURSORY TO ME. THERE'S A VERY SMALL SECTION ON FUTURE DEVELOPMENT PROJECTS COULD RESULT IN THE DISPLACEMENT OF</p>	<p>The commenter asserts that the analysis of potential land use impacts and displacement impacts are inadequate. The commenter provides no substantial evidence to support their assertions. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 14, Displacement.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-270	<p>EXISTING RESIDENTS AND THE MITIGATION SEEMED UNINSPIRED AND LACKING. SO I THINK THAT IS SOMETHING THAT CITY SHOULD BE COMMENTING ON.</p> <p>PUBLIC SERVICES, AMAZINGLY, SEEMS TO ONLY TALK ABOUT THE USD. THAT'S ANOTHER AREA OF SIGNIFICANT OMISSION. LAST I LOOKED THE CITY OF BERKELEY PROVIDED PUBLIC SERVICES BEYOND THE SCHOOL DISTRICT AND AGAIN WHERE'S THE ANALYSIS ON CITY OF BERKELEY PUBLIC SERVICES.</p>	<p>The Draft EIR analyzes impacts to public services, including fire protection, police, schools, parks, and library facilities, in Chapter 5.13, Public Services, of the Draft EIR.</p>
A3-271	<p>ET ANOTHER AREA ON THE NEXT PAGE, PARKS AND RECREATION, NO SIGNIFICANT IMPACTS. AH, ONE OF THE MORE STUNNING COMMENTS I REMEMBER FROM MY DAYS ON Z.A.B. IS WHEN WE WERE APPROVING THE ATCHISON COMMONS PROJECT ON UNIVERSITY AVENUE AT THE CORNER OF SHATTUCK AND GOING TOWARDS THE UNIVERSITY. THE DEVELOPER AT THE TIME, IT'S NOT WHAT I THINK THE PLANS EVENTUALLY WERE CHANGED BUT AT THAT TIME THERE WAS VERY LITTLE PROVISION OF ANY OPEN SPACE ON THE PROJECT AND REMEMBER A Z.A.B. MEMBER ASKED WHY DON'T YOU HAVE ANY OPEN SPACE AND THE DEVELOPER SAID, THAT'S BECAUSE WE ARE A BLOCK AWAY FROM THE MOST WONDERFUL OPEN SPACE IN BERKELEY. I WAS LIKE, WHAT ARE YOU TALKING ABOUT AND THEY SAID, THE CAMPUS. THE CAMPUS IS PARK SPACE AND OPEN SPACE THAT ADDS TO THE OUTDOOR OPPORTUNITIES FOR THE WHOLE CITY. I THOUGHT THAT WAS AN INTERESTING PERSPECTIVE. DIDN'T AGREE WITH IT AND MADE THEM MAKE MORE SPACE BUT MY POINT IS THAT IF THE UNIVERSITY IS GOING TO FILL IN ALL THE GREEN SPACES ON CAMPUS, AND BELIEVE ME THE CHANGE JUST FROM THE TIME I WENT TO U.C. BERKELEY TO NOW, A LOT OF THE GREEN AND OPEN SPACES ON THE CAMPUS HAVE BEEN FILLED IN WITH BUILDINGS. I DON'T THINK THE CONTINUED DEVELOPMENT HAS AN IMPACT AND IT'S BEEN A BREATHING SPACE FOR THE CITY AS A WHOLE AND TAKEN WAY IT HAS AN IMPACT. [PLEASE STAND BY] YOU KNOW, I DON'T KNOW, MAYBE THEY WILL OUTLAW BARBECUING AND</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
A3-272	<p>THINGS LIKE THAT. AND NOT DISCUSS AT ALL THE POSSIBILITY THAT'S NOT A GOOD IDEA. AND QUITE FRANKLY, WE SHOULDN'T HAVE BUILT WHAT'S BEEN BUILT AT BERKELEY OR U.C. BERKELEY. WE DIDN'T KNOW EVERYTHING WE KNOW NOW. ARE WE GOING TO DOUBLE DOWN ON THOSE MISTAKES BECAUSE WE MADE THEM IN THE PAST?</p> <p>ND KEEP PUTTING PEOPLE AND FACILITIES IN HARM'S WAY? AND JUST SAY WE WON'T LIGHT THE MATCH OURSELVES? THAT JUST DOESN'T SEEM TO ME TO BE ANYWHERE NEAR ADEQUATE ANALYSIS OF SOMETHING THAT WILL BE A DANGER TO THE PEOPLE WHO LIVE AND WORK THERE. AS WELL AS TO THE REST OF THE PEOPLE OF BERKELEY. AND A HUGE NEW CHALLENGE FOR OUR FIREFIGHTERS WHO ALREADY HAVE A VERY DIFFICULT CITY TO KEEP SAFE. AND WHO PROVIDE ALL THE FIRE FIGHTING SERVICES TO THE UNIVERSITY, BASICALLY FOR FREE. SO FOR THIS TO NOT BE CONSIDERED IN A HOLISTIC WAY, AS AN IMPACT, JUST SEEMS LIKE A REALLY BIG OMISSION TO ME. THOSE ARE MY COMMENTS ON THE SPECIFICS. THOSE ARE THE THINGS I HOPE THE CITY WILL BE HIGHLIGHTING IN THE CITY'S COMMENTS. I KNOW THAT, YOU KNOW, DIFFERENT ORGANIZATIONS WILL BE WRITING IN. AND I WOULD BE HAPPY TO TALK TO STAFF ABOUT THE CULTURAL RESOURCES PIECE. IF THERE'S ANYWAY I CAN BE HELPFUL IN IDENTIFYING EXPERTISE TO HELP WITH THAT IN THE SHORT AMOUNT OF TIME WE HAVE LEFT. SO THANK YOU VERY MUCH.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue.</p> <p>In accordance with agreements between the City of Berkeley and UC Berkeley, UC Berkeley pays annual fees to the City of Berkeley for use of public services, including fire protection services.</p> <p>The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-273	<p>>> MAYOR ARREGUIN: THANK YOU. COUNCILMEMBER ROBINSON?</p> <p>>> R. ROBINSON: GOOD EVENING. WELL, FIRST, I WANT TO THANK EVERYBODY WHO GAVE COMMENT TODAY AND REMIND US, THERE WILL BE THE TRANSCRIPT OF TODAY'S MEETING WILL BE AVAILABLE TO CAMPUS STAFF. IT'S STILL BEST TO WRITE IN VIA CAMPUS THE MAYOR AND STAFF DESCRIBED. I LISTENED IN ON ONE OF THE PUBLIC INPUT SESSIONS HELD A WEEK OR TWO AGO. IT REALLY MADE ME MISS THE IN- PERSON OPEN HOUSES. IT WAS A LITTLE CLUNKY BUT I'M GLAD WE ARE MAKING INPUT POSSIBLE IN NEW</p>	<p>This comment expresses opinions about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>WAYS. THAT'S THE WORLD WE LIVE IN. AS YOU DEVELOP OUR RESPONSE, FORGIVE ME IF MY THOUGHTS ARE SCRAMBLED. THERE'S INCREDIBLE BREADTH AND DEPTH TO THESE DOCUMENTS. I WILL REITERATE MY PRIOR COMMENT SUGGESTING WE CONSIDER ENDORSE ADDING THESE ALTERNATIVES, C AND D ON REDUCED VEHICLE MILES TRAVEL AND INCREASE HOUSING TO THE SCOPE OF THE L.R.D.B. ITSELF. THAT'S A VERY SPECIFIC ASK. AGAIN, IF WE HAVE ANY LESSONS TO LEARN FROM THE 2005 I THINK HAVING THESE PIECES THAT WILL CLEARLY RESPOND TO MITIGATIONS, AS PART OF AN ENHANCED SCOPE ITSELF WILL GO A LONG WAY. AS WELL AS A CLEAR PLAN TO DEMONSTRATE HOW WILDFIRE MITIGATION PLANS WILL ADAPT TO POTENTIAL GROWTH OR CAMPUS. I THINK IS QUITE WHERE IT NEEDS TO BE IN THE DOCUMENT. IN OUR RESPONSE, ANY ELEMENTS OF THAT, DWELLS ON REFLECTIONS OF THE LAST L.R.D.P., I THINK I WOULD IMPART THAT. IT'S CLEAR IN HINDSIGHT, THE GROWTH PROJECTIONS WERE WOEFULLY INADEQUATE. AS A RESULT THE NECESSARY CAMPUS GROWTH AND PROJECTS TO ACCOMMODATE THE GROWTH OF THE CAMPUS COMMUNITY DID NOT HAPPEN. AND WE ARE PAYING THE PRICE FOR THAT AS A CITY TODAY. AND ONE OF THE PRIMARY SHAPES THAT HAS TAKEN IS THE GENTRIFICATION OF OUR CITY. BUT I DO WANT TO ASK THAT STAFF BE CLEAR IN OUR REPORT TO CAMPUS -- WE UNDERSTAND A KEY PRINCIPLE. AND THAT'S ENROLLMENT GROWTH HAS VALUE AND IS GOOD. AND AS THE STATE IS GROWING, OUR SYSTEMS OF HIGHER EDUCATION SHOULD GROW TOO. THAT'S A QUESTION OF OPPORTUNITY. BUT THE ROOTS OF THE GENTRIFYING PIECE, TO RESPOND TO THE GROWTH AND IMPOSE IT ON US BY THE STATE. THE RESULT OF WHAT'S BEEN HAPPENING FOR YEARS, AS THE CAMPUS COMMUNITY GROWS, BUT HAS NOWHERE TO GO, THEY END UP COMPETING WITH LONG-TERM RESIDENTS FOR THE SAME UNITS. THAT HAS ACCELERATED DISPLACEMENT IN SOUTH BERKELEY. THE 2005 L.R.D.P. REALLY FAILED TO PLAN FOR THAT GROWTH. I KNOW THE NUMBERS IN THE DRAFT WE ARE LOOKING AT</p>	<p>See also Master Response 14, Displacement, and Master Response 15, Gentrification.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>NOW ARE INTIMIDATING. BUT I THINK IN SOME MEANINGFUL WAYS THEY ARE ACTUALLY MUCH MORE HONEST. AN ATTEMPT TO MEET THE NEED. IF ANYTHING, I VENTURE THEY ARE NOT EVEN ENOUGH. AT A HIGH LEVEL, LOOKING AT THAT, PARSING THROUGH THE DOCUMENT, REALLY APPRECIATE THE CONNECTIVITY TO EXISTING PLANS ON THE CITY SIDE. MUCH DIRECT REFERENCE TO AND DISCUSSION OF THE SOUTH SIDE PLAN, THE DOWNTOWN PLAN, THE BICYCLE PLAN IN THESE DOCUMENTS. BUT I THINK WHAT WE COULD PUSH FOR MORE IS HELP SEE CLEAR EXPLANATION HOW THEY INTEND TO HELP US DELIVER ON THOSE PLANS THAT HAVE AN OBVIOUS BENEFIT TO THE CAMPUS ITSELF. I THINK THERE'S A LOT OF WAYS WHERE THE DOCUMENT AS A WHOLE IS INCREDIBLY AMBITIOUS BUT THERE'S ALSO A LOT OF PLACES IT'S LESS AMBITIOUS. INCREDIBLY AMBITIOUS IN TERMS OF ON- CAMPUS ACADEMIC GROWTH. THE SHEER SCOPE OF PROJECT GROWTH MAPPED OUT ON THE CAMPUS PARK, IT'S SOMETHING LIKE FIT FOR A QUARTER OF THE LAND MASS OF THE CAMPUS PARK HIGHLIGHTED FOR POTENTIAL FUTURE BUILDING AREAS. A COUPLE PROJECTS IN PARTICULAR, I THINK ARE MAJOR OPPORTUNITIES TO VEER A LITTLE CLOSER TO JOHN GAYLE AND HOWARD'S ORIGINAL MASTER PLANS FOR THE CAMPUS, WHICH DOESN'T COME UP AS MUCH HERE BECAUSE WE ARE A LITTLE MORE CONCERNED WITH THE CITY ENVIRONS BUT THERE'S THINGS THERE I'M INSPIRED AND TICKLED BY. IT'S MUCH MORE AMBITIOUS. FACULTY AND STAFF HOUSING. ISSUES AROUND PARKING. LIMITING PARKING TO PRIORITIZE HOUSING. IF CAMPUS IS SAYING IT CAN'T BUILD HOUSING ON CERTAIN LOTS BECAUSE THOSE LOTS NEED TO BE PARKING.</p>	
	<p>AS A CITY WE ARE TRYING TO BE SMARTER AND GREENER ABOUT. THEY NEED TO DEMOLISH 1921 WALNUT BECAUSE THEY NEED THE HOUSING. THERE'S A DISCONNECT THERE THAT SHOULD BE PRETTY OBVIOUS. PARSING THROUGH THE BIGGER MODULES HERE. AROUND LAND USE, I FOUND MYSELF STARING. IT WAS A REALLY NICE CHART. VERY ILLUSTRATIVE. WITH ALL THESE NICE BUBBLES DESCRIBING</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-274	<p>WHAT BUILDING USE IS PERMISSIBLE WITHIN EACH REALM OF THE WORLD. IT'S A VERY NICE CHART. I HAVE TO SAY, I DO THINK IT CONTINUES TO BE A LITTLE ABSURD THAT EVERY USE IS ALLOWABLE IN THE CITY ENVIRONS BUT ANYTHING BUT HOUSING IS ALLOWABLE ON THE CAMPUS PARK. I AM A LITTLE RESIGNED TO THE REALITY THAT I THINK CAMPUS IS GOING TO EXHAUST EVERY OTHER OPPORTUNITY TO BUILD HOUSING EVERYWHERE BEFORE EVER PUTTING A UNIT ON CAMPUS. BUT MAYBE THE SEVERITY OF THE HOUSING CRISIS REQUIRES US TO MAKE UNCOMFORTABLE CHOICES. PEOPLE TALK ABOUT PUTTING HOUSING IN THE UNDERUTILIZED CHANCELLOR'S MANSION. I'M REMINDED OF OUR DECISION TO CONVERT OLD CITY HALL INTO AN EMERGENCY SHELTER. I MEAN THESE ARE THE SORTS OF UNCOMFORTABLE CHOICES WE HAVE TO MAKE TO RESPOND TO THE MOMENT WE ARE IN. I WOULD LIKE TO SEE A LITTLE MORE FROM CAMPUS TOO.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-275	<p>THOSE ARE THE LAST OF MY NOTES. I REALLY APPRECIATE US HOLDING THIS SESSION, MS. KLEIN AND MS. ALLEN. I WILL SEND YOU ADDITIONAL THOUGHTS AND FEEDBACK SHOULD THEY COME TO ME.</p> <p>>> MAYOR ARREGUIN: THANK YOU VERY MUCH. COUNCILMEMBER TAPLIN NEXT.</p> <p>>> T. TAPLIN: THANK YOU. I DIDN'T GRADUATE FROM THE U.C., I ULTIMATELY CHOSE SAINT MARY'S. I HAVE TO ADMIT IF I NEVER HAD GROWN UP WITH THE BEST UNIVERSITY IN MY BACKYARD I WOULDN'T HAVE CONSIDERED HIGHER EDUCATION IN THE FIRST PLACE. IF THE U.C. CAN BUILD IN FIRE ZONES OR ON AVAILABLE SPACES OR ANYWHERE NEAR A LANDMARK, THE PRESSURE WILL -- BERKELEY. MOREOVER, IF NOT FOR WORKING CLASS JOBS, INCLUDING CONSTRUCTION JOBS WHEN MY GREAT GRANDPARENTS GOD HERE, I WOULDN'T BE HERE AT ALL. IN THE SPIRIT OF PARTNERSHIP, WE SHOULD SHARE OUR P.L.A. AND LABOR STANDARDS AND COMMUNICATE THESE AS PRIORITIES. THEY PLAN TO DO A LOT OF BUILDING AND THE WORK SHOULD SUPPORT THE WORKERS AND THEIR FAMILIES. THEY SHOULD PARTNER WITH US IN CREATION OF GOOD UNION JOBS AND PATHWAYS TOWARD GAINFUL EMPLOYMENT AND OPPORTUNITIES FOR STUDENTS, BUILDERS AND THE OPPORTUNITY. THANK YOU.</p>	<p>The comment expresses an opinion about labor agreements but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
A3-276	<p>>> MAYOR ARREGUIN: THANK YOU. VICE MAYOR DROSTE?</p> <p>>> L. DROSTE: I DIDN'T REALIZE I WAS UP NEXT. THANK YOU. SO, YOU KNOW, I ALSO WANT TO REITERATE WHAT I MENTIONED IN THE NUMEROUS CONVERSATIONS I'VE HAD WITH U.C. SEVERAL OF MY COLLEAGUES HAVE ALREADY MENTIONED THIS. BUT FIRE SAFETY AND EVACUATION IS INCREDIBLY IMPORTANT. WE HAVE TO ENSURE THE SAFETY OF OUR RESIDENTS IN THESE AREAS. AND REALLY ENSURE THAT THE WILDFIRE MITIGATION PLANS ADAPT TO THESE CHANGES. SO I JUST WANTED TO STATE THAT ALSO FOR THE RECORD. JUST AS IMPORTANTLY, BECAUSE IT RELATES TO CLIMATE</p>	<p>Chapter 3, Revisions to the Draft EIR, of this Final EIR describes corrections to the parking spaces under the proposed project. As shown in Chapter 3, the projected number of parking spaces for the horizon year 2036-37 would be 7,580; the proposed project would add approximately 1,240 parking spaces to the existing 6,340 parking spaces listed in Chapter 3, Project Description, of the Draft EIR.</p> <p>As described in impact discussion TRAN-1 in Chapter 5.15, Transportation, of the Draft EIR, the proposed LRDP Update is generally consistent with the transportation-related goals and policies</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>CHANGE IS THE PARKING PIECE THAT I TALKED ABOUT PREVIOUSLY. SO WHETHER U.C. IS ADDING 2600 OR 1200 PARKING SPACES, THAT'S THE QUESTION I'M HAVING, WHICH IS IT? IT WILL HAVE AN ENORMOUS IMPACT ON OUR CITY. THE REPORT SHOWS THAT AUTOMOBILE TRAFFIC GENERATED WILL INCREASE BY ABOUT 20%. WE SEE AT LEAST IN THAT ONE CHART THAT CHANNING AND ELLSWORTH PROPOSING 400 MORE SPACES, OXFORD TRACK 600 MORE. 1,000 AT UNIVERSITY HALL, ACCORDING TO THAT TABLE. YOU KNOW, QUITE A FEW THINGS TO BE EXCITED ABOUT IN THIS PRESENTATION. YOU KNOW, SOME SEISMIC IMPROVEMENTS. BUT THE ADDITION OF SO MANY PARKING SPACES AND AGAIN NOT QUITE KNOWING WHAT THE NUMBER IS, IS UNDOUBTEDLY GOING TO, AND ADMITTEDLY BY THE REPORT GOING TO INCREASE CONGESTION ON OUR STREETS AND IS PRETTY PROBLEMATIC TO ME. FURTHERMORE, IF YOU LOOK AT THE TRANSPORTATION SECTION IN THE E.I.R. ON PAGE 50 OF 68, YOU WILL SEE THAT THE DOCUMENT ITSELF SAYS "THE IMPLEMENTATION OF THE PROPOSED PROJECT WOULD NOT BE CONSISTENT WITH THE U.C. SUSTAINABLE PRACTICES POLICY AND THE U.C. BERKELEY SUSTAINABILITY PLAN". THE STATED MITIGATION IS JUST TO SURVEY TRANSPORTATION PRACTICES EVERY THREE YEARS. TO ME THAT'S NOT A MITIGATION STRATEGY. THERE ARE MANY OTHER WAYS TO MITIGATE CONGESTION. I THINK COUNCILMEMBER ROBINSON AND HAHN MENTIONED IT. THEY DID MENTION ALTERNATIVE C. THAT SEEMS QUITE APPEALING TO ME. AND YOU KNOW, I REALLY JUST WANT TO CHALLENGE THAT STATEMENT WHERE THEY SAY IN REVIEWING THE FEASIBILITY OF THE BROADER MEASURES, THAT THEY DETERMINED THE ADDITIONAL COSTS WOULD BE HIGH, RELATIVE TO THE ADDITIONAL BENEFIT GAINED WHEN COMPARING THE ONGOING COSTS AND BENEFITS OF IMPLEMENTING CURRENT T.D.M. PROGRAM. I WOULD BE REALLY INTERESTED IN SEEING THE CRITERIA AND HOW THEY DETERMINED THOSE COSTS WOULD BE MORE THAN THE ACTUAL BENEFIT. SO I THINK THAT IS JUST, TO ME, JUST A REALLY BIG RED</p>	<p>in the UC Sustainable Practice Policy and the UC Berkeley Sustainability Plan. Under the proposed LRDP Update, UC Berkeley would continue its existing transportation demand management programs and would expand and add to these programs to increase opportunities for employees and students to get to and from campus by means other than single-occupant vehicles. However, the LRDP Update would still conflict with the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan because UC Berkeley does not currently meet targets for single occupant vehicles mode share for 2025 or 2050 that is established in these documents, and because of this, the Draft EIR concluded that impacts would be potentially significant. Mitigation Measure TRAN-1 mitigates this impact to a less-than-significant level because the transportation survey results would be used to adjust UC Berkeley's transportation demand management programs, parking pricing, education and outreach, support for telecommuting, and other measures in order to achieve vehicle mode share goals. The regular maintenance of transportation demand through this mitigation would ensure that UC Berkeley updates its targets over time in order to comply with its sustainability goals.</p> <p>Senate Bill 743 updates the State CEQA Guidelines and establishes criteria determining the significance of transportation impacts. The statute generally states that automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA. Instead, transportation impacts focus on VMT. Therefore, as described in Chapter 5, Environmental Analysis, on page 5-6, and in Chapter 5.15, Transportation, starting on page 5.15-1, of the Draft EIR and consistent with CEQA Guidelines Section 15064.3, traffic congestion or measures of vehicular capacity or delay may no longer be used in CEQA documents as thresholds of significance, and therefore are not addressed in the Draft EIR.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>FLAG AROUND THESE TRAFFIC, THE TRAFFIC CONGESTION AND HOW THAT WILL BE MITIGATED. AND AGAIN, THEY ARE STATING THEMSELVES THAT IT IS INCONSISTENT WITH THEIR OWN SUSTAINABLE PRACTICES POLICY. AND SUSTAINABILITY PLAN. AND SO I THINK IT REALLY MERITS NOT NECESSARILY A GLOSSING OVER, BUT REAL MITIGATION STRATEGIES. AND THEN FINALLY, I WANT TO TALK ABOUT THE CLARK KERR CAMPUS. WHILE COVENANTS AND RESTRICTIONS FOR THE MOST PART APPLY TO THE CAMPUS THROUGH 2032, I SUPPORT THE SEISMIC IMPROVEMENTS AND MOBILITY IMPROVEMENTS PROPOSED FOR THE CAMPUS. BUT IN THE L.R.D.P. CAL ISSUED A VERY BROAD STATEMENT SAYING THEY WANT TO CONSIDER OR EVALUATE DEMOLITION REDEVELOPMENT OR RENOVATION OF EXISTING BUILDINGS THAT NO LONGER MEET PROGRAMMATIC NEEDS OR HAVE DEFICIENCIES. AND STATES FUTURE USES SHOULD CONTRIBUTE TO CLARK KERR'S RESIDENTIAL COMMUNITY. HOWEVER, I THINK IT'S IMPORTANT THAT WE DON'T JUST LIMIT IT TO RESIDENCE. AS YOU KNOW, A SIGNIFICANT PORTION OF THE CLARK KERR CAMPUS IS USED BY THE BROADER COMMUNITY, FOR RECREATION, NOT JUST PHYSICAL RECREATION BUT CHILDREN'S CAMPS. AND I JUST THINK THAT STATEMENT COULD ALSO REALLY BENEFIT FROM FURTHER SPECIFICITY WITH RESPECT TO PROGRAMMATIC NEEDS AND THIS, CONSIDER OR EVALUATE DEMOLITION VERSUS RENOVATION. THAT'S SOMETHING I THINK, COULD REALLY HAVE MORE SPECIFICITY. AGAIN IT LISTS CLARK KERR AS HAVING PARKING AND MOBILITY AS A SECONDARY USE, AS I MENTIONED BEFORE. I JUST REALLY DON'T WANT THIS WALKABLE VIBRANT CAMPUS TO BECOME A WAREHOUSE FOR CARS. I THINK YOU ALL REMEMBER, WE HAVE SEEN A YOUNG CHILD THAT WAS HIT AND KILLED BY A DRIVER, ADJACENT TO THE CLARK KERR CAMPUS. SO I REALLY THINK THIS TRAFFIC CONGESTION PIECE NEEDS TO BE MORE THOROUGHLY ASSESSED. THAT'S WHAT I HAVE TO SAY FOR NOW. I WILL WRITE THE REST OF MY COMMENTS IN AN EMAIL TO YOU ALL. THANK YOU VERY MUCH FOR THIS TIME.</p>	<p>Finally, as described in Chapter 3, Project Description, of the Draft EIR, the proposed LRDP Update does not require any specific development projects on any site (other than Housing Projects #1 and #2). The purpose of the potential development assumptions illustrated in Table 3-2, Potential Areas of New Development and Redevelopment, including those listed for the Clark Kerr Campus, is to illustrate a land use program that would accommodate the proposed LRDP Update buildout projections. The potential areas identified in this section provide a menu of possible options that UC Berkeley has to accommodate potential growth and changes. The location and design of future development would be informed by proximity to existing UC Berkeley campus resources and compatibility with surrounding land uses to the extent feasible and would be examined in light of the program-level EIR to determine whether subsequent project-specific environmental documentation would be required, in conformance with CEQA. As such, there is no current specific development projects proposed for the Clark Kerr Campus, and UC Berkeley will continue to evaluate the most effective use of this space that would serve UC Berkeley under the LRDP Update.</p> <p>Please also see Response A3-41 regarding evacuation.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-277	<p>>> MAYOR ARREGUIN: THANK YOU VERY MUCH. COUNCILMEMBER HARRISON?</p> <p>>> K. HARRISON: THANK YOU. THANK YOU VERY MUCH. I THINK THE COMMENTS THAT WERE JUST MADE SORT OF REFLECT THE LARGER CONCERN THAT, WHILE WE AS A COMMUNITY HAVE WORKED VERY HARD TO MEET OUR CLIMATE GOALS, THE UNIVERSITY DOESN'T TAKE THAT SERIOUSLY. WE ASK EVERY SINGLE RESIDENT WHO LIVES HERE TO LIVE WITHOUT PARKING, YET THEY SAY WE HAVE TO HAVE PARKING. IT'S TRUE OF CLARK KERR BUT ALSO OXFORD TRACK, MERE SIX BLOCKS FROM B.A.R.T. IT'S RIDICULOUS WE ARE LOOKING AT THEM ADDING ALL OF THIS PARKING, I THINK THEIR ATTITUDE ABOUT PARKING REFLECTS THEIR ATTITUDE ABOUT THIS ENTIRE PROCESS. IT REFLECTS WE CAN DO WHATEVER WE WANT. WE CAN HAVE GOALS WE STATE, BUT WE CAN JUST VIOLATE THEM. I REALLY HAVE, I THINK IT'S A REALLY NICE MICROCOSM ISSUE OF WHAT'S GOING ON IN THIS ENTIRE L.R.D.P. BUT YOU KNOW WHAT, WE'RE NOT HELPLESS. THE TONE OF THIS MEETING IS U.C. IS GOING TO DO ALL THIS AND THERE'S NOTHING WE CAN DO ABOUT IT. I DON'T BELIEVE THAT'S TRUE. I THINK THIS E.I.R. LACKS SUBSTANTIAL EVIDENCE ABOUT THE MITIGATIONS THAT ARE POSSIBLE AND THE ALTERNATIVES TO BE CONSIDERED. I DON'T THINK THEY HAVE DONE A THOROUGH ANALYSIS AND I HOPE WE COMMENT ON THE ANALYSIS AND NOT JUST GET INTO THE DETAILS. AS YOU APPRECIATE A LOT OF DETAILS MENTIONED AND MY COLLEAGUES HAVE READ THIS DOCUMENT IN GREAT DEPTH. THANK YOU, COUNCILMEMBER HAHN, IN PARTICULAR, LOOKING AT ASPECTS INVOLVING NATIVE TRIBES AND HISTORIC PRESERVATION. I THINK THAT WE DO HAVE TO INSIST THAT WE LOOK AT ENROLLMENT AS A PROJECT AND ASK WHAT THE LONG-TERM PROJECTIONS ARE FOR ENROLLMENT. IT IS SEPARATE AND APART UNDER PRIOR CASE LAW, A PROJECT. ADDING INDIVIDUALS TO THE CAMPUS. WE ALSO NEED TO ASK THE QUESTION I ASKED AT THE BEGINNING OF THE STUDENTS ADDING, WHAT ASSUMPTIONS ARE YOU MAKING ABOUT HOW MANY</p>	<p>These comment expresses the opinions of the commenter and asserts that the EIR lacks substantial evidence to support its mitigation measures and alternatives. The commenter provides no substantial evidence to support their assertions. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 18, Alternatives. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Regarding the long-term enrollment projections evaluated in the Draft EIR, please see Table 3-1, Proposed LRDP Update Buildout Projections, of the Draft EIR. As shown in Table 3-1, the Draft EIR evaluates at a program-level the net new development of 8,096,249 square feet of development, 11,731 beds, and 1,240 parking spaces to accommodate a projected increase of 5,068 net new undergraduate students, 3,424 graduate students, and 3,579 faculty/staff. Population growth in the city of Berkeley is quantified and assessed in Chapter 5.12, Population and Housing, of the Draft EIR. Page 5.12-22 of the Draft EIR states: "In the city of Berkeley, overall population growth under the LRDP Update would be a combination of the direct growth resulting from construction of new housing (which could result in a total of up to 13,902 new city of Berkeley residents by 2037, as shown in Table 5.12-8, Projected Population Increase due to Housing Production) and indirect growth from unaccommodated students and faculty/staff seeking housing in the city (estimated to be 2,291 people, as shown in Table 5.12-11, Change in Unaccommodated University Population Residing in Nearby Jurisdictions). Therefore, based on the analysis herein, future development under the proposed LRDP Update could add up to 16,193 people to the city of Berkeley population (13,902</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>WILL LIVE IN BERKELEY? THAT HAS A HUGE IMPACT ON OUR ARENA NUMBERS AS WELL. THE LINKAGE FOR ME, WE DON'T GET CREDIT FOR GROUP LIVING ACCOMMODATIONS BUILT BY THE UNIVERSITY IN OUR ARENA NUMBERS, YET WE ARE FORCED TO BUILD HOUSING BASED ON THE STUDENT NUMBERS. SO THE 40,000 STUDENTS ARE USED AS PART OF OUR RINA OBLIGATION AND YET THE UNITS BUILT IN G.L.A.'S WHICH IS WHAT THE UNIVERSITY IS TURNING TO, DO NOT COUNT. I HAVE THREE PROJECTS IN MY DISTRICT WHERE THE UNIVERSITY IS TAKING EXISTING APARTMENT BUILDINGS WHERE LONG-TERM TENANTS LIVE AND TURNING THEM INTO G.L.A.'S FOR STUDENTS. I'M NOT AGAINST THEM DOING THAT. I'M AGAINST US NOT GETTING CREDIT FOR IT, AND FOR THEM USING THIS NUMBER OF STUDENTS, NOT ALL WHO LIVE HERE. THEY HAVE THOSE NUMBERS AND I WANT THEM TO REFLECT THOSE NUMBERS IN THIS DOCUMENT. ON THE FACULTY AND STUDENT HOUSING, WE JUST DON'T TALK ENOUGH ABOUT THAT EVER. IN THIS DOCUMENT WE CERTAINLY DON'T REFLECT ON THAT ENOUGH.</p> <p>WE NEED TO LOOK AT THE MITIGATION FOR THE PARK LOSS. I FEEL LIKE WE FORGET THE HISTORY OF PEOPLE'S PARK WHEN WE REMEMBER WHY PEOPLE WERE PROTESTING. THEY WERE PROTESTING FOR OPEN SPACE. I THINK NOW WE GO, EH, 60'S, A BUNCH OF RADICALS, BLAH, BLAH, BLAH. THAT'S NOT WHAT IT WAS ABOUT. IT WAS ABOUT OPEN SPACE. IF WE LOSE OPEN SPACE I WANT TO KNOW HOW THEY MITIGATE IT. THE WHOLE FUNCTION OF E.I.R. IS TO TALK ABOUT ALTERNATIVES AND MITIGATION. WHAT IS THEIR ALTERNATIVE AND MITIGATION FOR THE LOSS OF OPEN SPACE. NOT JUST SOMETHING TO RECREATE IN. THEY DON'T TALK ABOUT THE IMPACTS ON US. ANOTHER ISSUE MENTIONED IN PUBLIC COMMENTS, CONSISTENCY WITH THE SOUTH SIDE PLAN. I DON'T KNOW HOW WE FOLD OUR EXISTING PLANS WITH THEIR E.I.R., BUT I THINK WE SHOULD CERTAINLY COMMENT ON WHAT OUR PLAN CALLED FOR AND HOW THE E.I.R. DOES OR DOES NOT MEET THOSE PLANS WE ALREADY HAD. I WOULD LIKE US TO ADDRESS THE ISSUE.</p>	<p>direct population growth + 2,291 indirect population growth).” Please also see Master Response 8, Population Projections.</p> <p>Housing Project #2’s effects to open space supply are addressed under impact discussion REC-1 on page 5.14-10 of the Draft EIR. Potential impacts associated with the historic significance of the Housing Project #2 site are evaluated on page 5.4-39 to 5.4-40 of the Draft EIR. As identified on page 5.4-40 of the Draft EIR, the project would result in a significant and unavoidable impacts associated with the demolition and reconfiguration of People’s Park, which is a designated City of Berkeley Historical Landmark. Alternate locations for Housing Projects #1 and #2 were considered for the Draft EIR but were rejected as being infeasible, as described on page 6-5 to 6-6 of the Draft EIR.</p> <p>The commenter asks whether the Draft EIR considers the City of Berkeley’s Southside Plan. The Draft EIR discusses the Berkeley Southside Plan as part of the regulatory framework, including on page 5.10-5 in Chapter 5.10, Land Use and Planning. Consistent with CEQA Guidelines, the land use policy analysis in the Draft EIR focuses on the following standard of significance: “Would the proposed project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?” Page 5.10-11 of the Draft EIR states: “As a constitutionally created state entity, UC Berkeley is not subject to municipal regulations of surrounding local governments, such as the cities of Berkeley and Oakland general plans or land use designations, for uses on property owned or controlled by UC Berkeley that are in furtherance of its education mission. The proposed LRDP Update is generally consistent with the current LRDP and is being updated to reflect the current needs and priorities of UC Berkeley, including the provision of additional student housing and resources on the UC Berkeley campus, which would also be consistent with the intent of current Cities of Berkeley and Oakland General Plan policies</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>COUNCILMEMBER HAHN MENTIONED WHILE IT'S TRUE IT'S THE STATE THAT DETERMINES THE NUMBER OF STUDENTS AT BERKELEY. IT'S NOT THE STATE LEGISLATURE, IT'S THE STATE REGENTS. IT'S NOT THE CHANCELLOR'S FAULT WE HAVE A CERTAIN NUMBER OF STUDENTS, BUT THE LEGISLATURE SETS THE OVERALL POPULATION OF STUDENTS. IT'S THE REGENTS WHO DECIDE WHERE THEY WILL GO. WE KNOW OTHER CITIES HAVE DONE, I THINK, FRANKLY, A BETTER JOB THAN US, PUSHING BACK ON THEIR U.C. CAMPUSES AND GETTING MITIGATIONS FOR THING THAT'S AFFECT THEM. SANTA BARBARA IS AN EXAMPLE, SANTA CRUZ IS AN EXAMPLE. WHAT OTHER CITIES HAVE DONE IN RESPONSE TO L.R.D.P.'S FROM THOSE CAMPUSES. I KNOW IT'S EASY FOR US TO GIVE UP AND SAY YOU KNOW WHAT, IT'S JUST THE INEVITABILITY, IT'S THE U.C., IT'S DEVELOPMENT, IT'S GROWTH, DEAL WITH IT. I DON'T WANT TO JUST DEAL WITH IT. I WANT TO KNOW WHAT OTHERS HAVE INSISTED ON. I'M INTERESTED IN WHETHER THE STAFF HAS LOOKED AT THIS MILLS COLLEGE ISSUE, I THOUGHT IT WAS REALLY INTERESTING ABOUT THE HOUSING THERE. THAT FITS IN WITH ANOTHER COMMENT ABOUT THE OAKLAND IMPACT. I BELIEVE AMONG THE ENTITIES CONTACTED BY U.C. AND LOOKING AT THE IMPACT OF THEIR E.I.R., THEY DID NOT INCLUDE THE CITY OF OAKLAND. WE HAVE OVER 700 ACRES THAT ARE IMPLIED BY THEIR PLANS AT THAT SIDE OF CAMPUS. SO I WANTED TO ASK SHANNON, JUST QUICKLY, DO YOU KNOW IF THE CITY OF OAKLAND WAS CONTACTED, HAVE THEY BEEN ABLE TO COMMENT ON THIS E.I.R., IF NOT WHAT DO WE DO ABOUT THAT? BECAUSE THIS CERTAINLY IMPACTS THEM.</p>	<p>aimed at reducing environmental impacts. City policies support sustainable planning principles, including infill development, including housing, in close proximity to transit and the preservation of natural resources, open space, and green spaces. As previously stated, the areas of potential future development would occur primarily in Priority Development Areas (PDAs) and TPAs. Development in PDAs and TPAs use existing infrastructure and therefore minimize development in undeveloped areas and maximize growth in transit-rich communities, which helps lower VMT and consequently reduces GHG emissions, air quality pollutants, and noise from vehicles that use fossil fuels. Also, due to the location, infill development in PDAs results in fewer impacts to natural resources, archaeological and biological resources, energy, geology and soils, hydrology and water quality, and wildfire.”</p> <p>The commenter incorrectly states that the City of Oakland was not contacted as part of the preparation of the Draft EIR. As shown on page 8-1 of the Draft EIR, the City of Oakland was one of the agencies consulted as part of the preparation of the Draft EIR. The Draft EIR evaluates potential impacts to the City of Oakland, where relevant. In addition, Chapters 5.1 through 5.18 of the Draft EIR identify the policies and regulations of the cities of both Berkeley and Oakland that UC Berkeley may consider when evaluating future development projects that implement the proposed LRDP Update. However, some portions of the Draft EIR focus on the city of Berkeley rather than the city of Oakland because nearly all of the development projected to occur under the LRDP Update would occur within the city of Berkeley. Of the potential development sites listed in Table 3-2 and mapped on Figure 3-3 (both titled “Potential Areas of New Development and Redevelopment”) of the Draft EIR, only one may occur in the city of Oakland: site HE 1, Hill Campus East. This potential new development project would include up to 175,000 square feet of academic life space within Hill Campus East, which is partially located in the city of Oakland. The specific location for this development has not yet been</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-278	<p>>> MAYOR ARREGUIN: YOU KNOW, OUR STAFF --</p> <p>>> K. HARRISON: WE CAN ASK LATER.</p> <p>>> MAYOR ARREGUIN: I THINK THAT'S A BETTER QUESTION FOR THE UNIVERSITY OF CALIFORNIA. I DID REACH OUT TO OAKLAND PLANNING DIRECTOR, HILLCREST AS TO WHETHER HE WAS CONTACTED OR WAS AWARE OF ANYONE IN THE CITY OF OAKLAND HAVING BEEN CONTACTED. I HAVEN'T HEARD BACK YET.</p> <p>>> K. HARRISON: GREAT, THAT'S AN ONGOING QUESTION FOR ME.</p> <p>>> MAYOR ARREGUIN: THEY HAVE NOT.</p> <p>>> K. HARRISON: DOESN'T THAT MEAN THEY WILL HAVE TO EXTEND THIS E.I.R. PROCESS IN ORDER TO INCORPORATE THOSE COMMENTS AS IT HAS A SIGNIFICANT IMPACT ON THE CITY OF OAKLAND. YOU DON'T HAVE TO ANSWER THAT. I AM RAISING THE QUESTION RAISED AT THE BEGINNING, IF THEY HAVEN'T DONE AN ADEQUATE JOB ON THE E.I.R., THIS PROCESS MAY NEED TO BE EXTENDED. THE UTILITY IMPACTS I FIND IT INCOMPREHENSIBLE, THEY HAVE MINIMAL IMPACT ON OUR UTILITIES. I DON'T KNOW HOW IT WON'T HAVE AN IMPACT ON OUR SEWER SYSTEM AND OTHER UTILITIES. THAT SEEMS UNLIKELY TO ME, SO I WOULD LIKE US TO CHALLENGE THAT. ALSO THE, JUST THE GENERAL IMPACT OF THEIR ENVIRONMENTAL PLANS ON, FOR EXAMPLE, THEY TALKED IN THE PAST GETTING RID OF THE CO-GENERATION PLANT. I WANT TO KNOW IF THAT'S INCLUDED HERE AND WHAT WE CAN DO TO COOPERATE WITH U.C. I DON'T THINK IT'S SOMETHING THEY REALLY ADDRESSED. I THINK THEY</p>	<p>identified and therefore it has the potential to be developed in the city of Oakland.</p> <p>The comment also expresses concerns with the Regional Housing Needs Allocation process administered by the California Department of Housing and Community Development, and issues pertaining to Mills College. Please note that Mills College is not owned or managed by UC Berkeley and is located in an area of the city of Oakland that is outside of the EIR Study Area.</p> <p>UC Berkeley has complied with all noticing and scoping requirements of the CEQA process for this EIR. In compliance with CEQA Section 21080.4, UC Berkeley circulated a Notice of Preparation (NOP) of an EIR for the proposed project to the Office of Planning and Research State Clearinghouse and interested agencies and persons on April 7, 2020, for a 39-day review period. The NOP was submitted to the City of Oakland.</p> <p>With respect to recirculation of the Draft EIR, please see Response A3-5.</p> <p>With respect to the cogeneration plant and impacts related to Utilities and Service Systems, please see Master Response 3, Programmatic Analysis. At this time, UC Berkeley has not selected a preferred design option for the cogeneration plant.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-279	<p>HAVE AN OBLIGATION TO ADDRESS THEIR IMPACTS OVERALL. I THINK THOSE ARE MY COMMENTS. AND AGAIN, I WANT TO APPRECIATE ALL MY COLLEAGUES' COMMENTS. I THINK WE KNOW THERE ARE LACUNAS IN THIS PLANNING PROCESS. THEY HAVEN'T ADDRESSED ALL THE MITIGATIONS OR ALTERNATIVES AND I'M HOPING WE SAY THAT IN THE STRONGEST WORDS POSSIBLE AND WE DON'T JUST LIE DOWN AND TAKE WHATEVER THEY GIVE US. THANK YOU.</p> <p>>> MAYOR ARREGUIN: COUNCILMEMBER WENGRAF? >> S. WENGRAF: THANK YOU. AND THANK YOU TO MY COLLEAGUES FOR ALL OF YOUR REALLY GOOD COMMENTS. I THINK WE ARE IN OVERWHELMING AGREEMENT THIS DOCUMENT IS DEFECTIVE AND NOT ADEQUATE. I'M CURIOUS TO KNOW WHAT DO WE HAVE TO DO TO GET THEM TO GO BACK TO THE DRAWING BOARD AND DO MORE DETAILED ANALYSIS. AND WHAT IS THE PROCESS TO GET THEM TO DO THAT? > SURE. SO THE U.C. WILL RECEIVE WRITTEN COMMENTS DURING THEIR 45-DAY PUBLIC REVIEW PERIOD. AND THEY ARE REQUIRED TO RESPOND TO THOSE COMMENTS IN WRITING. AND THAT WILL BE PUBLISHED IN A FINAL ENVIRONMENTAL IMPACT REPORT. IF, DURING THE PROCESS OF THEIR REVIEWING OF COMMENTS THERE IS, THERE ARE NEW MITIGATION MEASURES IDENTIFIED OR IMPACTS THAT WERE OVER LOOKED, AND AGAIN, I APOLOGIZE FOR NOT PULLING OUT MY CEQA GUIDELINES BUT THERE ARE TRIGGERS FOR RECIRCULATION OF THE DOCUMENT. SO THERE'S A CHANCE THAT THE DOCUMENT COULD BE MODIFIED TO SUCH A DEGREE IN RESPONSE TO THE COMMENTS THAT THEY RECEIVE, THAT THE DOCUMENT WOULD NEED TO BE RECIRCULATED. OR THEY MAY NOT FIND THAT TO BE NECESSARY. AND PREPARE A FINAL ENVIRONMENTAL IMPACT REPORT AND PRESENT THAT TO THE REGENTS FOR CERTIFICATION. >> S. WENGRAF: ARE THEY THE AGENCY THAT DECIDES WHETHER OR NOT THEY HAVE RESPONDED ADEQUATELY?</p>	<p>Please see Response A3-2 and Master Response 3, COVID-19, regarding the extension of the CEQA-required public review periods, and see Response A3-5 regarding recirculation.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>>> MAYOR ARREGUIN: THE BOARD OF REGENTS. >> S. WENGRAF: THE BOARD OF REGENTS DECIDES ON THE E.I.R. >> MAYOR ARREGUIN: YES. >> S. WENGRAF: OKAY, WELL I THINK WE ALL NEED TO DO A LITTLE WORK BETWEEN NOW AND PROBABLY NEXT MONDAY. ASK AS MANY QUESTIONS AS POSSIBLE, GET THEM INTO WRITING SO STAFF CAN INCLUDE THEM. I REALLY THINK THIS IS A REALLY SLOPPY JOB. WE TRIED OUR BEST TO ADDRESS THEM BUT IT'S A HUGE DOCUMENT. I DON'T THINK WE HAVE THE WHERE WITH ALL TO DO THAT. ON THE TIME FRAME. I THINK IT'S INSULTING THAT THEY WEREN'T WILLING TO EXTEND THE TIME FOR COMMENTS DURING COVID. AND NOW WE ARE ALL DEALING WITH SPRING RECESS, I THINK THAT'S REALLY INSULTING THEY DIDN'T APPEAR TONIGHT. I FEEL WE HAVE TO REALLY DO THE BEST WE CAN TO GET THEM TO GO BACK TO THE DRAWING BOARD. I'M WONDERING IF OUR DEPARTMENT HEADS, LIKE HAS OUR FIRE DEPARTMENT WEIGHED IN? HAS OUR PUBLIC WORKS DEPARTMENT WEIGHED IN? OR IS THIS ALL ON YOUR SHOULDERS, SHANNON? >> HEAVENS NO. YES, THE OTHER MANY STAFF FROM ACROSS THE CITY, INCLUDING THE POLICE DEPARTMENT, THE FIRE DEPARTMENT, PUBLIC WORKS, FOR TRANSPORTATION, AS WELL AS SEWER, STORM WATER, WASTEWATER. THE DEPARTMENT HEADS AND THEIR STAFF RECEIVED AN EMAIL FROM THE CITY MANAGER'S OFFICE A WEEK OR TWO BEFORE THE DOCUMENTS WERE PUBLISHED TO REQUEST PEOPLE SET ASIDE TIME, EXPLAIN THE PRIORITIES, WE HAD AN INTERNAL KICKOFF MEETING WHERE WE TALKED ABOUT THE CEQA PROCESS AND WHAT PEOPLE SHOULD BE FOCUSED ON, YOU KNOW, WHAT MAKES A MEANINGFUL COMMENT ON A CEQA DOCUMENT AND STAFF HAS REALLY PRIORITIZED THIS WORK. AS JORDAN MENTIONED EARLIER, YOU KNOW, I'VE GOT IDEAS AND THOUGHTS ABOUT TRANSPORTATION, OR STORM WATER, BUT IT'S REALLY GOOD COMMENTS COME FROM OUR COLLEAGUES IN THOSE AREAS. >> S. WENGRAF: RIGHT.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-280	<p>>> AND WE ARE THANKFUL TO HAVE THEM ON BOARD. >> S. WENGRAF: OKAY, GOOD. OKAY. THANK YOU, MAYOR FOR HOLDING THIS. SORRY WE DON'T HAVE MORE TIME. I HAVE A FEELING THESE BUILDINGS WILL BE TALL ENOUGH TO REQUIRE UNION LABOR. SO I THINK THAT WILL FALL INTO PLACE</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
	<p>>> MAYOR ARREGUIN: THANK YOU SO MUCH. I WILL GO NOW AND OFFER MY COMMENTS. YOU KNOW, I'M STILL GOING THROUGH THE ENVIRONMENTAL DOCUMENT IN DETAIL AND WILL PROVIDE ANY WRITTEN COMMENTS DIRECTLY TO THE CITY MANAGER TO TRANSMIT TO STAFF. BUT, YOU KNOW, JUST TO SORT OF FOLLOW-UP ON COUNCILMEMBER WENGRAF'S QUESTION AROUND, YOU KNOW, WHAT IS THE OBLIGATION TO, OR WHAT IS-- WHAT IS THE MEANS BY WHICH WE CAN HOLD THE UNIVERSITY ACCOUNTABLE TO DO AN ADEQUATE ENVIRONMENTAL IMPACT REPORT? SO WE ARE PROVIDING COMMENTS. AND I'M SURE WE WILL PROVIDE VERY DETAILED COMMENTS. I THINK IT'S IMPORTANT TO GET AS MUCH INTO THE RECORD AS POSSIBLE AT THIS POINT. AND HOPE THE UNIVERSITY WHEN THEY PREPARE THE FINAL ENVIRONMENTAL IMPACT REPORT WILL LISTEN TO THE CITY AND COMMUNITY'S INPUT AND WE WILL MAKE CHANGES OR PROPOSE NEW MITIGATIONS. IF AFTER THE FINAL E.I.R. IS RELEASED AND THEY DON'T, THEY HAVE NOT DONE AN ADEQUATE JOB IN ANALYZING IMPACTS, WE HAVE TO GO TO THE REGENTS AND ASK THEM TO NOT APPROVE THE E.I.R. AND TO REQUIRE THAT IT BE RECIRCULATED. IF WE ARE NOT SUCCESSFUL, WE COULD DO WHAT THE CITY DID IN 2005, WHICH IS SUE THE UNIVERSITY FOR THE INADEQUACY OF THE ENVIRONMENTAL IMPACT REPORT. THAT IS AN OPTION. I HOPE IT DOESN'T COME TO THAT. BUT THAT IS CERTAINLY SOMETHING THE CITY CAN AND MAY HAVE TO DO. I JUST WANT TO PUT THAT OUT THERE. THAT IS ULTIMATELY AN OPTION THAT WE MAY HAVE TO CONSIDER, BUT WE HOPE THAT THE UNIVERSITY WILL TAKE VERY SERIOUSLY THE VERY LEGITIMATE CONCERNS AND COMMENTS WE HAVE OFFERED AND WILL BE OFFERING IN WRITING. I JUST WANT TO</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	LIFT UP A COUPLE OF IMPACTS. AS I MENTIONED, THE SIGNIFICANT UNAVOIDABLE IMPACTS FROM WILDFIRE AND PUBLIC SAFETY ARE VERY IMPORTANT, PARTICULARLY AS WE ARE YOU KNOW, FIRE SEASON IS REALLY YEAR-ROUND NOW. WE ARE EXPECTING A PARTICULARLY DANGEROUS FIRE SEASON THIS YEAR. AND YOU KNOW, ANY DEVELOPMENT IN THE HILLS AREA, I THINK NEEDS TO BE VERY SERIOUSLY STUDIED. THE BENEFITS, THE RISKS AND HOW THEY WILL MITIGATE THOSE RISKS. ALSO, WHAT CAN THE UNIVERSITY DO TO SUPPORT THE CITY OF BERKELEY, CITY OF OAKLAND, EAST BAY PARKS, MANY OTHER REGIONAL AGENCY'S EFFORTS TO MITIGATE SEVERE FIRE RISK, PARTICULARLY ON THEIR PROPERTY. I THINK THAT NEEDS TO BE ANALYZED, PARTICULARLY IF THEY ARE GOING TO BE DEVELOPING IN THAT AREA.	
A3-281	THE TRANSPORTATION IMPACTS, I THINK HAVE BEEN ADEQUATELY DISCUSSED. THIS WAS AN ISSUE IN 2005. AT THAT TIME THE UNIVERSITY PROPOSED A SIGNIFICANT AMOUNT OF PARKING. AND HAD NOT REALLY PROPOSED ADEQUATE ALTERNATIVES TO PARKING. FAST FORWARD, YOU KNOW, 15 YEARS LATER, 20 YEARS LATER ALMOST, AND WE ARE IN A CLIMATE EMERGENCY. WE HAVE LESS THAN 12 YEARS TO TAKE ACTION TO REVERSE THE DEVASTATING IMPACTS OF CLIMATE CHANGE. SIMPLY, YOU KNOW, CONTINUING THE STATUS QUO. AND NOT INVESTING IN REAL ALTERNATIVES TO DRIVING. IMPROVING BIKE AND PEDESTRIAN INFRASTRUCTURE ON AND AROUND CAMPUS, WHICH IS IMPORTANT TO STUDENTS AND IMPORTANT TO THE CITY. LOOKING AT SHUTTLES. LOOKING AT A UNIVERSAL TRANSIT PASS FOR THEIR EMPLOYEES. LOOKING AT HOW WE CAN PROVIDE BETTER TRANSIT CONNECTIVITY. LOOKING AT B.A.R.T. PASS AS A WAY TO GET STUDENTS AND STAFF TO AND FROM CAMPUS. LOOKING AT MICRO MOBILITY AND TRANSPORTATION ALTERNATIVES IS EXTREMELY IMPORTANT AND I DON'T THINK THEY HAVE DONE AN ADEQUATE JOB OF ADDRESSING THAT. IT GETS TO QUESTIONS MEMBERS OF THE MIC RAISED WE HAD SIGNIFICANT TRAFFIC EVEN BEFORE THE	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-282	<p>PANDEMIC. ADDING THOUSANDS OF MORE PEOPLE COMING TO THE CITY OF BERKELEY WILL JUST EXACERBATE THE CONGESTION AND TRAFFIC AND SAFETY IMPACTS THAT DO IMPACT THE SAFETY OF BICYCLISTS AND PEDESTRIANS IN THE CITY OF BERKELEY. THIS IS A VISION ZERO ISSUE. THIS IS A TRAFFIC SAFETY ISSUE, THIS IS A CLIMATE ISSUE. I AGREE WITH COUNCILMEMBER HARRISON, THE CITY HAS TAKEN VERY SIGNIFICANT STEPS TO COMBAT CLIMATE CHANGE.</p> <p>WE NEED A SIMILAR COMMITMENT FROM THE UNIVERSITY. TO ASSUME THERE ARE NO IMPACTS ON FIRE AND POLICE SERVICES AND SEWER AND OTHER PUBLIC INFRASTRUCTURE, FROM THOUSANDS OF MORE PEOPLE IN CARS COMING TO OUR CITY, IS JUST NON SENSICAL. AND I THINK THIS GETS TO A BROADER ISSUE, WHICH IS, THE SIGNIFICANT POPULATION INCREASE SHOULD BE STUDIED AS A PROJECT. AND THERE ARE IMPACTS FROM THAT POPULATION INCREASE. THOSE IMPACTS NEED TO BE STUDIED AND MITIGATED. THE UNIVERSITY’S PAYMENTS OF \$1.8 MILLION A YEAR DO NOT ADEQUATELY MITIGATE THE CITY OF BERKELEY FOR THE IMPACTS OF, I THINK NOW, 44,000 STUDENTS PLUS ADDITIONAL 78,000 MORE, PLUS THE THOUSANDS OF STAFF COMING TO THE CITY OF BERKELEY? YES, IT IS TRUE, THE UNIVERSITY IS A MAJOR EMPLOYER AND PROVIDES TAX REVENUE. THEY DON’T HAVE A FIRE SERVICE. THEY RELY ON OUR FIRE SERVICE. AND SO WHAT IS THE MITIGATION TO OUR FIRE SERVICE? TO PROVIDE SERVICE TO THE CAMPUS? WHAT IS THE MITIGATION TO THE CITY FOR THE IMPACT ON OUR STREETS? THE DEGRADATION OF OUR STREETS, IMPACT ON PUBLIC SAFETY RESOURCES BY HAVING POLICE RESPOND TO SO MANY CALLS TO THE CAMPUS AREA, INCLUDING CAMPUS HOUSING. SO I REALLY DO THINK THE GROWTH IMPACTS AND THE MONETARY IMPACT THAT IT HAS ON THE CITY AND OUR ABILITY TO DELIVER SERVICES TO THE CAMPUS IN THE PEOPLE OF BERKELEY MUST BE ADEQUATELY ANALYZED AND MUST BE MITIGATED. I THINK THAT’S A VERY CRITICAL ISSUE WE NEED TO EMPHASIZE. TO GO TO COUNCILMEMBER HARRISON’S POINT, MANY CAMPUSES IN THE U.C.</p>	<p>The comment incorrectly states the additional amount of students as 78,000. The LRDP Update is intended to accommodate a projected increase of 8,492 students and 3,579 faculty/staff, as shown in Table 3-1, Proposed LRDP Update Buildout Projections, in the Draft EIR. In addition, impacts to public services are analyzed in Chapter 5.13, Public Services of the Draft EIR. The comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue.</p> <p>In 2005, UC Berkeley entered into a settlement agreement with the City of Berkeley to resolve litigation over the 2020 Long Range Development Plan and accompanying Environmental Impact Report approved by the Regents in 2005 (2005 Agreement). The 2005 Agreement, which expires at the end of the 2020-21 academic year, includes annual payments to the city of \$1.2 million, subject to a three percent annual increase, to be allocated as follows: \$200,000 annually for sewer and storm drain infrastructure projects; \$600,000 annually for fire and emergency equipment, capital improvements, and training; \$200,000 annually for joint University/City Transportation Demand Management and pedestrian improvement programs, studies, and projects; and \$200,000 annually to the Chancellor’s Community Fund, to fund projects that benefit city neighborhoods. UC Berkeley made its last annual payment under the 2005 Agreement in July 2020, in the inflation-adjusted amount of \$1,815,108, which included an expenditure</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>SYSTEM HAVE NEGOTIATED FAIR AGREEMENTS WITH THEIR HOST CITIES. I JUST WANT TO ADDRESS THE ASSUMPTION PUT FORWARD BY THE UNIVERSITY OFFICIALS, THERE'S NO PRECEDENT FOR DOING CERTAIN THINGS. THERE'S AMPLE PRECEDENT. U.C. DAVIS, U.C. SANTA CRUZ, U.C. SAN DIEGO. THERE ARE AGREEMENTS THAT HAVE LIMITS AND BENCHMARKS AROUND GROWTH AND HOUSING, THAT HAVE PAYMENTS FOR INFRASTRUCTURE, PAYMENTS FOR OTHER SERVICES THAT ARE INDEXED TO GROWTH ASSUMPTIONS. AND I DO THINK IT'S A GOOD IDEA TO LOOK AT WHAT HAVE OTHER U.C. HOST COMMUNITIES, WHAT HAVE THEY BEEN ABLE TO NEGOTIATE WITH THE UNIVERSITY OF CALIFORNIA? AND HOW DOES THAT PROVIDE A FRAMEWORK FOR THE KINDS OF MITIGATIONS THE UNIVERSITY SHOULD BE PROPOSING TO THE CITY OF BERKELEY? BECAUSE THE REGENTS APPROVED ALL THOSE AGREEMENTS. THAT IS A PRECEDENT. AND THAT IS A MODEL THAT U.C. BERKELEY SHOULD ALSO FOLLOW. I'M SURE I HAD MANY OTHER COMMENTS. BUT I JUST WANTED TO EMPHASIZE THOSE AND.</p>	<p>of \$302,518.00 to the Chancellor's Community Fund. The payments were not intended as mitigation or a "fair share" contribution to address CEQA-related physical impacts, but rather were intended to assist with city services in recognition of heightened demand caused by UC Berkeley population growth. In addition to the annual payments, the 2005 Agreement includes a series of provisions addressing joint initiatives and cooperative efforts to be undertaken around land use planning in areas of mutual interest to the agencies.</p> <p>Other UC campuses have entered into similar agreements with local jurisdictions and community groups to address issues around land use planning, public services, housing, and transportation, among others.</p>
A3-283	<p>I ALSO WANT TO SAY IN CLOSING THAT, YOU KNOW, WE REALLY VALUE THE VERY CRITICAL ROLE U.C. BERKELEY PLAYS, NOT JUST THE BERKELEY ECONOMY BUT ALSO TO THE REGIONAL ECONOMY. AND THEY ARE OUR LARGEST EMPLOYER, AND ARE AN INCREDIBLE ENGINE OF INNOVATION NOT JUST BERKELEY BUT AROUND THE WORLD. WE WANT PEOPLE TO COME TO BERKELEY AND HAVE A WORLD CLASS EDUCATION LIKE MANY OF US HAD. WE ALSO WANT TO MAKE SURE THE UNIVERSITY IS PLANNING FOR HOW TO SERVE THOSE STUDENTS THAT ARE COMING TO THE CAMPUS. MAKING SURE THEY HAVE ENOUGH HOUSING FOR THOSE STUDENTS. THAT THERE'S ENOUGH CLASSROOM SPACE AND INSTRUCTORS FOR THOSE STUDENTS. MAKING SURE THE STUDENT EXPERIENCE, THE QUALITY OF LIFE OF STUDENTS IS ALSO PRIORITIZED NOT JUST UNIVERSITIES BALANCING ITS BUDGET. OUR NEEDS ARE JUST AS IMPORTANT AS THE NEEDS OF STUDENTS AND MAKING SURE THE QUALITY OF LIFE AND NEEDS OF STUDENTS IS ALSO PRIORITIZED. I</p>	<p>The comment serves as a closing remark. No response is required.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>JUST REALLY WANT TO EMPHASIZE THAT. AND HOPE THAT, YOU KNOW, AT THE END OF THE DAY, RECOGNIZING THAT WE ARE, YOU KNOW, TIED TOGETHER, THAT WE HAVE A SYMBIOTIC RELATIONSHIP THIS COULD PRESENT AN OPPORTUNITY TO FORGE A NEW AGREEMENT FOR THE FUTURE WITH THE CITY AND CAMPUS, BUILT ON A MORE EQUITABLE RELATIONSHIP. AND THAT COULD REALLY, NOT JUST ADDRESS THE NEEDS OF THE CAMPUS, BUT THE NEEDS OF THE CITY OF BERKELEY. THAT'S MY HOPE AND WHAT I WILL CONTINUE TO ASPIRE TO ACHIEVE. AND, BUT IT IS IMPORTANT WE DO SPEAK OUT AND WE STAND UP FOR THE NEEDS OF OUR CONSTITUENTS. BECAUSE THIS IS GOING TO AFFECT THE FUTURE OF BERKELEY. WHILE THE UNIVERSITY ADDS ENORMOUS VALUE WE ALSO NEED TO MAKE SURE THEY ARE BEING A GOOD NEIGHBOR AT THE SAME TIME. THOSE ARE MY COMMENTS FOR NOW. THANK YOU. ANY OTHER COMMENTS FROM MEMBERS OF THE CITY COUNCIL ON THIS ITEM? OKAY. WELL I WANT TO THANK MR. KLEIN, MS. ALLEN FOR ALL YOUR INCREDIBLE WORK. WE DIDN'T HAVE A LOT OF TIME TO REVIEW THIS DOCUMENT. I KNOW YOU ARE DOING AN INCREDIBLE JOB WITH ALL THE DEPARTMENTS AND CONSULTANTS. I HOPE THESE COMMENTS WERE HELPFUL TO YOU. I KNOW MEMBERS OF COUNCIL MAY SUBMIT ADDITIONAL WRITTEN COMMENTS FOR YOUR CONSIDERATION ALSO. I WANT TO, ONCE AGAIN, REMIND MEMBERS OF THE PUBLIC WHO MAY BE STILL WATCHING OR ARE ON ZOOM, THAT THEY HAVE UNTIL, 5:00 P.M. ON WEDNESDAY, APRIL 21ST, NEXT WEDNESDAY, TO SUBMIT WRITTEN COMMENTS OR TO SUBMIT EMAIL COMMENTS TO THE UNIVERSITY OF CALIFORNIA, AT THE ADDRESS LISTED HERE. AS WELL AS TO PLANNING@BERKELEY.EDU. THAT IS THE DEADLINE THE UNIVERSITY SET. IF YOU WISH TO COMMENT PLEASE BE SURE TO GET YOUR COMMENTS IN BY 5:00 WEDNESDAY, APRIL 21ST, WE WILL DO OUR BEST AS A CITY GOVERNMENT TO DO SO AS WELL DESPITE THE LIMITED TIME WE HAVE TO PREPARE THOSE COMMENTS. SO I WANT TO THANK THE OVER 70 BERKELEY RESIDENTS WHO PARTICIPATED</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A3-284	<p>IN OUR MEETING TODAY, FOR THE VERY THOUGHTFUL COMMENTS YOU OFFERED. WE WERE LISTENING. MANY OF US WERE TAKING NOTES ABOUT SOME OF THE COMMENTS THAT PEOPLE HAD MADE. THANK THE MEMBERS OF COUNCIL FOR COMING IN DURING THEIR RECESS TO PARTICIPATE IN THIS IMPORTANT DISCUSSION.</p> <p>AND THANK OUR STAFF ONCE AGAIN. SO, UNLESS THERE'S ANY OTHER BUSINESS BEFORE THE COUNCIL, I WILL ENTERTAIN A MOTION TO ADJOURN.</p> <p>>> SO MOVED. >> SECOND. >> MAYOR ARREGUIN: MOVED AND SECONDED. ROLL CALL, PLEASE. >> COUNCILMEMBER KESARWANI? >> YES. >> TAPLIN? >> YES. >> BARTLETT? >> YES. >> HARRISON? >> YES. >> HAHN? >> YES. >> WENGRAF? >> YES. >> ROBINSON? >> YES. COUNCILMEMBER DROSTE IS ABSENT. MAYOR ARREGUIN? >> MAYOR ARREGUIN: YES. THANK YOU, WE ARE ADJOURNED. HAVE A GOOD EVENING.</p>	The comment serves as a closing remark. No response is required.
Letter A3 Attachment 1	Exhibit D. Letter from Timothy Burroughs, City of Berkeley, to Raphael Breines, UC Berkeley, dated April 12, 2019.	The attachment provides comments from the City of Berkeley, dated April 12, 2019, on a separate UC Berkeley project EIR, the Upper Hearst Development for the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan Draft Supplemental Environmental Impact Report to the UC Berkeley 2020

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		Long Range Development Plan EIR. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter A3 Attachment 2	Exhibit E. Letter from Timothy Burroughs, City of Berkeley, to Raphael Breines, UC Berkeley, dated May 13, 2019.	The attachment provides comments from the City of Berkeley, dated May 13, 2019, on a separate UC Berkeley project EIR, the Final Supplemental Environmental Impact Report for the Upper Hearst Development for the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter A3 Attachment 3	Exhibit F. How Additional Is the Clean Development Mechanism? Analysis of the application of current tools and proposed alternatives, Institute of Applied Ecology, March, 2016.	The attachment is a study prepared for DG CLIMA by Öko-Institut, INFRAS, SEI, and Carbon Limits in Berlin, dated March 2016, that provides an analysis of the application of tools and proposed alternatives for the Clean Development Mechanism as a mechanism of the Kyoto Protocol, relevant for the topic of greenhouse gas emissions. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter A3 Attachment 4	Exhibit G. Carbon Credits Likely Worthless in Reducing Emissions, Study Says, Inside Climate News, April 19, 2017.	The attachment is an article published for InsideClimateNews.org, dated April 19, 2017, that discusses the usefulness of carbon credits in reducing emissions. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
A4	Christopher Adams, Chairperson, City of Berkeley Landmarks Preservation Commission, April 21, 2021	
A4-1	At its meeting on April 1, 2017 the City of Berkeley Landmarks Preservation Commission (LPC) authorized me as chairperson to draft a letter to the University of California, commenting on the Long Range	The comment serves as an opening remark. No response is required.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A4-2	<p>Development Plan and associated Draft EIR. The comments which follow have been circulated to commissioners by e-mail and are now submitted to the University.</p> <p>1. The LPC recognizes that it is the responsibility of the University of California to provide the opportunity for higher education at its campuses throughout the state to meet the needs of a growing population and a growing economy. However, the LPC questions whether this LRDP and DEIR present the academic or institutional basis for the enormous predicted enrollment at the Berkeley campus, which will exacerbate threats to preservation of its host city’s existing and historic housing stock, which already is already threatened by the housing crisis in the Bay Area. In the past, UC as a state institution has accommodated major enrollment needs through creation of a new campus, beginning with UCLA and continuing to UC Merced. The LRDP and its DEIR are to be approved by The Regents of UC; it is not a campus document. Yet nowhere in the LRDP or DEIR is a state response to enrollment needs suggested.</p>	Please see Master Response 8, Population Projections.
A4-3	<p>2. As a result of litigation subsequent to the last LRDP the UC established the procedure of providing informational presentations (or “referrals”) to LPC about projects effecting City landmarks and structure of merit sites. However, in preparation of this LRDP and DEIR the University has failed to consult with the LPC and, with the exception of renovation of the former University Art Museum on Bancroft Way, has had no meaningful discussion with the LPC about any campus planning or building preservation issue in recent years. This commitment should be restored in the new LRDP as a formal procedure. Consultation should be early in the design / planning process, so the LPC (and the City Design Review Committee) can give meaningful input in time to help shape proposed projects to best fit in the Berkeley community.</p>	<p>The comment incorrectly asserts that UC Berkeley did not include the City of Berkeley LPC in its outreach in preparing the LRDP Update. UC Berkeley remains committed to collaboration and coordination with the City of Berkeley and its LPC. UC Berkeley presented the LRDP Update and Housing Projects #1 and #2 to the LPC on November 5, 2020. The Bakar BioEnginuity Hub project at Woo Hon Fai Hall (formerly the University Art Museum) was presented to the LPC on June 7, 2018; UC Berkeley also submitted a memorandum and design package to the LPC for the Upper Hearst project on June 21, 2018, and for the renovation of Bowles Hall on February 26, 2015. Please note that UC Berkeley also presented the proposed LRDP Update and Housing Projects #1 and #2 to the City Council on October 13, 2020, and the Zoning Adjustments Board on October 22, 2020. The proposed project includes CBP AES-4 that states, in part, that UC Berkeley will make informational presentations of major projects in the city environs of the cities of Berkeley and Oakland, and the Clark Kerr</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A4-4	<p>3. In general, the cumulative impacts section of the DEIR, the aesthetics section, and Cultural Resource Data (Appendix F) lack consideration of mitigation measures for impact to historic resources except those owned by the University. This is a serious defect given that the University’s expansion has been parcel by parcel into the campus environs, where UC’s checkerboard development is often directly adjacent to other historic resources.</p>	<p>Campus, to the relevant city commission(s) and board(s). Relevant commissions and boards, to be determined jointly by the Campus Architect and appropriate City Planning Director, may include the City of Berkeley Zoning Adjustments Board and City of Berkeley LPC. In addition, the Draft LRDP, in the Collaborative Planning / Land Use objectives, states that UC Berkeley will “provide informational presentations to the City of Berkeley and community stakeholders for major capital projects within or adjacent to the City Environs.”</p> <p>The commenter incorrectly asserts that the Draft EIR did not consider impacts to offsite historic resources not owned by UC Berkeley. On the contrary, the HRTRs that were completed for Housing Projects #1 and #2 and summarized in Chapter 5.4, Cultural Resources, of the Draft EIR, considered potential project-related impacts to nearby historical resources. The HRTR for Housing Project #1 concluded that the design of Housing Project #1 is compatible with the composition and materials of nearby historical resources and that ground borne vibrations associated with project construction are not anticipated to be sufficiently large to destabilize any historical resources in the vicinity based on the screening distances that could cause building damage (see Chapter 5.11, Noise, of the Draft EIR, page 5.11-46). As a result, the HRTR for Housing Project #1 concluded that Housing Project #1 would not pose significant impacts to any nearby historical resources (see Appendix F.2 of the Draft EIR, pages 46-51). The HRTR for Housing Project #2 concluded that Housing Project #2 posed both design- and construction-related impacts to nearby historical resources (see Appendix F.3 of the Draft EIR, pages 49-54). Mitigation Measures CUL-1.1e/NOI-2 (pages 5.11-46 to 5.11-48) and CUL-1.5 in the Draft EIR respond to these impacts. Furthermore, as described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2, pile driving is no longer required for the construction phase for either project.</p>
		<p>Future projects that could occur under the LRDP Update would</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>require analysis that would address potential impacts to adjacent resources, including historic buildings and structures. Specifically, Mitigation Measures CUL-1.1a (page 5.4-35) and CUL-1.1b (pages 5.4-35 to 5.4-36) in the Draft EIR would be applicable to projects that would cause a substantial adverse change in features that convey the significance of a historical resource that is designated or has been found eligible for designation. As noted on page 5.4-34 of the Draft EIR, such projects could include “new construction in the vicinity of a historical resource that would compromise that resource’s integrity of setting through incompatible design.” Also, note that the significant and unavoidable conclusions made at the program level are based on the fact that the development of future projects and the conditions at those time are unknown and that the identification of a program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects that meet applicable thresholds of significance. Please see Master Response 5, Mitigation, and Master Response 6, LRDP and LRDP Implementation.</p> <p>Furthermore, as described in Chapter 4.5, the proposed LRDP Update includes several Historic Resource objectives in the Land Use element that prioritize the UC Berkeley campus’s historic resources, including:</p> <ul style="list-style-type: none"> ▪ Steward historic resources while addressing long-term program needs in support of UC Berkeley’s mission. To the extent possible, apply the Secretary of the Interior’s Standards for the Treatment of Historic Properties to historically significant elements when making building improvements, and integrate flexibility into potential projects to allow buildings to adapt to uses that may evolve over time. ▪ Apply best practices when modifications are planned for buildings or landscapes that are listed on the National Register of Historic Places or that are eligible for listing. For modifications to historic resources, utilize the Secretary of the Interior’s Standards for the

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>Treatment of Historic Properties. Continue to prepare historic resource evaluations as needed for appropriate buildings and landscapes, including buildings that will be fifty or more years old by the LRDP EIR horizon year of 2036-2037.</p> <ul style="list-style-type: none"> ▪ Reinforce and complement the physical organization of the Campus Park and other university properties. Maintain and enhance historic buildings, landscapes, and site features associated with the historic Frederick Law Olmsted and John Galen Howard plans for the campus and with the Strawberry Creek corridor, to the extent possible. Consider the integrity of significant building and landscape ensembles when siting and designing new projects. <p>Additionally, as part of the proposed project, UC Berkeley and future development projects would implement the aesthetics (AES) CBP listed here, which has been updated as described in Chapter 5, Environmental Analysis, of the Draft EIR:</p> <ul style="list-style-type: none"> ▪ CBP AES-4 (Updated): UC Berkeley will make informational presentations of major projects in the city environs of the Cities of Berkeley and Oakland, and the Clark Kerr Campus, to the relevant city commission(s) and board(s). Relevant commissions and boards, to be determined jointly by the Campus Architect and appropriate City Planning Director, may include the Berkeley Zoning Adjustments Board, and Berkeley LPC. Major projects in the Hill Campus East within the city of Oakland may also be presented to relevant City of Oakland boards or commissions, after consultation and mutual agreement between those agencies and UC Berkeley. Major projects may include new construction or redevelopment projects with substantial community interest as determined by UC Berkeley. Whenever a major project in the city environs or Clark Kerr Campus is under consideration, the Campus Architect may invite the appropriate city planning director or their

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
A4-5	4. The LRDP DEIR should but does not consider as a mitigation measure moving existing city landmarks or other historic resources to another location to create a development site, for example moving the four-story apartment building at 1921 Walnut to the undeveloped Oxford Tract one block north. This is a model the University used successfully when as a mitigation for the displacement of historic Girton Hall (designed by Julia Morgan), the Haas School of Business paid to relocate it to the Botanical	<p>designee to attend and comment on the project at the UC Berkeley Design Review Committee.</p> <ul style="list-style-type: none"> ▪ CBP AES-5 (Updated): UC Berkeley will assess each individual project built in the City Environs Properties to determine whether it could pose potential significant aesthetic impacts not anticipated in the LRDP, for projects that are not exempt from aesthetics analysis pursuant to Public Resources Code Section 21099. If the project could pose potential significant aesthetic impacts as noted above, the project would be subject to further evaluation under the California Environmental Quality Act. <p>As described in Chapter 4.1, Aesthetics, of the Draft EIR, on pages 5.1-18 and 5.1-19, the cumulative setting for aesthetics impacts includes potential future development under the proposed project combined with effects of development on lands adjacent to the EIR Study Area. Because jurisdictions in the EIR Study Area (UC Berkeley, Cities of Berkeley and Oakland, and LBNL) have development review mechanisms in place for both UC Berkeley, Cities of Oakland and Berkeley projects, and LBNL projects, approved future development under the proposed project are not anticipated to create substantial impacts to visual resources. Please see Chapter 4.1 for a complete list of regulatory measures that are specific to preserve and enhance significant design features pertaining to scenic vistas and scenic quality, and to reduce light and glare. Also, please see Master Response 4, Programmatic Analysis.</p> <p>Please see Master Response 5, Mitigation. While the relocation of a historic structure has been successfully accomplished by UC Berkeley in the past, this was for a small cottage and was able to be accommodated on the Campus Park. However, as described in Master Response 5, consistent with Section 15126.4 of the CEQA Guidelines, the Draft EIR proposes and describes mitigation measures designed to minimize, reduce, or avoid each identified potentially significant impact</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Garden and renovate it as an event space in order to construct a large new academic building on the old Girton Hall site. Similarly, in the 1990s when the University constructed new housing buildings and a parking structure on Southside, the University included in the project the relocation and rehabilitation of the historic Fox Cottage / Rose Berteaux House, which was moved and used as the Staff Ombudsman headquarters for the campus.</p>	<p>whenever it is feasible to do so, including mitigation for historic resources. The term “feasible” is defined in Section 15364, Feasible, of the CEQA Guidelines to mean, “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” Here, UC Berkeley does not find that the relocation of historic resources is a feasible option for mitigation or a viable alternative for Housing Project #1 for the following reasons: the difficulty in identifying and securing feasible alternative sites, technical challenges in avoiding damage to the resource through the relocation process, consideration and study of the potential impact to other historic resources in the vicinity of the proposed relocation site, and consideration and assessment of the potential impact to the resource of altering its historic setting. Please see Master Response 18, Alternatives.</p>
A4-6	<p>5. With regard to the specific building proposal for the People’s Park site, the LPC respects those in the Berkeley community who personally remember the pain of the University’s history on Southside: a blanket demolition of existing housing stock which left the land undeveloped for years after clearance and the ensuing violence and police killing when student activists tried to occupy it. But the LPC also recognizes the need for the University to move forward with long delayed plans for housing. The LPC recommends that the University as mitigation should pledge to invest in the restoration of some University owned historic buildings as development plans commence. For example, for a very small percentage of the money the University will spend on construction during the lifetime of the LRDP, the remaining and unrestored portions of the nearby Anna Head School complex could be renovated and Berkeley’s oldest remaining house--the 1860s Smyth House, with renovations by Julia Morgan--could be restored, perhaps for housing use.</p>	<p>The commenter expresses an opinion about additional mitigation for the loss of historic resources. The mitigation suggested by the commenter would not further reduce the significant impacts as identified in Chapter 5.4, Cultural Resources, of the Draft EIR. Please see Master Response 5, Mitigation. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>To provide more context, UC Berkeley, as the LRDP Update confirms, is committed to the stewardship of its important historic resources. However, as a public institution with limited financial resources, it is not necessarily a prudent use of public funds for UC Berkeley to restore all of its historic buildings. UC Berkeley must balance new investments with the renewal of existing facilities to ensure that all UC Berkeley spaces are functional and well maintained, and to improve space utilization and efficiency in existing facilities to meet program needs.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
A4-7	<p>6. The LPC also notes that the DEIR analysis of the People’s Park development (including Appendix F) does not consider the extreme visual and shadow impact of a 17-story tower on adjacent and nearby City and Federal landmarks. The site of the proposed 17-story tower is across the street from the First Church of Christ Science, one of only 2,500 Federally designated National Historic Landmarks in the United States. Neither the visual impact of the overpowering scale of the proposed tower nor its shadows on the church windows are considered in the DEIR. The LPC strongly urges that the DEIR incorporate a low-rise building as a feasible alternative</p>	<p>The HRTR completed for Housing Project #2 concluded that: “Because the student housing building would have a much greater height, and a larger footprint, than any of its historic neighbors, its scale and proportion would likely not be compatible with those historical resources” (Appendix F.3 of the Draft EIR, page 52). As a result, Impact CUL-1.5 in the Draft EIR (page 5.4-41) notes that “The design of Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People’s Park through incompatible design.” Mitigation Measure CUL-1.5 addresses this impact, though the impact may remain significant:</p> <p>Mitigation Measure CUL-1.5: Prior to approval of final design plans for Housing Project #2, UC Berkeley shall retain an architect meeting the National Park Service Professional Qualifications Standards for historic architecture to review plans for the proposed student housing and affordable and supportive housing buildings. The historic architect shall provide input and refinements to the design team regarding fenestration patterns, entry design, and the palette of exterior materials to improve compatibility with neighboring historical resources and to enhance compliance with the Secretary of the Interior’s Standards and the City of Berkeley Southside Design Guidelines.</p>
A4-8	<p>7. The DEIR refers to studies apparently recently conducted by the campus last year but not previously made publicly available, which conclude that a large number of older buildings owned by the University are “not eligible” or “not historic”. These appear to be primarily buildings that the University might want to demolish for development, and the list perplexingly includes some prominent structures on the campus, including buildings designed by John Galen Howard (Dwinelle Annex) and George Kelham (University Heating Plant). These conclusions should be further reviewed.</p>	<p>This comment speculates about UC Berkeley’s reasoning for report preparation and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B. Private Organizations		
B1	The Anna Head School Steering Committee, April 14, 2021	
B1-1	<p>We have reviewed the LRDP and EIR and noted that the site of the historic Anna Head School is included in potential parcels for UC Berkeley development. We are concerned by reports that the main Anna Head School buildings are in great disrepair and that the University intends to tear them down and replace them with another structure. We believe the Anna Head School holds a significant place in the history of UC Berkeley and that all the buildings need to be saved.</p> <p>Built over three decades from 1892 to 1927, the Anna Head School is an architectural masterpiece. One of the buildings still to be restored is Channing Hall, the first brown-shingled building in Berkeley, a structure that launched the Arts and Crafts movement in American architecture. Since 1980, the site has been listed on the National Register of Historic Places and as a Berkeley City Landmark. The school’s founder, Anna Head, was a national leader in the Progressive Education movement and on behalf of women’s education and one of the first women to graduate from UC Berkeley in 1879. The University’s recent celebration of 150 Years of Women at Berkeley highlighted Anna Head for her significant role in the history of American education.</p> <p>As the National Trust for Historic Preservation has noted, the Anna Head School for Girls influenced generations of women, and American Education. The school’s architectural significance, founding head, historic mission are described on the Saving Anna Head School website (annaheadschoool.org). The website includes a petition signed by nearly one hundred people asking that UC Berkeley make this project a priority. The group is representative of the wider UC Berkeley community members who have an interest in the school—Anna Head alumnae; Head-Royce School administrators, faculty and alumni; UC Berkeley alumni, faculty and administrators; former Bay Area school heads;</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>As described in Chapter 3, Project Description, of the Draft EIR, the LRDP is a long-range planning document and does not include any specific development projects other than Housing Projects #1 and #2. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation. The commenter’s suggestion and request are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	architects and contractors; and people with a passion for historic preservation.	
	As the Steering Committee for the Save Anna Head School campaign, we represent a broad cross-section of the UC Berkeley community who believe the Anna Head School complex needs to be restored so that it can continue to help meet the needs of the University community. We ask that the administration include the restoration of the buildings in the University's Master Plan. And we ask that the University take immediate steps to secure the buildings to prevent further deterioration.	
B2	Alex Knox, Telegraph Business Improvement District, April 21, 2021	
B2-1	The Telegraph Business Improvement District has actively supported development initiatives that advance our goals to achieve greater equity, inclusion, and sustainability in Berkeley and the Telegraph District. As an active member of the LRDP Community Advisory Group we have appreciated the honest efforts to engage with us on our priority issues and honor our feedback. In representing the interests of our businesses and stakeholders, I offer these comments on the 2021 Long Range Development Plan Draft EIR.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
	The Telegraph District includes multiple important campus residential buildings and facilities as well as the Housing Project #2 site (People's Park) and surrounding area. The improved utilization and long-term success of those facilities can significantly contribute to our vision of a more vibrant, inviting, and safe district. The framework for growth in the proposed 2021 LRDP will promote the University's core mission of educating and serving its students, providing a positive campus environment, and is aligned with our strategic goals for the Telegraph District. Considering the housing crisis affecting UC Berkeley students, we particularly support the 2021 LRDP goals related to increasing the student bed count. For many years the TBID has expressed support for productive use and development of People's Park. Our current Strategic	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Plan identifies development of the site as a priority which is shared by many of our stakeholders.</p> <p>The district’s location as the southern gateway to the campus is also significant when considering the mobility network and future transportation needs. Managing vehicle traffic to accommodate the needs of businesses and residents in the district is an important strategic priority. The LRDP’s focus on expanding accessibility and adapting mobility compliments our vision for improved public transit and pedestrian connectivity.</p> <p>The TBID supports the University’s efforts to maintain and grow a thriving campus community that is an integral part of our district’s character and economy. Thank you for the opportunity to provide these comments and we look forward to continued engagement in the planning and development process.</p>	
B3	Harvey Smith, People’s Park Historic District Advocacy Group, April 21, 2021	
B3-1	<p>The People’s Park Historic District Advocacy Group (PPHDAG) is a group of community preservationists, historians and activists formed in 2019 to protect People’s Park from UCB’s plan to destroy it. Our alternative is to preserve People’s Park, including the many nationally recognized historic properties that surround the Park forming a de facto historic district and to educate the public regarding the cultural and architectural importance of those properties.</p> <p>Our most fundamental issue with the DEIR for this 2021 LRDP is that UCB does not consider the environmental impacts of their plan upon the City of Berkeley. PPHDAG explains in these comments what it considers unaddressed environmental impacts of this LRDP, in particular six main sections that stand out - Aesthetics (section 5.1), Biological Resources (section 5.3), Cultural Resources (section 5.4), Land Use and Planning (section 5.10), Parks and Recreation (section 5.14), and Wildfire (section</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses B3-2 through B3-9.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B3-2	<p>5.18) - as well as the inadequate consideration of alternatives (sections 6.1 & 6.2).</p> <p>The Berkeley residents and elected officials have voiced strenuous objections because the DEIR ignores cultural detriment meant to be protected by sections of Berkeley’s General Plan. Berkeley’s Southside Plan also has the aim to protect “and conserve the unique physical, historic, and social character of the Southside;” additional envisioned population density will further depreciate life for all in the Southside. Under Measure L, the city council is obligated to preserve and expand city open space; Berkeley citizens do not accept the UC contention that eliminating People’s Park from public use will not have an impact.</p>	<p>Housing Project #2’s effects to open space supply are addressed under impact discussion REC-1 on page 5.14-10 in Chapter 5.14, Parks and Recreation, of the Draft EIR. Potential impacts associated with the historic significance of the Housing Project #2 site are evaluated on pages 5.4-39 to 5.4-40 in Chapter 5.4, Cultural Resources, of the Draft EIR. As identified on page 5.4-40 of the Draft EIR, the project would result in a significant and unavoidable impacts associated with the demolition and reconfiguration of People’s Park, which is a designated City of Berkeley Historical Landmark.</p>
B3-3	<p>5.1 Aesthetics</p> <p>The important concentration of historic resources in the People’s Park neighborhood, including those of religious origins, would suffer a significant loss of collective aesthetic identify if a contemporary housing complex of such density and heights were to be built on People’s Park. Shadows from the height of the proposed buildings would impact the historic structures; even more oppressive would be the diminution of a special place unique to California, lost forever in newly created architectural canyons that would overwhelm the distinction of historic Haste, Bowditch and Dwight Streets.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Shadow lengths cast by buildings are dependent on the height and size of the building from which it is cast and the angle of the sun. The angle of the sun varies with the rotation of the earth (i.e., time of day) and elliptical orbit (i.e., change in seasons). The longest shadows are cast during the winter months and the shortest shadows are cast during the summer months. Measuring shadow lengths for the winter and summer solstices represents the extremes of the shadow patterns that occur throughout the year. While the issue of shade and shadow can be an issue of concern for the users or occupants of certain land uses in the immediate vicinity of new or expanded buildings, the effects of shade and shadow are not physical impacts on the environment as defined by CEQA. Furthermore, shade and shadow studies are not required by any UC or UC Berkeley project environmental evaluation or approval procedures. Therefore, consideration of the effects of shade and shadow are outside of the scope of this CEQA analysis. The concerns expressed by commenters regarding shade effects are policy concerns and are</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B3-4	<p data-bbox="323 467 588 492">5.3 Biological Resources</p> <p data-bbox="323 540 1125 914">Environmental impacts will result through conflict with local policies and ordinances protection biological resources within Berkeley. The City’s Oak Tree Removal Ordinance No. 6,905-N.S. declares a moratorium of coast live oak tree removal. People’s Park not only has coast live oaks, but many other valuable trees. Although UCB has removed trees without lawful notice to the city’s Landmark Preservation Commission or the community at large, many trees of the original planting representing California’s biomes are still healthy and in place. These include coastal redwoods, Douglas fir, giant sequoias, Monterey pine, blue oak, iron wood (rare), valley oak, incense cedar and boxelder maple. Their destruction would have a substantial adverse effect.</p> <p data-bbox="323 963 1125 1157">The park’s tree canopy and luxuriant growth of flowers, vegetables and shrubs create a natural oasis and haven for birds. An October 2020 bird count of only an hour yielded 17 species, including a red-tailed hawk, ruby-crowned kinglet, scrub jay, chestnut-backed chickadee, dark-eyed junco, white crowned sparrow, Anna’s hummingbird, California towhee, bushtit, and flocks of rock doves and crows.</p> <p data-bbox="323 1206 1125 1442">The gardens and landscape in People’s Park began as a UCB student project in April 1974 and included student field studies, individual studies, and community participation. The program was coordinated by the student-community People’s Park Project/ Nave Plant Forum (ASUC). Community gardens and landscaping with nave plants specimens was aided at times by the director and staff of the Regional Parks Botanic Garden, the UC Botanical Gardens, local merchants, neighborhood</p>	<p data-bbox="1157 321 1950 451">acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please also see Response A4-4 for a discussion of impacts to off-site historic buildings.</p> <p data-bbox="1157 467 1950 597">Chapter 5.3, Biological Resources, of the Draft EIR provides an assessment of the potential impacts of the proposed Housing Project #2 on vegetation and wildlife pursuant to CEQA using to the standards of significance identified on page 5.3-23 of the Draft EIR.</p> <p data-bbox="1157 646 1950 1198">The City of Berkeley’s Coast Live Oak Tree Removal Ordinance (No. 6462-N.S.), which prohibits the removal of any coast live oak tree with a circumference of 18 inches or more, and any multi-stemmed coast live oak with an aggregate circumference of 26 inches without a permit, is summarized on page 5.3-8 of the Draft EIR. As noted on page 5.3-7 of the Draft EIR, UC Berkeley is constitutionally exempt from local governments’ regulations, such as city and county general plans, land use policies, and zoning regulations, whenever using property under its control in furtherance of its educational purposes. (Please see Master Response 2, Constitutional Exemption.) As such, potential future development that implements the proposed LRDP Update, including Housing Project #2, is generally exempt from local policies and regulations. UC Berkeley may consider, for coordination purposes, aspects of local policies and regulations for the communities surrounding its properties when it is appropriate and feasible, although it is not bound by those policies and regulations.</p> <p data-bbox="1157 1247 1950 1474">Figure 5.3-5, Housing Project #2 Tree Map, on page 5.3-22 of the Draft EIR provides a map of existing trees on the Housing Project #2 site and indicates whether they are to be preserved, transplanted or removed. As discussed in the analysis on page 5.3-36 of the Draft EIR and indicated in Figure 5.3-5, an estimated 21 of the 75 trees on the site and street frontages would be preserved and a minimum of 30 trees would be removed. An additional 24 trees have been identified for possible</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	groups, the California Nave Plant Society, and elements of what is now the UC College of Natural Resources. This community-university collaboration could be renewed again if the 2.8 acres of People’s Park is preserved.	<p>transplanting, based on their condition and suitability, although detailed plans for any relocation have not been prepared. Trees proposed for removal or transplanting include a range of species, size, and condition. Mature trees are at risk for decline and possible death as a result of disturbance to their canopy, trunk, and root systems. Even under careful construction practices supervised by a Certified Arborist, there remains a risk of loss when construction occurs in close proximity to trees to be retained, or individual trees that are to be relocated.</p> <p>Detailed landscaping plans have not yet been prepared for Housing Project #2, but preliminary plans include plantings of native species such as coast live oak, California buckeye, California bay, madrone, and toyon. Pursuant to CBP BIO-10, UC Berkeley would determine which, if any, of the trees on the project site meet the criteria for a specimen tree consistent with the Campus Specimen Tree Program. As described in CBP BIO-10, replacement landscaping would be provided where specimen resources are adversely affected, either through transplanting of existing trees or through new horticulturally appropriate replacement plantings. The removal of existing trees and other plantings on the site would not affect a sensitive natural community type. New trees would be planted in the City of Berkeley right-of-way that would be selected and planted in cooperation with the City of Berkeley Urban Forestry staff. As concluded under impact discussion BIO-1, no major conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance are anticipated.</p> <p>Please also see Master Response 12, Biological Resources on the Housing Project #2 Site.</p>
B3-5	5.4 Cultural Resources	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>PPHDAG is dedicated to the preservation and enhancement of the cultural and architectural properties of People’s Park and its surrounds. Therefore, we find the DEIR’s conclusion that the destruction of People’s Park is a significant and unavoidable environmental impact to the historic resources of Project #2 to be a dereliction of UCB’s responsibility under CEQA and totally unacceptable.</p> <p>This site commemorates one of the most consequential periods in twentieth century American history and it only becomes more significant as the current struggle to create a more equitable social and political future. People’s Park is a City of Berkeley landmark and is recognized as such by the State of California. The DEIR clearly states, “These proposed changes would leave the park without integrity of design, materials, workmanship, feeling, or association, that is, it would remove its ability to convey its historic significance. Therefore, demolition of the site would result in a significant impact.”</p> <p>The determination of the DEIR that finds destruction of People’s Park as unavoidable ignores UCB’s own list of other potential building sites. It also denies consideration of the often used UC practice of creating a new campus when an existing campus has grown to the point that it becomes an environmental detriment to the community in which it is located. Recent UC affiliations with other higher education institutions like the San Francisco Art Institute and Mills College suggest there may also be local options beyond Berkeley.</p> <p>The City of Berkeley has voiced strenuous objections to the DEIR insofar as it ignores the detriment to the city meant to be protected by LU (Land Use) sections 1.5 (building heights shall be appropriate and feasible) and 3.0 (new buildings shall be encouraged to be compatible with historic buildings) of Berkeley’s General Plan.</p>	<p>does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please see Master Response 5, Mitigation, and Master Response 18, Alternatives.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B3-6	<p data-bbox="323 326 621 352">5.10 Land Use and Planning</p> <p data-bbox="323 396 1125 841">Southside already is one of the most densely populated areas of Berkeley. This LRDP will allow up to 16,000 additional students, faculty and staff to reside in that already crowded area. A population growth of that size will undermine the aim of Berkeley’s Southside Plan. One aim of that plan is stated on page 30, to protect “and conserve the unique physical, historic, and social character of the Southside.” Thus this DEIR should find the Land Use and Planning element of the 2021 LRDP will result in negative environmental impacts on the social character of the Southside. The statement of significance in the DEIR notes that policies that are counter to an established environmental plan, i.e., Berkeley’s Southside Plan, are to be deemed significant impacts, which the DEIR fails to do. The finding in the DEIR of “less than significant” impact is ludicrous.</p> <p data-bbox="323 885 1125 1157">At the April 1, 2021 Landmarks Preservation Commission’s discussion of this DEIR, Commissioner Steve Finacom noted that he has already witnessed students suffering from the anxiety brought on by the crowding in their environment. He noted and we agree that students deserve a healthier way to live and learn. Clearly the additional population density envisioned by this LRDP will further depreciate life for all in the Southside and therefore should be cited as a significant negative impact in this DEIR.</p>	<p data-bbox="1157 326 1940 984">The Draft EIR discusses the Berkeley Southside Plan as part of the regulatory framework, including on page 5.10-5 in Chapter 5.10, Land Use and Planning. Consistent with CEQA Guidelines, the land use policy analysis in the Draft EIR focuses on the following standard of significance: “Would the proposed project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?” Page 5.10-11 of the Draft EIR states: “As a constitutionally created state entity, UC Berkeley is not subject to municipal regulations of surrounding local governments, such as the cities of Berkeley and Oakland general plans or land use designations, for uses on property owned or controlled by UC Berkeley that are in furtherance of its education mission. The proposed LRDP Update is generally consistent with the current LRDP and is being updated to reflect the current needs and priorities of UC Berkeley, including the provision of additional student housing and resources on the UC Berkeley campus, which would also be consistent with the intent of current Cities of Berkeley and Oakland general plan policies aimed at reducing environmental impacts.”</p> <p data-bbox="1157 1024 1940 1222">The comment expresses concerns regarding the social effects of the proposed project. As described in CEQA Guidelines Section 15131, Economic and Social Effects, the social effects of the project shall not be treated as significant effects on the environment. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>
B3-7	<p data-bbox="323 1239 604 1265">5.14 Parks and Recreation</p> <p data-bbox="323 1308 1125 1438">A glaring example of the environmental impact is in the Parks and Recreation section. The City of Berkeley General Plan calls for 2 acres of park space per 1,000 people. Berkeley’s Southside neighborhood has a population in excess of 13,000 people with only People’s Park’s 2.8 acres</p>	<p data-bbox="1157 1239 1940 1471">As described on page 5.14-4 in Chapter 5.14, Parks and Recreation, of the Draft EIR, UC Berkeley’s natural and green spaces throughout the EIR Study Area, including the Campus Park, include areas such as glades, lawns, and riparian areas along Strawberry Creek, as well as sidewalks, paths, and plazas, which provide for passive recreational use. UC Berkeley has approximately 187 acres of open space throughout the EIR Study Area, excluding informal recreational space in the Hill</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>of open public park space giving a ratio of .21 acres per 1000 Berkeley residents.</p> <p>UCB states that their 241 acres of park space and the 67,200 students and faculty expected to result from this 2021 LRDP will give a ratio of 3.6 acres of park space per 1000 UCB population. However, the core campus which is accessible to the South Campus neighborhood is not a park, as the DEIR seems to claim. Most of it is covered with buildings, streets, parking lots, etc. Moreover, during most weekdays the campus is populated by something like 50 or 60,000 students, faculty, staff, and visitors. To call such a place a park or public open space makes a mockery of those terms.</p> <p>Does UCB concede that removing People’s Park from public use will reduce the ratio of park to people to one tenth of the General Plan’s requirement? No. Knowing that UC is not beholden to City of Berkeley’s general plan they still see the removal of People’s Park as a vast decrease in open public space and so offer Southside residents use of UCB recreational facilities. Berkeley residents have some access to campus facilities, but many of the marginalized population of People’s Park would not be welcomed either on the campus or campus sports facilities. Such is the extent of UCB’s hypocrisy.</p> <p>The highly significant negative impact of Project #2 on the amount of public open space in the Southside must be recognized as a violation of CEQA. It is also a violation of the requirements of Berkeley’s Measure L, adopted in 1986, to preserve and maintain the public parks and open space, as well as to acquire and maintain public parks and open space in the census tracts and neighborhoods of Berkeley having less than the minimum amount of open space relative to population at 2 acres per 1,000.</p>	<p>Campus East, such as fire roads that are also used as hiking trails. This acreage, contrary to the commenter’s claim, does not include buildings, streets, or parking lots. These areas are also open and accessible to the public.</p> <p>As described on page 5.14-2 of the Draft EIR, UC Berkeley is constitutionally exempt from local governments’ regulations, such as city and county general plans, land use policies, and zoning regulations, whenever using property under its control in furtherance of its educational purposes. UC Berkeley, therefore, is not subject to Measure L. Regardless, as described under impact discussion REC-1 for Housing Project #2, although the total recreational space on-site would be reduced to accommodate the proposed student and affordable and supportive housing buildings, approximately two-thirds of the site would remain open space. In addition, the student housing component would include recreational facilities for residents, including fitness and yoga studios. Parks and recreation demand from residents of Housing Project #2 would also be absorbed by UC Berkeley’s recreational facilities throughout the EIR Study Area. Housing Project #2 would provide recreational facilities for its residents and continue to provide open space for the public, and additional demands generated by residents and/or employees of Housing Project #2 would be absorbed by UC Berkeley’s recreational facilities throughout the EIR Study Area. Overall, the proposed LRDP Update would result in approximately one additional acre of open space and three additional acres of formal athletic and recreational space throughout the EIR Study Area.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B3-8	<p>Under Measure L, the city council is obligated to preserve and expand city open space, and cannot passively accept the UC contention in this LRDP that eliminating People’s Park from public use will not affect the amount of Parks and Recreation space available to Berkeley residents because they have “easy access to the recreational facilities that UC Berkeley offers” (p. 5.14-10).</p> <p>The destruction of People’s Park is a significant environmental impact on the city’s parks and recreation needs. UCB displays its supreme arrogance in this DEIR in their claim that they need only account for the environmental impacts on their institutional parks and recreation needs, effectively ignoring the needs of Berkeley residents.</p> <p>We find UC’s sole focus on the wildfire danger to the Hill Campus misplaced. Climate change science shows that fire seasons will be longer and more intense in California. A map included the Berkeley City Council Draft Southside Plan of 2011, “Fault Location and Hazardous Fire Zone,” shows People’s Park is located two blocks from the edge of the wildfire zone. The 2011 draft plan states that emergency response “in Berkeley faces several ongoing challenges citywide which affect the City’s ability to respond to a disaster in the Southside.” The open space of People’s Park is at least a temporary sanctuary in times of disaster, whether it is a fire, earthquake or pandemic, and a potential site for offering or coordinating emergency services. The plan also points out that the “top floors of the tallest dormitory buildings are beyond the reach of the Berkeley Fire Department’s tallest ladders,” clearly showing a 17 story building or any cluster of high rise buildings on the site is a major safety hazard.</p>	<p>Risks pertaining to wildfire from the proposed project would be more significant within the Hill Campus East due to the existing terrain and vegetation. Most of the development under the proposed project would occur in already urbanized areas. For example, as described on page 5.18-21 in Chapter 5.18, Wildfire, of the Draft EIR, “most development would be in the urbanized areas of the Campus Park, the City Environs Properties, and the Clark Kerr Campus, where the topography is relatively flat. Some development could occur within the Hill Campus West, where topography is steeper; however, this area is also largely already built out and it does not contain any large areas of vegetation. Some development would potentially occur in the Hill Campus East where the topography contains significant slopes and is largely undeveloped, including the construction of additional academic life space, utility infrastructure upgrades, and the potential addition of a solar panel array, as described in Chapter 3, Project Description. Parts of the Hill Campus East are adjacent to residential neighborhoods in the Berkeley/Oakland hills. The precise location of these developments and improvements within the Hill Campus East is unknown, and therefore it is possible that development could occur in areas with steep slopes or near sloped areas. The addition of construction and</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B3-9	<p data-bbox="323 743 552 768">6.1 & 6.2 Alternatives</p> <p data-bbox="323 816 1125 1190">Considerations of alternatives to Housing Project #2 in section 6 of this DEIR are a study in obfuscation and double speak. In CEQA Sections 15126.6(a) and (d) require that an EIR describe and evaluate a range of reasonable alternatives to the proposed project, or to the location of the proposed project, and evaluate the comparative merits of the alternatives. This DEIR has merely presented a pretense at analyzing alternatives to the proposed location of Housing Project #2. The DEIR attempts to substitute an earnest examination of possible alternative locations by saying that many of the eligible sites are smaller than the proposed development sites. Does the document consider some of the other sites that are of equal or greater size? It does not.</p> <p data-bbox="323 1239 1125 1476">The DEIR insults one’s intelligence with such trickery as this in Section 6.2.3.3. by stating that “the primary character defining feature of the site is the landscape, supported by the restroom building, stage and basketball courts, it is not feasible to fully or partially preserve the park and construct Housing Project #2. As shown on Table 3-7 in Chapter 3, Project Description of this Draft EIR, Housing Project #2 would retain 82,000 square feet of open space area, which is 67 percent of the</p>	<p data-bbox="1157 321 1950 459">development projects within steeply sloped areas of the Hill Campus East could exacerbate risks because wildfires are able to spread more quickly up steep slopes. In addition, impacts such as loose debris from wildfires could impact areas downslope.”</p> <p data-bbox="1157 500 1950 735">Regarding Housing Project #2, as explained under impact discussion WF-2, the site is relatively flat and located in an urbanized area surrounded by existing development; the site is not within a Fire Hazard Severity Zone or the wildland-urban interface. Due to the project site’s location and topography, the Draft EIR concludes that Housing Project #2 would not have a significant impact pertaining to wildfire.</p> <p data-bbox="1157 743 1950 1125">This comment expresses an opinion about the alternatives evaluated in Chapter 6, Alternatives to the Proposed Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please see Master Response 18, Alternatives.</p> <p data-bbox="1157 1166 1950 1476">The commenter incorrectly asserts that the Draft EIR did not consider a true preservation alternative for the site of Housing Project #2. The commenter is directed to Alternative A, No Project Alternative, where it is described on page 6-12 of Draft EIR Chapter 6, that Alternative A would not include the development of Housing Projects #1 or #2, and these sites would remain in their current conditions. The existing buildings on the Housing Project #1 site would remain, including the historic University Garage. The existing park and amenities on the Housing Project #2 site would also remain unchanged.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>project site. Even with the partial preservation of open space area, the integrity of the resource would not be lessened or mitigated, resulting in significant and unavoidable impacts.</p>	
	<p>For these reasons, both a preservation and partial preservation alternative for Housing Project #1 and #2 were considered but rejected.” So by their analysis a partial preservation still significantly reduces the cultural resource of People’s Park but that analysis did not consider preservation at all, i.e., this DEIR has NOT considered leaving People’s Park intact, a true “preservation” alternative.</p>	
	<p>CEQA requires the lead agency for a project to consider feasible alternatives but using the definition of feasible given in Section 6.1 only leads to the conclusion that Housing Project #2 is itself not a feasible project. If “feasible” means an alternative that is capable of being accomplished in a successful manner within a reasonable period, considering economic, environmental, social, technological, and legal factors, then People’s Park is the opposite of a feasible site. Due to time delays caused by legal challenges and student and community opposition; additional costs of public services resulting from pro-preservation demonstrations; and the environmental detriment resulting from putting a 17 story building in a densely populated neighborhood where a beautiful park once stood - Housing Project #2 is not a feasible project for People’s Park and alternative sites are the only feasible alternative.</p>	
B4	David Shiver, Southside Neighborhood Consortium (email was sent twice), April 21, 2021	
B4-1	<p>Please find, attached, the Southside Neighborhood Consortium’s comments regarding the Draft Environmental Impact Report for the University’s Long Range Development Plan.</p> <p>Thank you in advance for your acknowledgement of receipt and your consideration of these comments.</p>	The comment serves as an opening remark. No response is required.

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
B4-2	<p>The Southside Neighborhood Consortium (“SNC”) has reviewed University of California, Berkeley (“UCB”)’s Draft Environmental Impact Report {“DEIR”} for the campus’ Long Range Development Plan (“LRDP”) and has prepared a set of comments to be addressed by UCB in its final environmental impact report for the LRDP.</p> <p>Overall, the DEIR is without question materially deficient. The scope of its omissions and its inadequate and defective analyses is overwhelming. That an institution as prestigious as UC Berkeley would offer so many flawed assumptions, faulty analyses, omitted impacts, and inconsistent conclusions is as disheartening as it is embarrassing. With a hyper-aggressive approach to environmental impact analysis for this project, as well as for other projects it is pursuing concurrently, UCB undercuts its educational mission by generating high-levels of community ill-will and rancor, leading to litigation that only serves to significantly delay UCB’s projects, particularly those that will provide very much needed student housing.</p>	The comment serves as an opening remark. No response is required.
B4-3	<p>SNC Comment Summary</p> <p>Taking our comments as a whole, there are seven major themes related to the DEIR’s deficiencies, as follows:</p> <p>1. Impacts: A 54% Increase in Campus Footprint with No Impacts to the Surrounding City. UCB proposes adding up to 8,492 new students, and 3,579 new faculty and staff accompanied by up to 8.1 million new square feet of buildings and 3,000 new parking spaces, the equivalent of 6 Salesforce Towers. Yet UCB has identified virtually no environmental impacts, a conclusion that stretches credulity beyond any reasonable doubt.</p>	The comment summarizes growth under the proposed project. Significant impacts are identified in Chapters 5.1 through 5.18, and are summarized in Chapter 2, Executive Summary, of the Draft Environmental Impact Report.
B4-4	<p>2. Enrollment: Misstatements or Misleading Statements Regarding UCB’s Enrollment Requirements. UCB makes repeated statements that its undergraduate student population is mandated by the State and not</p>	The commenter expresses an opinion about student enrollment at UC Berkeley. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>individual UC System campuses and that it has no discretion over undergraduate enrollment. These statements are simply not true. UCB's recent enrollment growth and its anticipated future growth are not demographically driven. Instead, revenue generation is the major driver of UCB growth. UCB has admitted far higher numbers of out-of-state and international students that pay higher tuition rates than in-state students. Between 2010 and 2018 UCB enrolled 6,668 additional students only 80 of those were California residents. [footnote 1]</p> <p><i>Footnote 1: https://www.universityofcalifornia.edu/infocenter/fall-enrollment-glance accessed 20 April, 2021. These numbers have changed since being accessed in March 2021 and August 2020.</i></p>	<p>measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required.</p> <p>As described in Section 3.1.1, LRDP Background, on page 3-1 of the Draft EIR, the LRDP does not mandate growth or the provision of new facilities. State policies require the UC to meet a proportion of California high school graduates eligible to enroll in state universities. The California Master Plan for Higher Education guarantees access to the UC campuses for the top 12.5 percent of the state's public high school graduates and qualified transfer students from California community colleges. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>
B4-5	<p>3. No Underlying Data to Support the Need for the LRDP Update Project. UCB does not provide any underlying data to document the need for the LRDP Project. In fact, the increase in student enrollment proposed by UCB is contradicted by State of California forecasts of the number of high school graduates in California that show declining student growth over the LRDP planning horizon. Further, no information is provided to document the need for 8.1 million square feet of program space and an increase in 3,579 faculty and staff positions. In most circumstances, an institution's facility requirements would be identified through a comprehensive facility needs analysis. None is offered or referenced by UCB in this DEIR. Without a rationale, UCB simply asserts that they 'need' the LRDP Project. There is a lack of overall transparency that results in mistrust.</p>	<p>The commenter expresses an opinion about the need to update the LRDP. The commenter provides no substantial evidence to support their opinion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>In 2020, UC Berkeley received an estimated 88,066 applications for incoming freshmen, and offered admission to 15,461 applicants (17.6 percent). Of the estimated 19,074 transfer applications received in 2020, 4,818 applicants were offered admission (25.3 percent). Applications to UC Berkeley have remained high, even as the number of in-state high school graduates has fluctuated over time, and the level of applications indicates that interest in attending UC Berkeley will continue to be strong even if the total number of high school graduates were to decline. The UC system is committed to providing California residents with access to high-quality education. As described in Chapter 3, Project Description, on pages 3-1 and 3-2 of the Draft EIR, each campus in the UC system periodically prepares an LRDP, which</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B4-6	<p>4. Historic Preservation: Attention to Historic Preservation for the Campus Park is Not Extended to the City Environs. The DEIR goes to great length to justify the need for historic preservation within the Campus Park. However, it completely dismisses the need for protection of historic assets in the City environs. UCB is externalizing growth and its negative impacts by protecting its Campus Park at the expense of the City environs.</p>	<p>provides a high-level planning framework to guide land use and capital investment consistent with its mission, priorities, strategic goals, and enrollment projections. The current LRDP for UC Berkeley was adopted in January 2005 and projected development needs through the academic year 2020–21. The current LRDP requires updating to reflect new priorities. Please also see Master Response 6, LRDP and LRDP Implementation.</p>
B4-7	<p>5. Traffic: More Parking and More Traffic. The LRDP Update project will generate significantly more vehicular traffic with over 3,000 new parking spaces for faculty, staff, and students. Incredibly, no enhancements of the existing Transportation Demand Management Plan are proposed as part of traffic impact mitigation.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
B4-8	<p>6. Wildfire: 800,000 Square Feet added to the Very High FHSZ. The DEIR does not analyze the increased risk of wildfire ignition and spread that would result from the addition of more than 800,000 feet of space, along with thousands of people in the Very High FHSZ. In addition, it does not account for the increased cumulative risk due to projects that</p>	<p>The comment incorrectly states that the project would result in 3,000 new parking spaces. As shown in Table 3-1 on page 3-25 and reiterated on page 5.15-50, implementation of the LRDP Update would result in a maximum of 1,240 net new parking spaces, which would maintain the current ratio of parking supply to commuting population. The comment also incorrectly states that the Draft EIR does not include enhancements to the existing TDM programs as a mitigation measure. Mitigation Measure TRAN-1 includes adjusting the TDM programs, parking pricing, education and outreach, support for telecommuting, and other measures to achieve the vehicle mode share goals in the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan.</p> <p>The proposed development that would add to UC Berkeley's square footage is incorporated as part of the LRDP Update, which is analyzed for wildfire impacts in Chapter 5.18, Wildfire, of the Draft EIR. The Draft EIR analyzes cumulative impacts related to wildfire under impact discussion WF-5, which includes Mitigation Measure WF-5 to address cumulative impacts.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B4-9	<p>are currently proposed and in litigation, such as the proposed Intercollegiate Volleyball Facility and the Witter Complex Softball Project.</p> <p>7. Alternatives Not Considered. UCB’s failure to study the very reasonable alternative of reducing or capping enrollment growth is based upon a false premise that UCB has no discretion in its level of undergraduate enrollment. Other UC system campuses such as UC Santa Cruz, UC Davis, and UC Santa Barbara have established enrollment caps or have agreed to only increase enrollment as student housing capacity comes online. These constitute reasonable alternatives that UCB does not study.</p>	<p>The comment expresses their opinion about an alternative to cap enrollment. As described in Master Response 8, and in the Draft EIR (see page 3-24) the LRDP does not determine future enrollment or population or set a future population limit for the UC Berkeley campus, but guides land development and physical infrastructure to support enrollment projections and activities coordinated by the UCOP. Please see Master Response 18, Alternatives.</p>
B4-10	<p>SNC’ Specific Comments</p> <p>SNC Comment 2-1 Page 2-3 Section 2.3 Summary of Proposed Project The statement that “[t]he proposed LRDP Update does not determine future UC Berkeley enrollment or population or set a future population limit for UC Berkeley...” is not accurate since any future enrollment cannot generate greater impacts than what have been studied in the LRDP EIR, thus setting in place an effective limit on enrollment.</p>	<p>Please see Master Response 8, Population Projections.</p>
B4-11	<p>SNC Comment 3-1 Page 3-1 3.1.1 LRDP Background The Draft LRDP states that “[t]he purpose of an LRDP is to provide adequate planning capacity for potential population growth and physical infrastructure that may be needed to support future population levels on each UC campus.” However, no data or analysis of enrollment requirements is provided in the DEIR that supports UCB’s specific undergraduate enrollment growth forecast. This omission is significant because the alternatives have been formulated with an underlying assumption that the UCB undergraduate student population will need to grow. However, long range population forecasts prepared by the</p>	<p>With respect to the purpose of the LRDP, please see Master Response 6, LRDP and LRDP Implementation. The commenter incorrectly describes that the purpose of the LRDP is to study impacts and propose mitigation. In fact, that is the purpose of the EIR. With respect to the commenter’s assertions about enrollment, please see Master Response 8, Population Projections.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>California Department of Finance show that the number of California high school graduates will fall over the LRDP 2021-2037 planning horizon. UCB must provide data and forecasts that support its anticipated undergraduate enrollment growth.</p> <p>The background section also omits a critical function of the LRDP, namely to adequately study impacts and propose mitigations and to mitigate its LRDP Project impacts on the City Environs. [footnote 2]</p> <p><i>Footnote 2: See Ed. Code Section 67504, Save Berkeley's Neighborhoods v. Regents of Univ. of Cal. (2020), 51 Cal. App.5th, 26</i></p>	
B4-12	<p>SNC Comment 3-2 Page 3-2 3.1.2 Planning Process 3.1.2.1 LRDP Update</p> <p>The City of Oakland, which contains property in the study area is not mentioned as a consulting agency. Was the City of Oakland consulted as part of the planning process?</p>	<p>As shown on page 8-1 in Chapter 8, Organizations and Persons Consulted, of the Draft EIR, the City of Oakland was one of the agencies consulted as part of the preparation of the Draft EIR.</p>
B4-13	<p>SNC Comment 3-3 Page 3-4 3.2.1 LRDP Update Objectives</p> <p>It is noteworthy that the LRDP objectives do not include a goal to meet the California resident undergraduate enrollment objectives of the UC system after so many statements are made elsewhere that the UC system sets undergraduate enrollment targets and that the LRDP Update has been formulated to accommodate this alleged mandate of increased enrollment.</p> <p>The objective stated for the Campus Park excludes student housing as part of the goal of the LRDP, even though providing student housing is one of the primary objectives of the LRDP. We have the following questions for UCB to address in its final EIR analysis:</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>The comment suggests that UC Berkeley should consider locating housing on the Campus Park. Land at UC Berkeley has always been and continues to be a scarce resource. In order to optimize the use of limited resources, programs that directly engage students in</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<ul style="list-style-type: none"> ● What is the reason that student housing is not included as an objective for the Campus Park? ● How would the construction of student housing on the Campus Park be inconsistent with the objectives for the Campus Park? How were the Campus Park objectives determined? ● Are there specific negative impacts associated with the location and operation of student housing in the Campus Park that UCB seeks to avoid? <p>UCB does not state that an objective of the LRDP is to minimize the impact of growth and costs on the City Environs and other surrounding communities which is a legislative mandate. [footnote 3]</p> <p><i>Footnote 3: See Footnote 2.</i></p>	<p>instruction, research and campus life have always been prioritized on the Campus Park. Consistent with this guiding principle, necessary instructional, research, and campus life facilities have been expanded over time based on UC Berkeley’s program needs, in accordance with previous LRDPs. The draft LRDP Update includes as Goal 5.1: “Ensure the highest and best use of campus land to serve UC Berkeley’s mission”; and as a land use objective for the Campus Park: “Prioritize land in the Campus Park for academic, research, student life, and student service uses that directly engage students.” The Draft LRDP Update anticipates future instructional, research, and campus life program needs on the Campus Park, associated with key drivers such as the Strategic Plan and the UC Seismic Safety Policy, in accordance with Goal 5.1 and the Campus Park land use objectives. Thus, UC Berkeley, continues to find that it is neither feasible nor desirable to locate housing on the Campus Park.</p>
B4-14	<p>SNC Comment 3-4 Page 3-5 3.2.2 Housing Project #1 Objectives</p> <p>UCB states that Housing Project #1 will provide ‘office space.’ What kind of office space is contemplated and how has the need for office space been documented? Has UCB prepared a facility needs assessment that identified the need for office at this location?</p>	<p>With respect to the portion of the comment concerning office space at Housing Project #1, there is not any space in Housing Project #1 specifically dedicated to office use. As described in Chapter 3, Project Description, and shown in Table 3-6, Housing Project #1 Proposed Development, commercial space, which could be used for UC Berkeley or leased to non-UC Berkeley vendors for a variety of uses depending on the tenant and what the market will bear, including, but not limited to, office, research, maker space, retail, cultural institution, education, or medical, up to 17,000 square feet, is proposed. Approximately 2,050 square feet is allocated for UC administrative use and approximately 6,400 square feet is allocated for a maintenance shop, laundry, staff break room and staff lockers and restrooms. With respect to the portion of the comment that asks about the background studies to determine the need for office space, in general, sites identified as potential areas of new development and redevelopment were determined based on site conditions, deferred maintenance, seismic context, and programmatic relationships with adjacent or nearby UC Berkeley properties. As stated on page 3-24, the buildout projections</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
		shown in Table 3-1, Proposed LRDP Update Buildout Projections, which include Housing Project #1, provide a foundation for understanding UC Berkeley’s long-term space needs. Please also see Response B4-26 with respect to facility needs assessments.
B4-15	<p>SNC Comment 3-5 Page 3-8 3.4 EIR Study Area The EIR Study Area is unduly limited with the exclusion of the University Village in the city of Albany and the Richmond Field Station in the city of Richmond. Both of these properties are close to UCB and cannot reasonably be said to be “sufficiently distant.” In fact, Albany Villages is occupied by UCB’s graduate students who attend UCB and UCB once promoted and marketed its Richmond Field Station as the site for its now-suspended Global Campus Initiative. Other peer institutions, such as Stanford University, University of Michigan, MIT, and Harvard, have significant operations at a similar distance to their main campuses as a way to accommodate campus growth. By excluding these two large properties, UCB artificially limits the scope of alternatives that are considered and studied. These two significant UCB-owned properties could accommodate much of the UCB’s planned growth with significantly less impacts and costs of mitigation.</p>	Please see Master Response 7, EIR Study Area.
B4-16	<p>SNC Comment 3-6 Page 3-12 3.5.1.3 Land Use Element Academic Life. The DEIR states that “...it is not possible to accommodate all projected future academic life demands on the Campus Park alone...” UCB does not provide any data or documentation for this statement. In what document has UCB studied its Academic Life needs and facility requirements?</p>	This comment poses a question that is not germane to the environmental analysis. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B4-17	<p>SNC Comment 3-7 Campus Life. The DEIR states that:</p>	The comment asks about the assumptions used in the Draft EIR traffic analysis for the location of new Intercollegiate Athletic facilities. As

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>Space needs for Intercollegiate Athletics include a new basketball practice and gymnastics facility for the National Collegiate Athletic Association Division 1 programs, a new beach volleyball facility at Clark Kerr Campus, and a student athlete hub to support sports with facilities in the western area of the Campus Park. The proposed LRDP Update addresses the need for the preservation, enhancement, and/or replacement and, if required, addition of recreation and athletic field space for students, student-athletes, and spectators.</i></p> <p>Does UCB have a facility needs assessment to document the space needs for these facilities and their location? What physical locations were assumed in the DEIR traffic analysis for new Intercollegiate Athletic facilities that can generate high levels of traffic? Placement of sports facilities at west end or east end of the UCB campus can have a significantly different traffic and other impacts. In addition, this section does not mention the cumulative impact of pending projects that are currently the subject of CEQA litigation, i.e. the proposed volleyball facility and the Witter Complex in Strawberry Canyon.</p>	<p>described in Chapter 5, Environmental Analysis, on page 5-6, and in Chapter 5.15, Transportation, starting on page 5.15-1, of the Draft EIR and consistent with CEQA Guidelines Section 15064.3, traffic congestion or measures of vehicular capacity or delay may no longer be used in CEQA documents as thresholds of significance, and therefore are not addressed in the Draft EIR.</p>
B4-18	<p>SNC Comment 3-8 Active Open Space. The DEIR states that: <i>Active open spaces comprise the UC Berkeley’s existing sports fields, which would continue to be used for intercollegiate Athletics, recreation, and physical education programs. A potential initiative of the proposed LRDP Update includes the creation of a new recreation field on the site of the existing Hearst Field Annex.</i></p> <p>Why has UCB not located its proposed Women’s Volleyball or Softball facilities at the Hearst Field Annex location?</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
B4-19	<p>SNC Comment 3-9 Page 3-16 3.5.1.5 Mobility Systems Element Why does UCB propose to expand parking for students? How is this</p>	<p>With respect to parking, please see Master Response 6, LRDP and LRDP Implementation.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	consistent with the UCB’s sustainability and housing goals and policies? Is it possible that even if the parking ratio is lower, that a higher number of parking spaces would be possible given the student enrollment increases desired by UCB?	
B4-20	<p>SNC Comment 3-10 Page 3-17 3.5.1.3 Land Use Element Pedestrian Circulation. Have the negative noise impacts of late-night pedestrian movements between the City Environs and student housing been identified and studied? UCB is aware of such impacts arising from its nonconforming use of the Clark Kerr Campus almost exclusively for undergraduate housing. Would housing at Housing Site #2 also generate similar noise impacts from late-night pedestrian movements?</p>	<p>This comment requests information concerning noise generated by pedestrians that is not germane to the environmental evaluation. It would be speculative to assess noise impacts such as those suggested by the commenter. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
B4-21	<p>SNC Comment 3-11 Campus Park Edge Improvements. A series of improvements are listed in this section with most of them appearing to be on property owned by the City of Berkeley. Are these improvements to be constructed at UCB’s expense? If not, can UCB identify the entity/entities that it expects to pay for Campus Edge Improvements? Does UCB expect the City of Berkeley to pay for these improvements?</p>	<p>Please see Response A3-14.</p>
B4-22	<p>SNC Comment 3-12 Page 3-18 3.5.1.3 Land Use Element Vehicular Circulation and Parking. The DEIR states: <i>A key goal of the proposed LRDP Update is to minimize private vehicular access and movement, as well as parking for cars and trucks within the Campus Park and to prioritize improvements to nonmotorized mobility systems, as described in the previous items.</i></p> <p>Has the traffic analysis prepared by UCB assumed the restrictions of</p>	<p>Please see Response B4-17.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B4-23	<p>private vehicles within the Campus Park? What specific flow assumptions were made in the traffic analysis regarding limitations on access to the Campus Park? How would these restrictions impact traffic flows in the City Environs and surrounding City of Berkeley?</p> <p>SNC Comment 3-13 Page 3-24 3.5.1.8 Development Program Buildout and Population Projections The DEIR states that:</p> <p><i>As discussed under Section 3.1, Overview, the LRDP does not determine future enrollment or population or set a future population limit for the UC Berkeley campus, but guides land development and physical infrastructure to support enrollment projections and activities coordinated by the UCOP.</i></p> <p>This statement is highly misleading. First, the LRDP effectively establishes a future enrollment limitation through its impact analysis. Second, while the UCOP may have enrollment goals for the system, UCB has discretion to increase its enrollment of out-of-state and international students up to the cap set by the legislature. Can UCB provide documentation that UCOP required UCB to significantly increase the enrollment of out-of-state and international students accompanied by essentially flat resident enrollment between 2010 and 2018 [footnote 4]? If UCB cannot provide such documentation, can UCB confirm that the increase in out-of-state and international students was, in fact, at its discretion?</p> <p>Finally, under the recent Save Berkeley Neighborhoods case regarding UCB's enrollment increases the Court of Appeal held that any population in excess of the population studied in the LRDP must be subjected to analysis under CEQA. Can UCB confirm its understanding of the court's ruling and can UCB confirm its compliance with this ruling?</p>	<p>Please see Response B4-4 and Master Response 8, Population Projections.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Footnote 4: See #2, page 2 above.

B4-24

SNC Comment 3-14

Page 3-25

TABLE 3-1 Proposed LRDP Update Buildout Projections

Enrollment Growth. The undergraduate and graduate student growth is well in excess of the natural growth (or decline) of eligible high school students. According to the California Department of Finance (“DOF”), the absolute number of high school graduates between 2020 and 2028-29 will decline during this forecast period. While this forecast does not exactly match the LRDP planning horizon which goes to 2027-37, DOF data for total K-12 enrollment indicates that the decline in high school graduates will continue past 2027-28. (See also SNC comment on Section 6.2 Alternatives).

Please see Master Response 8, Population Projections.

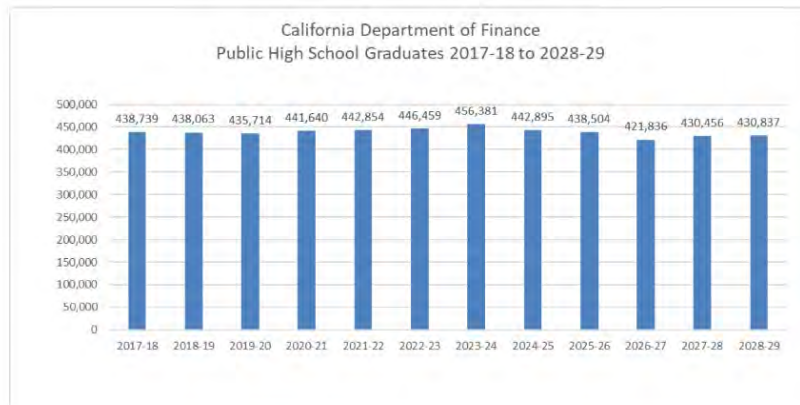
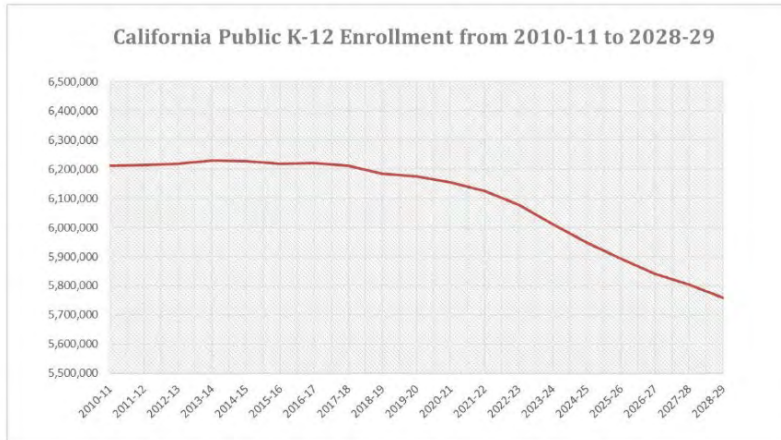


TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B4-25	<p>SNC Comment 3-15 Parking. DEIR Table 3-1 shows a net increase of 1,081,080 square feet of parking. Assuming an average of 350 gross square feet per space, this represents an increase of approximately 3,089 parking spaces. How many of these spaces are for faculty and staff? How many of these spaces are for students?</p> <p>Where will these spaces be located? What specific set of locations and how many spaces at each location were assumed in the traffic impact analysis? Traffic impacts may vary depending on how the assumptions were formulated.</p>	<p>See Response B4-7 regarding the increase in parking spaces included in the LRDP Update. See Response B4-17 about traffic impact analysis under CEQA.</p>
B4-26	<p>SNC Comment 3-16 Academic and Campus Life. DEIR Table 3-1 shows a net increase of 3,824,042 square feet for residential facilities, 2,284,588 square feet for Academic Life facilities and an increase of 906,539 for Campus Life facilities. With these facilities and new parking and housing, UCB is proposing the equivalent of six Salesforce Towers on the Campus and City Environs. Aside from student housing, has UCB prepared a facility</p>	<p>The commenter questions the process of preparing the LRDP Update and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will</p>



5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>needs analysis that documents the need and requirements that underlie this program? What specific academic programs are expected to occupy new Academic Life facilities? What specific Campus Life facilities comprise the total net increase shown?</p>	<p>be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>As part of the LRDP planning process, UC Berkeley assessed facility needs to accommodate the UC Berkeley population, on a quantitative basis. Facility needs were assessed using industry standard benchmarks for a range of space types, adjusted for UC Berkeley teaching and research pedagogies and for its urban location. Potential academic life and campus life projects are listed in the Draft EIR, Table 3-2, Potential Areas of New Development and Redevelopment, and in Table 3-3, Potential Areas of Renovation Only.</p> <p>Please note that the preparation of facility needs assessments are not a CEQA concern, but rather a statement about the need for and the merits of the project. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>
B4-27	<p>SNC Comment 3-17 Page 3-26 Potential Areas of New Development, Redevelopment, and Renovation</p> <p>The DEIR states that: “[t]he proposed LRDP Update does not require any specific development projects on any site.” However, impacts can only be evaluated with a specific set of assumptions regarding what uses go where on the UCB’s property and City Environs. Can UCB indicate the specific assumptions made regarding location of new facilities that were made to prepare the traffic analysis?</p> <p>The DEIR states: <i>UC Berkeley may acquire and/or develop additional properties during the EIR buildout horizon that implements the proposed LRDP Update to meet UC Berkeley’s physical space needs. While such additional acquisition and/or development would be focused on adjacency or proximity to existing UC Berkeley properties like those shown in Tables 3-2, 3-3, and 3-4, some sites could potentially be located further away.</i></p>	<p>Regarding specific assumptions for location of new facilities used in the traffic analysis, please see Response B4-17, which explains why no traffic analysis can be conducted for CEQA documents. The transportation analysis presented in Chapter 5.15 is primarily based on VMT, which is generally independent of the exact location of new developments because it is based on the specific commuting and driving characteristics of the various population groups.</p> <p>While, as described in Chapter 3, Project Description, of the Draft EIR, the LRDP Update provides a high-level planning framework to guide land use and capital investment consistent with UC’s mission, priorities, strategic goals, and enrollment projections, it does not limit or restrict UC Berkeley to consider other opportunities that support its mission over the next 15 years. Disclosing that other opportunities could occur that involve sites not shown on the current LRDP Planning Area is a practical and common sense reality for any long-range planning. It would be speculative to evaluate impacts from unknown sites. Please</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>UCB provides no data or analysis to support its need to acquire new property to implement the program presented in the Project Description. Did UCB make any assumptions regarding acquisition of new property to accommodate its Project as part of its impact analysis? If so, what are the assumptions? If not, is UCB inappropriately avoiding studying impacts on the City Environs? The impact of a specific Project component will vary depending on whether it is on the Campus Park or City Environs, for example.</p> <p>UCB states here that “...some sites could potentially be located further away.” This appears to be inconsistent with the exclusion from the LRDP of Albany Village and the Richmond Field Station that are also ‘further away.’ Since UCB itself acknowledges that some components of the LRDP Project could be located further away, then it is a reasonable expectation that one or more of the alternatives would include location of LRDP Program components at these two locations.</p> <p>The DEIR states: that “[t]his EIR evaluates the buildout projections and development assumptions in the proposed LRDP Update at a program-level and evaluates the two proposed mixed-use development projects, Housing Projects #1 and #2, at a project level (i.e., construction and operation).” Since acquisition of new property is proposed as part of the Project, UCB is required to study its impacts. This can be accomplished with setting a range of potential acquisitions and then evaluating impacts.</p>	<p>see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Any future project considered by UC Berkeley would undergo a separate review and approval process. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation. With respect to the other known UC Berkeley sites that are not in the LRDP Planning Area, please see Master Response 7, EIR Study Area.</p> <p>The purpose of an LRDP is to provide adequate planning capacity for potential population growth and physical infrastructure that may be needed to support future population levels on each UC campus. How UC Berkeley determined the assumptions for potential population growth and physical infrastructure that was evaluated in the Draft EIR is not germane to the environmental evaluation. The sites where UC Berkeley determined could be appropriate for new growth are identified in Chapter 3, Project Description, of the Draft EIR in Section 3.5.1.8, Development Program.</p>
B4-28	<p>SNC Comment 3-18 Page 3-36 Table 3-5. Proposed LRDP Update Housing Program.</p> <p>UCB proposes to triple the number of undergraduates living at the Clark Kerr Campus but does not study the noise impacts on surrounding residential neighborhoods even though UCB is aware of the late-night noise impacts generated by the present undergraduates living at this</p>	<p>As discussed in the Draft EIR, the Advisory Council on Student-Neighbor Relations (SNAC) is dedicated to improving the quality of life in the neighborhoods adjacent to UC Berkeley properties. Initiatives such as Happy Neighbors and the CalGreeks Alcohol Taskforce (which did not function during the COVID-19 pandemic) engage and serve students and neighbors. Noise reduction initiatives focus on but are not limited to parties, sports, and rental spaces. However, it is</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<p>location, a circumstance, it should be noted, that is in violation of the covenants that run with this property. In addition, the Clark Kerr Campus is located within the Very High FHSZ and is subject to heightened CEQA analysis under new the updated CEQA Guidelines and subsequent California Attorney General guidance.</p>	<p>speculative to assume that an addition of students would generate substantial late night noise impacts simply because they are students. Individuals are subject to the provisions of the Municipal Code and intermittent community complaints are handled on a case by case basis by enforcement officers. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, regarding speculation.</p>	
<p>B4-29</p>	<p>SNC Comment 3-19 Page 3-37 3.5.2.3 Development Components Housing Project #1 Site Layout and Building Size The proposed 16-story building is out of scale with surrounding uses and conflicts with the City of Berkeley development standards for this property.</p>	<p>The commenter expresses an opinion about the scale and design of proposed Housing Project #2 (incorrectly referred to as Housing Project #1 by the commenter). The commenter provides no substantial evidence to support their opinion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required.</p> <p>With respect to conflicts with the City’s development standards, please see Master Response 2, Constitutional Exemption from Local Regulations.</p> <p>The HRTR prepared for Housing Project #2, included as Appendix F3 in Appendix F, Cultural Resources Data, of the Draft EIR, considered whether the height of the proposed tower, in and of itself, posed an impact to nearby historical resources (Appendix F.3 of the Draft EIR, pages 52-53). The HRTR concluded that because the student housing building would have a much greater height and a larger footprint than any of its historic neighbors, its scale and proportion would likely not be compatible with those historical resources. As a result, Impact CUL-1.5 in the Draft EIR (page 5.4-41) states that “The design of Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People’s Park through incompatible design.” Mitigation Measure CUL-1.5 addresses this impact, though the impact may remain significant:</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B4-30	<p data-bbox="323 743 554 878">SNC Comment 3-20 Page 3-44 3.5.2.3 Development Components Housing Project #1 Streetscape and Landscape</p> <p data-bbox="323 883 1113 948">There are no setbacks proposed for three sides of the block. This conflicts with City of Berkeley development standards for this property.</p> <p data-bbox="323 992 1113 1263">Where is the back-of-house delivery area for this project? The vehicle pullover and parking areas shown appear to be inadequate given the capacity for 770 residents who will generate a high-level of ride-share and parcel delivery activity. How many of the pullover spaces are to be used as parking as opposed to drop-off, pick-up, and delivery? Inadequate off-street pick-up, drop-off, and delivery zones will have an adverse impact on traffic flows on the streets abutting the project. Have these impacts been studied as part of the traffic analysis?</p> <p data-bbox="323 1307 1113 1370">Does UCB's plan for a pull over lane require acquisition of right-of-way or easement from the City of Berkeley?</p>	<p data-bbox="1157 358 1940 732">Mitigation Measure CUL-1.5: Prior to approval of final design plans for Housing Project #2, UC Berkeley shall retain an architect meeting the National Park Service Professional Qualifications Standards for historic architecture to review plans for the proposed student housing and affordable and supportive housing buildings. The historic architect shall provide input and refinements to the design team regarding fenestration patterns, entry design, and the palette of exterior materials to improve compatibility with neighboring historical resources and to enhance compliance with the Secretary of the Interior's Standards and the City of Berkeley Southside Design Guidelines.</p> <p data-bbox="1157 743 1940 1192">Housing Project #1 includes pullouts on Berkeley Way and University Avenue that will provide a combination of short-term parking and loading, as well as parallel parking along a portion of the Walnut Street frontage that will also be used for short-term parking. Any one of these three areas could be used for deliveries. The loading zone space and short-term parking supply provided meet City of Berkeley Zoning Code standards. The pull-outs do not require right-of-way acquisition or easement from the City of Berkeley. It is also noted that, per CEQA Guidelines Section 15064.3, a project's effect on automobile delay (traffic flows) shall not be considered a significant impact. With respect to meeting the City of Berkeley Zoning Code Standards, please see Master Response 2, Constitutional Exemption from Local Regulations.</p>
B4-31	<p data-bbox="323 1382 554 1446">SNC Comment 3-21 Page 3-54</p>	<p data-bbox="1157 1382 1902 1446">The commenter expresses an opinion about the scale and design of proposed Housing Projects #2. The commenter provides no</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>3.5.3.3 Development Components Housing Project #2 Site Layout and Building Size The proposed 200-foot height is out of scale with surrounding uses and conflicts with the City of Berkeley development standards for this property.</p>	<p>substantial evidence to support their opinion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>
B4-32	<p>SNC Comment 3-22 Page 3-62 3.5.3.3 Development Components Housing Project #2 Vehicle Access and Parking Where is the back-of-house delivery area for this project? The vehicle pullover and parking areas shown appear to be inadequate given the capacity for 1,187 residents and 166 apartments, all of which will generate a high-level of ride-share and parcel delivery activity. How many of the pullover spaces are to be used as parking as opposed to drop-off, pick-up, and delivery? Inadequate off-street pick-up, drop-off, and delivery zones will have an adverse impact on traffic flows on the streets abutting the project. Have these impacts been studied as part of the traffic analysis?</p> <p>The plan shows bicycle parking with a capacity for 129 bicycles. This appears to be significantly inadequate for a facility with a capacity of 1,187 students. What data does UCB have that supports this quantity of bicycle parking as adequate?</p> <p>Does UCB’s plan for a pull over lane on Haste Street require acquisition of right-of-way or easement from the City of Berkeley?</p>	<p>As noted on Draft EIR page 3.3-62, Housing Project #2 includes a pullout on Haste Street on the north side of the project. Deliveries can use this pull-out as well as the remaining short-term parking provided on adjacent and surrounding streets, similar to deliveries to surrounding developments. Additionally, the project also includes a drive-in off-street loading dock on the northwest portion of the student housing building accessed from Haste Street. Back-of-house deliveries to the supportive housing building will occur on Dwight Way which should mitigate congestion on Haste Street. Pursuant to CEQA Guidelines Section 15064.3, a project’s effect on automobile delay shall not be considered a significant impact. Regarding the adequacy of the bicycle parking provided, please see Response A3-149. The Haste Street pull-out does not require right-of-way acquisition or easement from the City of Berkeley.</p>
B4-33	<p>SNC Comment 5-1 Page 5-10 5. Environmental Analysis Table 5-1 City and Regional Population and Housing Projections The DEIR presents population and housing projections published by the</p>	<p>Table 5-1, City and Regional Population and Housing Projections, and Table 5.12-1, City and Regional Population (2010 to 2037), in the Draft EIR provides the regional projections data available from the Association of Bay Area Governments (ABAG). As noted in the footnote of Table 5-1, these data were published in 2019. ABAG</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Association of Bay Area Governments and its impact analyses are based upon these data. The data, however, are out-of-date and in error. The California Department of Finance (“DOF”) publishes data which shows the City of Berkeley’s population to be 121,752 in 2018. The ABAG estimate is 124,322, an error of 2,570 persons. The error is wider for 2020 where DOF estimates Berkeley’s population to be 122,580 and ABAG shows 127,520, or a difference of 4,940 persons. By using these data from ABAG, the UCB underestimates its impacts.</p>	<p>Projections 2040 data for 2010 are tabulated using a simulation designed to approximately Census 2010 counts; data for 2015 are modeled estimates and are not observed counts; data for years 2020 and beyond are projections developed by ABAG. (Association of Bay Area Governments, 2019, Projections 2040 by Jurisdiction, https://data.bayareametro.gov/api/views/grqz-amra/files/bf2d7a33-b68e-473d-800f-956do8207b77?download=true&filename=formatated_tables_juris.xlsx, accessed October 21, 2020.) As shown in the notes for Table 5.12-1 on page 5.12-7 of the Draft EIR, ABAG Projections 2040 data reported in the Draft EIR for 2018 are interpolated from 2015 and 2020 data; data for 2037 are interpolated from 2035 and 2040 data. This has been clarified in the footnote of Table 5-1, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. Contrary to the opinion of the commenter that ABAG Projections 2040 data is “out-of-date and in error,” the use of ABAG Projections 2040 data for 2015 and 2020 data to derive 2018 estimates for Table 5-1 and Table 5.12-1 of the Draft EIR is appropriate because these tables are intended to show long-term projected population, housing, and employment trends. Because these tables are intended to demonstrate long-term growth trends as projected by ABAG to the year 2037, the use of ABAG data for existing conditions is necessary to provide an “apples to apples” dataset.</p>
B4-34	<p>SNC Comment 5-2 Page 5.1-13 AES-1</p> <p>The DEIR states that the Clark Kerr Campus is not within a Transportation Priority Area but on this page describes future development at the Clark Kerr Campus as ‘infill.’ Pursuant to PRC Section 21099, development at the Clark Kerr Campus would not be exempt from studying aesthetic impacts under CEQA. Since the Clark Kerr Campus is a historic resource, has UCB prepared a cultural resources report that would indicate any historic view sheds that require preservation?</p>	<p>Future development on the Clark Kerr Campus would be infill in the sense that it would be in a built up urbanized setting. The commenter is correct, that the majority of Clark Kerr Campus is not within the boundaries of the TPA shown on Figure 5-1, Priority Development Areas and Transit Priority Areas. As indicated on Figure 5-1 most of the Clark Kerr Campus would not qualify for an exemption pursuant to Public Resources Code 21099 from studying aesthetic impacts. As described in Chapter 5.1, Aesthetics, of the Draft EIR, all future potential UC Berkeley development, including that on the Clark Kerr Campus, would undergo UC Berkeley’s design review process to ensure projects are implemented in accordance with UC Berkeley</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
		requirements to reduce impacts to aesthetics. Because the Clark Kerr Campus is listed in the National Register of Historic Places as a historic district, future changes at the Clark Kerr Campus would be subject to Mitigation Measure CUL-1.1a through CUL-1.1e in the Draft EIR (pages 5.4-35 to 5.4-36). These mitigations would include completion of an assessment – conducted by a professional meeting the Secretary of the Interior’s Professional Qualification Standards in Architectural History – of whether the proposed treatment of historical resources is in conformance with the Secretary of the Interior’s Standards for Rehabilitation. If the proposed project is found to not be in conformance with the Standards, this assessment shall include recommendations for how to modify the project design to bring it into conformance.
B4-35	<p>SNC Comment 5-3 Page 5.10-7 5.10.1.2 Existing Conditions The DEIR does not state that both Housing Project #1 and Housing Project #2 are inconsistent with City of Berkeley development standards set forth in the City’s zoning ordinance.</p>	<p>The commenter correctly states that Chapter 5.10, Land Use and Planning, of the Draft EIR does not discuss inconsistencies between Housing Projects #1 and #2 and the City of Berkeley’s zoning regulations. As stated on page 5.10-3 of the Draft EIR, “UC Berkeley is constitutionally exempt from local governments’ regulations, such as city and county general plans, land use policies, and zoning regulations, when using property under its control in furtherance of its educational purposes. As such, potential future development that implements the proposed LRDP Update, including Housing Projects #1 and #2, is generally exempt from local policies and regulations.” Please Master Response 2, Constitutional Exemption from Local Regulations, and Master Response 13, Consistency with Other Policy Documents.</p>
B4-36	<p>SNC Comment 5-4 Page 5.10-10. 5.10.3 Impact Discussion Under the LU-2 Impact standard, both Housing Project #1 and Housing Project #2 are inconsistent with City of Berkeley development standards set forth in the City’s zoning ordinance. The standard of impact is ‘a conflict with any [emphasis added] land use plan policy, or regulation...’ The finding of a less than significant impact for both housing projects is</p>	<p>Consistent with CEQA Guidelines, the land use policy analysis in the Draft EIR focuses on the following standard of significance: “Would the proposed project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation <i>adopted for the purpose of avoiding or mitigating an environmental effect?</i> [emphasis added]” Therefore, the analysis in the Draft EIR focuses on consistency with applicable land use policies and regulations intended to avoid environmental impacts. Please also see Response B4-35 regarding the</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B4-37	<p>flawed since this finding is relative to UCB's own land use plan, policy, and regulations.</p> <p>SNC Comment 5-5 Page 5.10-10. 5.10.3 Impact Discussion The DEIR states: <i>The proposed LRDP Update, if adopted, would supersede the current LRDP as the applicable UC Berkeley land use plan. The UC is the only agency with jurisdiction over the approval of UC Berkeley projects. Therefore, potential future development that implements the proposed LRDP Update would not conflict with adopted plans, policies, and/or regulations set forth by the UC or UC Berkeley. The impact would be less than significant.</i></p> <p>This standard of conflict is self-servingly narrow by limiting the scope of conflict to UCB's own land use policies. Under CEQA 'any' conflict land use analysis, conflict, including conflicts with the City of Berkeley land use controls, can result in an adverse impact. In the cases of the LRDP Update, Housing Project #1, and Housing Project #2, all three significantly conflict with City of Berkeley land use policy, controls, and regulations. Those conflicts have not been studied for their impacts.</p>	<p>inconsistencies between Housing Projects #1 and #2 and the City of Berkeley's zoning regulations. Please Master Response 2, Constitutional Exemption from Local Regulations, and Master Response 13, Consistency with Other Policy Documents.</p> <p>Please see Responses B4-35 and B4-36.</p>
B4-38	<p>SNC Comment 5-6 Page 5.10-14 LRDP Update The DEIR states: <i>Compliance with relevant UC Berkeley or local land use policies would minimize the potential for impacts with respect to land use and planning. In addition, redevelopment and intensification of land uses within TPAs and PDAs from the proposed project and other projects in the cumulative setting of Berkeley and the surrounding Bay Area region, complies with Plan Bay Area for increased development within these</i></p>	<p>As described in Response B4-35, UC Berkeley is exempt from local governments' regulations and therefore the analysis of project-level impact discussion in Chapter 5.10, Land Use and Planning, focuses on applicable UC Berkeley land use policies and regulations rather than City of Berkeley or City of Oakland policies and regulations. Please see Master Response 2, Constitutional Exemption from Local Regulations. However, the text on page 5.10-14 cited by the commenter is located in the cumulative impact discussion, which addresses potential impacts from cumulative projects, including non-UC Berkeley projects, that are subject to local policies and regulations. Please Master Response 2,</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	<p><i>areas. Furthermore, the EIR Study Area and the surrounding region is largely urbanized, in which case many projects in the area, though not all, would not result in major land use changes.</i></p> <p>Now in this section of 5.10, UCB is ‘picking and choosing’ compliance with local land use policies to make significance determinations. UCB says that their LRDP Update project will intensify development in the EIR Study Area and that is consistent with local land use policies in TPAs and PDAs that encourage more development. But these goals are general in nature and the local land use controls (e.g. development standards set forth in the City of Berkeley Zoning Code) that UCB ignores in standard of significance are much more specific.</p>	<p>Constitutional Exemption from Local Regulations, and Master Response 13, Consistency with Other Policy Documents. Accordingly, the commenter’s assertion that the Draft EIR “cherry picks” local land use policies is incorrect.</p> <p>In response to this comment, revisions have been made to page 5.10-14 in Chapter 5.10, Land Use and Planning, of the Draft EIR, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. This revision clarifies that the local land use policies apply to non-UC Berkeley projects. This revision does not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification.</p>
B4-39	<p>SNC Comment 5-7 Page 5.11-7 Advisory Council on Student-Neighbor Relations</p> <p>SNAC has not met since November 2018 and was called the Advisory Council on Student Neighbor Relations. Since it is no longer functioning, it’s not a Continuing Best Practice. This should be a mitigation measure.</p>	<p>SNAC is not a CBP. However, information about the council is provided as background information. The Advisory Council on Student-Neighbor Relations did not convene a meeting when UC Berkeley searched for a new Dean of Students, who serves as co-chair of SNAC, which preceded the COVID-19 pandemic. However, the work to improve the quality of life in neighborhoods adjacent to UC Berkeley properties and address student-neighbor relations continued in activities supported by UC Berkeley, the City of Berkeley, and the community. Initiatives like Happy Neighbors, First 8, IFC Quarterly Meetings, and the Southside Safety Patrol, which is a joint police patrol staffed by UCPD and BPD, continued the work of the Advisory Council, responding to neighbor and student concerns about nuisance and safety issues. SNAC, which formally meets once per year, is expected to reconvene during the 2021-22 school year.</p>
B4-40	<p>SNC Comment 5-8 Page 5.11-10 Local</p> <p>The DEIR erroneously suggests that individuals on UCB-owned property</p>	<p>The Draft EIR does not state that individuals on UC Berkeley property are exempt from misdemeanors related to noise. Rather, UC Berkeley itself is constitutionally exempt from local governments’ regulations. However, UC Berkeley may consider and has established thresholds of</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B4-41	<p>are exempt from misdemeanors related to noise. Presence on UCB property does not exempt individuals from noise or other infractions.</p> <p>SNC Comment 5-9 Page 5.11-28 5.11.3 Impact Discussion Stationary Noise</p> <p>There is no analysis of the baseline noise generated by these activities, and no analysis of the increase in noise from adding several thousand students at Clark Kerr. Clearly this is a significant impact that requires mitigation measures that have not been identified.</p> <p>Stationary noise from the addition of thousands of undergrads would be significant based on the current situation. There are no mitigation measures identified to reduce this impact to less than significant.</p> <p>There is also significant noise, usually late at night, of large groups of students coming and going from parties and other social events. These have severe negative impacts, both in and out of student housing. PartySafe@Cal has collected this information via survey over many years and has found that a high percentage of students have been disturbed by high noise levels. In addition, Happy Neighbors did several surveys and found that noise levels around the Clark Kerr Campus were significant. Students are much louder than 60db, they are often measured at 70db and above, and when inebriated the outside noise levels are even higher.</p> <p>The DEIR provides no data to back its noise analysis. Data that do exist indicate that noise impacts are significant and can be mitigated.</p>	<p>significance based on these local regulations for the purposes of CEQA.</p> <p>Please see Response B4-28.</p>
B4-42	<p>SNC Comment 5-10 Page 5.12-2 5.12.1 Environmental Setting 5.12.1.1 Regulatory Framework. California Public Resources Code</p> <p>The DEIR mis-interprets the California Public Resources Code. The court</p>	Please see Master Response 17, 2005 LRDP EIR Population Projections.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	decision in the Save Berkeley Neighbors case, requires UCB to study the effects of enrollment increases under CEQA to the extent they exceed the numbers in the programmatic EIR.	
B4-43	<p>SNC Comment 5-11 Page 5.12-3 University of California. Enrollment Planning</p> <p>In 2008 total UC system enrollment of resident undergraduates was 163,789. In the fall of 2018 it was 182,889, an increase of 19,099 or 11.8 percent. UCB's resident undergraduate enrollment increased by only 306 students over the same period. However UCB's total undergraduate enrollment rose by 5,702. If UCB's resident enrollment had increased at the same rate as the entire system, the 2018 enrollment would have only increased by 2,967 additional students, for a total of 28,118. It is important to note here that UCB initiates the enrollment planning process, by submitting its numbers to UCOP, and then works with UCOP to determine final enrollment targets. The campus has complete control over the estimates of capacity and planning for enrollment. [footnote 5]</p> <p><i>Footnote 5: Data at https://www.universityofcalifornia.edu/infocenter/fall-enrollment-glance accessed 4/18/2021</i></p>	Please see Master Response 8, Population Projections.
B4-44	<p>SNC Comment 5-12 Page 5.12-7 5.12.1.2 Existing Conditions Table 5.12-1 See SNC Comment 5-1.</p>	Please see Response B4-33.
B4-45	<p>SNC Comment 5-13 Page 5.12-8 UC Berkeley Population</p> <p>The DEIR states: <i>The increase in overall UC system student enrollment is primarily the result of statewide population growth and the corresponding increase in high school graduation rates and college-aged Californians. The number</i></p>	Please see Master Response 8, Population Projections.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p><i>of additional students admitted by each university is determined by the number of applications received, campus capacity, and other factors.</i></p>	
	<p>The statement is erroneous and highly misleading. According to UCOP data, in 2010 total undergraduate enrollment across all campuses was 179,245 and in 2020, it was 226,449. Of the 47,204 increase in students, only 18,824 were California residents. 20,296 were foreign, and 8,083 were out of state US students.</p> <p>The increase in UC Berkeley undergraduate enrollment has not been primarily the result of statewide population growth. Berkeley undergraduate enrollment between 2010 and 2020 increased 5,259, with only 1,266 of those being California residents. 1,954 were foreign, and 2,039 were out-of-state residents. [footnote 6]</p>	
	<p><i>Footnote 6: See Footnote 5.</i></p>	
B4-46	<p>SNC Comment 5-14 Page 5.12-9 Table 5.12-2 UC Berkeley Student and Employee Population</p> <p>The number of existing 2018-2019 total student population as reported by the UCOP is quite different, at 42,519 students. [footnote 7] Even if these are two semester averages, they are off quite a bit. What is the public source of data that was used to generate the existing population numbers? The UCOP numbers match the Berkeley campus numbers here: https://pages.github.berkeley.edu/OPA/our-berkeley/enrollhistory.html</p>	<p>The existing student population includes undergraduate and graduate students. The existing student population of 29,932 undergraduate students for the 2018-19 school year is the average based on a fall 2018 enrollment of 30,853 students and a spring 2019 enrollment of 29,010 students, as recorded in the Student Census Prorated Counts from Cal Answers. The existing student population of graduate students for the 2018-19 school year includes the following census counts: (1) Academic Plan Counts for Masters and PhD students from Cal Answers, including 9,472 students in fall 2018 and 9,120 students in spring 2019; and (2) census counts, reported by the Office of Planning and Analysis, for Self-Supporting Graduate Degree Program students whose programs are on campus during typical weekday class hours (8:00 a.m. to 6:00 p.m.), which included 376 students in fall 2018 and 468 students in spring 2019. Student population data reflects headcount enrollment, not full-time-equivalent enrollment.</p>
	<p><i>Footnote 7: See Footnote 5.</i></p>	
B4-47	<p>SNC Comment 5-15 Page 5.12-10 Local and Regional Housing</p>	<p>The commenter expresses an opinion about the housing market. The commenter provides no substantial evidence to support their opinion. The commenter does not state a specific concern or question</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	The DEIR states that “The San Francisco Bay Area is experiencing a housing crisis that has been occurring for several decades.” This is not accurate. The Bay Area goes through regular cycles of housing booms and busts, most notably the severe contraction in demand in the Great Recession (2007-2009) and the current oversupply of multifamily rental housing in the East Bay (2020 and ongoing).	regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.
B4-48	<p>SNC Comment 5-16 Page 5.12-11 UC Berkeley Housing</p> <p>The DEIR states that “[t]here is no existing UC Berkeley housing within the Campus Park or Hill Campus East.” Since significant new Academic Life and Campus Life facilities are indicated for the Campus Park, why is housing excluded from the Campus Park in the alternatives? On what basis does UCB base its decision to not locate housing with the Campus Park? The 2017 Housing Master Plan Task Force Final Draft Report does not provide any background information or rationale that would preclude or prohibit consideration of housing within the Campus Park.</p>	Please see Response B4-13.
B4-49	<p>SNC Comment 5-17 Page 5.12-13 Table 5.12-6 City and Regional Employment</p> <p>This table sources data from the Association of Bay Area Governments. These data are out of date and erroneous. According to the U.S. Bureau of the Census American Community Survey, Berkeley had 85,204 jobs in 2019. Presumably, the 2020 figures would be lower given job losses triggered by the COVID-19 pandemic. According to U.S. Bureau of Labor Statistics’ Longitudinal Employer-Household Dynamics data, Berkeley had 67,843 jobs in 2018. Both these sources show significantly lower total employment than the DEIR’s ABAG source (116,435 jobs in 2020 and 115,724 jobs interpolated by UCB for 2018). Accurate employment data at the city level are also available from the California Employment Development Department upon special request. By its use of ABAG data, the DEIR significantly underestimates impacts on population and</p>	Please see Response B4-33.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B4-50	<p>housing. Can UCB provide a reason why it uses ABAG data and not these other data sources?</p> <p>SNC Comment 5-18 Page 5.12-14 5.12.2 Standards of Significance</p> <p>The discussion of Standards of Significance is seriously deficient. There is no analysis, just broad sweeping unsupported statements. This section ignores the unplanned population growth since 2005 at UCB that has had significant impacts, and it ignores the significant ongoing displacement of low income tenants in Berkeley due to the shortage of student housing. UCB's own Urban Displacement Project has produced numerous studies documenting this displacement. [footnote 8] It also ignores the significant cumulative impacts of past, present and future projects.</p> <p><i>Footnote 8: See data and studies at https://www.urbandisplacement.org/</i></p>	<p>The comment asserts that the discussion of standards of significance on page 5.12-14 in the Draft EIR is deficient. As described on page 5-1 of the Draft EIR, the standards of significance section of each environmental analysis chapter describes how an impact is judged to be significant; the analysis of potential impacts occurs under the subsequent impact discussion and cumulative impact discussion. Regarding an analysis of unplanned population growth since 2005, please see Master Response 17, 2005 LRDP EIR Population Projections. Regarding the displacement of low-income residents due to the demand for student housing, please see Master Response 14, Displacement, and Master Response 15, Gentrification.</p>
B4-51	<p>SNC Comment 5-19 Page 5.12-18 Indirect Population Growth</p> <p>The DEIR references a 2018-2019 student population of 39,706 but this figure is 3,000 students lower than what appears on the UCB website for that academic year. The SEIR for the Upper Hearst Project approved by the Regents in 2019 cites a figure of 40,955 for the same year. Which student population figure is correct? How would the numbers change the analysis?</p>	<p>The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>Please see Response B4-46. The commenter asks how the analysis in the Draft EIR would change if a higher baseline student population were used. In this hypothetical event, the net change (i.e., growth) evaluated in the Draft EIR would have been smaller. Therefore, the use of lower baseline numbers in the Draft EIR provides a more conservative (i.e., worst case) analysis.</p>
B4-52	<p>SNC Comment 5-20 Page 5.12-22 Indirect Population Growth</p>	<p>Please see Response B4-33.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	See SNC Comment 5-1. The analysis and findings are based upon outdated and inaccurate ABAG data.	
B4-53	<p>SNC Comment 5-21 5.12-23 Impact POP-1</p> <p>The proposed mitigation measure is meaningless. This mitigation measure does not require impact payments to local agencies to pay for the additional infrastructure required to support UCB's LRDP Update, Housing Project #1, and Housing Project #2 growth as required under state law and judicial decisions. [footnote 9]</p> <p><i>Footnote 9: Ed. Code Section 67504; City of Marina v. Board of Trustees of Cal. State University (2006) 39 Cal.4th 341; City of San Diego v. Board of Trustees of Cal. State University (2015) 61 Cal.4th 945</i></p>	<p>The standard of significance for which Impact POP-1 was identified is whether the project would "induce substantial <i>unplanned</i> [emphasis added] 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)?" Through Mitigation Measure POP-1, UC Berkeley would provide an annual summary of LRDP enrollment and housing production data, including its LRDP enrollment projections and housing production projections, to the City of Berkeley and ABAG for projection purposes, ensuring that local and regional projections are prepared to include UC Berkeley enrollment and housing projections. ABAG is the agency that adopts the Regional Housing Needs Allocation (RHNA) methodology and allocations for the Bay Area. Through the RHNA process, the California Department of Housing and Community Development determines the numbers of new homes that need to be built in the State in order to meet the housing needs of California's residents at all income levels; ABAG distributes the Bay Area region's RHNA to each city, town, and county. By providing its enrollment and housing projections to ABAG, UC Berkeley will ensure that ABAG's projections and the region's housing allocations account for UC Berkeley-related growth, helping local housing plans to better reflect the housing supply needed to meet demand. This mitigation measure would ensure that growth under the LRDP Update is not unplanned, thereby reducing the CEQA impact to a less-than-significant level and no additional mitigation is required.</p> <p>Potential impact to infrastructure are addressed in the Draft EIR in Chapter 4.17, Utilities and Service Systems.</p>
B4-54	<p>SNC Comment 5-22 Page 5.12-26 Impact POP-2</p>	<p>The commenter asserts that additional measures should be included in Mitigation Measure POP-2. The commenter provides no substantial evidence to support their assertion, nor does the comment raise a new</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The proposed mitigation by complying with the UC Relocation Assistance Act Policy for Real Estate Acquisitions and Leases is inadequate and does not reflect Continuing Best Practices as practiced by other UC campuses such as Davis, Santa Cruz, and Santa Barbara that have legally enforceable memorandums of understanding with local agencies that tie population growth to housing production and/or other mitigations related to traffic and water. These agreements can be viewed at:</p> <ul style="list-style-type: none"> ● UC Santa Cruz: https://lrdp.ucsc.edu/settlement-agreement.pdf ● UC Davis: http://documents.cityofdavis.org/Media/CityManagersOffice/Documents/PDF/CMO/Press-Releases/2018-09-25-UCDavis-City-County-MOU-final.pdf ● UC Santa Barbara: https://www.facilities.ucsb.edu/files/docs/lrdp/County%20-%20City%20Executed%202010%20LRDP%20Agreement.pdf and https://www.facilities.ucsb.edu/files/docs/lrdp/UCSB-SUN%20Final%20Agreement%203-14-11.pdf <p>In addition, there is no study or consideration about the displacement of tenants through the growth in students at UCB. Those students, particularly the non-resident students, have far greater financial resources than many existing tenants in Berkeley. It is surprising that UCB has not consulted with its own Urban Displacement Project, which has widely studied displacement in Berkeley and nearby communities.</p>	<p>environmental issue. Please see Master Response 14, Displacement, and Master Response 15, Gentrification, regarding the commenter’s concerns about the displacement of tenants due to demand for student housing. Please also see Master Response 5, Mitigation.</p>
B4-55	<p>SNC Comment 5-23 Page 5.12-27 POP-3 LRDP Update</p> <p>The analysis and finding of less than significant impact are based upon a narrow scope of analysis limited to direct displacement of existing residents. This analysis ignores the cumulative impact of the historic, unstudied, enrollment increases that are currently the source of litigation.</p>	<p>Please see Master Response 14 Displacement.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B4-56	<p>SNC Comment 5-24 Page 5.13-26 and Page 5.13-27 Impact PS-5 and Impact PS6 A significant and unavoidable impact is stated. The mitigation measure proposed does not mitigate the impact of requirements for new facilities. UCB’s mitigation measure must provide payment to BUSD to offset BUSD’s cost of new facilities under well settled state legislation and legal decisions. [footnote 10]</p> <p><i>Footnote 10: See Footnote 9.</i></p>	<p>As described under impact discussion PS-5 in Chapter 5.13, Public Services, of the Draft EIR “UC Berkeley would provide regular updates to the BUSD for facility planning purposes, ensuring that BUSD facility plans are prepared with knowledge of UC Berkeley faculty/staff and graduate housing projections. Because it is unknown which BUSD school future school-aged children would potentially attend and because the current student capacity of the BUSD is unknown, no additional mitigation measures are available to ensure construction of a new BUSD school or modification of an existing school may be required. The identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects that demonstrate they would not generate school-age children that exceed BUSD capacity. However, due to the programmatic nature of the proposed LRDP Update, no additional mitigation measures are available, and the impact is considered significant and unavoidable.” The Draft EIR acknowledges that Mitigation Measure PS-5 would help for planning purposes, but would not reduce the significance of the potential impact to public schools.</p> <p>Furthermore, UC Berkeley was able to obtain school capacity numbers from the BUSD after publishing of the Draft EIR. Based on these numbers, the proposed project would not result in impacts to public schools, because the amount of students potentially generated by the proposed project that could attend BUSD schools would not exceed BUSD’s capacity. Please see Chapter 3, Revisions to the Draft EIR, of this Final EIR for this discussion. Please also see Master Response 16, Public Schools.</p>
B4-57	<p>SNC Comment 5-25 Page 5.19-1 5.18 Wildfire The DEIR does not analyze whether the Project will increase risk of wildfire ignition. The California Attorney General Letter to County of Lake Community Development Department dated 6 July 2020 provides</p>	<p>The proposed development that would add to UC Berkeley’s square footage is incorporated as part of the LRDP Update, which is analyzed for wildfire impacts in Chapter 5.18, Wildfire, of the Draft EIR. Increase in development alone does not necessarily equate to a significant impact. As described on page 5.18-18 of the Draft EIR under impact discussion WF-1, “Most potential development under the proposed</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>guidance by noting that: <i>The Natural Resources Agency “drafted the questions in the new wildfire section to focus on the effects of new projects in creating or exacerbating wildfire risks.”³ [sic] The analysis must start at this core question of a project’s potential to create or increase the risk of wildfires, and may need to then address the impacts of any new or exacerbated wildfire risks on the proposed project. (Emphasis added) But the first question about increased risk is critical to the wildfire analysis because “it is clear that development may exacerbate wildfire risks.</i></p> <p>Since there is more than 800,000 square feet of proposed new space for projects in the LRDP Update that are located in the Very High FHSZ, (Hill Campus West, Hill Campus East and Clark Kerr Campus) UCB must undertake an activity analysis of the LRDP Project to determine whether increased human activity would increase the risk of wildfire ignition. The DEIR does not do this. The addition of more than the equivalent of the entire square footage of the Transamerica Pyramid in the Very High FHSZ would surely have a greatly increased risk of wildfire, as the DEIR notes that 84 percent of wildfires are started by people, and that much new space would greatly increase the permanent population of the Very High FHSZ. After undertaking the activity analysis then UCB will need to evaluate the evacuation issues, based on the new higher activity levels generated by the development.</p>	<p>LRDP Update would be infill development, and increases in population would be gradual over the buildout horizon of the proposed LRDP Update. The proposed LRDP Update would not result in new roadways or changes to existing roadways and would include little development of previously undeveloped sites.” Under CEQA’s standards of significance, development within a fire hazard area does not constitute a significant impact in and of itself. Impact discussion WF-2 in the Draft EIR addresses whether the proposed project would “due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.” While the commenter is correct that the LRDP Update is projected to result in increased square footage in a very high fire hazard severity zone, impact discussion WF-2 appropriately focuses on development areas in the Hill Campus East, where factors such as slope exacerbate wildfire risks.</p> <p>Please also see Response A3-41 regarding evacuation.</p>
B4-58	<p>SNC Comment 6-1 Page 6-4 6.2.3 Alternatives Considered and Rejected as Being Infeasible 6.2.3.1 Reduced Graduate Program and Research Alternative This alternatives section is deficient since reasonable alternatives have not been described or evaluated. UCB provides a highly misleading and inaccurate set of reasons why it rejected reduced or capped student enrollment as an alternative. First, while UCB may have annual undergraduate targets set by the UC system, UCB has discretionary control of out-of-state and international undergraduate enrollment and</p>	<p>This comment expresses an opinion that is based on the commenters incorrect assumption that a reasonable range of alternatives has not been included in the Draft EIR. Please see Response B4-9. Please also see Master Response 8, Population Projections, and Master Response 18, Alternatives, which describe UC Berkeley’s enrollment planning consistent with UC Berkeley’s role as a global leading academic institution and its objective of maintaining that position.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

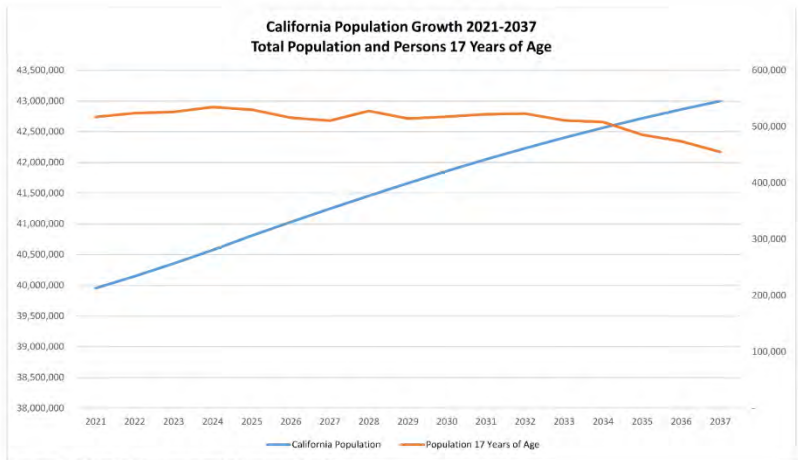
Letter/ Comment #	Comment	Response
	<p>could easily accommodate any required increased enrollment requirements for in-state residents by reducing or capping out-of-state and/or international enrollments. Second, the premise that there will be future increases in in-state enrollment that need to be accommodated by the adoption of the LRDP Update is completely contradicted by California Department of Finance Projections of California High School graduates which show an overall decline in the number of high-school graduates (represented by the 17-year-old age cohort shown below) from 2020 through 2037—even though the State’s total population is growing. Changing the mix of undergraduate enrollment to a higher percentage of in-state students would obviate the need to reduce graduate school enrollment, ensuring that UCB’s “status as an internationally renowned public research-intensive institution” is maintained. Given these circumstances and data, a reasonable alternative would be not to increase enrollment and meet the UC System requirements for resident undergraduate enrollment by changing the mix of students to a lower proportion of out-of-state and international students.</p>	
	 <p>Source: California Department of Finance, 2021.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B4-59	<p>Overall, UCB does not provide any documentation or compelling reason to support its rejection of a completely reasonable alternative.</p> <p>SNC Comment 6-2 Page 6-5 6.2.3.2 Historic Resources Avoidance Alternative The DEIR does not provide any documentation or data to demonstrate how UCB concluded that “...it would be infeasible to accommodate the LRDP Update development program without potentially affecting historic resources...”</p>	<p>The commenter incorrectly asserts that the Draft EIR did not provide any documentation to demonstrate why avoiding historic resources altogether would not be possible to implement the proposed LRDP 2021. Please see Master Response 18, Alternatives.</p>
B4-60	<p>SNC Comment 6-3 Page 6-6 6.2.3.3 Housing Projects #1 and #2 Alternatives Housing Projects #1 and #2 Alternative Locations The DEIR states that “Development of Housing Projects #1 and #2 at one or more alternative sites would be constrained by site access and parcel size, as many of the eligible sites are smaller than the proposed development sites.” What analysis or data supports this conclusion? Were sites within the Campus Park evaluated as part of the consideration of this alternative prior to rejecting it?</p>	<p>Please see Master Response 18, Alternatives.</p>
B4-61	<p>SNC Comment 6-4 Page 6-6 6.2.3.3 Housing Projects #1 and #2 Alternatives Housing Projects #1 and #2 Preservation or Partial Preservation Is there a publicly available consultant report prepared by a qualified historic architect that supports this finding and conclusion regarding the University Garage?</p> <p>The analysis of impacts to People’s Park is narrow and does not address impacts of Housing Project #2 on other historic resources near or adjacent to the site, including the Bernard Maybeck designed First Church of Christ, Scientist, a National Historical Landmark.</p>	<p>As described in Chapter 4, Cultural Resources of the Draft EIR, Appendix F, Cultural Resources Data, include Appendix F2, Housing Project #1 Cultural Resources Data, which includes the HRTR Housing Project #1 (Helen Diller Anchor House) prepared in November 2020 by Architectural Resources Group, Inc. The commenter incorrectly asserts that the HRTR for Housing Project #2, which is included as Appendix F3, Housing Project #1 Cultural Resources Data, which includes the HRTR Housing Project #2 (People’s Park) prepared in November 2020 by Architectural Resources Group, Inc., does not address the surrounding properties. The commenter is directed to page 7 through 10 of the HRTR for Housing Project #2. As described in Chapter 4.5, Cultural Resources, impacts to the surrounding setting are found to be significant and unavoidable. Please see pages 5.4-39 through 5.4-41. Furthermore, the commenter is directed to see Master</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
		Response 10, Changes to Housing Project #2, where it is described that pile driving is no longer required for Housing Project #2. Also, please see Master Response 18, Alternatives.
B4-62	<p>SNC Comment 6-5 Page 6-7 6.2.3.4 Increased Transportation Demand Management Measures What data and analysis documents the DEIR’s statement that “the additional costs of these measures would be high relative to the additional benefit gained when compared to the ongoing costs and benefits of implementing the current TDM program.” Given the addition of 8.1 million square feet of new campus facilities, 3,000 new parking spaces, 3,579 new faculty and staff, and 5,068 new students, how can UCB conclude that the current TDM program is adequate? What data or what study supports the findings related to the cost-benefit of implementing additional TDM measures or that current TDM programs are adequate? Since the biggest increase in VMT will be generated by new staff, what data or what study can UCB provide that supports a finding of an insufficient cost-benefit ratio for long-haul shuttles?</p> <p>Population and activity increases of this magnitude would surely have major transportation impacts that should be studied.</p> <p>The capital improvement projects mentioned to provide multi-modal connection between the City of Berkeley and UCB are characterized as implemented “through shared funding with the city.” If the requirements for these improvements are the result of the LRDP Update and Housing Projects #1 and #2, does not UCB have the obligation under CEQA to pay their full cost?</p>	Please see Response A3-133 and Master Response 18, Alternatives.
B4-63	<p>SNC Comment 6-6 Page 6-7 6.2.4 Selected Alternatives The selected alternatives do not represent a full set of reasonable</p>	Please see Response B4-9. Please see Master Response 18, Alternatives.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B4-64	<p>alternatives. UCB has failed to include a reasonable alternative that studies accommodating enrollment growth through a reduction of out-of-state and international undergraduate students that would reduce the need for additional Academic Life and Campus Life facilities.</p> <p>SNC Comment 6-7 Page 6-11 Table 6-2 Footnote c</p> <p>The DEIR statement that “The undergraduate student population is mandated by the State and not individual UC System campuses” is false. Only California in-state enrollment is mandated by the state, so a reduction in non-resident students is a viable alternative that has not been studied.</p>	Please see Response B4-9. Please see Master Response 18, Alternatives, and Master Response 8, Population Projections.
B4-65	<p>SNC Comment 6-8 Page 6-28 6.3.3 Relationship of Alternative A to the Project Objectives</p> <p>The assumption of continued in-state student growth is not supported by state forecasts. See prior comments.</p>	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please see Master Response 8, Population Projections, and Master Response 18, Alternatives.
B4-66	<p>SNC Comment 6-9 Page 6-7 Alternative A (No project). This project is feasible since the long-term forecasts for California high school graduates show a decline in this population group. Further UCB has capacity under the current LRDP to construct additional student housing.</p>	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please see Master Response 8, Population Projections, and Master Response 18, Alternatives.

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
B4-67	<p>SNC Comment 6-10 Alternative B. Given the inconsistency of the proposed height with City of Berkeley zoning code development standards for its site, this alternative should consider the relocation of the Anchor House project onto the Campus Park.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 2, Constitutional Exemption from Local Regulations.</p> <p>The comment suggests that UC Berkeley should consider locating housing on the Campus Park. Please see Master Response 18, Alternatives.</p>
B4-68	<p>SNC Comment 6-11 Page 6-77 Table 6-6 Comparison of Impacts 5.2 Air Quality (AIR-1): Enrollment growth air quality impacts are indicated as “SU”, significant but unavoidable. This is not a correct statement. No alternatives are presented that studies how impacts would change given no additional enrollment or limited additional enrollment.</p>	<p>Air quality impacts of the proposed project were identified as a significant unavoidable impact as a result of an increase in VOC emissions, primarily from consumer product use. The emissions factors for consumer product use, as identified in Appendix C1, is based on the increase in building square footage anticipated and not based on the increase in student enrollment. Table 6-6, Comparison of Impacts of the Proposed Project and the Project Alternative, correctly summarizes the impacts of the proposed project. Furthermore, 6.2.3, Alternatives Considered and Rejected as Being Infeasible, addresses why an alternative that considered no additional enrollment or limited enrollment was not considered because it is infeasible. With respect to enrollment, please see Master Response 8, Population Projections. Please also see Response A3-234.</p>
B4-69	<p>SNC Comment 6-12 Table 6-6 Comparison of Impacts 5.11 Noise (NOISE 1-3). The impact analysis is deficient since it only addresses noise from construction. Noise from increased enrollment and undergraduates living in private housing in the City Environs is not studied even through it is a documented problem in the City Environs. UCB is aware of these impacts and, in fact, has operated a Happy Neighbors program to mitigate such noise impacts.</p>	<p>It would be speculative to measure and evaluate noise impacts from non-UC Berkeley properties. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, regarding speculation. Also please see Response B4-28.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B4-70	<p>SNC Comment 6-13 Table 6-6 Comparison of Impacts 5.12 Population and Housing (POP-1). Impact analysis based upon materially flawed use of outdated ABAG population estimates and forecasts. Pop-2. This impact analysis is unduly limited since it only addresses displacement impacts from LRDP projects. It does not acknowledge much less analyze impacts related to how student population growth results in displacement in the City Environs and surrounding City.</p>	Please see Response B4-33. Also, please see Master Response 8, Population Projections, and Master Response 14, Displacement.
B4-71	<p>SNC Comment 6-14 Table 6-6 Comparison of Impacts 5.13 (PS-6). The conclusion that the impact is significant but unavoidable is an erroneous conclusion. The impact can be fully mitigated by UCB contributing to the construction of required new educational facilities as required under CEQA. CEQA specifically requires mitigation payments for infrastructure necessary to support additional students.</p> <p>Thank you for the opportunity to comment and we look forward to UCB's responses in the final EIR document.</p>	The commenter misunderstands the conclusion in Chapter 5.13, Public Services of the Draft EIR, with respect to public schools. The impact conclusion is a conservative finding because the current student capacity of the BUSD was unknown when the Draft EIR was published. Since the release of the Draft EIR the BUSD has provided capacity information. Please see Master Response 16, Public Schools.
B5	American Federation of State, County, and Municipal Employees Local 3299 represented by Lozeau Drury LLP, April 21, 2021	
B5-1	<p>Attached please find Comments on the Draft EIR for UC Berkeley 2021 Long Range Development Plan Update and Housing Projects #1 and #2, submitted on behalf of American Federation of State, County, and Municipal Employees Local 3299 (“AFSCME”).</p> <p>Please include these comments in the administrative record of this project. Thank you.</p>	The comment serves as an introduction to the comments that follow. Please see Responses B5-2 through B5-83.
B5-2	<p>I am writing on behalf of American Federation of State, County, and Municipal Employees Local 3299 (“AFSCME”) regarding the Draft Environmental Impact Report (“DEIR”) for the University of California Berkeley’s 2021 Long Range Development Plan (“LRDP”) and Housing Projects #1 and #2 (collectively, the “Project”).</p>	The comment serves as an introduction to the comments that follow. Please see Responses B5-3 through B5-83.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>AFSCME is supportive of UC Berkeley’s plans for additional enrollment and housing for its students. However, the DEIR falls short in numerous ways. The development proposed by the LRDP and housing projects, and their associated impacts, are substantial. The DEIR fails to analyze numerous potentially significant environmental impacts, fails to evaluate feasible alternatives and mitigation measures, and fails to support its conclusions with substantial evidence. In addition, to fully address the Project’s environmental impacts, the DEIR needs to include a discussion on the jobs to students to housing ratio, and its environmental implications.</p>	
	<p>As described below, the DEIR is inadequate under the California Environmental Quality Act (“CEQA”) and as a result, AFSCME opposes approval of the Project and certification of the DEIR without revisions. AFSCME urges the University to address the DEIR’s shortcomings in a revised DEIR that is recirculated for public review and comment, prior to considering any approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. <i>Galante Vineyards v. Monterey Peninsula Water Management Dist.</i> (2007) 60 Cal.App.4th 1109, 1121</p>	
B5-3	<p>I. PROJECT DESCRIPTION</p> <p>The Project includes three components: 1) an updated to the University’s Long Range Development Plan, 2) Housing Project # 1 (Anchor House) and 3) Housing Project #2 (People’s Park). The DEIR analyzes the LRDP on a programmatic level, but analyzes the housing projects on a project-level.</p> <p>A. 2021 Long Range Development Plan Update</p>	<p>The comment correctly summarizes the proposed project. No response is required.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The University of California Berkeley (“University”) is proposing to update its Long Range Development Plan (“LRDP”). Long range development plans are like a city or county’s general plans in that they establish the land use patterns and relevant policies that guide the development of campus facilities and infrastructure. The LRDP acts as a guide to the land development patterns and associated physical infrastructure that could be built to support a projected level of enrollment and growth at a campus. The LRDP that is currently in place was adopted by the Board of Regents in January 2005 after certifying its EIR.</p>	
	<p>The 2021 LRDP is meant to project UC Berkeley’s development needs through the 2036- 2037 academic year. While the LRDP does not determine future enrollment or population or set a future population limit, it does guide land use development and physical infrastructure to support enrollment projections. The LRDP’s buildout projections for the 2036-2037 academic year include an additional 8,492 students and 3,579 additional faculty and staff, and an additional 8,096,249 square feet of development. DEIR 3-25.</p>	
	<p>B. Housing Project #1: Anchor House</p>	
	<p>Housing Project #1, also known as Anchor House, would involve the demolition of the existing on-site structures and the construction and operation of a new mixed-use building with a combination of residential, campus life, academic life, and uses not operated by UC Berkeley.</p>	
	<p>Housing Project #1 would include 770 beds for UC Berkeley students.</p>	
	<p>C. Housing Project #2: People’s Park</p>	
	<p>Housing Project #2, also known as People’s Park, would be built at the</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-4	<p>current site of People’s Park. The development would include 1,179 beds for UC Berkeley students, 8 beds for UC Berkeley faculty or staff, and 125 affordable and supportive beds for both UC Berkeley and non-UC Berkeley-affiliated residents, a clinic, and public retail and open space.</p> <p>II. LEGAL STANDARDS</p> <p>CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR (except in certain limited circumstances). (See, e.g., Pub. Resources Code, § 21100.) The EIR is the very heart of CEQA. (<i>Dunn-Edwards v. BAAQMD</i> (1992) 9 Cal.App.4th 644, 652.) “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (<i>Communities for a Better Environment v. Cal. Resources Agency</i> (2002) 103 Cal.App.4th 98, 109 (“CBE v. CRA”).)</p> <p>CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” (<i>Citizens of Goleta Valley v. Board of Supervisors</i> (1990) 52 Cal. 3d 553, 564.) The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (<i>Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.</i> (2001) 91 Cal.App.4th 1344, 1354 (“Berkeley Jets”); <i>County of Inyo v. Yorty</i> (1973) 32 Cal.App.3d 795, 810.)</p> <p>Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally</p>	<p>The comment describes the purpose of CEQA and the CEQA process. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>superior” alternatives and all feasible mitigation measures. (CEQA Guidelines, § 15002(a)(2) and (3); See also Berkeley Jets, 91 Cal.App.4th at 1354; Citizens of Goleta Valley, 52 Cal.3d at 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (CEQA Guidelines, §15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub. Resources Code, § 21081; CEQA Guidelines, § 15092(b)(2)(A) & (B).)</p>	
	<p>While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (Berkeley Jets, 91 Cal.App.4th at 1355 (emphasis added), quoting, <i>Laurel Heights Improvement Assn. v. Regents of University of California</i> (1988) 47 Cal. 3d 376, 391 409, n. 12.) As the court stated in Berkeley Jets, 91 Cal.App.4th at 1355:</p>	
	<p>A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” (<i>San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus</i> (1994) 27 Cal.App.4th 713, 722; <i>Galante Vineyards v. Monterey Peninsula Water Management Dist.</i> (1997) 60 Cal. App. 4th 1109, 1117; <i>County of Amador v. El Dorado County Water Agency</i> (1999) 76 Cal. App. 4th 931, 946.)</p>	
	<p>More recently, the California Supreme Court has emphasized that:</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>When reviewing whether a discussion is sufficient to satisfy CEQA, a court must be satisfied that the EIR (1) includes sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises [citation omitted]....</p>	
	<p><i>Sierra Club v. Cty. of Fresno</i> (2018) 6 Cal.5th 502, 510 (2018), citing <i>Laurel Heights Improvement Assn. v. Regents of University of California</i> (1988) 47 Cal.3d 376, 405. The <i>Court in Sierra Club v. Cty. of Fresno</i> also emphasized at another primary consideration of sufficiency is whether the EIR “makes a reasonable effort to substantively connect a project’s air quality impacts to likely health consequences.” 6 Cal.5th at 510. “Whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate one-paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document.” (Id. at 516.) Although an agency has discretion to decide the manner of discussing potentially significant effects in an EIR, “a reviewing court must determine whether the discussion of a potentially significant effect is sufficient or insufficient, i.e., whether the EIR comports with its intended function of including ‘detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’” 6 Cal.5th at 516, citing <i>Bakersfield Citizens for Local Control v. City of Bakersfield</i> (2004) 124 Cal.App.4th 1184, 1197. “The determination whether a discussion is sufficient is not solely a matter of discerning whether there is substantial evidence to support the agency’s factual conclusions.” 6 Cal.5th at 516. As the Court emphasized:</p>	
	<p>[W]hether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question. A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>reference to substantial evidence. <i>Sierra Club v. Cty. of Fresno</i>, 6 Cal.5th at 514.</p> <p>In general, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines § 15370.) Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (Id. at § 15126.4(a)(1)(B).) A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.</p>	
B5-5	<p>III. THE DEIR IS INCONSISTENT WITH CEQA’S REQUIREMENTS. A. The DEIR’s Alternatives Analysis is Legally Deficient.</p> <p>CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. CEQA Guidelines § 15002(a)(2) and (3); see also, <i>Berkeley Jets</i>, 91 Cal. App. 4th 1344, 1354; <i>Citizens of Goleta Valley v. Board of Supervisors</i> (1990) 52 Cal.3d 553, 564. The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” Pub. Res. Code § 21081; CEQA Guidelines § 15092(b)(2)(A) & (B). A “feasible” alternative is one that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. Pub.</p>	Please see Master Response 18, Alternatives.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	Res. Code § 21061.1; CEQA Guidelines § 15364.	<p>The lead agency is required to select the environmentally preferable alternative unless it is infeasible. As explained by the Supreme Court, an environmentally superior alternative may not be rejected simply because it is more expensive or less profitable:</p> <p>The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.</p> <p><i>Citizens of Goleta Valley v. Bd. of Supervisors</i> (1988) 197 Cal.App.3d 1167, 1180-81; see also, <i>Burger v. County of Mendocino</i> (1975) 45 Cal.App.3d 322; <i>County of El Dorado v. Dept. of Transp.</i> (2005) 133 Cal.App.4th 1376 (agency must consider small alternative to casino project); <i>Preservation Action Counsel v. San Jose</i> (2006) 141 Cal. App. 4th 1336.</p> <p>In addition, an environmentally superior alternative may not be rejected because it does not meet all of a project’s objectives. Inconsistency with only some of the project objectives is not necessarily an appropriate basis to eliminate impact-reducing project alternatives from analysis in an EIR. CEQA Guidelines § 15126.6(c), (f); see also <i>Watsonville Pilots Assn. v. City of Watsonville</i> (2010) 183 Cal.App.4th 1059, 1089.</p> <p>Here, the DEIR identifies several significant environmental impacts the Project will have, as well as the project alternatives that may alleviate some of these impacts. However, the University fails to provide sufficient detail about Alternative D, and fails to include and analyze an alternative that would provide additional staff and faculty housing where such housing is sited on already urbanized land, thereby avoiding additional impacts. Additional detail and analysis is necessary to comply with CEQA.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B5-6	<p>1. <u>The DEIR fails to provide sufficient detail about Alternative D to allow informed decision making.</u></p> <p>While AFSCME greatly appreciates the inclusion of an alternative that would capture the environmental benefits of housing that would allow UC Berkeley staff to live near their workplaces, the lack of detail provided about Alternative D, and the DEIR’s unfounded assumptions about where additional housing may be sited, renders the alternative meaningless.</p> <p>An EIR must describe a reasonable range of alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. CEQA requires a fact-based comparison of alternatives with a proposed project. An EIR must “include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” 14 C.C.R. § 15126.6(d). “An EIR’s discussion of alternatives must contain analysis sufficient to allow informed decision making.” Laurel Heights I, 47 Cal.3d at 404. An EIR must also include “detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” Id. at 405; see Kings County, 221 Cal.App.3d at 733-34 (court rejected alternatives analysis because it lacked necessary “quantitative, comparative analysis” of air emissions and water use); <i>San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus</i> (1994) 27 Cal.App.4th 713, 736 (alternatives analysis rejected because statement that lower density alternative would “lessen the impacts” did not indicate the degree to which impact would be lessened).</p> <p>Alternative D proposes “Increased Faculty and Staff Housing.” DEIR 6-59. “Under Alternative D, the Increased Faculty and Staff Housing</p>	<p>UC Berkeley respectfully disagrees that the precise location of additional housing under Alternative D needs to be identified in order to describe a comparative impact evaluation at the program level. Please see Master Response 18, Alternatives.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Alternative, the proposed LRDP Update would include an additional 1,000 beds for faculty and staff within the Hill Campus East and the Clark Kerr Campus.” Id. The DEIR explains that:</p> <p>The Hill Campus East would absorb an additional 600 beds and 400 additional beds would be included under redevelopment within the Clark Kerr Campus. While no specific sites have been selected for development on the Hill Campus East for this alternative, it is assumed that any new development would be located in close proximity to existing development and infrastructure.</p> <p>Id. The DEIR provides no additional detail on Alternative D.</p> <p>As can be seen in Figure 3-2 of the DEIR, “Hill Campus East” makes up more than half of the land within the EIR study area. DEIR 3-9, Figure 3-2. Saying only that 600 beds will be put somewhere within Hill Campus East and 400 beds would be included somewhere on the Clark Ker Campus does not provide sufficient information for a meaningful evaluation of Alternative D in comparison to the proposed Project.</p>	
B5-7	<p>Despite the lack of information on where the additional housing would be located, the DEIR’s analysis of Alternative D’s impacts makes unstated assumptions that result in conclusions unsupported by any evidence. For example, the DEIR finds that “more development potential would occur under Alternative D and therefore short-term construction health risks would be greater when compared to the proposed project.” DEIR 6-63. The underlying assumption that is not stated here is that the additional housing would be located near sensitive receptors, which is the foundation of analyses of short-term construction health risks. But the EIR never says where the housing would be located, so it cannot assume that it will be located near sensitive receptors. Moreover, without a known location or any other details, and without an analysis of the expected construction emissions caused by Alternative D, there is no</p>	<p>The commenter incorrectly states that the Draft EIR does not state where the additional housing would be located. As noted by the commenter in the previous comment, the potential additional beds would be located on the Hill Campus East located in close proximity to existing development and infrastructure and on Clark Kerr Campus. As such it is appropriate to assume that the additional construction could occur in close proximity to more sensitive receptors. Please see Master Response 18, Alternatives.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-8	evidence to support the DEIR's conclusion that the impact would be greater under Alternative D.	The Draft EIR appropriately considered impacts to biological resources for Alternative D to be greater when compared to the proposed project. It is important to note that the evaluation of impacts in Chapter 6 is comparing impacts and not evaluating the Alternative D scenario as separate project. As such, when comparing an alternative that has a greater likelihood of developing in undeveloped areas as opposed to highly urbanized areas, it is appropriate and conservative to assume a greater impact in comparison. UC Berkeley agrees that there is the potential that development under this alternative could occur on previously developed sites, but again, the specific sites are unknown at the program level and as such, UC Berkeley's conservative conclusion of greater impacts is correct, appropriate, and not speculative as incorrectly asserted by the commenter. Please see Master Response 18, Alternatives.
	[A]dding more housing to the Hill Campus East would require additional new development to this area, which is largely undeveloped, and could therefore result in additional impacts to biological resources. In particular, the Hill Campus East is also noted for its contribution to natural areas and habitat support within the EIR Study Area. While specific biological resource impacts would depend on where within the Hill Campus East development would occur, new construction on currently undeveloped land would potentially increase impacts to biological resources when compared to the proposed project.	
	DEIR 6-63 to 6-64.	
	This supposed analysis is nothing more than speculation. Hill Campus East is "largely undeveloped," and "could" result in additional impacts. With little detail provided about Alternative D, it is just as likely that the additional staff housing is built on land that is already developed, and therefore, it would have no additional impact on biological resources. The analysis of Alternative D for each of the other environmental impact categories are equally unsupported by any evidence.	
	In sum, "the discussion of alternatives does not foster 'informed decision making' as it is devoid of substantive factual information from which one could reach an intelligent decision as to the environmental consequences and relative merits of the available alternatives to the proposed project." San Joaquin Raptor, 27 Cal. App. 4th at 738. Without additional detail, the DEIR's analysis of Alternative D is meaningless. The University must provide additional detail about Alternative D in order to allow for a	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-9	<p>meaningful comparison of its impacts with those of the proposed Project. 14 C.C.R. § 15126.6(d).</p> <p>2. <u>The DEIR must consider additional staff and faculty housing located on the dozens of parcels already deemed appropriate for redevelopment.</u></p> <p>The DEIR is also legally deficient because it fails to describe a reasonable range of alternatives that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the merits of the alternatives. See 14 CCR § 15125.6.</p> <p>The University may not design the alternatives considered by the DEIR to include elements that would make alternatives easy to reject. “The purpose of an EIR is not to identify alleged alternatives that meet few if any of the project’s objectives so that these alleged alternatives may be readily eliminated.” <i>Watsonville Pilots Assn. v. City of Watsonville</i> (2010) 183 Cal.App.4th 1059, 1089 (emphasis supplied). “Since the purpose of an alternatives analysis is to allow the decision maker to determine whether there is an environmentally superior alternative that will meet most of the project’s objectives, the key to the selection of the range of alternatives is to identify alternatives that meet most of the project’s objectives but have a reduced level of environmental impacts.” <i>Id</i></p> <p>There are many other locations available for additional staff and faculty housing outside of Hill Campus East. The DEIR identifies 13 properties with potential for redevelopment that the LRDP proposes could be used for additional residential space. DEIR 3-28. This includes Oxford Tract, which the University has already done a significant amount of work analyzing for additional housing as part of the UC Berkeley Housing Initiative. [footnote 1] UC Berkeley could also build more densely at Anchor House, adding additional floors to provide more beds for staff and faculty. Another option would be providing housing for staff and</p>	<p>The Draft EIR did consider a reasonable range of alternatives. Contrary to the commenter’s assertion that the Draft EIR did not consider more intense housing on the sites identified on Table 3-2 in Chapter 3, Project Description, of the Draft EIR, Alternative D does in fact consider placing more housing on the Clark Kerr Campus. Because the Draft EIR did not consider a denser or more intense housing alternative on all the other sites identified in Table 3-2 of the Draft EIR does not mean that the standard for a evaluating a reasonable range of alternatives was not met. Please see Master Response 18, Alternatives.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>faculty at Mills College, which will be closing by 2023, where housing already exists. UC Berkeley already houses some students at Mills College, and could make additional housing a Mills College available to staff and faculty after it closes without the need for additional development.</p> <p><i>Footnote 1: 1 See https://chancellor.berkeley.edu/housing-initiative and https://nature.berkeley.edu/oxford-facility/about.</i></p> <p>Building or allowing for additional staff and faculty housing on any of these properties – rather than in Hill Campus East – would not implicate any of the impacts from potentially building on the undeveloped, hilly, and fire-prone land that is found in Hill Campus East. In doing so, Alternative D’s impacts on aesthetics, biological resources, geology and soils, utilities and service systems, and wildfire would go from being potentially “greater than” the proposed Project to being the same as the proposed Project, while at the same time reducing impacts on greenhouse gas emissions, noise, population and housing, and transportation.</p> <p>Rather than proposing to site the additional staff and faculty housing on any of these properties that the EIR admits are appropriate for housing redevelopment [footnote 2] the EIR arbitrarily chose to site housing at an undisclosed location within the area of campus with the most undeveloped natural habitat, the most risk of fire, and the most difficult soil issues. Without any other explanation, this choice can only be seen as a poison pill, meant to eliminate Alternative D from true consideration. It is only the University’s refusal to site the housing on already developed land and the DEIR’s failure to provide any detail about the alternative that provides the University with the pretense to reject Alternative D.</p> <p><i>Footnote 2: Other than Mills College, which the EIR does not mention or analyze as a location for additional housing.</i></p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Providing additional housing for staff and faculty enabling them to live near where they work would have all of the environmental benefits of Alternative D, including greatly reduced VMT and GHG impacts, but with far fewer impacts. The DEIR must be revised to include an alternative that provides additional staff and faculty housing at a location outside of Hill Campus East. A revised DEIR should specifically consider providing additional staff and faculty housing by building more floors at Anchor House, by redeveloping Oxford Tract or the other 12 sites flagged as appropriate for additional housing at DEIR 3-28, [footnote 3] and by providing additional housing for staff and faculty and Mills College.</p> <p><i>Footnote 3: These include our sites at Clerk Kerr, 1995 University Avenue, 2000 Carleton Street, Beverly Cleary, Channing Ellsworth, Channing Bowditch, Co-Op Housing, Foothill-La Loma Fulton- Bancroft, and Unit 3. DEIR 3-28.</i></p>	
B5-10	<p>B. The DEIR Failed to Adequately Analyze and Mitigate the Project’s Impacts to Wildlife.</p> <p>Expert wildlife biologist Dr. Shawn Smallwood, Ph.D., reviewed the DEIR and found that the DEIR (1) failed to establish a proper baseline for wildlife; (2) failed to adequately analyze impacts due to habitat loss; (3) improperly analyzed the Project’s impact on wildlife movement; (4) failed to analyze the Project’s impacts to wildlife due to window/vehicle collisions and energy use; (5) inadequately analyzed the Project’s cumulative impacts; and (6) failed to incorporate all feasible mitigation measures. For these reasons, as discussed below, the DEIR cannot be relied upon to conclude that the Project’s impacts to biological resources are less than significant. Dr. Smallwood’s comment and CV are attached as Exhibit A.</p>	<p>This comment introduces the comments by the biologist hired by the commenter. Please see Responses B5-29 through B5-44.</p> <p>With respect to the commenter’s assertion that the Draft EIR inadequately characterizes the environmental baseline, it is important to note that the purpose of reconnaissance-level surveys is to assess and document habitat conditions and to determine whether or not further detailed studies are necessary to provide confirmation on presence or absence of sensitive resources. This is part of standard practices in conducting biological assessments as part of CEQA review, as was performed during preparation of Chapter 5.3, Biological Resources, in the Draft EIR for the LRDP Update. Please see Responses B5-29 and B5-30 for a discussion of baseline conditions and survey methodology, what constitutes a special-status species under CEQA review, and the thoroughness of the analysis conducted in Chapter 5.3, Biological Resources, of the Draft EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p data-bbox="323 326 1121 384">1. <u>The DEIR inadequately characterizes the environmental baseline for wildlife.</u></p> <p data-bbox="323 435 1121 846">On April 17, 2021, Dr. Smallwood’s performed a site visit to proposed Housing Project #2 site (People’s Park). (Smallwood, p. 1.) In less than two hours, Dr. Smallwood observed 22 species of vertebrate wildlife, including 3 special-status species. (Id.) On January 12, 2020, Dr. Smallwood performed a stie visit to Strawberry Canyon. (Id. at 2.) In just over two and a half hours, Dr. Smallwood observed 19 species of vertebrate wildlife, including 7 special-status species. (Id.)Based on these site visits, Dr. Smallwood was able to calculate the number of species that would be observed if his surveys continued indefinitely. (Id.at 7-8.) Based on his calculations, indefinite surveys would detect 31 species of vertebrate wildlife at People’s Park and 50 species at Strawberry Canyon. (Id. at 8.)</p> <p data-bbox="323 896 1121 1235">Despite the abundance of wildlife observed by Dr. Smallwood, the DEIR did not include any reports from biological surveys conducted for the Project. (Smallwood, p. 9.) The DEIR claims that two biological surveys were conducted on August 20, 2020 and November 10, 2020 (DEIR, p. 5.3-1). However, “the DEIR did not include the reports of these surveys, nor did it summarize their findings, and nor did it characterize these surveys as detailed surveys for special-status species. The DEIR did not even provide references for these surveys.” (Smallwood, p. 9.) The absence of such reports underscores the faulty premise for the DEIR’s conclusion that biological impacts would be less than significant.</p> <p data-bbox="323 1286 1121 1448">In addition to the absence of detailed survey reports, the DEIR’s findings as to the presence of certain species on-site do not align with available database records. For example, the DEIR determined two species, which have been documented on-site, to not occur on-site and determined five species, which have been documented on-site, to only possibly occur on</p>	<p data-bbox="1157 363 1940 634">With respect to the commenter’s assertion that the Draft EIR failed to address the proposed project’s impact on habitat loss, Chapter 5.3, Biological Resources, of the Draft EIR provides an assessment of the potential impacts of the proposed project on biological resources pursuant to CEQA using to the standards of significance identified on page 5.3-23 of the Draft EIR. These include potential impacts on special-status species, sensitive natural communities, regulated waters, wildlife habitat, and consistency with local plans and policies.</p> <p data-bbox="1157 678 1940 1192">The theoretical estimates of Dr. Smallwood are incorrect in that development associated with implementation of the proposed LRDP Update would “deny habitat to over 70,000 birds over the next 100 years.” As discussed on page 5.3-24 of the Draft EIR, tree removal or construction in the immediate vicinity of a nest in active use could result in its abandonment, which would be a violation of the Migratory Bird Treaty Act and California Fish and Game Code. However, preconstruction surveys would be necessary during nesting season to confirm whether proposed development or vegetation management activities would adversely affect nesting birds where suitable habitat is present as called for in CBP BIO-1 listed on page 5.3-25 of the Draft EIR. CBP BIO-1 ensures that bird nests in active use are avoided, preventing their possible loss, and thereby preventing the theoretical interruption of bird nesting and young production. Please see Response B5-31 for additional information on habitat loss.</p> <p data-bbox="1157 1235 1940 1365">No recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>site. (Smallwood, p. 10.) The DEIR even fails to make any mention of peregrine falcons that nest on UC Berkeley campus. (Id.) By failing to conduct the proper surveys and to adequately assessing the species occurring on the Project site, the DEIR fails to provide substantial evidence to conclude that the Project’s impacts to wildlife will be less than significant.</p> <p>2. <u>The DEIR failed to address the Project’s impact on habitat loss.</u></p> <p>Dr. Smallwood highlights that the Project would contribute to the severe decline in the North American bird population (a 29 percent decline in overall abundance over the past 48 years). (Smallwood, p. 14.) Despite the impact that development of this massive Project will have on nesting sites for birds, the DEIR does not address the impact of such habitat loss. (Id.) Dr. Smallwood calculates that development of the Project will deny habitat to over 70,000 birds over the next 100 years. (Id.) Such an impact necessitates discussion and mitigation in a revised DEIR.</p>	
B5-11	<p>3. <u>The DEIR inadequately analyzed the Project’s impact on wildlife movement.</u></p> <p>According to the DEIR, the Project will not have a significant impact on wildlife movement because the Project would not interfere with wildlife movement corridors. (Smallwood, p. 15.) However, the CEQA standard is whether a project would interfere with wildlife movement in the region. Thus, as Dr. Smallwood explains, “The primary phrase of the CEQA standard goes to wildlife movement regardless of whether the movement is channeled by a corridor or some linkage.” (Id.) Rather than having no impact on wildlife movement, “[t]he Project would cut wildlife off from stopover and staging habitat, forcing volant wildlife to travel even farther between remaining patches of stopover habitat.” (Id.) While the loss of individual parcels of land may not seem impactful, when evaluated cumulatively, with the ongoing loss of open spaces over time as a result of urbanization, the losses become significant. Because the</p>	<p>The commenter expresses an opinion regarding the impacts of development on wildlife habitat under the proposed LRDP Update. Chapter 5.3, Biological Resources, of the Draft EIR provides an assessment of the potential impacts of the proposed project on biological resources pursuant to CEQA using to the standards of significance identified on page 5.3-23 of the Draft EIR. This includes an assessment of potential impacts on wildlife movement opportunities under impact discussion BIO-5 on pages 5.3-31 through 5.3-34 of the Draft EIR.</p> <p>A discussion of methods that would be used under the proposed LRDP Update to eliminate or minimize potential effects of future development on sensitive biological resources is provided on pages 5.3-28 and 5.3-29 of the Draft EIR. This would be accomplished by carefully guiding the location, scale, form, and design of new projects.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
DEIR applied the incorrect standard to analyze the Project’s impact on wildlife movement, the impact must be addressed and mitigated in a revised DEIR.	<p>The Landscape and Open Space Element in the proposed LRDP Update includes a number of objectives that provide important guidance to preserve and enhance the campus landscape and open space systems, continue efforts to restore Strawberry Creek, and protect and enhance natural areas:</p> <ul style="list-style-type: none"> ▪ Preserve and strengthen campus landscape and open space systems, in coordination with new development and major renovations, and with mobility and infrastructure systems. Continue to invest in the maintenance, restoration, and renewal of landscape and open space features, and consider opportunities to reinforce and expand areas that contribute to interaction, recreation, and research. ▪ Preserve the balance between open space and built areas. Reinforce the open space armature of the campus and support new capital projects with complementary landscape and open space features that serve building occupants and the campus as a whole. ▪ Improve the sustainability and resilience of landscape and open space systems by prioritizing improvements that provide integrated sustainability, resilience, and ecological benefits. ▪ Continue to steward Strawberry Creek as a defining element of the Campus Park and Hill Campus (East and West), and as a sustainable and resilient natural resource. ▪ Maintain and enhance the image and experience of the Campus Park as a welcoming and inclusive environment. Enhance key gateways and wayfinding, and reinforce and expand areas that facilitate interaction, recreation, and research in the outdoor environment. ▪ Continue to preserve, maintain, and reinterpret the Campus Park’s landscape heritage, including the Classical Core, campus glades, natural areas, and Strawberry Creek. Respect views towards 	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>In addition, implementation of CBP BIO-4 and CBP BIO-5 would serve to identify any sensitive resources and provide adequate avoidance or mitigation to protect sensitive natural communities associated with Strawberry Creek in the Hill Campus East and Campus Park areas. The ongoing implementation of CBP BIO-4 and CBP BIO-5, and the other CBPs included in the Draft EIR would serve to identify natural areas with higher habitat values to be addressed as part of future development.</p> <p>As concluded under Impact BIO-5, proposed development on the Campus Park and the Hill Campus East is not expected to interfere substantially with the movement of any resident or migratory wildlife, impede the use of important nursery sites, or result in the destruction of sensitive wildlife habitat. Sensitive habitat features, such as the Strawberry Creek corridor, areas of native vegetation, and specimen landscaping, would generally be protected from future development and management activities. Protection of Strawberry Creek on the Campus Park and the Hill Campus East would serve to protect the major movement corridor for wildlife.</p> <p>Proposed development would generally occur within areas of limited habitat value and would avoid sensitive habitat features such as Strawberry Creek, sensitive natural communities, and specimen trees. The Campus Park and other urbanized areas in the UC Berkeley campus are of limited wildlife habitat value due to the extent of past disturbance, lack of protective cover, and intensity of human activity. Avoidance of the sensitive habitat features, active nests, and any essential habitat for special-status species would address the potential impacts on important wildlife habitat, and no additional mitigation would be required to address the conversion of existing largely urbanized habitat for common wildlife species.</p> <p>The commenter is correct that the CEQA standard of significance</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>related to wildlife refers to movement opportunities, as indicated on page 5.3-31 of the Draft EIR. However, the commenter incorrectly asserts that the CEQA standard is wildlife movement in the region and that the analysis under impact discussion BIO-5 is limited exclusively to important wildlife corridors, such as Strawberry Creek, which is not the case. Nowhere in the analysis is there a conclusion that there would be “no impact on wildlife movement” as asserted by the commenter. Instead, the Draft EIR concludes that potential impacts on wildlife habitat would be largely less-than-significant because of the avoidance and minimization of natural areas containing higher habitat values for wildlife and concentration of anticipated development in urbanized areas. Updated CBP BIO-7 does call for avoiding obstruction of “important wildlife corridors” by properly locating any new security fencing that could be a barrier to wildlife movement in the Hill Campus East to the full feasible extent. CBP BIO-8 calls for conducting a habitat assessment to identify and minimize potential impacts on “wildlife movement opportunities,” not exclusively important wildlife corridors. Continuing implementation of CBP BIO-7 and CBP BIO-8 would ensure that any expansion of areas requiring controlled access and security would consider the effects of proposed development and new fencing on wildlife movement opportunities on the Hill Campus East.</p> <p>As discussed on page 5.3-32 and 5.3-33 of the Draft EIR, new buildings associated with implementation of the proposed LRDP Update would alter existing physical characteristics of the EIR Study Area and could contribute to an increased risk of bird collisions and mortalities, which would be a potentially significant impact unless appropriate bird safe design measures are incorporated into the building design. Avian injury and mortality resulting from collisions with buildings, towers, and other structures is a common occurrence in city and suburban settings. Some birds are unable to detect and avoid glass and have difficulty distinguishing between actual objects and their reflected images, particularly when the glass is transparent and views through the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-12	<p>4. <u>The DEIR inadequately analyzed the Project’s impact on wildlife due to window collisions.</u></p> <p>Window collisions are often characterized as “one of the largest anthropogenic sources of bird mortality in the country.” (Smallwood, p. 15.) The 14-story Housing Project #1 and 17-story Housing Project #2 “would interfere with the movement and kill many birds.” (Id.) Dr. Smallwood calculates that the glass used in the Housing Projects # 1 and #2 would result in 782 bird deaths annually. (Id., p. 16.) Especially due to</p>	<p>structure are possible. Nighttime lighting can interfere with movement patterns of some night-migrating birds, causing disorientation or attracting them to the light source. The frequency of bird collisions is dependent on numerous factors, including characteristics of building height, fenestration, and exterior treatments of windows and their relationship to other buildings and vegetation in the area; local and migratory avian populations, their movement patterns, and proximity of water, food, and other attractants; time of year; prevailing winds; weather conditions; and other variables. Mitigation Measure BIO-4 is recommended in the Draft EIR to ensure that structures and buildings that are new or are taller than existing structures and buildings are designed to minimize the potential risk of bird collisions.</p> <p>Contrary to the commenter’s assertion, the CEQA standard of significance related to wildlife movement opportunities was not misapplied, and potential impacts were adequately analyzed. No revisions to the Draft EIR or additional mitigation are necessary in response to this comment.</p> <p>No recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>The commenter expresses an opinion regarding the risk of bird collisions with new structures and buildings. Please see the Response B5-11 for a discussion of potential impacts on wildlife movement opportunities, including the potentially significant impact associated with an increased risk of bird collisions and mortalities unless appropriate bird safe design measures are incorporated into new building design. Mitigation Measure BIO-4 is included in the Draft EIR to ensure that new buildings are designed to minimize the potential risk of bird collisions. It specifically reads “structures and buildings that are new or are taller than existing structures and buildings” and is not</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>the special-status species in the Project area, this impact must be addressed in a revised DEIR.</p> <p>Dr. Smallwood notes that the DEIR’s mitigation measure for window collisions (MM BIO-4) does not ensure that the mitigation will be applied to all levels of the buildings because MM BIO-4 only requires new buildings to be designed to prevent bird strikes if they are “taller than existing buildings.” DEIR 5.3-33. This is in spite of the fact that “the first level is often the most dangerous level to birds.” (Smallwood, p. 16.) Importantly, even with the proposed MM BIO-4, Dr. Smallwood warns that bird-window collision mortality would be reduced only about 20% to 50%. (Id.) Since there would still be hundreds of unmitigated bird deaths annually, the DEIR must disclose this significant impact in a revised DEIR.</p>	<p>limited to only structures and buildings that are taller than existing ones, as asserted by the commenter. Please see Response B5-33 for further discussion of Dr. Smallwood’s estimates of annual bird deaths.</p>
B5-13	<p><u>5. The DEIR failed to analyze the Project’s impact on wildlife due to traffic collisions.</u></p> <p>The DEIR did not address the impacts on wildlife mortality from traffic generated by the Project. (Smallwood, p. 18.) According to the DEIR, the Project would result in 16,091,606 additional vehicle miles traveled (VMT) by 2036. Id., pp. 16-17. Dr. Smallwood estimates 8,817 wildlife fatalities annually as a result of collisions with vehicles from the Project. (Id., p. 19.) Especially due to the special-status bird species likely to occur at or near the Project, these collisions represent a significant impact to wildlife that has not been addressed, discussed, or mitigated in the DEIR. A revised DEIR is necessary to disclose and mitigate this impact.</p>	<p>The commenter expresses an opinion regarding the risk of wildlife mortality as a result of traffic generated by the project and provides estimates by Dr. Smallwood of 8,817 wildlife fatalities annually by 2036. As discussed under impact discussion BIO-1 in Chapter 5.3, Biological Resources, of the Draft EIR, suitable habitat for special-status species is largely absent from most of the EIR Study Area. The assertion by Dr. Smallwood that special-status species and other wildlife would be killed by traffic generated by the project is pure conjecture. Data reported by Dr. Smallwood on wildlife mortality in the 2009 study along Vasco Road does not disclose the characteristics of this roadway as a heavily used commuter route that passes through the considerable undeveloped rangelands between Livermore and Brentwood on the east side of Mount Diablo more than 40 miles east of Berkeley. In contrast, traffic associated with the proposed project would largely be distributed on heavily traveled roadways through urbanized areas in Berkeley and Oakland and on to the surrounding freeway system, where no collisions with special-status species are considered likely and collisions with more common wildlife would be comparatively minimal. Furthermore, there is no known mortality rate of an Alameda Whipsnake in the LRDP Planning Area.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-14	<p>6. <u>The DEIR failed to address the Project’s impact on wildlife from energy demand.</u></p> <p>The Project would add 8,515 MW of electricity demand per year, which, to comply with Senate Bill (SB) 100, must be procured from eligible renewable energy resources at 33 percent of total retail sales by 2020, at 60 percent by 2030, and at 100 percent by 2045. Based on the known impacts of renewable energy generation on wildlife, Dr. Smallwood calculates that the Project will result in annual fatalities of 82.4 birds and 3.5 bats due to solar energy production and in annual fatalities of 53.3 birds and 68.4 bats due to wind energy production. The DEIR also failed to address the impacts to wildlife for the proposed solar array on the Hill Campus. Because of these deficiencies, this impact on wildlife must be addressed and mitigated in a revised DEIR.</p>	<p>While there is a remote possibility that vehicle activity generated by the project could result in a collision with birds, any birds that frequent or occupy the EIR Study Area are already acclimated to considerable vehicle traffic in this urbanized location. The frequency of any bird-vehicle collisions would most likely be very infrequent and would not be “substantial” under CEQA standards of significance for impacts on special-status species and wildlife movement opportunities, and no revisions to the Draft EIR are necessary. Further, because the project would not have a significant impact on wildlife movement opportunities with implementation of Mitigation Measure BIO-4 to address the potential risk of bird collisions from new structures, the project contribution to cumulative impacts raised as a concern by the commenter would not be cumulatively considerable and no additional analysis is necessary.</p> <p>The commenter expresses an opinion regarding potential impacts on wildlife from energy demand. Please see Response B5-36.</p>
B5-15	<p>7. <u>The DEIR inadequately analyzed the Project’s cumulative impacts on wildlife.</u></p> <p>Dr. Smallwood found the DEIR’s discussion of cumulative impacts to</p>	<p>The commenter expresses an opinion regarding cumulative impacts on wildlife. Please see Response B5-38.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>wildlife to be inadequate. (Smallwood, p. 20.) The DEIR appears to rely on project-level determinations to make conclusions as to the Project's cumulative impacts (i.e. that cumulative impacts are only significant if project impacts are significant). This is not the standard under CEQA.</p> <p>The DEIR cannot rely on Project-level impacts alone to determine the Project's cumulative impacts. As the CEQA Guidelines explain, "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (14 CCR § 15355(b).) As such, to the extent that the DEIR's analysis of the Project's cumulative impacts relied solely on the DEIR's Project-level analysis, the DEIR is flawed and must be corrected in a revised DEIR.</p>	
B5-16	<p>C. The DEIR Fails to Adequately Analyze and Mitigate the Project's Wildfire and Evacuation Impacts.</p> <p>1. <u>The DEIR Fails to Analyze the Increased Risk of Wildfire Ignition and Spread that Could Result from Siting Additional Development in Very High Fire Severity Zones.</u></p> <p>The DEIR is deficient because it fails to acknowledge or adequately analyze the increased risk of wildfire that results from development and increasing intensity of use in high and very high severity wildfire zones. In a 2019 scientific study, Syphard et al. (2019) found that housing and human infrastructure in fire-prone wildlands are the main drivers of fire ignitions and structure loss. [footnote 4]</p> <p><i>Footnote 4: Syphard, A.D., et al. (2019) The Relative Influence of Climate and Housing Development on Current and Projected Future Fire Patterns and Structure Loss Across Three California Landscapes, Global Environmental Change, 56, 41-55. https://doi.org/10.1016/j.gloenvcha.2019.03.007.</i></p>	<p>The comment incorrectly states that the Draft EIR fails to acknowledge or analyze the risk of wildfire that results from development and increasing intensity of use in high and very high fire hazard severity zones. Wildfire is analyzed in Chapter 5.18, Wildfire, of the Draft EIR, in accordance with the CEQA Guidelines. As described on pages 5.18-11 through 5.18-14, the Draft EIR identifies portions of the EIR Study Area within a Very High Fire Hazard Severity Zone, as well as areas within California Public Utilities Commission High Fire-Threat Districts, and the wildland-urban interface. As described in impact discussions WF-2 through WF-5, the proposed project could, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; would require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; could expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes; and, in combination with past, present, and reasonably foreseeable projects, could result in significant cumulative impact with respect to wildfires.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Development in Wildland Urban Interface (“WUI”) zones, like Hill Campus East and West, increase the likelihood of wildfire ignition and wildfire risk. Syphard et al. (2020) states:</p>	<p>Because of these significant impacts identified in the Draft EIR, mitigation measures WF-2a, WF-2b, WF-3, WF-4, and WF-5 are incorporated. Please also see Response A3-41 regarding evacuation.</p>
	<p>Large fire probability increases with the co-occurrence of human-caused ignitions and severe wind conditions (Abatzoglou et al. 2018). This means that, as population increases and development further encroaches into wildland vegetation, there is an increased risk that a human-caused ignition will coincide in place and time with hot, dry weather; flammable vegetation; and severe wind conditions. [footnote 5]</p>	
	<p><i>Footnote 5: Syphard, A. K, Keely, J. E. (2020). Why Are So Many Structures Burning In California? Fremontia, 47(2), 28. Wildfire research has shown that land use decisions, such as that before the University now, are particularly impactful:</i></p>	
	<p>[H]ousing arrangement and location strongly influence fire risk, particularly through housing density and spacing, location along the perimeter of development, slope, and fire history. Although high-density structure-to-structure loss can occur, structures in areas with low- to intermediate- housing density were most likely to burn, potentially due to intermingling with wildland vegetation or difficulty of firefighter access. Fire frequency also tends to be highest at low to intermediate housing density, at least in regions where humans are the primary cause of ignitions. [footnote 6]</p>	
	<p><i>Footnote 6: California Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines (Nov. 2018) at p. 87, https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf (“CNRA Final Statement”) (citing Syphard, A.D, Bar Massada</i></p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p data-bbox="321 321 1100 422"><i>A, Butsic V, Keeley, J.E, Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss (Aug. 2013) PLOS ONE 8(8): e71708. https://doi.org/10.1371/journal.pone.0071708.</i></p> <p data-bbox="321 467 1100 667">Despite being well established that new development in high fire severity zones increases the risk of fire ignition, which in turn increases the risk of exposing students, residents, employees, and visitors to wildfire, the DEIR fails to analyze the increased risk of wildfire stemming from the siting of additional development within the Very High Fire Severity Zones on the east side of campus.</p> <p data-bbox="321 711 1100 841">Given the extremely high risk of wildfire in Hill Campus East and West, the DEIR must be revised to disclose, analyze, and mitigate the additional wildfire risk caused by siting additional development in high fire-prone areas.</p>	
B5-17	<p data-bbox="321 857 1100 915"><u>2. The DEIR Fails to Analyze the Impact of an Increased Population on Human Safety in the Event of an Emergency Evacuation.</u></p> <p data-bbox="321 959 1100 1162">The Project proposes to accommodate an additional 12,071 people on campus by the 2036-2037 academic year. DEIR 3-25. However, the DEIR makes no effort to calculate or disclose how adding an additional 12,000 people to the limited campus area will affect evacuation times and effectiveness for UC Berkeley students, staff, faculty, as well as neighbors surrounding the campus.</p> <p data-bbox="321 1206 1100 1442">The DEIR states generally that roadways would be designed and constructed consistent with various regulations related to road and transportation design, and that its multi-modal transportation network would not conflict with or block emergency services vehicles from accessing campus in the event of an emergency. What is missing is an analysis of where the campus' more than 40,000 campus-users will go, what route they will follow, and how they will get there, in the event that</p>	Please see Response A3-41 regarding evacuation.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>a wildfire or earthquake originates in or approaches the UC Berkeley campus or its surroundings.</p>	
	<p>While the DEIR’s threshold of significance for HAZ-5 is supposed to address this issue, the following analysis applying that threshold is completely devoid of facts and analysis that discusses crucial issues such as: 1) What evacuation route will campus users and surrounding neighbors use? 2) What are existing evacuation times for campus users and surrounding neighbors, and how will those change based on the LRDP? 3) With less people accessing campus by personal vehicle, what mode of transportation will people use to evacuate? Nearby residents and current and future students, faculty, and staff have a right to know the LRDP’s impacts on evacuation. Without this crucial information, the DEIR fails as an informational document. <i>Sierra Club v. Fresno</i> (2018) 6 Cal.5th 502, 515.</p>	
B5-18	<p>3. <u>Mitigation Measure WF-3 Constitutes Improper Mitigation Because it is Uncertain, Unenforceable, and of Uncertain Feasibility and Constitutes Deferred Mitigation.</u></p> <p>A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. <i>Kings County Farm Bureau v. City of Hanford</i> (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. 14 CCR § 15364. Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. 14 CCR § 15126.4(a)(2).</p> <p>Courts will not defer to an agency’s determination that mitigation measures will work when the efficacy of the measure is not apparent,</p>	<p>CEQA defines “feasible” in Section 15364, Feasible, as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” Because the proposed project is analyzed at a programmatic level, specific development details under the LRDP Update other than Housing Projects #1 and #2 are currently unknown. Therefore, it would be speculative to state the feasibility of specific utility infrastructure that certain projects can accommodate. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, regarding speculation. For example, while undergrounding of electrical infrastructure is anticipated to be feasible in many areas throughout the EIR Study Area, it may be dependent on factors such as site-specific hazards or existing infrastructure available to connect to among others. The efficacy of the mitigation measure is apparent, as underground of electrical infrastructure is an effective means of fire hardening the electrical system (see California Public Utilities Commission, 2021. CPUC Undergrounding Rule 20 Programs. https://www.cpuc.ca.gov/Rule20/,</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>and there is no evidence the measure will be effective. See King & Gardiner Farms, LLC v County of Kern (2020) 45 Cal.App.5th 814, 866 (EIR discussion of mitigation measure that has uncertain effect must identify and explain the uncertainty in measure’s effectiveness and the reasons for that uncertainty.)</p> <p>The DEIR proposed Mitigation Measure WF-3 to mitigate the LRDP’s significant wildfire impact. MM WF-3 provides: “[e]lectrical lines associated with future electric infrastructure shall be undergrounded, where feasible. UC Berkeley shall verify compliance with this measure as part of plan review prior to construction.” DEIR 5.18-26. This mitigation measure violates CEQA’s requirement that mitigation measure be certain, feasible, and enforceable. Inclusion of this mitigation measure is illusory, as it does not actually require the University to do anything at all. The measures does not require any or all electrical lines to be undergrounded, and the DEIR provides no definition for what is meant by “feasible” in the context of this measure. As a result, the MM WF-3 does not require the University to underground any wires, as long as it finds any reason at all that doing so would be infeasible. MM WF-3 is akin to no mitigation at all.</p> <p>Since the DEIR concludes that LRDP’s impact on wildfires is significant and unavoidable, it must adopt all feasible mitigation measures to reduce the impact. The DEIR contains no evidence that it is infeasible to underground all electrical lines associated with future electric infrastructure, and therefore undergrounding must be required. If there are particular circumstance in which undergrounding is not feasible, the University must so state now, in the DEIR. It cannot wait to make that determination after the DEIR is approved, and the public no longer has an opportunity to comment on that determination.</p>	<p>accessed May 19, 2021). Installation of specific infrastructure, however, would be project specific.</p> <p>Accordingly, the commenter incorrectly asserts that Mitigation Measure WF-3 constitutes deferred mitigation. Please see Master Response 5, Mitigation, with respect to deferred mitigation and how “feasible” is defined under CEQA.</p>
B5-19	D. The DEIR Fails to Adequately Analyze the Project’s Transportation Impacts.	Please see Response A3-61.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The DEIR concludes that the Project will have a less than significant transportation impact because the Project is “generally consistent with the transportation-related goals and policies in the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan.” DEIR 5.15-47. However, this analysis ignores the practical implications of the Project on transportation impacts. The Project will increase the campus’ daily population by more than 12,000 people by the year 2036. DEIR 3-25. The DEIR also anticipates an increase in public transportation use and a decrease in personal vehicle travel to and from the Project site, and promotes the use of public transit for UC Berkeley students, personnel, and visitors yet fails to discuss the impacts this increase in daily population will have on public transit. The DEIR provides no information on the current capacity of the AC Transit routes serving UC Berkeley. On some AC Transit routes, boarding and alighting make up more than 50 percent of the route’s weekly ridership. DEIR 5.15-15. Adding thousands of additional daily users may result in a significant impact. A revised DEIR is required to analyze and mitigate this impact.</p>	
B5-20	<p>E. The DEIR inadequately analyzed and mitigated the Project’s significant and unavoidable noise impacts.</p> <p>The DEIR concluded that the Project would result in significant and unavoidable noise impacts for Impact NOI-1 (noise from construction equipment could expose receptors to noise that exceeds the thresholds of significance) and Impact NOI-3 (significant cumulative impact with respect to construction noise). (DEIR, pp. 5.11-32, -55.)</p> <p>Noise expert Deborah A. Jue, INCE-USA, of the firm Wilson Ihrig reviewed the DEIR and found that the DEIR (1) failed to establish a baseline noise levels, (2) failed to properly develop significance thresholds for noise impacts, (3) failed to implement all feasible mitigation measures, and (4) improperly analyzed traffic noise. Ms. Jue’s comment and CV are attached as Exhibit B.</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses B5-21 through B5-24.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-21	<p>1. <u>The DEIR failed to require all feasible mitigation measures for the Project’s significant and unavoidable impacts as required by CEQA.</u></p> <p>A lead agency may not conclude that an impact is significant and unavoidable without requiring the implementation of all feasible mitigation measures to reduce the impacts of the Project to less than significant levels. (CEQA Guidelines §§ 15126.4, 15091.) Nevertheless, Ms. Jue found that the DEIR failed to consider or implement feasible mitigation measures for the Project’s significant and unavoidable construction noise impacts. (Jue, pp. 3-4.)</p> <p>Despite the noise impact from pile driving, the DEIR does not consider non-impact alternatives to reduce noise. (Jue, p. 3.) Ms. Jue notes that “non-impact methods such as the Stillworker by Kowan or the Silent Piler by Giken” can further reduce the Project’s significant noise impacts.” (Id.) Additionally, temporary relocation of residents and office workers would reduce noise impacts. (Id., pp. 3-4.) These additional feasible mitigation measures must be considered and implemented in a revised DEIR prior to Project approval.</p>	<p>Step 2 of Mitigation Measure NOI-2 has been revised to include pile pressing and “silent” piling as alternatives to impact pile driving (see Chapter 3, Revisions to the Draft EIR, of this Final EIR). It should be noted that based on community concerns related to vibration impacts from pile driving on the two project-level sites, UC Berkeley has worked closely with both applicant team structural engineers to seek out alternatives to pile driving. Both teams have determined that pile driving would not be required. For Housing Project #1, neither driven nor drilled piles are proposed and the foundation system will include a continuous mat foundation which bears directly on compacted soil. For Housing Project #2, auger-cast piles would be employed which would generate vibration levels similar to drilling. Please see Response A3-112.</p>
B5-22	<p>2. <u>The DEIR failed to establish the proper noise baseline for the Project.</u></p> <p>An EIR must “disclose the analytic route the agency traveled from evidence to action.” (<i>California Clean Energy Committee v. City of Woodland</i> (2014) 225 Cal.App.4th 173,205 [internal punctuation omitted].) However, Ms. Jue’s review of the DEIR found that the conclusions as to baseline noise levels were “poorly supported.” (Jue, p. 1.) The DEIR modeled traffic noise based on values obtained from the Federal Highway Administration (FHWA) Traffic Noise Model (TNM). (Id.) However, a TNM is only accurate (within 3 dBA) if the model has been validated and here “[t]here is no evidence that the model was validated with noise measurements concurrent with the traffic counts.” (Id., p. 2.)</p>	<p>Due to the COVID-19 pandemic and its effect on traffic patterns, the collection of ambient noise data in the EIR Study Area would not be prudent because it would not be representative of the baseline traffic scenario used in the Draft EIR. Nevertheless, under a hypothetical scenario where existing noise levels were up to 6 dBA higher than reported along all study roadway segments, only two segments under the LRDP would result in a cumulative increase greater than 1.5 dBA where the existing ambient noise level would also be greater than 65 dBA Ldn: 1) Bancroft Way - College Avenue to Piedmont Avenue and 2) University Avenue - Shattuck Avenue to Oxford Street. The Bancroft Way - College Avenue to Piedmont Avenue segment would have a project noise increase of less than 0.9 dBA Ldn. The cumulative increase would be 1.6 dBA Ldn, which is greater than the 1.5 dBA Ldn threshold for environments greater 65 dBA Ldn. However, the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>By failing to provide the necessary data that indicates that the TNM was properly validated, the DEIR may underestimate the actual noise base line by 6 dBA. (Jue, pp. 2, 5.) Ms. Jue concluded that a revised DEIR is necessary “to include an updated baseline analysis that incorporates noise measurements taken at key locations over a multi-day period, and to provide supporting information for the DEIR’s TNM analysis.” (Id., p. 2.)</p>	<p>project’s contribution to the cumulative increase would be 0.8 dBA Ldn. This is less than 1 dBA Ldn and, therefore, the project’s contribution to the cumulative increase would remain less than significant. The University Avenue - Shattuck Avenue to Oxford Street segment would have a project noise increase of 0.9 dBA Ldn. The cumulative increase would be 1.6 dBA Ldn, which is greater than the 1.5 dBA Ldn threshold for environments greater 65 dBA Ldn. However, the project’s contribution to the cumulative increase would be 0.7 dBA Ldn. The LRDP’s cumulative contribution is less than 1 dBA Ldn along both segments. Therefore, LRDP traffic noise impacts would remain less than significant. For Housing Projects #1 and #2, the Bancroft Way - College Avenue to Piedmont Avenue segment would have a project noise increase of less than 0.1 dBA Ldn. The cumulative increase would be 1.6 dBA Ldn, which is greater than the 1.5 dBA Ldn threshold for environments greater 65 dBA Ldn. However, the project’s contribution to the cumulative increase would be 0.8 dBA Ldn. For Housing Project #1 and Housing Project #2, the University Avenue - Shattuck Avenue to Oxford Street segment would have a project noise increase of 0.2 dBA Ldn. The cumulative increase would be 1.6 dBA Ldn, which is greater than the 1.5 dBA Ldn threshold for environments greater 65 dBA Ldn. However, the project’s cumulative contribution would be 0.7 dBA Ldn. The project’s contribution to cumulative increases would be less than 1 dBA Ldn along both segments. Therefore, project level traffic noise increases would remain less than significant.</p>
B5-23	<p>3. <u>The DEIR failed to establish proper thresholds of significance.</u></p> <p>The EEIR [sic] utilized a traffic noise threshold based on Federal Aviation Administration (FAA) Guidance. (DEIR, p. 5.11-25.) However, FAA Guidance assumes that a new project will introduce a fixed noise level, which is not necessarily the case for this Project. (Jue, p. 3.) Furthermore, selection of appropriate thresholds requires an accurate assessment of the Project’s baseline noise levels, which the DEIR failed to do. (Id.) Rather than relying on FAA Guidance, Ms. Jue recommends that a revised</p>	<p>The City of Berkeley’s noise and land use compatibility standards which Ms. June refers to (e.g, “normally acceptable” “conditionally acceptable”) are intended for siting a new sensitive use to determine if additional acoustical studies are needed, which would inform whether extra building insulation, sound-rated windows and/or noise barriers are needed to keep on-site noise exposure at acceptable levels. They are not intended to be used as thresholds of significance under CEQA. UC Berkeley is not aware of a threshold of significance for traffic noise</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-24	<p>DEIR consider “whether the project traffic changes the land use compatibility for a neighboring land use from normally acceptable or conditionally acceptable condition to an unacceptable condition.” (Jue, p. 3.)</p> <p>F. The University’s Analysis of the Project’s Greenhouse Gas Impacts Violates CEQA.</p> <p>1. <u>There is no evidence that mitigation of the Project’s significant GHG impact is feasible.</u></p> <p>A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. <i>Kings County Farm Bureau v. City of Hanford</i> (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. 14 CCR § 15364.</p> <p>Here, there is no evidence that it is feasible to reduce the Project’s significant greenhouse gas (“GHG”) emissions to a less-than-significant level. The DEIR relies heavily on offset purchases, of which the University will need to spend millions of dollars to purchase every year to offset significantly increased emissions. Yet the DEIR provides no evidence that a sufficient number of offsets are or will be available. This is particularly true in light of the fact that numerous other recently-certified EIRs for LRDPs are also required to purchase offsets to reduce their enormous greenhouse gas emissions as well. See, e.g. FEIR for UC Davis 2020 LRDP.</p> <p>In contrast, the DEIR itself admits that providing additional staff and faculty housing will dramatically reduce VMTs and GHG emissions. DEIR 6-66. Relatedly, ensuring that University staff who are paid good living</p>	<p>recommended by the City of Berkeley. Please see Responses A3-29 and A3-110.</p> <p>GHG emissions impacts under Impact GHG-2 were identified as a potentially significant impact. To achieve the carbon neutrality goals under Executive Order B-55-18 UC Berkeley can purchase voluntary GHG offsets or implement on-site improvements, such as those outlined in the UC Berkeley Sustainability Plan. The list of on-site actions that were considered in the Sustainability Scenario is clearly specified in pages 5.7-31 through 5.7-33 of the Draft EIR. These measures outlined are feasible and effective. It should be noted that GHG emissions from the cogeneration plant are covered under the Scoping Plan and are less than significant based on compliance with the cap-and-trade program (<i>Association of Irrigated Residents v. Kern County Bd. of Supervisors</i> (2017) 17 Cal.App.5th 708).</p> <p>For emissions reductions that cannot be achieved on-site, Mitigation Measure GHG-2 identifies use of voluntary carbon credits. CEQA Guidelines Section 15126.4 clearly cites that use of carbon offsets is valid-mitigation under CEQA (see also CEQA Guidelines Section 151370(e) and 15364, and Public Resources Code Section 21168.6.5(i)(1)). The California Natural Resources Agency’s Final Statement of Reasons For Regulatory Action for the CEQA Guidelines Amendments (2009) also supports the use of GHG credits. Additionally, CARB’s 2017 Scoping Plan encourages the use of GHG credits as CEQA mitigation. Mitigation Measure GHG-2 includes rigorous performance standards for carbon offsets. A discussion of the validity of carbon offsets under CEQA is included in Appendix C1 (see “UC Berkeley LRDP Use of Carbon Offsets”). Mitigation Measure GHG-2 requires the offsets to be Real, Additional, Permanent, Quantifiable, Verified, and Enforceable, consistent with that required for offsets under the 17 California Code of Regulations Section 95802 for offsets</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>wages sufficient to allow them to live near UC Berkeley will also reduce VMTs and GHGs. As a public-private partnership, it is likely that the housekeepers, maintenance workers, and other staff of Anchor House will not be paid sufficiently to allow them to live near campus, which will increase VMTs and GHGs. This feasible mitigation must be required to reduce the UC Berkeley campus’ greenhouse gas emissions in a meaningful way.</p> <p>Moreover, the DEIR claims the University will start purchasing offsets to comply with the UC Sustainability Policy in 2025 to meet net-zero requirements for Scope 1 and 2 emissions, but the DEIR does not explain how it will reduce its GHG impacts to a less than significant level prior to 2025. A revised DEIR is needed to correct these deficiencies.</p>	<p>used in the California Cap and Trade System. Voluntary offsets must be based on accepted, technically sound methods/protocols for quantifying and verifying the emission reductions.</p> <p>Accredited registries develop protocols for GHG reduction projects to provide guidelines for project development, provide transparency, and develop a platform for exchanges and created through a six-step process. The registries also have a process to invalidate carbon offsets if, through third-party review, they cannot be verified; thus, further ensuring transparency in the voluntary carbon market. Once voluntary offsets are issued, they are retired. Mitigation Measure GHG-2 also requires annual mitigation reporting to further ensure transparency. If carbon offsets are invalidated by the registry, UC Berkeley would need to purchase new voluntary offsets at the next annual reporting cycle to meet the criteria under Mitigation Measure GHG-2. Thus, Mitigation Measure includes the enforceable permit conditions required under <i>Golden Door Properties, LLC v. County of San Diego (2020) 50 Cal.App.5th 467, 506.</i></p> <p>Review of accredited voluntary offset markets, including the American Carbon Registry (https://acr2.apx.com/myModule/rpt/myrpt.asp?r=111), Climate Action Reserve (CAR) (https://thereserve2.apx.com/myModule/rpt/myrpt.asp?r=111), and Verra (https://registry.verra.org/) identify that there are sufficient voluntary carbon offsets to satisfy the demand associated with the proposed project in addition to existing demand. The Gold Standard (GS) (https://registry.goldstandard.org/projects?q=&page=1) is a fourth well-established and accredited registry that also has sufficient supply to satisfy demand for voluntary carbon offsets.</p> <p>It should be noted that GHG emissions impacts of the project are the project’ contribution to world-wide GHG emissions impacts. Reducing</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>GHG emissions locally has the same effect as reducing GHG emissions in another state, in the United States, or around the world. For example, under the 2017 Scoping Plan cap-and-trade program, cap-and-trade offsets occur outside of California. The Cap-and-Trade Regulation expressly permits the use of out-of-state offsets as compliance instruments for in-state entities. CEQA Guidelines section 15097(a) allows lead agencies to delegate mitigation monitoring: “A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.”</p> <p>A GHG credit registry serves as the delegated entity. GHG offset credits recognized by a registry represent GHG emission reductions that have already occurred in the past; therefore, by purchasing an offset credit, the reduction in GHG emissions has been completed, and the impact has been mitigated.</p> <p>As identified in Chapter 5.7, Greenhouse Gas Emissions, Mitigation Measure GHG-2 identifies actions that will achieve GHG reductions necessary to achieve UC Berkeley’s carbon neutrality goals. Mitigation Measure GHG-2 would ensure that UC Berkeley would reduce or offset GHG emissions to “net zero” prior to year 2045. The mitigation also expands the UC’s carbon neutrality commitments, requiring UC Berkeley to achieve carbon neutrality beginning in 2045 (i.e., five years earlier). Mitigation Measure GHG-2 will be implemented alongside the UC Sustainable Practices Policy and University Carbon Neutrality Initiative, so that any additional GHG reductions needed to meet the 2036 and 2045 performance standards will be achieved through the strategies in the mitigation. As identified in Table 5.7-10, UC Berkeley LRDP GHG Emissions 2036 Forecast: Carbon Neutrality Threshold, purchase of carbon offsets for Scope 1 and 2 sources would place UC</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
		<p>Berkeley on a trajectory at the 2036–37 horizon to achieve carbon neutrality by 2045.</p> <p>According to Second Nature, the price of carbon offsets varies widely from less than \$1 per ton to more than \$50 per ton. The average offset prices are between roughly \$3 to \$6 per MTCO₂e. The price depends on the type of carbon offset project, the carbon standard under which it was developed, the location of the offset, the co-benefits associated with the project, and the vintage year. Campuses may obtain a lower price per offset for larger volume purchases. For UC Berkeley, the cost of compliance with Mitigation Measure GHG-2 will depend on implementing the on-campus improvements and measures outlined in the UC Berkeley Sustainability Plan and Campus Energy Plan.</p> <p>The proposed project’s potentially significant GHG emissions impact is related to the UC Berkeley carbon neutrality targets. As identified in Impact GHG-1, the proposed project would result in a reduction in GHG emissions from existing conditions. This is because UC Berkeley implements the UC Sustainable Practices Policy. As identified in Chapter 5.7, Greenhouse Gas Emissions, the UC Sustainable Practices Policy establishes guidelines and includes climate change goals for all campuses that are consistent with, or would exceed, AB 32 and SB 32. It also requires each campus to complete an update of its climate action plan for reducing GHG emissions to 1990 levels by 2020 and achieving the goals of the UC Carbon Neutrality Initiative. In accordance with this policy, UC Berkeley tracks and monitors GHG emissions annually at UC Berkeley. For year 2025, UC Berkeley is required to comply with the 2025 Carbon Neutrality Planning Framework, to achieve the UC’s GHG reduction goals of net-zero Scope 1 and 2 emissions by 2025. For Scope 2 emissions not eliminated, voluntary carbon offsets are required to be purchased by UC Berkeley.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-25	<p>2. <u>The DEIR fails to describe how the LRDP will allow the University to meet its climate change goals.</u></p> <p>While the DEIR contains many aspirational goals around new buildings, solar panels, and sustainable transportation, it is unclear how UC Berkeley will actually achieve any of these goals, since the DEIR contains only conclusory statements that various goals will be met and reductions achieved. The analysis is nothing more than narrative, unsupported by substantial evidence. Making matters worse, since the DEIR concludes, without evidence, that these goals will be met and therefore impacts will be less-than-significant, these goals are not even required mitigation measures that could be enforced. Without making the University's goals into enforceable mitigation measures or providing additional information on how the University will meet these goals, the analysis violates CEQA.</p>	<p>See also Response A3-67 regarding VMT.</p> <p>This comment makes a general statement but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. The analysis under Impact GHG-2 clearly documents the UC Berkeley GHG emissions reductions goals and identifies Mitigation Measure GHG-2 to achieve the carbon neutrality goals for the LRDP Update horizon year 2036 and target year of Executive Order B-55-18 of 2045. As a result, Mitigation Measure GHG-2 identifies a clear performance standard for the UC Berkeley to achieve for the 2036 LRDP Update horizon as well 2045 (which exceeds the current UC Berkeley climate change goals). Mitigation Measure GHG-2 requires use of offsets for reductions that cannot be achieved through on-campus efforts (on-campus efforts are dictated through the UC Sustainable Practices Policy and UC Berkeley Sustainability Plan.</p>
B5-26	<p>G. The DEIR Fails to Adequately Analyze and Mitigate the Potential Adverse Impacts of the Project on Indoor Air Quality.</p> <p>The DEIR also fails to address the significant health risks from the toxic air contaminant ("TAC"), formaldehyde, posed by the Project. TACs are pollutants with the potential to cause significant adverse health effects. Certified Industrial Hygienist, Francis "Bud" Offermann, PE, CIH, has conducted a review of the Project, the DEIR, and relevant documents regarding the Project's indoor air emissions. Indoor Environmental Engineering Comments (April 12, 2021) (attached as Exhibit C). Mr. Offermann is one of the world's leading experts on indoor air quality, in</p>	<p>The commenter speculates about the types of indoor building materials that would be used during construction of Housing Projects #1 and #2. There is no substantial evidence that the project will involve use of materials that contain formaldehyde in levels that pose a risk to human health. As described on Draft EIR pages 5.5-4 and 5.5-10, UC Berkeley's Campus Design Standards include requirements for building materials, lighting, glass and glazing, screening, planting, and others. The Campus Design Standards largely adopt and build off of other applicable regulations, such as the 2019 California Green Building Code (California Code of Regulations Title 24, Part 11, known as CALGreen). CALGreen established planning and design standards for reducing internal air contaminants and requires that all composite wood</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>particular emissions of formaldehyde, and has published extensively on the topic. As discussed below and set forth in Mr. Offermann’s comments, the Project’s emissions of formaldehyde to air will result in very significant cancer risks to future residents of the Project’s residential units. Mr. Offermann’s expert opinion and calculation is substantial evidence that the Project may have significant health risk impacts as a result of these indoor air pollution emissions. These impacts must be addressed in the DEIR.</p> <p>Formaldehyde is a known human carcinogen and listed by the State as a TAC. The Bay Area Air Quality Management District (“BAAQMD”) has established a significance threshold of health risks for carcinogenic TACs of 10 in a million. DEIR 5.2-22 fn 24. The DEIR fails to acknowledge the significant indoor air emissions that will result from the Project. Specifically, there is no discussion of impacts or health risks, no analysis, and no identification of mitigations for significant emissions of formaldehyde to air from the Project. The DEIR contains a Health Risk Assessment (HRA), but this HRA does not analyze the impact that the use of formaldehyde-emitting building materials will have on future residents of the Housing Projects #1 and #2, or any of the other potential future residential spaces proposed under the LRDP.</p> <p>Mr. Offermann explains that many composite wood products typically used in home and apartment building construction contain formaldehyde-based glues which off-gas formaldehyde over a very long time period. He states, “The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particle board. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.” Offermann Comments, pp. 2-3.</p>	<p>products used on the interior of a building “shall meet the requirements for formaldehyde as specified in California Air Resources Board Air Toxics Control Measure for Composite Wood (17 California Code of Regulations Section 93120 et seq.).” Example Campus Design Standards aimed to improve indoor air quality are 09 65 00, Part 2.a.i.3 (flooring materials), 09 91 00, Part 2.a.iii (painting and coating), and 23 00 00, Part 1.a.ii. and Part 2.a (heating, ventilation, and air conditioning). As stated in the CEQA Guidelines Section 15126.4, compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.</p> <p>In summary, without substantial evidence that building materials that will be used in project construction will emit formaldehyde gas in levels that will exceed the State’s emission limits, the commenter’s assertion that future residents of Housing Projects #1 and #2 could be at risk for carcinogens constitutes speculation, not substantial evidence. Additionally, the commenter speculates that the proposed project could have an effect on the future users and residents of the housing projects, which is not considered to be an impact under CEQA and need not be analyzed in the Draft EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Mr. Offermann states that future residents of the Project will be exposed to a cancer risk from formaldehyde of approximately 120 per million, assuming all materials are compliant with the California Air Resources Board’s formaldehyde airborne toxics control measure. Offermann Comments, p. 3. This is 12 times the BAAQMD’s CEQA significance thresholds for airborne cancer risk of 10 per million. Id. Mr. Offermann concludes that these significant environmental impacts should be analyzed in the DEIR and mitigation measures should be imposed to reduce the risk of formaldehyde exposure. Offermann Comments, pp. 2-4. He prescribes a methodology for estimating the Project’s formaldehyde emissions in order to do a more project-specific health risk assessment. Id., pp. 5-9. Mr. Offermann also suggests several feasible mitigation measures, such as requiring the use of no-added-formaldehyde composite wood products, which are readily available. Id. at 11-12. Mr. Offermann also suggests requiring air ventilation systems that would provide each room with a continuous mechanical supply of outdoor air that meets or exceeds the California Building Energy Efficiency standards. Id. at 12. Since the DEIR does not analyze this impact at all, none of these or other mitigation measures have been considered.</p>	
	<p>When a Project exceeds a duly adopted CEQA significance threshold, as here, this alone establishes substantial evidence that the project will have a significant adverse environmental impact. Indeed, in many instances, such air quality thresholds are the only criteria reviewed and treated as dispositive in evaluating the significance of a project’s air quality impacts. See, e.g. <i>Schenck v. County of Sonoma</i> (2011) 198 Cal.App.4th 949, 960 (County applies BAAQMD’s “published CEQA quantitative criteria” and “threshold level of cumulative significance”); see also <i>Communities for a Better Environment v. California Resources Agency</i> (2002) 103 Cal.App.4th 98, 110-111 (“A ‘threshold of significance’ for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant”). The California Supreme Court made clear the substantial importance that an air district</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>significance threshold plays in providing substantial evidence of a significant adverse impact. <i>Communities for a Better Environment v. South Coast Air Quality Management Dist.</i> (2010) 48 Cal.4th 310, 327 (“As the [South Coast Air Quality Management] District’s established significance threshold for NOx is 55 pounds per day, these estimates [of NOx emissions of 201 to 456 pounds per day] constitute substantial evidence supporting a fair argument for a significant adverse impact”).</p>	
	<p>Since expert evidence demonstrates that the Project will exceed the BAAQMD’s CEQA significance threshold, there is substantial evidence that an “unstudied, potentially significant environmental effect[.]” exists. See <i>Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Cmty. Coll. Dist.</i> (2016) 1 Cal.5th 937, 958 (emphasis added). As a result, the DEIR must address this impact and identify enforceable mitigation measures.</p>	
	<p>The failure of the DEIR to address the Project’s formaldehyde emissions is contrary to the California Supreme Court’s decision in <i>California Building Industry Ass’n v. Bay Area Air Quality Mgmt. Dist.</i> (2015) 62 Cal.4th 369, 386 (“CBIA”). In that case, the Supreme Court expressly holds that potential adverse impacts to future users and residents from pollution generated by a proposed project must be addressed under CEQA. At issue in CBIA was whether the Air District could enact CEQA guidelines that advised lead agencies that they must analyze the impacts of adjacent environmental conditions on a project. The Supreme Court held that CEQA does not generally require lead agencies to consider the environment’s effects on a project. CBIA, 62 Cal.4th at 800-801. However, to the extent a project may exacerbate existing environmental conditions at or near a project site, those would still have to be considered pursuant to CEQA. Id. at 801. In so holding, the Court expressly held that CEQA’s statutory language required lead agencies to disclose and analyze “impacts on a project’s users or residents that arise from the project’s effects on the environment.” Id. at 800 (emphasis</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
added).	<p>The carcinogenic formaldehyde emissions identified by Mr. Offermann are not an existing environmental condition. Those emissions to the air will be from the Project. People will be residing in and using Housing Project #1 and #2 and other future housing projects once they are built and begin emitting formaldehyde. Once built, the residential buildings will begin to emit formaldehyde at levels that pose significant direct and cumulative health risks. The Supreme Court in CBIA expressly finds that this type of air emission and health impact by the project on the environment and a “project’s users and residents” must be addressed in the CEQA process. The existing TAC sources near the Project site would have to be considered in evaluating the cumulative effect on future residents of both the Project’s TAC emissions as well as those existing off-site emissions.</p>	
	<p>The Supreme Court’s reasoning is well-grounded in CEQA’s statutory language. CEQA expressly includes a project’s effects on human beings as an effect on the environment that must be addressed in an environmental review. “Section 21083(b)(3)’s express language, for example, requires a finding of a ‘significant effect on the environment’ (§ 21083(b)) whenever the ‘environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.’” CBIA, 62 Cal.4th at 800 (emphasis in original). Likewise, “the Legislature has made clear—in declarations accompanying CEQA’s enactment—that public health and safety are of great importance in the statutory scheme.” Id., citing e.g., §§ 21000, subds. (b), (c), (d), (g), 21001, subds. (b), (d). It goes without saying that the hundreds of future residents at the Project are human beings and the health and safety of those residents must be subjected to CEQA’s safeguards.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The University has a duty to investigate issues relating to a project’s potential environmental impacts. See <i>County Sanitation Dist. No. 2 v. County of Kern</i>, (2005) 127 Cal.App.4th 1544, 1597–98. [“[U]nder CEQA, the lead agency bears a burden to investigate potential environmental impacts.”]. The proposed residential buildings will have significant impacts on air quality and health risks by emitting cancer-causing levels of formaldehyde into the air that will expose future residents to cancer risks potentially in excess of BAAQMD’s threshold of significance for cancer health risks of 10 in a million. Currently, outside of Mr. Offermann’s comments, the University does not have any idea what risks will be posed by formaldehyde emissions from the Project or the residences. As a result, the University must include an analysis and discussion in the DEIR which discloses and analyzes the health risks that the Project’s formaldehyde emissions may have on future residents and identifies appropriate mitigation measures. Until that occurs, the DEIR is insufficient in disclosing this important impact.</p>	
B5-27	<p>H. The DEIR Fails to Identify All Feasible Mitigations to Address the Project’s Acknowledged Significant and Unavoidable Air Quality Impacts.</p> <p>The LRDP’s operational ROG/VOC emissions exceed the BAAQMD threshold of significance and constitute a significant impact. DEIR 5.2-20. While the DEIR requires some mitigation, it ultimately concludes that this impact is significant and unavoidable. DEIR 5.2-53. This finding is not supported by substantial evidence.</p> <p>Under CEQA, when an agency approves a project with significant environmental impacts that will not be fully mitigated, it must adopt a “statement of overriding considerations” finding that, because of the project’s overriding benefits, it is approving the project despite its environmental harm. 14 Cal. Admin. Code §15043; Pub. Res. Code §21081(b); <i>Sierra Club v. Contra Costa County</i> (1992) 10 Cal.App.4th 1212,</p>	<p>The commenter requests consideration of additional mitigation measures to reduce ROG emissions associated with operation of the proposed project (Impact Air-2.2). See also Response B5-82 for individual responses provided in the Exhibit. The commenter has identified the following potential mitigation measures: use of Tier 4 Final construction equipment; reduced idling time for trucks; requiring zero emissions heavy-duty (on-road) vehicles for construction starting in 2030 or later years; and installing air filtration systems in new housing. The are responded to as follows:</p> <ul style="list-style-type: none"> ▪ Tier 4 Construction Equipment. Mitigation Measure AIR-2.1 requires use of equipment that is rated by the U.S. EPA as Tier 4 Final for all equipment 50 horsepower and higher. See Response A3-77. ▪ Reduced Idling Time. CBP AIR-3 requires that construction contractors ensure that all nonessential idling of construction equipment is restricted to five minutes or less, in compliance with

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>1222. A statement of overriding considerations expresses the “larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes and the like.”</p> <p><i>Concerned Citizens of South Central LA v. Los Angeles Unif. Sch. Dist.</i> (1994) 24 Cal.App.4th 826, 847.</p>	<p>Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. Therefore, nonessential idling time is already limited on-site to the extent practicable.</p>
	<p>An agency may adopt a statement of overriding considerations only after it has imposed all feasible mitigation measures to reduce a project’s impact to less than significant levels. 14 Cal. Admin. Code §§ 15126.4, 15091. CEQA prohibits agencies from approving projects with significant environmental impacts when feasible mitigation measures can substantially lessen or avoid such impacts. Pub. Res. Code § 21002. As explained in CEQA Guidelines § 15092(b)(2), an agency is prohibited from approving a project unless it has “[e]liminated or substantially lessened all significant effects on the environment where feasible.”</p>	<ul style="list-style-type: none"> ■ Use of Zero Emission (ZE) Trucks by 2030. ZE on-road trucks are just entering the market and are generally not commercially available at this time. However, the California Air Resources Board (CARB) anticipates that by 2030, ZE trucks will comprise a larger part of the economy. While these trucks may be commercially available by 2030, use of ZE trucks by construction contractors and vendors is not an enforceable condition for the proposed project and is outside of the jurisdiction for UC Berkeley. While UC Berkeley may go out to bid for construction projects on campus, the contractors themselves do not own the vendor trucks used to supply products or transport haul materials offsite. Similarly, UC Berkeley does not have control over vendor deliveries at UC Berkeley. These trucks are owned by individual operators or fleet owners. As a result, for this programmatic level of analysis, it cannot be guaranteed that ZE trucks are available. Therefore, this measure was considered and determined to be infeasible.
	<p>Here, the University has not imposed all feasible mitigation measures to reduce the Project’s ROG/VOC emissions. The environmental consulting firm SWAPE, whose comments and CVs are attached as exhibit D, documents numerous other mitigation measures that can further reduce the LRDP’s ROG/VOC emissions. SWAPE, 12-13 and 19-23. These include things like requiring Tier 4 Final construction equipment, further reducing permissible idling times for trucks, requiring zero-emission heavy duty vehicles for all construction starting in 2030– or earlier, and installing air filtration systems in new housing. The DEIR must be revised to include these additional feasible mitigation measures.</p>	<ul style="list-style-type: none"> ■ Enhanced Filtration Systems. As identified in Response B5-26, impacts of the environment on a project are generally not CEQA impacts (<i>California Building Industry Association v. Bay Area Air Quality Management District</i> (2015) 62 Cal.4th 369, Case No. S213478). However, the California Building Code (Title 24), Part 6 (California Building and Energy Efficiency Standards) as well as Part 11 (California Green Building Standards Code [CALGreen]) has standards for enhanced filtration for multi-family residential buildings. Under Title 24, Part 6, Section 120.1(b)(1)(C) and Part 11 (Section 5.504.5.3), multifamily residential buildings that are four stories or higher are required to use Minimum Efficiency Reporting Value (MERV)-13 filters. As a result, compliance with existing regulations is sufficient to ensure a healthy indoor air quality environment.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-28	<p>CONCLUSION</p> <p>For the foregoing reasons, AFSCME urges the University to prepare and recirculate a revised DEIR addressing the above shortcomings. Thank you for your attention to these comments.</p>	<p>The comment serves as a conclusion for the comments above. Please see Responses B5-1 through B5-27.</p>
B5-29	<p>Exhibit A Comments from Shawn Smallwood, consulting biologist</p> <p>I write to comment on the proposed update to the UC Berkeley Long Range Development Plan (LRDP) and Housing Projects #1 and #2 Draft Environmental Impact Report (DEIR). The project would replace the existing LRDP to guide the construction of 8,096,249 net new gross square feet of floor space to accommodate 48,200 students and 19,000 faculty by 2036. Housing project #1 would replace existing structures with a 16-story building on 0.92 acres. Housing project #2 would replace People’s Park with two buildings on 2.8 acres.</p> <p>My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I subsequently worked for four years as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, interactions between wildlife and human infrastructure and activities, conservation of rare and endangered species, and on the ecology of invading species. I authored numerous papers on special-status species issues. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and the Raptor Research Foundation, and I’ve been a part-time lecturer at California State University, Sacramento. I was Associate Editor of wildlife biology’s premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in</p>	<p>The qualifications of Dr. Smallwood and methodology and theories related to the results of his observations made during reconnaissance surveys conducted on 17 April 2021 and 12 January 2020 are noted. Dr. Smallwood’s claims that “the number of species detected is a function of survey effort” does not consider the larger factors in the number of species detected from a particular location, including the size of the study area and the habitat quality and complexity as well as the presence or absence of critical features such as available water, food source and conditions necessary for successful reproduction. Where vegetative cover and complexity are limited and water and other essential habitat characteristics are absent, such as an urbanized area with paved surfaces and structures, the species diversity and density of wildlife would be comparatively less than locations with natural habitat, available water, food and protective cover necessary for survival and reproduction. The purpose of reconnaissance-level surveys is to assess and document habitat conditions and to determine whether or not further detailed studies are necessary to provide confirmation on presence or absence of sensitive resources. This is part of standard practices in conducting biological assessments as part of CEQA review, as was performed during preparation of Chapter 5.3, Biological Resources, in the Draft EIR for the LRDP Update.</p> <p>Dr. Smallwood’s assertion that a “...greater survey effort increases the likelihood that listed species would be detected...” oversimplifies the purpose and need of habitat assessments and detailed surveys. If suitable habitat is not present as necessary to support occupation by a special-status species, no amount of detailed survey effort would</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>California for thirty-five years, including at many proposed project sites. My CV is attached.</p> <p>SITE VISITS</p> <p>Survey at People’s Park.—I visited the site of the proposed Housing Project #2 on 17 April 2021. I walked the perimeter of People’s Park for 1 hour and 40 minutes, starting at 07:10 hours. Coastal fog covered the site early on, but it broke up to clear sky towards the end of my survey. People’s Park is an urban park covered partly by lawn, but also community gardens and many trees. At the time of my visit, People’s Park was occupied by many people living in tent shelters.</p> <p>I detected 22 species of vertebrate wildlife within 100 minutes of survey (Table 1). I detected 2 non-native species and 3 species with special-status. The site supports many birds, most of which actively foraged on the site while I watched. Signs of breeding at and around the site were also evident. I saw mourning doves (Photo 1), red-tailed hawk and California towhees (Photos 2 and 3), Anna’s hummingbirds and bushtits (Photos 4 and 5), golden-crowned sparrows and dark-eyed juncos (Photos 6 and 7), and many house finches (Photo 8) among other species.</p>	<p>increase the likelihood of detection. If suitable habitat is not present, then the special-status species cannot survive in that location. Any observation of a listed species in an area of unsuitable habitat is likely because the individual is passing through or dispersing for some reason not related to habitat conditions in that location. Dr. Smallwood’s confidence in forecasting the number of species that could be detected with longer surveys or the likelihood of detecting a listed species is noted. Please see Response B5-30 for a discussion of survey methodology, what constitutes a special-status species under CEQA review, and the thoroughness of the analysis conducted in Chapter 5.3, Biological Resources, of the Draft EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Table 1. Species of wildlife I observed at People's Park during my site visit on 17 April 2021.





Species	Scientific name	Status ¹	Note
California gull	<i>Larus Californicus</i>	TWL	Foraging on site
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP	Foraging on site
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP	
Mourning dove	<i>Zenaidura macroura</i>		
Eurasian collared-dove	<i>Streptopelia decaocto</i>	Non-native	Flyover
Rock pigeon	<i>Columba livia</i>	Non-native	Foraging on site
Black-chinned hummingbird	<i>Archilochus alexandri</i>		
Anna's hummingbird	<i>Calypte anna</i>		Nesting/foraging on site
Chestnut-backed chickadee	<i>Poecete rufescens</i>		
Bush-tit	<i>Psaltriparus minimus</i>		Foraging on site
Cedar waxwing	<i>Bombycilla cedrorum</i>		Foraging on site
American crow	<i>Corvus brachyrhynchos</i>		Foraging on site
Yellow-rumped warbler	<i>Dendroica coronata</i>		
Townsend's warbler	<i>Dendroica townsendi</i>		
Dark-eyed junco	<i>Junco hyemalis</i>		Foraging on site
White-crowned sparrow	<i>Zonotrichia leucophrys</i>		Foraging on site
Golden-crowned sparrow	<i>Zonotrichia atricapilla</i>		Foraging on site
California towhee	<i>Pipilo crissalis</i>		Foraging on site
Great-tailed grackle	<i>Quiscalus mexicanus</i>		Call
Lesser goldfinch	<i>Carduelis psaltria</i>		Foraging on site
Eastern fox squirrel	<i>Sciurus niger</i>	Non-native	Foraging on site

¹ BCC = US Fish and Wildlife Service's Birds of Conservation Concern, SSC = California Species of Special Concern, ROP = California Fish and Game Code 3503.5 -- Birds of prey, TWL = California Department of Fish and Wildlife Taxa to Watch List (Shuford and Gardali 2008).



Photo 1. Mourning dove at People's Park, 17 April 2021.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
		
	<p>Photos 2 and 3. Red-tailed hawk (left) and California towhee (right) at People's Park, 17 April 2021.</p>	
		
	<p>Photos 4 and 5. Anna's hummingbird (left) and bushtit (right) at People's Park, 17 April 2021.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**







Letter/ Comment #	Comment	Response
		<p>Photos 6 and 7. Golden-crowned sparrow (above) and dark-eyed junco (right) at People's Park, 17 April 2021.</p>
	<p>Photo 8. House finches foraging at People's Park, 17 April 2021.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>Photos 9 and 10. Anna's hummingbird (left) and chestnut-backed chickadee (right) in Strawberry Canyon, 12 January 2020. I also see these species in People's Park on 17 April 2021.</p>
	<p>Photo 11. One of numerous Townsend's warblers in the woods just of Strawberry Canyon, 12 January 2020. I also saw Townsend's warbler in People's Park on 17 April 2021.</p>	<p>Survey at Strawberry Canyon.—I had earlier visited a site in Strawberry Canyon around the Levine-Fricke Softball Field on 12 January 2020, walking its perimeter while scanning for wildlife using binoculars. I started at 11:54 hours and finished 2 hours and 27 minutes later. The sky was partly overcast and temperatures were cool. The slope south of the project site was heavily forested in California Bay.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

I detected 19 species of wildlife within 147 minutes (Table 2). I saw at least two nests of San Francisco dusky-footed woodrats – a California Species of Special Concern. I saw an osprey (Photo 9), as well as Townsend’s warblers (Photo 10). I saw 7 special-status species during my short visit. Strawberry Canon was obviously rich in wildlife.

Table 2. Species of wildlife I observed in Strawberry Canyon, 12 January 2020.

Species	Scientific name	Status ^a	Note
Turkey vulture	<i>Cathartes aura</i>	BOP	multiple
Osprey	<i>Pandion haliaetus</i>	TWL, BOP	overflight
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP	3 engaged in territory defense
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP	call
Cooper’s hawk	<i>Accipiter cooperii</i>	TWL, BOP	overflight
Anna’s hummingbird	<i>Calypte anna</i>		territory defense
Acorn woodpecker	<i>Melanerpes formicivorus</i>		colony
Northern flicker	<i>Colaptes auratus</i>		call
Hutton’s vireo	<i>Vireo huttoni</i>		multiple
Oak titmouse	<i>Parus inornatus</i>	BCC	
Mountain chickadee	<i>Parus gambeli</i>		many
Chestnut-backed chickadee	<i>Poecile rufescens</i>		many
Ruby-crowned kinglet	<i>Regulus calendula</i>		
Common raven	<i>Corvus corax</i>		at least 6
American crow	<i>Corvus brachyrhynchos</i>		
Townsend’s warbler	<i>Dendroica townsendi</i>		many
Dark-eyed junco	<i>Junco hyemalis</i>		many
California towhee	<i>Pipilo crissalis</i>		pair
San Francisco dusky-footed woodrat	<i>Neotoma fuscipes amnectens</i>	SSC	dens south of field

^a BCC = US Fish and Wildlife Service’s Birds of Conservation Concern, SSC = California Species of Special Concern, BOP = California Fish and Game Code 3503.5 -- Birds of prey, TWL = California Department of Fish and Wildlife Taxa to Watch List (Shuford and Gardali 2008).

I must add the caveat that my surveys were not detection surveys for special-status species. Detection surveys are designed by species’ experts to, at reasonable cost, provide the best chance for detecting the targeted species by applying the methods and survey effort most likely to detect the species if it is indeed present. The objectives of detection surveys are to (1) support negative findings of species when appropriate, (2) inform preconstruction surveys to improve their efficacy, (3) estimate project impacts, and (4) inform compensatory mitigation and other forms of mitigation. Absence determinations should not be made

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

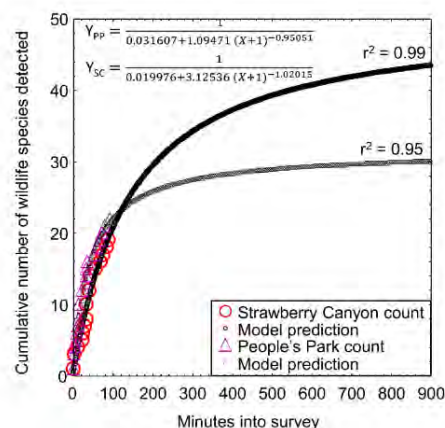
Letter/ Comment #	Comment	Response
	<p>for special-status species without the support of negative findings of detection surveys. Nor should absence be determined or implied by me or anyone else having conducted a reconnaissance-level survey or a search for occurrence records in electronic data bases.</p>	
	<p>My surveys were reconnaissance-level surveys. I performed them to assess habitat conditions, to determine whether any readily detectable special-status species were present, and to assess species richness and the likelihood of special-status species occurrence by examining the rate of species detections. The number of species detected within a given reconnaissance survey effort can inform of the number of species that likely would have been detected with a larger survey effort during the same time of year. During any given reconnaissance-level survey, there are only so many species likely to be detected. By recording when I detect each species, I am able to forecast the number of species that could have been detected with a longer effort using the same survey method. Figure 1 shows my cumulative counts of species detected with increasing time into my survey at People’s Park and within Strawberry Canyon. Just as I have seen for many other survey efforts, nonlinear regression models fit the data very well, explaining 95% and 99% of the variation in the data, and each showed progress towards the inevitable asymptote of the number of species detectable from the same survey method over a longer time period. The model typically performs well with logistic growth curves.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Figure 1. Actual and predicted relationships between the number of vertebrate wildlife species detected and the elapsed survey time based on visual scans on 17 April 2021 at People’s Park and on 12 January 2020 in Strawberry Canyon. Note that the relationships would differ if the surveys were based on another method, another time of day, or during another season. Also note the cumulative number of vertebrate species across all methods, times of day, and seasons would increase substantially.



My cumulative count of species at People’s Park increased more rapidly than it did in Strawberry Canyon, but the model fit to the counts reached an asymptote more quickly based on counts at People’s Park. Had I continued my surveys indefinitely and had my methods remained unchanged, then the People’s Park model predicted I would have detected 31 species of vertebrate wildlife. The Strawberry Canyon model predicted I would have detected 50 species of vertebrate wildlife. However, with the additions of different survey dates, times of day, and different methods and locations, my species detections would have far exceeded these numbers. Between my two surveys alone, I detected 33 species of vertebrate wildlife, including 8 special-status species. A larger effort would eventually represent hundreds of species of vertebrate wildlife detected in the project area. A remaining question is how many special-status species would I eventually detect with a larger effort? Another is, what would the likelihood be of detecting a listed species?

The likelihood of detecting special-status species is typically lower than that of more common species. This difference can be explained by the fact that special-status species tend to be rarer than common species.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Special-status species also tend to be more cryptic, fossorial, or active during nocturnal periods when reconnaissance surveys are not performed. Another useful relationship from careful recording of species detections and subsequent comparative analysis is the probability of detection of listed species as a function of an increasing number of vertebrate wildlife species detected (Figure 2). (Note that listed species number fewer than special-status species, which are inclusive of listed species.) As demonstrated in Figure 1, the number of species detected is a function of survey effort. Therefore, greater survey effort increases the likelihood that listed species will be detected. Based on the outcomes of 106 previous surveys that I performed at sites of proposed projects, my respective survey efforts in Strawberry Canyon and at People’s Park carried 25% and 33% chances of detecting a listed species. There is a reasonably high likelihood that with additional surveys I would eventually detect a listed species. It is even more likely I would detect more special-status species on the project site.</p>	
	<p>Figure 2. Probability of detecting ≥1 Candidate, Threatened or Endangered Species of wildlife listed under California or federal Endangered Species Acts, based on survey outcomes that I logit-regressed on the number of wildlife species I detected as an expert witness during 106 site visits throughout California. The solid vertical line represents the cumulative number of species I detected at People’s Park on 17 April 2021, and the dashed line represents the number of species I detected in Strawberry Canon on 12 January 2020.</p>	
B5-30	BIOLOGICAL IMPACTS ASSESSMENT	<p>The commenter expresses an opinion regarding the thoroughness of surveys conducted as part of the assessment of potential impacts from implementation of the LRDP Update on biological resources in the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>One of the key measures to mitigate impacts to biological resources at UC Berkeley is LRDP Mitigation Measure BIO-1-c (UC Berkeley 2004:2-13): “Detailed surveys would be conducted during the appropriate season where necessary to confirm presence or absence of any special-status species.” In the 2021 DEIR, I see no evidence of such detailed surveys having been performed. According to the DEIR (p. 5.3-1), “reconnaissance surveys were conducted on August 20, 2020, and November 10, 2020, focusing on potential development areas on the Campus Park and Housing Project #1 and #2 sites.” However, the DEIR did not include the reports of these surveys, nor did it summarize their findings, and nor did it characterize these surveys as detailed surveys for special-status species. The DEIR did not even provide references for these surveys. I could not discover what was found during the surveys, whether additional species were found to those I found, and whether any of the species found were special-status. Without reports of how these surveys were performed and what was found, the LRDP Mitigation Measure BIO-1-c remains unfulfilled and the 2021 DEIR remains incomplete.</p> <p>The DEIR’s determinations of the occurrence likelihoods of special-status species do not comport well with eBird and iNaturalist records in the area (Table 2). The DEIR determines two species not to be expected to occur on the project area, even though they have been documented on site. The DEIR determines five species to possibly occur on the project area, even though they have been documented on site. Even more troubling is the long list of species whose occurrence likelihoods are not assessed at all. Of 64 special-status species listed in Table 2, the DEIR assesses occurrence likelihoods for only 16 (25%) of them. The DEIR remains grossly incomplete.</p> <p>Considering the DEIR’s weak baseline survey effort, characterizations of the occurrence likelihoods of wildlife too often imply absences of special-status species. For example, the DEIR (p. 5.3-16) asserts, “There is</p>	<p>Draft EIR. As described on page 5.3-1 of the Draft EIR, biological resources in the EIR Study Area were identified through a review of available information, including the EIR for the current LRDP, environmental documents on specific developments on the Campus Park and surrounding areas, review of resource databases and inventories, and field assessments conducted for the Hill Campus East and Hill Campus West, and Housing Projects #1 and #2 sites. Field reconnaissance surveys were conducted on August 20, 2020 and November 10, 2020, focusing on potential development areas on the Campus Park and Housing Projects #1 and #2 sites. The field surveys served to confirm existing conditions, assess habitat suitability for special-status species, perform a preliminary wetland assessment, determine whether any additional detailed surveys were necessary, and allow for an assessment of potential impacts and need for any mitigation measures.</p> <p>Chapter 5.3, Biological Resources, includes a description of existing habitat conditions and a thorough review of special-status species known or suspected from the EIR Study Area, as described in detail on pages 5.3-9 through 5.3-22 of the Draft EIR. Results of the biological assessment performed during the background review and field reconnaissance surveys concluded that additional detailed surveys were not necessary to support the analysis of potentially significant impacts assessed in Chapter 5.3, Biological Resources, of the Draft EIR. The potential impacts of implementation of the proposed LRDP Update were then evaluated against this baseline to evaluate the adequacy of existing programs and proposed LRDP objectives intended to protect and enhance sensitive biological resources. Biological resources data compiled for this analysis was contained in Appendix E, Biological Resources Data, of the Draft EIR. The findings from the literature review and field reconnaissance surveys were incorporated directly into Chapter 5.3, Biological Resources, of the Draft EIR and no separate report was prepared or is necessary.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>a remote possibility that one or more species of special-status bat could use mature trees with cavities and exfoliating bark, or attics and other locations in buildings on the Campus Park that are largely inaccessible to humans and remain relatively undisturbed.” With this assertion, the DEIR leaps from no baseline survey effort – i.e., no empirical foundation – to a conclusion of only the “remote possibility” of bats occurring in the project area. What information does UC Berkeley rely upon to assert that the occurrence likelihood of bats is remote? Research of bat habitat would indicate that bats very likely roost on the project area, and very likely forage there as well (Kunz and Lumsden 2003). In my own experience, I have spent many hours on a thermal-imaging camera watching bat activity not very far from the project site, including in a highly urbanized environment.</p> <p>The DEIR makes no mention of the impact to the peregrine falcons that nest on UC Berkeley campus and which would lose important foraging habitat at People’s Park. Many rock pigeons live at People’s Park, so it is likely that the breeding pair of Peregrine falcons on campus make routine visits to the Park to catch pigeons.</p>	<p>Detailed surveys to confirm presence or absence of special-status species, as called for in Mitigation Measure BIO-1c of the Draft EIR referenced by the commenter, are required only “where necessary” based on the habitat suitability analysis prepared as part of the biological assessment. No further detailed surveys are necessary, beyond those identified as CBPs in Chapter 5.3, Biological Resources, of the Draft EIR as future development plans are defined or before actual construction and vegetation clearance is initiated.</p> <p>The commenter asserts that the determination in the Draft EIR on the likelihood of special-status species in the EIR Study Area does not comport with information sources such as bird and naturalist records. According to the commenter, two species not expected to occur have reportedly been documented as present, that five species considered to possibly occur have been documented as present, and that numerous other species were not included in the Draft EIR analysis. However, several issues must be clarified with regard to these assertions.</p> <p>First, regarding what constitutes a special-status species, the commenter uses a very broad definition which is not consistent with CEQA biological review practices. Special-status species are plants and animals that are legally protected under the State and/or federal ESAs or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat. As defined on page 5.3-2 of the Draft EIR, special-status species are species, subspecies, or varieties that fall into one or more of the following categories:</p> <ul style="list-style-type: none"> ▪ Officially listed by California under the CESA or the federal government under the ESA as endangered, threatened, or rare;

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Table 2. Special status species potentially occurring in the project area (PP = People's Park, specifically), according to the 2021 DEIR and my review of eBird (<https://eBird.org>) and iNaturalist (<https://www.inaturalist.org/observations>).

Species	Scientific name	Status ¹	Occurrence potential	
			DEIR 2021	eBird, iNaturalist
California red-legged frog	<i>Rana draytonii</i>	FT, SSC	Possible	Nearby
Western pond turtle	<i>Actinemys marmorata</i>	SSC	Possible	Very close
Alameda whipsnake	<i>Thamnophis lateralis urixanthus</i>	FE, CE, CFP	Present	In region
Pallid bat	<i>Antrozous pallidus</i>	SSC, WBWG H	Possible	In region
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC, WBWG H	Possible	In region
Hoary bat	<i>Lasiurus cinereus</i>	WBWG M		Nearby
Western red bat	<i>Lasiurus Blosserillii</i>	SSC, WBWG H	Possible	Nearby
Fringed myotis	<i>Myotis thysanodes</i>	WBWG H		In region
Miller's myotis	<i>Myotis evotis</i>	WBWG M		In region
Small-footed myotis	<i>Myotis californicus</i>	WBWG M		In range
Ringtail	<i>Bassariscus astutus</i>	CFP		In region
Mountain lion	<i>Puma concolor</i>	CFP	Possible	On site
San Francisco dusky-footed woodrat	<i>Neotoma fuscipes annectens</i>	SSC	Present	On site
American badger	<i>Taxidea taxus</i>	SSC	Possible	In region
Double-crested cormorant	<i>Phalacrocorax auratus</i>	TWL		On site
American white pelican	<i>Pelecanus erythrorhynchos</i>	SSC1		On site
Brown pelican	<i>Pelecanus occidentalis californicus</i>	CFP		Nearby
California gull	<i>Larus californicus</i>	TWL		On site (PP)
Caspian tern	<i>Hydroprogne caspia</i>	TWL		On site
Elegant tern	<i>Thalasseus elegans</i>	BCC		Nearby
Turkey vulture	<i>Cathartes aura</i>	BOP		On site
Osprey	<i>Pandion haliaetus</i>	TWL, BOP		On site
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGEPA, BCC, CE, CFP	Not expected	On site
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA, BCC, CFP, TWL	Possible	On site
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP		On site (PP)
Swainson's hawk	<i>Buteo swainsoni</i>	CT, BCC, BOP		On site
Ferruginous hawk	<i>Buteo regalis</i>	TWL, BOP		Nearby
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP		On site (PP)

Species	Scientific name	Status ¹	Occurrence potential	
			DEIR 2021	eBird, iNaturalist
Rough-legged hawk	<i>Buteo lagopus</i>	BOP		In region
Sharp-shinned hawk	<i>Accipiter striatus</i>	BOP, TWL		On site
Cooper's hawk	<i>Accipiter cooperi</i>	BOP, TWL		On site
Northern harrier	<i>Circus cyaneus</i>	SSC3, BOP	Possible	On site
White-tailed kite	<i>Elanus leucurus</i>	CFP, TWL, BOP	Possible	On site
American kestrel	<i>Falco sparverius</i>	BOP		On site
Merlin	<i>Falco columbarius</i>	BOP, TWL		On site
Prairie falcon	<i>Falco mexicanus</i>	TWL, BOP		In region
Peregrine falcon	<i>Falco peregrinus</i>	BCC, CE, CFP, BOP	Present	On site
Great-horned owl	<i>Bubo virginianus</i>	BOP		On site
Short-eared owl	<i>Asia flammeus</i>	SSC3, BOP		On site
Western screech-owl	<i>Megascops kemmicki</i>	BOP		On site
Northern saw-whet owl	<i>Aegolius acadicus</i>	BOP		On site
Northern pygmy-owl	<i>Glaucidium gnoma</i>	BOP		In region
Barn owl	<i>Tyto alba</i>	BOP		On site
Black swift	<i>Cypseloides niger</i>	SSC3		On site
Vaux's swift	<i>Chaetura vauxi</i>	SSC2		On site
Allen's hummingbird	<i>Selasphorus sasin</i>	BCC		On site
Costa's hummingbird	<i>Calypte costae</i>	BCC		Nearby
Rufous hummingbird	<i>Selasphorus rufus</i>	BCC		On site
Nuttall's woodpecker	<i>Picoides nuttalli</i>	BCC		On site (PP)
Lewis's woodpecker	<i>Melanerpes lewis</i>	BCC		In region
Willow flycatcher	<i>Empidonax traillii</i>	CE, BCC		On site
Olive-sided flycatcher	<i>Contopus cooperi</i>	SSC2		On site
Oak titmouse	<i>Baeolophus inornatus</i>	BCC		On site (PP)
Yellow-billed magpie	<i>Pica nuttalli</i>	BCC		On site
Loggerhead shrike	<i>Lanius ludovicianus</i>	BCC, SSC2		Nearby
Purple martin	<i>Progne subis</i>	SSC2		In region
Yellow warbler	<i>Setophaga petcheia</i>	BCC, SSC2	Possible	On site
San Francisco common yellowthroat	<i>Geothlypis trichas sinuosa</i>	BCC, SSC3	Not expected	On site

- A candidate for State or federal listing as endangered, threatened, or rare under CESA or ESA;
- Taxa (i.e., taxonomic category or group) that meet the criteria for listing, even if not currently included on any list, as described in California Code of Regulations (CCR) Section 15380 of the CEQA Guidelines;
- Species identified by CDFW as Species of Special Concern (SSC);
- Species listed as Fully Protected³ under the California Fish and Game Code;
- Species afforded protection under local planning documents; and
- Taxa considered by CDFW to be “rare, threatened, or endangered in California” and assigned a California Rare Plant Rank (CRPR) 1, 2, or 3 by the California Native Plant Society (CNPS) in its Inventory of Rare and Endangered Plants of California.

The primary information source on the distribution of special-status species in California is the California Natural Diversity Database (CNDDDB) program, which is maintained under the Biogeographic Data Branch of the Biogeographic Data Branch of the California Department of Fish and Wildlife (CDFW). Occurrence data is obtained from a variety of scientific, academic, and professional organizations, public agencies, private consulting firms, and knowledgeable individuals, and then entered into the inventory. The CNDDDB data was considered along with the California Native Plant Society's Inventory of Rare and Endangered Plants, data from the CDFW and USFWS, and other information sources in considering the potential for occurrence of special-status species in the vicinity of the EIR Study Area. These were compiled into tables with species name, status, typical habitat characteristics, and their potential for occurrence in the EIR Study Area that are contained in Appendix E, Biological Resources Data, of the Draft EIR. Table E-1, Special-Status Plant Species Known or Suspected to Occur in Berkeley Hills Vicinity and Potential for

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																																								
<table border="1"> <thead> <tr> <th data-bbox="325 332 514 357">Species</th> <th data-bbox="514 332 745 357">Scientific name</th> <th data-bbox="745 332 892 357">Status¹</th> <th colspan="2" data-bbox="892 332 1071 357">Occurrence potential</th> </tr> <tr> <td></td> <td></td> <td></td> <th data-bbox="892 357 987 381">DEIR 2021</th> <th data-bbox="987 357 1071 381">eBird, iNaturalist</th> </tr> </thead> <tbody> <tr> <td data-bbox="325 381 514 397">Yellow-breasted chat</td> <td data-bbox="514 381 745 397"><i>Icteria virens</i></td> <td data-bbox="745 381 892 397">SSC₃</td> <td data-bbox="892 381 987 397"></td> <td data-bbox="987 381 1071 397">On site</td> </tr> <tr> <td data-bbox="325 397 514 414">Summer tanager</td> <td data-bbox="514 397 745 414"><i>Piranga rubra</i></td> <td data-bbox="745 397 892 414">SSC₁</td> <td data-bbox="892 397 987 414"></td> <td data-bbox="987 397 1071 414">Nearby</td> </tr> <tr> <td data-bbox="325 414 514 430">Bryant's savannah sparrow</td> <td data-bbox="514 414 745 430"><i>Passerculus sandwichensis alaudinus</i></td> <td data-bbox="745 414 892 430">SSC₃</td> <td data-bbox="892 414 987 430"></td> <td data-bbox="987 414 1071 430">On site</td> </tr> <tr> <td data-bbox="325 430 514 446">Grasshopper sparrow</td> <td data-bbox="514 430 745 446"><i>Ammodramus sacconiarum</i></td> <td data-bbox="745 430 892 446">SSC₂</td> <td data-bbox="892 430 987 446"></td> <td data-bbox="987 430 1071 446">In region</td> </tr> <tr> <td data-bbox="325 446 514 462">Oregon vesper sparrow</td> <td data-bbox="514 446 745 462"><i>Pooecetes gramineus affinis</i></td> <td data-bbox="745 446 892 462">SSC₂</td> <td data-bbox="892 446 987 462"></td> <td data-bbox="987 446 1071 462">Nearby</td> </tr> <tr> <td data-bbox="325 462 514 470">Lawrence's goldfinch</td> <td data-bbox="514 462 745 470"><i>Carduelis lawrencei</i></td> <td data-bbox="745 462 892 470">BCC</td> <td data-bbox="892 462 987 470"></td> <td data-bbox="987 462 1071 470">On site</td> </tr> </tbody> </table>	Species	Scientific name	Status ¹	Occurrence potential					DEIR 2021	eBird, iNaturalist	Yellow-breasted chat	<i>Icteria virens</i>	SSC ₃		On site	Summer tanager	<i>Piranga rubra</i>	SSC ₁		Nearby	Bryant's savannah sparrow	<i>Passerculus sandwichensis alaudinus</i>	SSC ₃		On site	Grasshopper sparrow	<i>Ammodramus sacconiarum</i>	SSC ₂		In region	Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>	SSC ₂		Nearby	Lawrence's goldfinch	<i>Carduelis lawrencei</i>	BCC		On site	<p>¹ Listed as FE or FT federal Endangered or Threatened, BCC = U.S. Fish and Wildlife Service Bird Species of Conservation Concern, CE or CT = California endangered or threatened, CFP = California Fully Protected (CDFG Code 3511), BOP = California Fish and Game Code FGC 3503.5 – Birds of prey, and SSC₁, SSC₂ and SSC₃ = California Species of Special Concern priorities 1, 2 and 3, respectively, and TWL = Taxa to Watch List (Shuford and Gardali 2008), and WBBWG = Western Bat Working Group with priority levels low, medium, and high.</p>	<p>Occurrence in EIR Study Area, provides information on 54 special-status plant species and Table E-2, Special-Status Wildlife Species Known to Occur in Berkeley Hills Vicinity and Potential for Occurrence in EIR Study Area, provides information on the 51 special-status animal species evaluated under this review. Of these, a total of 22 special-status plants and 16 special-status animal species were assumed to be present in or considered to have some potential for presence in the EIR Study Area, generally within the Hill Campus East.</p>
Species	Scientific name	Status ¹	Occurrence potential																																							
			DEIR 2021	eBird, iNaturalist																																						
Yellow-breasted chat	<i>Icteria virens</i>	SSC ₃		On site																																						
Summer tanager	<i>Piranga rubra</i>	SSC ₁		Nearby																																						
Bryant's savannah sparrow	<i>Passerculus sandwichensis alaudinus</i>	SSC ₃		On site																																						
Grasshopper sparrow	<i>Ammodramus sacconiarum</i>	SSC ₂		In region																																						
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>	SSC ₂		Nearby																																						
Lawrence's goldfinch	<i>Carduelis lawrencei</i>	BCC		On site																																						
		<p>The commenter incorrectly asserts that of the 64 special-status animal species contained in the commenter’s Table 2, that the Draft EIR assesses occurrence of only 16 of them and is therefore “grossly incomplete.” In fact, one half of the species in Table 2 are not considered to be of special-status species for the purposes of analyzing adverse effects in the context of CEQA as defined in the Draft EIR. These consist of four of the identified bat species and 29 of the bird species. Many of the species in the commenter’s Table 2 are identified in the text of Chapter 5.3, Biological Resources, of the Draft EIR, such as the assumed presence of great horned owl, red-shouldered hawk, red-tailed hawk, American kestrel, and other raptors and native birds in the EIR Study Area (see page 5.3-20 of the Draft EIR). Nests of raptors and other native birds are protected from destruction under the Migratory Bird Treaty Act and provisions in the California Fish and Game Code when in active use, and CBP BIO-1 calls for their avoidance in compliance with these laws. But great-horned owl, red-tailed hawk, turkey vulture, barn owl, Allen’s hummingbird and many of the other birds included in Table 2 of the comment are so common and widespread in California that it is erroneous to identify them as having a special-status under CEQA simply because individuals and nests in active use are protected under State or federal law.</p>																																								
		<p>It should also be noted that resources such as eBird and iNaturalist online databases/smartphone applications that were used in the</p>																																								

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>analysis by Dr. Smallwood are citizen-science projects that often include unverified accounts and unreliable locational information from non-professional contributors. Their use has not been accepted by the resource agencies to determine potential for occurrence or analysis of adverse effects for the purposes of CEQA. While they can be useful as a source of background information, they are not comparable to the CNDDDB records that were used in preparing Tables E-1 and E-2 in the Draft EIR. Use of the CNDDDB records in determining the distribution of special-status species in the vicinity of a project site is an accepted practice by professional biologists evaluating the likelihood of occurrence and assessing potential impacts of a proposed development. In summary, Dr. Smallwood’s claims that the Draft EIR does not provide a thorough assessment of potential impacts of the LRDP Update on special-status species are incorrect.</p> <p>Further, it should be acknowledged that no comments regarding the adequacy of the Draft EIR on the LRDP Update were received by the California Department of Fish and Wildlife nor U.S. Fish and Wildlife Service, who are trustee agencies and received the Draft EIR for review and comment. These agencies are responsible for overseeing implementation of the California Environmental Quality Act and federal Endangered Species Act, respectively and the protection and management of listed special-status species.</p> <p>As discussed on page 5.3-21 of the Draft EIR, there is a remote possibility that one or more species of special-status bat could use mature trees with cavities and exfoliating bark, or attics and other locations in buildings on the Campus Park that are largely inaccessible to humans and remain relatively undisturbed. However, the intensity of human activity on the Campus Park limits the likelihood that roosts are present in this portion of the EIR Study Area, and none have been reported by the CNDDDB in the vicinity. Table E-2 in Appendix E of the Draft EIR provides information on each of these species of bat and</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>their recognition by CDFW as an Species of Special Concern (SSC). The conclusion regarding likely absence on the Campus Park is based on the high sensitivity of these species to human disturbance as part of the habitat suitability analysis performed during preparation of Chapter 5.3, Biological Resources, of the Draft EIR. This was not a “leap from no baseline survey effort,” as contended by Dr. Smallwood, to conclude their possible presence was considered remote. Regardless of the opinion related to possible presence of special-status bat species in the EIR Study Area, CBP BIO-2 listed on page 5.3-26 of the Draft EIR would ensure avoidance of direct mortality of special-status bats and destruction of maternal roosts if they are encountered during the required preconstruction roosting surveys. Adherence to CBP BIO-2 provides for a cautious approach to ensuring the protection of a sensitive biological resources.</p> <p>The commenter contends that the Draft EIR is deficient because it does not identify a potential impact on peregrine foraging opportunities due to implementation of Housing Project #2. As noted by the commenter, rock dove are common at the Housing Project #2 site as they are throughout the urban areas surrounding the Campus Park. While the pair of peregrine known to nest on top of the campanile may frequent the Housing Project #2 site as part of their regular foraging patterns, a distance of almost a half mile, the abundance of rock dove and other prey species throughout the Campus Park and surrounding area provides ample foraging habitat. Any short-term interruption of foraging opportunities due to construction of the new buildings on the Housing Project #2 site is not anticipated to result in any adverse impacts on peregrine. The open space and structures on the site would likely continue to be occupied by rock dove following completion of construction and peregrine could continue to have access to this prey in the future if it is part of their foraging territory. Please also see Master Response 12, Biological Resources on the Housing Project #2 Site.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-31	<p>Habitat Loss</p> <p>The DEIR is vague on habitat loss that would result from the proposed project, and what this habitat loss would mean to wildlife. Habitat loss is the principal factor cited in the recent report of a 29% decline in overall bird abundance across North America over the last have century (Rosenberg et al. 2019). The DEIR is also confusing by presenting different square-footage of floorspace to be developed in the Hill Campus West area. Table 3-1 reports 22,000 sf of proposed new floor space on Hill Campus West, whereas the very next table – Table 3-2 – reports 53,090 sf of proposed new floor space on Hill Campus West. Some of this square-footage would be for parking, but it is unclear whether the rest of it would be composed of single-story versus multi-story structures. Assuming all of the proposed new square-footage in Hill Campus East and Hill Campus West would consist of ground-level parking lots or single-story structures, then habitat loss would exceed 5.64 acres. The acreage of habitat that would be lost at People’s Park would be 2.8 acres. These acreages can inform of the loss of productivity of birds due to habitat loss.</p> <p>Habitat loss not only results in the immediate numerical decline of wildlife, but also in permanent loss of productive capacity (Smallwood 2015). For example, a grassland/wetland/woodland complex at one study site had a total bird nesting density of 32.8 nests per acre (Young 1948). In another study on a similar complex of vegetation cover, the average annual nest density was 35.8 nests per acre (Yahner 1982). These densities averaged 34.3 nests per acre. Assuming nest site density at People’s Park would be about 20% of these reported densities, then 7 nest sites per acre multiplied against the 2.8 acres of the project site, the loss of habitat caused by the project would predict a loss of 19.6 bird nests. Assuming nest site density at Hill Campus East and West would be about the same as the densities reported in Young (1948) and Yahner (1982), then 34.3 nest sites per acre multiplied against the 5.64 acres of</p>	<p>The commenter’s concerns regarding the impacts of development on habitat as well as reported declines in overall bird abundance across North America are noted. Chapter 5.3, Biological Resources, of the Draft EIR provides an assessment of the potential impacts of the proposed project on biological resources according to the CEQA standards of significance as listed on page 5.3-23 of the Draft EIR. These include potential impacts on special-status species, sensitive natural communities, regulated waters, wildlife habitat, and consistency with local plans and policies.</p> <p>The theoretical estimates of habitat loss by Dr. Smallwood are incorrect in their assertion that development associated with implementation of the proposed LRDP Update would “deny habitat to over 70,000 birds over the next 100 years.” As discussed on page 5.3-24 of the Draft EIR, tree removal or construction in the immediate vicinity of a nest in active use could result in its abandonment, which would be a violation of the Migratory Bird Treaty Act and California Fish and Game Code. However, preconstruction surveys would typically be necessary to confirm whether proposed development or vegetation management activities would adversely affect nesting birds where suitable habitat is present as called for in CBP BIO-1 listed on page 5.3-25 of the Draft EIR. Implementation of CBP BIO-1 ensures that bird nests in active use are avoided, preventing their possible loss, and thereby preventing the theoretical interruption of bird nesting and young production.</p> <p>The estimates of anticipated development footprint and conversion of natural habitat made by Dr. Smallwood are incorrect. Table 3-1, Proposed LRDP Update Buildout Projections, in the Draft EIR shows buildout limits under the LRDP Update and Table 3-2, Potential Areas of New Development and Redevelopment, provides a “menu” of potential new development options. As stated in the Draft EIR, “the potential areas identified in this section provide a menu of possible</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>the project site, the loss of habitat caused by the project would predict a loss of 193,5 bird nests. The average number of fledglings per nest in Young's (1948) study was 2.9. Assuming Young's (1948) study site typifies bird productivity, the project would prevent the production of 57 fledglings per year at People's Park and 561 fledglings per year at Hill Campus East and West.</p>	<p>options that UC Berkeley has to accommodate potential growth and changes." The Draft EIR assumes a maximum of 22,000 square feet of new development in Hill Campus West, as shown in Table 3-1. If UC Berkeley were to exceed this limit, they would need to determine if additional CEQA review would be required. As shown in Table 3-2, the only possible development proposed in the LRDP Update that could occur in Hill Campus West includes:</p>
	<p>Given the above assumptions, and assuming an average generation time of 5 years, the lost capacity of both breeders and annual fledgling production can be estimated over the next 100 years from the following formula: $\{(nests/year \times chicks/nest \times number\ of\ years) + (2\ adults/nest \times nests/year) \times (number\ of\ years \div years/generation)\}$. In the case of this project, this formula would predict that the project would deny California 70,324 birds over the next century due solely to loss of terrestrial habitat. This predicted loss would be substantial, and would qualify as a significant impact that has yet to be addressed by UC Berkeley (2021). A fair argument can be made for the need to prepare a revised EIR.</p>	<ul style="list-style-type: none"> ▪ Campus life and parking facilities on the site of the Bowles Lot ▪ Renovation to the Greek Theatre ▪ New Campus Life development on a site to be determined <p>The acreages of new development under the LRDP Update used by Dr. Smallwood to calculate his predicted loss of bird nests are speculative on both the likely conversion of natural habitat to urban uses and the bird nesting densities in these and other portions of the EIR Study Area. The studies cited by Dr. Smallwood both involved nesting activity in natural areas supporting a variety of habitats, including wetlands which tend to have a much higher affinity for attracting birds and other wildlife. Dr. Smallwood then arbitrarily assigns a reduction in bird nest densities for the Housing Project #2 site but assumes the entire site would be developed when in fact new structures would occupy only about a third of the site, disregards the fact that many of the existing trees would be retained, and ignores the new trees and landscaping that would be installed as part of the project that would provide new nesting opportunities comparable to what is available now. He also makes no adjustment for the highly developed areas in the Hill Campus West – for example, some of the space listed in Table 3-1 of the Draft EIR to developed in the Hill Campus West includes space that is currently surface parking lots – and even the likely future development sites in Hill Campus East, where bird nest densities are likely well below those in the cited studies where natural habitat that includes wetlands are used in calculating his “predicted loss” of</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-32	Wildlife Movement	<p>nesting. The variables applied by Dr. Smallwood’s formula exaggerate Dr. Smallwood’s predicted loss of bird nests. Dr. Smallwood also disregards that implementation of CBP BIO-1 as part of the LRDP Update would ensure new nests are avoided as part of vegetation clearing and new construction. The conversion of natural habitat would not occur as assumed by Dr. Smallwood, bird nests in active use would actually be avoided, and birds would continue to utilize other nesting opportunities in the surrounding area. No substantial loss in nesting capacity or density is anticipated and no significant predicted loss or significant impact would actually occur with implementation of the LRDP Update as contended by Dr. Smallwood.</p> <p>Please see Response B5-33.</p>
	<p>To address the question of whether the project would interfere with wildlife movement in the region, the DEIR considers two types of interference. In the first, the DEIR asserts that the project would not interfere with wildlife movement corridors. However, this assertion adopts a false CEQA standard that wildlife movement is primarily along corridors. The primary phrase of the CEQA standard goes to wildlife movement regardless of whether the movement is channeled by a corridor. Sites such as those of the proposed project are critically important for wildlife movement because they compose an increasingly diminishing expanse of open airspace along with shrubs and trees within a growing expanse of anthropogenic uses, forcing more species of volant wildlife to use the site as stopover and staging habitat during migration, dispersal, and home range patrol (Warnock 2010, Taylor et al. 2011, Runge et al. 2014). Even People’s Park provides one of the last remaining opportunities in the City of Berkeley for volant migratory wildlife to stopover for rest and refuge. The project would cut wildlife off from stopover and staging habitat, forcing volant wildlife to travel even farther between remaining patches of stopover habitat.</p>	
	<p>The other type of movement interference is from collisions of birds with</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-33	<p>high-rise buildings such as those proposed in the project (DEIR page 5.3-33). However, bird- window collision mortality is more than simply a form of interference with wildlife movement in the region. It is also one of the largest anthropogenic sources of bird mortality in the country, and in the world. I comment on this impact in the next section.</p> <p>Bird-Window Collisions</p> <p>The DEIR describes Housing Project #1 as 14 stories above ground, and Housing project #2 as 17 stories. These tall buildings would interfere with the movement and kill many birds. The extent of glass used in the project is important for analyzing potential project impacts to wildlife from bird-window collision mortality – the second or third largest source of anthropogenic mortality of birds (Klem 1990, Dunn 1993, Calvert et al. 2013, Machtans et al. 2013, Loss et al. 2014). Knowing the extent of glass in the project, and informed by bird-window collisions per m2 that has been measured in scientific investigations elsewhere, a basis exists for predicting the bird-window collision mortality that would be caused by the project.</p> <p>By the time of these comments I had reviewed and processed results of bird collision monitoring at 213 buildings and façades for which bird collisions per m2 of glass per year could be calculated and averaged (Johnson and Hudson 1976, O’Connell 2001, Somerlot 2003, Hager et al. 2008, Borden et al. 2010, Hager et al. 2013, Porter and Huang 2015, Parkins et al. 2015, Kahle et al. 2016, Ocampo-Peñuela et al. 2016, Sabo et al. 2016, Barton et al. 2017, Gomez-Moreno et al. 2018, Schneider et al. 2018, Loss et al. 2019, Brown et al. 2020, , City of Portland Bureau of Environmental Services and Portland Audubon 2020, Riding et al. 2020). These study results averaged 0.073 bird deaths per m2 of glass per year (95% CI: 0.042-0.102). To make use of this average, I need an estimate of the extent of structural glass in the project.</p>	<p>The commenter expresses an opinion regarding the adequacy of the impact analysis on the risk of bird strikes contained in the Draft EIR. In his comments, Dr. Smallwood summarizes the risks associated with bird strikes, factors influencing the risk of bird collision, and provides estimates that the proposed project could result in 782 bird deaths per year as a result of the new buildings on the Housing Projects #1 and #2 sites, that the 100-year toll from this average annual fatality rate would be at least 78,200 bird deaths, and that these estimates would be perhaps three times higher after accounting for the proportions of fatalities removed by scavengers or missed by fatality searchers where studies have been performed. While the risk of bird strikes is valid and warrants consideration, the estimates for project-related bird deaths by Dr. Smallwood are not supported by substantial evidence and do not consider methods to minimize the risk of bird collision by implementing bird safe designs as recommended in Mitigation Measure BIO-4 of the Draft EIR. The bird strike estimates provided by Dr. Smallwood also do not recognize that both Housing Projects #1 and #2 sites are located in an urban fabric with other buildings to which birds in the vicinity have already become acclimated.</p>
		<p>Two of the referenced studies used by Dr. Smallwood in developing his estimates of bird collisions per square meter per year were investigated to review their applicability to the proposed buildings at Housing Projects #1 and #2 sites, and whether the formula developed by Dr. Smallwood is valid. These two referenced studies used by Dr. Smallwood as part of his basis in calculating an estimate in bird strikes include bird loss associated with a campus building structure at Washington State University in Seattle and with the California</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Renderings of the project depict expansive use of glass in windows in Housing Project #1, but no detail is provided on glass to be used in Housing Project #2 nor for any of the other project elements proposed in the DEIR. From renderings of Project #1 in the DEIR, I measured the extent of glass on the building’s facades. I then extrapolated my measurements to Housing Project #2 based on the ratio of windows to square-footage of floorspace in Housing Project #1. I estimated the buildings Housing Projects #1 and #2 would include at least 10,702 m2 of glass windows and railing, which applied to the mean fatality rate would predict at least 782 bird deaths per year (95% CI: 464- 1,100). The 100-year toll from this average annual fatality rate would be at least 78,200 bird deaths (95% CI: 46,400-110,000). These estimates would be perhaps 3 times higher after accounting for the proportions of fatalities removed by scavengers or missed by fatality searchers where studies have been performed. The mortality of bird-window collisions would continue until the buildings are either renovated to reduce bird collisions or they come down. If the project moves forward as proposed, and annually takes 782 birds protected by state and federal laws, the project would cause significant unmitigated impacts.</p> <p>The DEIR proposes mitigation measure BIO-4 to minimize impacts to birds: “Structures and buildings that are new or are taller than existing structures and buildings shall be designed to minimize the potential risk of bird collisions. This should at a minimum include the following design considerations and management strategies: (1) avoid the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds; (2) limit reflectivity and prevent exterior glass from attracting birds in building plans by utilizing low-reflectivity glass and providing other non-attractive surface treatments; (3) use low-reflectivity glass or other bird safe glazing treatments for the majority of the building’s glass surface, not just the lower levels; (4) for office and commercial buildings, interior light “pollution” should be reduced during evening hours through the use of a</p>	<p>Academy of Sciences (CAS) building in Golden Gate Park in San Francisco. The structure cited on the Washington State University campus is actually a three-story glass walkway between two college campus buildings. (Source: Johnson, R.E. and G.E. Hudson, 1976, Bird mortality at a glassed-in walkway in Washington State, Western Birds 7, pages 99 to 107.) The 1976 study reported 266 bird fatalities of 41 species within 73 months of monitoring of the glass walkway, which extrapolates over a 12-month period to a rate of approximately 44 bird deaths a year. These bird losses were for a clear glass walkway where approaching birds could see through the relatively narrow walkway, were unable to discern it was enclosed in glass and collided with the structure. Bird strikes associated with a clear glass walkway structure should not be used as a basis for predicting the risk of bird collision with the proposed buildings on the sites of Housing Projects #1 and #2 or any of the other buildings anticipated under the proposed LRDP Update as this type of condition would not be allowed in the bird safe design parameters defined in Mitigation Measure BIO-4.</p> <p>The CAS study referenced by Dr. Smallwood reported the results of five years of monitoring bird collisions at the massive CAS building in Golden Gate Park. (Source: Kahle, L.Q., M.E. Flannery, and J.P. Dumbacher, 2016, Bird-window collisions at a west-coast urban park museum: analyses of bird biology and window attributes from Golden Gate Park, San Francisco.) Through the five-year course of the CAS study (February 10, 2008 to December 31, 2013), a total of 355 birds struck windows in the building and were stunned enough to be found and counted. As described in the study, of this 355 total over five years, 308 strikes resulted in mortalities (87 percent), while the remaining 47 were released following data collection and were considered to have a good prognosis for survival. It should be noted that substantial modifications were made to the building in 2011 to reduce bird strikes, particularly at the large glass entrance atrium, which greatly reduced observed bird strikes during the remainder of the monitoring</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>lighting control system programmed to shut off during non-work hours and between 10 p.m. and sunrise; (5) exterior lighting should be directed downward and screened to minimize illuminating the exterior of the building at night, except as needed for safety and security; (6) untreated glass skyways or walkways, freestanding glass walls, and transparent building corners should be avoided; (7) transparent glass should not be allowed at the rooflines of buildings, including in conjunction with green roofs; and (8) all roof mechanical equipment should preferably be covered by low-profile angled roofing or other treatments so that obstacles to bird flight are minimized. These strategies shall be incorporated at the direction of the Campus Architect during plan review, and the Campus Architect shall confirm the incorporation of these strategies into architectural plans prior to building construction.”</p> <p>The first sentence should be revised so that the measure applies to all levels of each building, because the first level is often the most dangerous level to birds. It should also be understood that, considering the other risk factors unaddressed by this measure, its implementation would likely reduce bird- window collision mortality only about 20% to 50%. The unavoids mortality would still number in the hundreds per year, and would still qualify as a significant impact.</p>	<p>conducted under the study. But the data for bird strikes is still useful as a comparison to Dr. Smallwood’s calculation of an estimated 782 bird deaths per year as a result of the proposed buildings at Housing Projects #1 and #2 sites as they support the flaws of Dr. Smallwood’s estimate of bird loss. The rate of bird strikes in the CAS study had an annual mortality rate of about 62 birds over the five-year period of the study. This translated into less than one tenth of the annual rate estimated by Dr. Smallwood for the proposed buildings at Housing Projects #1 and #2 sites, which although they would be taller structures are several magnitudes smaller in combined footprint than the CAS building.</p> <p>Dr. Smallwood’s estimate of 782 birds lost per year as a result of collisions with the proposed buildings at Housing Projects #1 and #2 is based on his review of the results of a wide range of studies but makes no adjustments on the degree to which buildings where the studies were performed are similar or different to the proposed building on the Housing Projects #1 and #2 sites and the degree to which these differences may influence the risk for bird collisions. He included the Washington State University and CAS building studies in his calculation of bird collisions per m2 of glass per year, however, the proposed buildings on the Housing Projects #1 and #2 sites would be completely different structures in their size, height, materials, and the amount and type of glass façade to be used in comparison to those in the two investigated studies cited by Dr. Smallwood, as would the risk of bird strikes for each structure anticipated under the LRDP Update.</p> <p>There are no definitive studies that can be used to accurately predict the risk of bird loss from a proposed building design. As the above investigation into just two of the studies cited by Dr. Smallwood indicates, his method of estimating bird loss based on the extent of glass in a structure is flawed and exaggerates this risk and is not supported by substantial evidence. But the provisions to provide for</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-34	<p>Road Mortality</p> <p>For Housing Projects #1 and #2, the DEIR predicts vehicle miles traveled (VMT) of 997,458 miles annually. For the entire project, the DEIR predicts another 16,091,606 VMT by 2036. This VMT value should have served as a basis for predicting road mortality of wildlife that would be caused by traffic generated by the project. Vehicle collisions have accounted for the deaths of many thousands of reptile, amphibian, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian</p>	<p>bird safe design called for under Mitigation Measure BIO-4 would address this risk of bird loss and reduce this potentially significant impact to a level of less than significant as concluded in the discussion under Impact BIO-4 on page 5.3-33 of the Draft EIR.</p> <p>The comment’s disagreement over the methodology used for assessing bird collision impacts in this EIR is noted. However, a lead agency has substantial discretion in determining the appropriate threshold of significance to evaluate the severity of a particular impact. Where an agency’s methodology is challenged, the standard of review for a court reviewing the selected methodology is the “substantial evidence” standard, meaning the court must give deference to the lead agency’s decision to select particular significance thresholds, including the threshold for bird collision impacts. This EIR’s conclusion for bird collision impacts is founded on the substantial evidence as shown in the Draft EIR and considers the methods to minimize the risk of bird collision by implementing bird safe designs as recommended in Mitigation Measure BIO-4 of the Draft EIR. Accordingly, further study of bird collision impacts is not required.</p> <p>Please see Response B5-35.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR


Letter/ Comment #	Comment	Response
	<p>mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.</p>	
	<p>In a recent study of traffic-caused wildlife mortality, investigators found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches along a 2.5 mile stretch of Vasco Road in Contra Costa County, California (Mendelsohn et al. 2009). Using carcass detection trials performed on land immediately adjacent to the traffic mortality study (Brown et al. 2016) to adjust the found fatalities for the proportion of fatalities not found due to scavenger removal and searcher error, the estimated traffic-caused fatalities was 12,187. This fatality estimate translates to a rate of 3,900 wild animals per mile per year that were killed by automobiles. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 243,740 animals killed per 100 km of road per year, or 29 times that of Loss et al.'s (2014) upper bound estimate and 68 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.</p>	
	<p>Increased use of existing roads would increase wildlife fatalities (see Figure 7 in Kobylarz 2001). It is possible that project-related traffic impacts would far exceed the impacts of land conversions to proposed project uses. Wildlife roadkill is not randomly distributed, and so it can be predicted. Causal factors include types of roadway, human population density, and temperature (Chen and Wu 2014), as well as time of day and adjacency and extent of vegetation cover (Chen and Wu 2014, Bartonička et al. 2018), and intersections with streams and riparian vegetation (Bartonička et al. 2018). For example, species of mammalian Carnivora are killed by vehicle traffic within 0.1 miles of stream crossings >40 times other than expected (K. S. Smallwood, 1989-2018 unpublished data). Reptiles are killed on roads where roadside fences end or where fences</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>are damaged (Markle et al. 2017). There has even been a function developed to predict the number of golden eagles killed along the road, where the function includes traffic volume and density of road-killed animals available for eagles to scavenge upon (Lonsdorf et al. 2018). These factors also point the way toward mitigation measures, which should be formulated in a revised EIR.</p>	
B5-35	<p><u>Predicting project-generated traffic impacts to wildlife</u></p> <p>The DEIR predicts that the project would generate 16,091,606 vehicle miles traveled annually. This is a lot of mileage to be driven at great peril to wildlife that must cross roads to go about their business of foraging, patrolling home ranges, dispersing and migrating (Photos 12 and 13). Despite the obvious risk to wildlife, and despite the multiple papers and books written about this type of impact and how to mitigate them, the DEIR does not address impacts to wildlife caused by vehicles traveling to and from the project site.</p>	<p>Dr. Smallwood asserts that special-status species and other wildlife would be killed by traffic generated by the project claiming that 8,817 wildlife fatalities would occur annually by 2036 as a result of the estimated VMT annually as a result of implementing the LRDP Update. However, data reported by Dr. Smallwood on wildlife mortality in the 2009 study along Vasco Road does not disclose the characteristics of this 2.5 mile segment of roadway as a heavily used commuter route that passes through the undeveloped rangelands between Livermore and Brentwood on the east side of Mount Diablo more than 40 miles east of the city of Berkeley. In contrast, traffic associated with the proposed project would largely be distributed on heavily travelled roadways through urbanized areas in the cities of Berkeley and Oakland and on to the surrounding freeway system, where no collisions with special-status species are considered likely and collisions with more common wildlife would be comparatively minimal.</p>
<p>Photo 12. A Gambel's quail dashes across a road on 3 April 2021. Such road crossings are usually successful, but too often prove fatal to the animal. Photo by Noriko Smallwood.</p>		<p>While there is a remote possibility that vehicle activity generated by the project could result in occasional collisions with birds or other wildlife, any birds that frequent or occupy the EIR Study Area are already acclimated to considerable vehicle traffic in this urbanized location. The frequency of any bird-vehicle collisions would most likely be very infrequent and would not meet the “substantial” threshold under CEQA standards of significance for impacts on special-status species and wildlife movement opportunities, and no revisions to the Draft EIR are necessary. Further, because the project would not have a significant impact on wildlife movement opportunities with implementation of Mitigation Measure BIO-4 to address the potential</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<p>Photo 13. <i>A mourning dove killed by vehicle traffic on a California road. Photo by Noriko Smallwood, 21 June 2020.</i></p>		<p>risk of bird collisions from new structure, the project contribution to cumulative impacts raised as a concern by the commenter would not be cumulatively considerable and no additional analysis is necessary.</p>
	<p>For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,900 animals killed per mile along a county road in Contra Costa County. Two percent of the estimated number of fatalities were birds, and the balance was composed of 34% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 52.3% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 11.7% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species).</p>	
	<p>During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 12,187 wildlife fatalities, or 1,825 vehicle miles per fatality. The project is predicted to generate 16,091,606 vehicle miles per year, which divided by the 1,825 miles per fatality, would predict 8,817 wildlife fatalities per year. Operations over 50 years would</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<p>accumulate 440,850 wildlife fatalities. It remains unknown whether and to what degree vehicle tires contribute to carcass removals from the roadway, thereby contributing a negative bias to the fatality estimates I made from the Mendelsohn et al. (2009) fatality counts.</p>	<p>Based on my assumptions and simple calculations, the project-generated traffic would cause substantial, significant impacts to wildlife. There is at least a fair argument that can be made for the need to revise the DEIR to analyze this impact. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project.</p>	
<p>B5-36</p>	<p>Energy Use</p> <p>According to the DEIR, the proposed project would add demand for 8,515 MWh of electricity per year. Recent changes in California law would require incrementally more of this generation to come from renewable sources, soon to total 100% of the generation. (Senate Bill 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045). I assume UC Berkeley would attempt to meet California’s new standards, and its proposal to install a solar array on the Hill Campus would indicate such an intent. I also assume 10% power loss along transmission to the project site, which means the installed generation of wind or solar collectors would need to be 9,367 MWh/year. For this much energy, 4.36 MW of solar panels would be needed, or about 3 MW of wind turbines.</p> <p>Because the magnitudes of impacts to wildlife caused by renewable energy projects is better known, it is possible to predict the project’s impacts to wildlife caused indirectly by the project’s demand for 4.36 MW of solar energy generation or 3 MW of wind energy generation. In a review of fatality monitoring at 14 of California’s utility-scale solar</p>	<p>The assertion by Dr. Smallwood that added demand for electricity as a result of implementing the LRDP Update would result in 101.3 bird fatalities and 71.9 bat fatalities per year from off-site impacts of solar and wind generation operational activities is speculative. Attempting to address potential indirect impacts to birds and bats from estimates of possible energy demand from a Long Range Development Plan is beyond the reasonable assumptions used in conducting a biological resource assessment under CEQA. There is no way to accurately determine the source of energy used to meet future demand as part of the LRDP Update, whether there is in fact some quantifiable impact of the energy generation on wildlife at the location(s) where the energy is generated, and how to impartially assign some proportional share of those off-site impacts to an individual project. All of which make it impossible to assess or conclude there is some significant impact attributable to the LRDP Update. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, with respect to speculation, which CEQA does not condone (CEQA Guidelines Section 15145, Speculation).</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>projects (Smallwood 2020), I estimated 18.90 (12.96-35.77) bird fatalities/MW/year and 0.806 (0.042-1.689) bat fatalities/MW/year. Applying these rates to the energy demand would predict annual fatalities of 82.4 birds and 3.5 bats. Wind projects in Contra Costa and Alameda Counties are averaging 17.78 bird fatalities/MW/year and 22.79 bat fatalities/MW/year (Smallwood 2021), which applied to the project's energy demand would result in 53.3 bird fatalities and 68.4 bat fatalities per year.</p> <p>The magnitude of indirect mortality of volant wildlife caused by the project's offsite energy demand would depend on the mix of energy sources as well as the transmission distances involved. No matter the mix, the annual mortality would be significant and it remains unaddressed and unmitigated in the DEIR. Preparation of a revised DEIR is warranted.</p>	
B5-37	<p>Solar Array in the Hill Campus</p> <p>The DEIR proposes a new solar array on the Hill Campus as part of the project. However, the DEIR provides no details, such as the spatial extent of the project and where it would be located. Details are needed to assess potential impacts to birds, which are known to collide with PV panels in utility-scale solar projects. The impacts could be especially large on the Hill Campus, where habitat conditions favor use by many birds, including many birds of special-status species.</p>	<p>The commenter expresses an opinion regarding a possible new solar array on the Hill Campus. No specific plans have been prepared for this project, but further detailed assessment would be conducted as called for in CBPs BIO-3, BIO-5, BIO-6, and BIO-8. These CBPs require that a habitat assessment and, as necessary, detailed surveys be conducted during planning and feasibility studies in the Hill Campus East. Where required to avoid a substantial adverse effect on sensitive biological resources and wildlife movement opportunities, feasible changes to schedule, siting, and design, or other measures developed in consultation with the California Department of Fish and Wildlife and the United States Fish and Wildlife Service, would be developed and implemented. This further assessment, avoidance and mitigation would serve to address potential adverse impacts resulting from the possible new solar array and other proposed development projects in the Hill Campus East.</p>
B5-38	<p>CUMULATIVE IMPACTS</p> <p>The DEIR mischaracterizes cumulative impacts as merely residual</p>	<p>The opinion of the commentor that the Draft EIR mischaracterizes cumulative impacts as merely residual impacts of mitigation that was incompletely effective is noted. A discussion of potential cumulative impacts on biological resources is provided on pages 5.3-37 and 5.3-38</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>impacts of mitigation that was incompletely effective. The DEIR claims that because the impacts of the project would be fully mitigated with implementation of CBPs and mitigation measures described in impact discussions BIO-1 through BIO-6, there would be no significant cumulative impacts to biological resources. If cumulative effects were indeed merely residual impacts of inadequate mitigation, then CEQA would require an inadequate mitigation analysis instead of a cumulative impacts analysis.</p>	<p>of the Draft EIR. As indicated under impact discussion BIO-6, adverse effects to special-status species and other sensitive resources can combine to create a significant impact even when the effects of individual projects are not significant in themselves. The impacts of the proposed LRDP Update are reduced to less-than-significant levels with implementation of CBPs and mitigation measures described in impact discussions BIO-1 through BIO-6. The overall cumulative effect of the proposed LRDP Update and cumulative development would depend on the degree to which significant resources are protected or mitigated as part of site-specific developments and land management activities. This includes preservation of areas of sensitive natural communities, such as riparian woodland, riparian scrub, and native grasslands; protection of essential habitat for special-status plant or animal species; and avoidance and enhancement of wetlands. Most other projects in the cumulative setting are infill projects in an urbanized setting that would redevelop either developed sites containing ornamental landscaping or vacant, previously developed sites vegetated with plants characteristic of disturbed sites in urban areas. Although UC Berkeley is not subject to local regulations, other reasonably foreseeable non-UC Berkeley projects in the cities of Berkeley and Oakland would be required to follow those jurisdictions' General Plan policies and regulations intended to protect sensitive resources. All cumulative projects would be required to adhere to applicable federal and State regulations and agency procedures to avoid and mitigate potential resources. Therefore, the project would not contribute to significant cumulative impacts and impacts are less than significant.</p>
B5-39	<p>MITIGATION</p> <p>CBP BIO-1 Preconstruction surveys for bird nests</p> <p>This measure should be revised to also comply with the recent modification to California Fish and Game Code to protect migratory</p>	<p>The commenter suggests that CBP BIO-1 be revised to also comply with recent modifications to California Fish and Game Code to protect migratory birds as called for in AB 454. The language in CBP BIO-1 specifically states that the measure “avoid disturbance or removal of bird nests protected under the federal Migratory Bird Treaty Act and California Department of Fish and Game Code when in active use.”</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	birds, which followed the signing of AB 454 in 2019. Otherwise, I concur with this measure. But I also must point out birds are very adept at hiding their nests, so it should be expected that many of the available nests would not be located and salvaged by biologists performing preconstruction nest surveys.	This specifically calls for avoidance in conformance with the Migratory Bird Treaty Act and the Fish and Game Code, which therefore includes Section 3513 enacted to implement provisions related to AB 454. Therefore, no revisions to CBP BIO-1 are necessary in response to this comment. The commenter’s concerns regarding the difficulty in locating nests is noted. However, CBP BIO-1 requires that the preconstruction surveys be conducted by a qualified biologist who would be experienced in detecting active nests.
B5-40	CBP BIO-2 Preconstruction surveys for bat roosts I concur with this measure. But I also must point out bats are very adept at evading detection during daylight hours, so it should not be expected that many of the available bat roosts would not be located nor the bats salvaged by biologists performing preconstruction nest surveys.	The commenter’s concerns regarding the difficulty in locating roosting bats is noted. However, CBP BIO-1 requires that the preconstruction surveys be conducted by a qualified biologist who would be experienced in detecting bat roosts.
B5-41	CBP BIO-3 Habitat assessments for special-status species This measure is too vague. It needs to be consistent with available detection survey protocols that were developed for particular special-status species. These survey protocols often include protocols for habitat assessments.	The commenter’s concerns regarding CBP BIO-3 and need to identify and define required detection surveys is noted. However, until the habitat assessment called for in CBP BIO-3 is conducted, it is unclear which special-status species may be present in a particular location in the Hill Campus East and which surveys would be required. This would be determined during the planning and feasibility studies for future development and management plans. No revisions to CBP BIO-3 are necessary in response to this comment.
B5-42	CBP BIO-7 Fencing This measure is too vague. Impacts of fences have been quantified to some degree. For example, security fences around 5 utility-scale solar projects killed 17.4 birds/km (Smallwood 2020). This rate, or other rates from fences monitored for fatalities closer to the project, should be applied to any proposed fence to estimate the impact as a basis for formulating appropriate mitigation, including the appropriate	The commenter’s concerns regarding CBP BIO-7 and need to further define a method to assess the potential impacts of new wildlife fencing are noted. However, CBP BIO-8 would also apply and calls for a habitat assessment conducted by a qualified biologist to identify and minimize potential impacts on wildlife movement opportunities, including avoidance of new fencing across Strawberry Creek and tributary drainages. No revisions to CBP BIO-7 are necessary in response to this comment.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR


Letter/ Comment #	Comment	Response
<p>compensatory mitigation. Whether fences are truly necessary should also be considered, because death of wildlife on fences can be agonizing and brutal (Photo 14).</p>		<p>Photo 14. A great-horned owl died after becoming entangled on the razor wire placed on top of this cyclone fence surrounding a substation in Alameda County. Photo by Joanne Mount.</p>
B5-43	<p>Mitigation Measure BIO-4: Bird-window collisions</p>	<p>Please see Response B5-33.</p>
	<p>I concur with most of the measures outlined in BIO-4. However, the first sentence should be revised to require implementation of mitigation measures to all floor levels of each building. Also, more measures are needed.</p>	
	<p>UC Berkeley could further minimize impacts by implementing available guidelines, such as those prepared by American Bird Conservancy and New York and San Francisco. The American Bird Conservancy (ABC) produced an excellent set of guidelines recommending actions to: (1) Minimize use of glass; (2) Placing glass behind some type of screening (grilles, shutters, exterior shades); (3) Using glass with inherent properties to reduce collisions, such as patterns, window films, decals or tape; and (4) Turning off lights during migration seasons (Sheppard and Phillips 2015). The City of San Francisco (San Francisco Planning</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Department 2011) also has a set of building design guidelines, based on the excellent guidelines produced by the New York City Audubon Society (Orff et al. 2007). The ABC document and both the New York and San Francisco documents provide excellent alerting of potential bird-collision hazards as well as many visual examples. The San Francisco Planning Department's (2011) building design guidelines are more comprehensive than those of New York City, but they could have gone further. For example, the San Francisco guidelines probably should have also covered scientific monitoring of impacts as well as compensatory mitigation for impacts that could not be avoided, minimized or reduced.</p>	
	<p>The DEIR should another measure to those listed under BIO-4, and that is the marking of windows. Whereas Klem (1990) found no deterrent effect from decals on windows, Johnson and Hudson (1976) reported a fatality reduction of about 69% after placing decals on windows. In an experiment of opportunity, Ocampo-Peñuela et al. (2016) found only 2 of 86 fatalities at one of 6 buildings – the only building with windows treated with a bird deterrent film. At the building with fritted glass, bird collisions were 82% lower than at other buildings with untreated windows. Kahle et al. (2016) added external window shades to some windowed façades to reduce fatalities 82% and 95%. Brown et al. (2020) reported an 84% lower collision probability among fritted glass windows and windows treated with <i>ORNILUX R UV</i>. <i>City of Portland Bureau of Environmental Services and Portland Audubon</i> (2020) reduced bird collision fatalities 94% by affixing marked Solyx window film to existing glass panels of Portland's Columbia Building. Many external and internal glass markers have been tested experimentally, some showing no effect and some showing strong deterrent effects (Klem 1989, 1990, 2009, 2011; Klem and Saenger 2013; Rössler et al. 2015). The DEIR is incomplete without consideration of one or more of these proven-effective marking measures.</p>	
B5-44	Recommended: Fund Wildlife Rehabilitation Facilities:	The interest of the commenter in providing compensatory mitigation for impacts on wildlife through funding contributions to wildlife

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care.</p> <p>Most of the injuries will likely be caused by bird-window collisions and by the increased vehicle mileage to and from the project.</p>	<p>rehabilitation facilities to cover the costs of injured animals that would be delivered to these facilities for care is noted. However, with implementation of Mitigation Measure BIO-4, no significant impact as a result of bird strikes into buildings and wildlife collision with vehicles is anticipated as a result of implementing the LRDP Update and no compensatory mitigation is necessary.</p>
B5-45	<p>Exhibit B Comments from Deborah A. Jue, noise consultant from Wilson Ihrig</p> <p>Per your request, I have reviewed the subject matter document UC Berkeley 2021 Long Range Develop Plan and Housing Projects #1 and #2 Draft EIR that addresses project at the program level and includes two new residential buildings. The Long Range Development Plan (LRDP) project encompasses updates to extend the horizon from the 2020 year to the 2036–37 school year to guide land use and capital investment decisions for UC Berkeley to meet its academic goals and objectives. Also included are two housing projects: #1 (Anchor House) is an almost one acre site near the main campus in Downtown Berkeley which would demolish of all the existing on-site structures and construct and operate a new 16-level mixed-use building with a combination of student housing (770 beds), campus life, and other uses; #2 (People’s Park) is a 2.8 acre site south of the main campus, which would demolish existing structures and park amenities to construct and operate two new mixed-use buildings a) a student housing building to combine student and faculty/staff residential use (1,187 beds), campus life and public space, and b) affordable and supportive housing (125 beds) and a clinic. We were specifically requested to examine the findings related to construction-related noise impacts and additional mitigation measures that could be proposed to further reduce noise impacts, as well as any other inadequacies in the analysis.</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses B5-46 through B5-50.</p>
B5-46	<p>Baseline Noise Levels are not Clearly Established</p>	<p>Please see Response B5-22.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>The Project’s baseline noise conditions are not properly documented. In Table 5.11-8 the Draft EIR cites the existing conditions to range from 55.0 to 72.6 Ldn at numerous locations along roadway segments Berkeley based on modeled results using typical existing traffic volumes, vehicle mix, speed and time of day conditions based on traffic count data conducted for the Draft EIR. The Day-Night level is a 24-hour metric, and it weights sounds occurring between 7 AM and 10 PM corresponding to the time period when most residential land use can be sensitive to noise.</p>	
	<p>The manner in which the Draft EIR has determined the existing noise environment is poorly supported. The noise environment in an urban environment can change from hour to hour and day to day, and best practices call for documentation of the existing condition with measurements over several days. The existing noise is represented by modeled values obtained from the FHWA Traffic Noise Model (TNM). As discussed in the Appendix, a validated TNM noise model is considered to be accurate within +/- 3 dBA of the actual noise condition. There is no evidence that the model was validated with noise measurements concurrent with the traffic counts. As there are no current 24- hour measurements to correlate to the calculated Ldn results, the selection and application of the significance thresholds is incomplete, as the real life Ldn could possibly be 6 dBA different (higher) than reported in the Draft EIR. It is not clear whether the TNM model included stop-and-go traffic, as the basic TNM model was developed for continuous freeway traffic, and its accuracy, without validation or comparison to actual noise measurements needs to be established. Furthermore, the traffic noise modeled results shown in Table 5.11-8 shown to the tenth of a decibel are misleading in their accuracy of the existing noise condition.</p>	
	<p>Furthermore, comparison of the traffic noise results in Table 5.11-8 with the noise contours contained in the City of Berkeley’s General Plan</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>(2003) suggest that the measured noise environment, inclusive of traffic and stationary noise sources can be higher. For instance, on Addison Street, between Shattuck Avenue and Oxford Street, the noise contours Figure 21 [footnote 1] suggests the that the noise in this area could be less than 70 Ldn, but greater than 65 Ldn. Downtown noise environments affected by traffic and nearby commercial noise sources can exceed 55 Ldn even on quiet streets.</p> <p><i>Footnote 1: Accessed via the web on 4/19/21 https://www.cityofberkeley.info/Planning_and_Development/Home/General_Plan_-_Environmental_Management_Element(2).aspx</i></p> <p>The Draft EIR should be revised and recirculated to include an updated baseline analysis that incorporates noise measurements taken at key locations over a multi-day period, and to provide supporting information for the DEIR’s TNM analysis. Comments should include any professional judgement regarding the effects of any unusual traffic patterns during the COVID-19 pandemic.</p>	
B5-47	<p>In the first paragraph on page 5.11-18, the Draft EIR points out that Rail/BART noise is a “predominant source of rail noise the EIR Study Area”, but then points out that the nearest BART station to the UC Berkeley station is underground. The Richmond Field station is over 4,500 ft from the BART aerial structure, and otherwise the UC Berkeley facilities have no exposure to BART noise. This text seems out of place on not properly grounded in the project environs. The Field Station is closer to I-580, and the traffic noise contribution appears to be missing from Table 5.11-8.</p>	<p>UC Berkeley, as shown in the Draft EIR Chapter 3, Figure 3-2, EIR Study Area, owns properties throughout the city of Berkeley. As described in the Draft EIR, and restated in Master Response 7, EIR Study Area, the Richmond Field Station is not in the EIR Study Area. The text on page 5.11-18 of the Draft EIR that states that the Bay Area Rapid Transit (BART) is the predominant source of rail noise in the EIR Study Area is accurate. The text in question by the commenter is in the existing setting section of Chapter 5.11, Noise, of the Draft EIR, and illustrates that there is limited noise from rail in the EIR Study Area.</p>
B5-48	<p>Additionally, in this paragraph the Draft EIR indicates that the rail noise near the UC Berkeley property at 1608 4th Street could be exposed to noise exceeding 85 dBA Ldn/CNEL. The source of this information is not</p>	<p>The text on page 5.11-18 has been revised, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR to note that the day-night average noise level at locations adjacent to at-grade crossings can exceed 80 dBA Ldn/CNEL, rather than 85 dBA Ldn/CNEL, per noise</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>cited, and it thus difficult to understand whether noise measurements are necessary to confirm this information.</p> <p>After going into such detail about noise levels along road segments in Table 5.11-8, the discussion on page 5.11-18 about stationary noise such as mechanical equipment and rooftop HVAC lacks any quantified information. In fact, since many of the UC Berkeley properties are cited away from major roads and adjacent to or near downtown or commercial districts, they could be substantially affected by noise from rooftop equipment. The Draft EIR misses an opportunity to provide some information to quantify the baseline conditions at these types of school properties.</p> <p>The Draft EIR does not include any vibration or groundborne noise measurements to quantify the existing effects of BART or railroad vibration.</p>	<p>contours from the City of Berkeley General Plan Environmental Management Element. This revision does not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification.</p> <p>Quantification of rooftop mechanical equipment from existing UC Berkeley properties was not needed in the analysis to make a significance determination of noise impact from future stationary sources under buildout of the proposed LRDP Update. Furthermore, due to the COVID-19 pandemic and its effect on the operation of UC Berkeley buildings, the collection of ambient noise data in the EIR Study Area would not be prudent because it would not be representative of typical baseline conditions. Please see Master Response 3, COVID-19. Where project-level details were available for the two housing sites, operational stationary noise impacts were found to be less than significant in the Draft EIR. Future projects under the LRDP Update will be required by CBP NOI-1 to comply with the exterior noise level standards. The LRDP Update does not propose any changes to major sources of operational vibration such as BART or railroad and, therefore, it is not necessary to conduct vibration measurements to determine the environmental impacts of implementation of the proposed project.</p>
B5-49	<p>Thresholds of Significance are Not Properly Developed</p> <p>As the existing noise environment has a direct relationship to the significance thresholds, the lack of properly documented Ldn undermines any understanding of how the Project could increase noise at neighboring noise sensitive projects and potentially affect their land use compatibility. Furthermore, in the traffic noise analysis, as described in Section 5.11.2.3, the existing noise environment directly bears on the noise increase threshold, and the fact that the noise results in Table 5.11-</p>	<p>Please see Response B5-46 in regards to the baseline. The City of Berkeley's noise and land use compatibility standards (e.g., "normally acceptable" "conditionally acceptable") are intended for siting a new sensitive use to determine if additional acoustical studies are needed, which would inform whether extra building insulation, sound-rated windows and/or noise barriers are needed to keep on-site noise exposure at acceptable levels. They are not intended to be used as thresholds of significance under CEQA. UC Berkeley is not aware of a threshold of significance for traffic noise recommended by the City of Berkeley. Please see Responses A3-29 and A3-110. The FAA source is</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>8 could be substantially different from the existing conditions makes meaningless the significance analysis and its conclusions.</p> <p>On page 5.11-25 the Draft EIR develops a traffic noise threshold based on Federal Aviation Administration (FAA) Guidance. The source document is not cited. Note that the fundamental assumption with the FAA noise increase thresholds is that the new source (airports) is introducing a fixed level noise; based on the increase thresholds, it appears that the project noise source is assumed to be approximately 63 Ldn [footnote 2]. It has not been established whether this is an appropriate level for local traffic noise to be injected into the community, and it may be more appropriate to consider whether the project traffic changes the land use compatibility for a neighboring land use from normally acceptable or conditionally acceptable condition to an Unacceptable condition, as that change in environment might not be reflected in the design of the neighboring use. As discussed above, the selection of these traffic noise increase thresholds relies upon accurate knowledge of the existing conditions, which have not been properly established.</p> <p><i>Footnote 2: A new noise source of 63 Ldn added to an existing environment of 60 Ldn will cause a future environment of 65 Ldn; this same source added to an existing environment of 64 Ldn will cause a future environment of 67 Ldn; and this same source added to an existing environment of 65 Ldn will cause a future environment of 67 Ldn.</i></p> <p>The Draft EIR evaluates each of the operational conditions separately, and does not include any discussion or evaluation of the combined stationary noise sources and traffic noise from the project. If there may be conditions where substantial traffic changes and new HVAC equipment could combine, this would be a critical project element to assess for noise impacts. As noted above, a potential significance threshold would be to evaluate the change in the land use compatibility that the project could cause on neighboring land use.</p>	<p>FAA, 2015, 1050.1F, Noise and Noise-Compatible Land Use. In the case of the two housing sites, the proposed noise associated with the mechanical equipment was found to be less than the thresholds of significance and considerably less than existing traffic noise levels in the area. Future projects under the LRDP Update will be required by CBP NOI-1 to comply with the exterior noise level standards.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-50	<p>Construction Activity</p> <p>The Draft EIR concludes that with Construction Best Practices (CPB) NOI-1 and NOI-2 the construction noise impacts would be significant and unavoidable for the LRDP project (p. 5.11-32), Housing #1 project (p. 5.11-38) and Housing #2 project (5.11-44). The discussion of pile driving noise mitigation in mitigation measure NOI-1 does not mention the possibility of using non-impact methods to reduce noise, although it is mentioned under the vibration mitigation as an alternative methods/equipment consideration (Step 2, as mentioned on page 5.11-47). Noise from impact pile driving can be highly disruptive. Additional mitigation measures that should be considered include: suitability of non-impact methods such as the Stillworker by Kowan or the Silent Piler by Giken which press piles into place and avoid the impact noise; providing a suitable temporary living or office space for affected occupants at adjacent buildings may also be highly desirable and effective to mitigate noise impacts.</p>	<p>Step 2 of Mitigation Measure NOI-2 has been revised to include pile pressing and “silent” piling as alternatives to impact pile driving, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. It should be noted that based on community concerns related to vibration impacts from pile driving on the two project-level sites, UC Berkeley has worked closely with both applicant team’s structural engineers to seek out alternatives to pile driving. Both teams have determined that pile driving would not be required. For Housing Project #1, neither driven nor drilled piles are proposed and the foundation system will include a continuous mat foundation which bears directly on compacted soil. For Housing Project #2, auger-cast piles would be employed which would generate vibration levels similar to drilling. Please see Response A3-112.</p>
B5-51	<p>Conclusions</p> <p>The baseline noise documentation in the Draft EIR was poorly developed, and the traffic noise analysis was not supported by best practices for use of the Traffic Noise Model. The Draft EIR bases its significance determination on increases in ambient noise levels over the baseline noise environment, but lacks the necessary baseline data to show how the impact modeling compares to the real life conditions. The DEIR’s analysis of baseline conditions is therefore not supported by substantial evidence, and its resulting impact conclusions are equally unsupported.</p> <p>The DEIR also relies on unsupported significance thresholds, and these are contingent on the baseline noise assumptions and the TNM model. Since an acceptable TNM model falls within +/- 3 dBA of real life conditions, the results of the DEIR’s findings, which are possibly 6 dBA or more different from real life conditions, to determine the applicable</p>	<p>The comment serves as a conclusion for the comments above. Please see Responses B5-46 through B5-50.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	significance thresholds is flawed.	
	Mitigation measure NOI-1 can be strengthened to include an alternative methods analysis for pile driving noise and providing alternate quiet facilities during pile driving.	
B5-52	Exhibit C Comments from Francis J. Offermann, air quality consultant	The comment serves as an introduction to the comments that follow. Please see Responses B5-53 through B5-82.
	Indoor Air Quality Impacts	
	<p>Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well- recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.</p>	
	<p>The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products used indoors contain and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson, 2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-53	<p>provision of adequate ventilation and the reduction of indoor sources of the contaminants.</p> <p>Indoor Formaldehyde Concentrations Impact. In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 µg/day. The NSRL concentration of formaldehyde that represents a daily dose of 40 µg is 2 µg/m³, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m³, and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 µg/m³. The median indoor formaldehyde concentration was 36 µg/m³, and ranged from 4.8 to 136 µg/m³, which corresponds to a median exceedance of the 2 µg/m³ NSRL concentration of 18 and a range of 2.3 to 68.</p> <p>Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 µg/m³, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the Bay Area Air Quality Management District (BAAQMD, 2017).</p> <p>Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of 9 µg/m³ to 28% for the Acute REL of 55 µg/m³.</p>	<p>The commenter provides background information on how to perform an indoor air quality evaluation for formaldehyde. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.</p>	
	<p>In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not preclude that homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations below cancer and non-cancer exposure guidelines.</p>	
	<p>A follow up study to the California New Home Study (CNHS) was conducted in 2016-2018 (Singer et. al., 2019), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of 22.4 µg/m³ (18.2 ppb) as compared to a median of 36 µg/m³ found in the 2007 CNHS. Unlike in the CNHS study where formaldehyde concentrations were measured with pumped DNPH samplers, the formaldehyde concentrations in the HENGH study were measured with passive samplers, which were estimated to under-measure the true indoor formaldehyde concentrations by approximately 7.5%. Applying this correction to the HENGH indoor formaldehyde concentrations results in a median indoor concentration of 24.1 µg/m³, which is 33% lower than the 36 µg/m³ found in the 2007 CNHS.</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 33% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 120 per million for homes built with CARB compliant composite wood products. This median lifetime cancer risk is more than 12 times the OEHHA 10 in a million cancer risk threshold (OEHHA, 2017a).</p>	
	<p>With respect to the Long Range Development Plan and Housing Projects #1 and #2, at the University of California in Berkeley, CA, the Housing Projects consist of largely residential uses.</p>	
	<p>The residential occupants will potentially have continuous exposure (e.g. 24 hours per day, 52 weeks per year). These exposures are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in residential construction.</p>	
	<p>Because these residences will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor residential formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1 µg/m³ (Singer et. al., 2020)</p>	
	<p>Assuming that the residential occupants inhale 20 m³ of air per day, the average 70-year lifetime formaldehyde daily dose is 482 µg/day for continuous exposure in the residences. This exposure represents a cancer risk of 120 per million, which is more than 12 times the CEQA cancer risk of 10 per million (BAAQMD, 2017). For occupants that do not have continuous exposure, the cancer risk will be proportionally less but still substantially over the CEQA cancer risk of 10 per million (e.g. for</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>12/hour/day occupancy, more than 6 times the CEQA cancer risk of 10 per million).</p>	<p>Appendix A, Indoor Formaldehyde Concentrations and the CARB Formaldehyde ATCM, provides analyses that show utilization of CARB Phase 2 Formaldehyde ATCM materials will not ensure acceptable cancer risks with respect to formaldehyde emissions from composite wood products.</p> <p>Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde the meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.</p> <p>The following describes a method that should be used, prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations resulting from the formaldehyde emissions of specific building materials/furnishings selected exceed cancer and non-cancer guidelines. Such a design analyses can be used to identify those materials/furnishings prior to the completion of the City’s CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations and incorporated as mitigation measures for this project.</p> <p><u>Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment</u></p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine, before the conclusion of the environmental review process and the building materials/furnishings are specified, purchased, and installed, if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific material/furnishings and/or the design minimum outdoor air ventilations rates such that cancer and non-cancer guidelines are not exceeded.</p>	
	<p>1.) <u>Define Indoor Air Quality Zones.</u> Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or group of rooms where air is not recirculated (e.g. 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.</p>	
	<p>2.) <u>Calculate Material/Furnishing Loading.</u> For each IAQ Zone, determine the building material and furnishing loadings (e.g., m2 of material/m2 floor area, units of furnishings/m2 floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>3.) <u>Calculate the Formaldehyde Emission Rate</u>. For each building material, calculate the formaldehyde emission rate ($\mu\text{g}/\text{h}$) from the product of the area-specific formaldehyde emission rate ($\mu\text{g}/\text{m}^2\text{-h}$) and the area ($\text{m}^2$) of material in the IAQ Zone, and from each furnishing (e.g. chairs, desks, etc.) from the unit-specific formaldehyde emission rate ($\mu\text{g}/\text{unit-h}$) and the number of units in the IAQ Zone.</p>	
	<p>NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), or other equivalent chemical emission rate testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.</p>	
	<p>CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e., $\mu\text{g}/\text{m}^2\text{-h}$) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed for the certification. Thus, for example, the data for a certification of a specific type of flooring may be</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>used to calculate that the area-specific emission rate of formaldehyde is less than 31 µg/m²-h, but not the actual measured specific emission rate, which may be 3, 18, or 30 µg/m²-h. These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.</p>	
	<p>If the actual area-specific emission rates of a building material or furnishing is needed (i.e. the initial emission rates estimates from the product certifications are higher than desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.</p>	
	<p>Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (https://berkeleyanalytical.com), to measure the formaldehyde emission rate.</p>	
	<p>4.) <u>Calculate the Total Formaldehyde Emission Rate.</u> For each IAQ Zone, calculate the total formaldehyde emission rate (i.e. µg/h) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.</p>	
	<p>5.) <u>Calculate the Indoor Formaldehyde Concentration.</u> For each IAQ Zone, calculate the indoor formaldehyde concentration (µg/m³) from</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Equation 1 by dividing the total formaldehyde emission rates (i.e. $\mu\text{g/h}$) as determined in Step 4, by the design minimum outdoor air ventilation rate (m^3/h) for the IAQ Zone.</p>	
	<p>$C_{\text{in}} = E_{\text{total}} / Q_{\text{oa}}$ (Equation 1)</p>	
	<p>where: C_{in} = indoor formaldehyde concentration ($\mu\text{g}/\text{m}^3$) E_{total} = total formaldehyde emission rate ($\mu\text{g}/\text{h}$) into the IAQ Zone. Q_{oa} = design minimum outdoor air ventilation rate to the IAQ Zone (m^3/h)</p>	
	<p>The above Equation 1 is based upon mass balance theory, and is referenced in Section 3.10.2 “Calculation of Estimated Building Concentrations” of the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017).</p>	
	<p>6.) <u>Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks.</u> For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).</p>	
	<p>7.) <u>Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks.</u> In each IAQ Zone, provide mitigation for any formaldehyde exposure risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per million or the CEQA non-cancer Hazard Quotient of 1.0.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.</p>	
	<p>Source mitigation for formaldehyde may include:</p> <ol style="list-style-type: none"> 1.) reducing the amount materials and/or furnishings that emit formaldehyde 2.) substituting a different material with a lower area-specific emission rate of formaldehyde 	
	<p>Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:</p> <ol style="list-style-type: none"> 1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone. 	
	<p>NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.</p>	
	<p>Further, we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers,” (CDPH, 2017), and use the procedure described earlier above (i.e. Pre- Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-54	<p>Outdoor Air Ventilation Impact. Another important finding of the CNHS, was that the outdoor air ventilation rates in the homes were very low. Outdoor air ventilation is a very important factor influencing the indoor concentrations of air contaminants, as it is the primary removal mechanism of all indoor air generated contaminants. Lower outdoor air exchange rates cause indoor generated air contaminants to accumulate to higher indoor air concentrations. Many homeowners rarely open their windows or doors for ventilation as a result of their concerns for security/safety, noise, dust, and odor concerns (Price, 2007). In the CNHS field study, 32% of the homes did not use their windows during the 24-hour Test Day, and 15% of the homes did not use their windows during the entire preceding week. Most of the homes with no window usage were homes in the winter field session. Thus, a substantial percentage of homeowners never open their windows, especially in the winter season. The median 24-hour measurement was 0.26 air changes per hour (ach), with a range of 0.09 ach to 5.3 ach. A total of 67% of the homes had outdoor air exchange rates below the minimum California Building Code (2001) requirement of 0.35 ach. Thus, the relatively tight envelope construction, combined with the fact that many people never open their windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.</p> <p>According to the DEIR for the Long Range Development Plan and Housing Projects #1 and #2, the Housing Projects are close to roads with moderate to high traffic (e.g., University and Shattuck Avenues, Dwight Way, Telegraph Avenue, San Pablo Avenue, Martin Luther King Jr. Way, Adeline, College Avenue, etc.). Additional noise is also generated by BART rail traffic.</p> <p>According to the Draft Environmental Impact Report – Long Range Development Plan and Housing Projects #1 and #2, (Placeworks, 2021) the traffic noise levels with the Project in Tables 5.11-13 and 5.11-16 range from 52.5 to 72.7 dBA Ldn.</p>	<p>The commenter provides background information pertaining to outdoor air ventilation and ventilation equipment. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-55	<p>As a result of the outdoor vehicle traffic noise, the Housing Project sites are sound impacted sites and will require a mechanical supply of outdoor air ventilation to allow for a habitable interior environment with closed windows and doors. Such a ventilation system would allow windows and doors to be kept closed at the occupant's discretion to control exterior noise within building interiors.</p> <p>PM_{2.5} Outdoor Concentrations Impact. An additional impact of the nearby motor vehicle traffic associated with this project, are the outdoor concentrations of PM_{2.5}. According to the Draft Environmental Impact Report – Long Range Development Plan and Housing Projects #1 and #2, (Placeworks, 2021) the Project is located in the San Francisco Bay Area Air Basin, which is a State and Federal non-attainment area for PM_{2.5}.</p> <p>An air quality analyses should to be conducted to determine the concentrations of PM_{2.5} in the outdoor and indoor air that people inhale each day. This air quality analysis needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local PM_{2.5} sources (e.g. stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the Project site. If the outdoor concentrations are determined to exceed the California and National annual average PM_{2.5} exceedance concentration of 12 µg/m³, or the National 24-hour average exceedance concentration of 35 µg/m³, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient removal efficiency, such that the indoor concentrations of outdoor PM_{2.5} particles is less than the California and National PM_{2.5} annual and 24-hour standards.</p> <p>It is my experience that based on the projected high traffic noise levels, the annual average concentration of PM_{2.5} will exceed the California and National PM_{2.5} annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. MERV 13 or higher) in all mechanically supplied outdoor air ventilation systems.</p>	<p>The California Building Code (Title 24), Part 6 (California Building and Energy Efficiency Standards) as well as Part 11 (CALGreen) has standards for enhanced filtration for multi-family residential buildings. Under Title 24, Part 6, Section 120.1(b)(1)(C) and Part 11 (Section 5.504.5.3), multifamily residential buildings that are four stories or higher are required to use MERV-13 filters. As a result, compliance with existing regulations is sufficient to ensure a healthy indoor air quality environment.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-56	<p>Indoor Air Quality Impact Mitigation Measures The following are recommended mitigation measures to minimize the impacts upon indoor quality:</p> <p><u>Indoor Formaldehyde Concentrations Mitigation.</u> Use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins (CARB, 2009). CARB Phase 2 certified composite wood products, or ultra-low emitting formaldehyde (ULEF) resins, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million. Only composite wood products manufactured with CARB approved no-added formaldehyde (NAF) resins, such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met (see Appendix A).</p> <p>Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks. It is important to note that we are not asking that the builder “speculate” on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017), and use the procedure described above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.</p>	<p>Please see Response B5-26. As described on Draft EIR pages 5.5-4 and 5.5-10, UC Berkeley’s Campus Design Standards include requirements for building materials, lighting, glass and glazing, screening, planting, and others. The Campus Design Standards largely adopt and build off of other applicable regulations, such as the 2019 California Green Building Code (California Code of Regulations Title 24, Part 11, known as CALGreen). CALGreen established planning and design standards for reducing internal air contaminants and requires that all composite wood products used on the interior of a building “shall meet the requirements for formaldehyde as specified in California Air Resources Board Air Toxics Control Measure for Composite Wood (17 California Code of Regulations Section 93120 et seq.).” Example Campus Design Standards aimed to improve indoor air quality are 09 65 00, Part 2.a.i.3 (flooring materials), 09 91 00, Part 2.a.iii (painting and coating), and 23 00 00, Part 1.a.ii. and Part 2.a (heating, ventilation, and air conditioning). As stated in the CEQA Guidelines Section 15126.4, compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.</p> <p>In summary, without substantial evidence that building materials that will be used in project construction will emit formaldehyde gas in levels that will exceed the State’s emission limits, the commenter’s assertion that future residents of Housing Projects #1 and Housing Project #2 could be at risk for carcinogens constitutes speculation, not substantial evidence. Additionally, the commenter speculates that the proposed project could have an effect on the future users and residents of the housing projects, which is not considered to be an impact under CEQA and need not be analyzed in the Draft EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-57	<p><u>Outdoor Air Ventilation Mitigation.</u> Provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building Energy Efficiency Standards (California Energy Commission, 2015) requirements of the greater of 15 cfm/occupant or 0.15 cfm/ft² of floor area. Following installation of the system conduct testing and balancing to insure that required amount of outdoor air is entering each habitable room and provide a written report documenting the outdoor airflow rates. Do not use exhaust only mechanical outdoor air systems, use only balanced outdoor air supply and exhaust systems or outdoor air supply only systems. Provide a manual for the occupants or maintenance personnel, that describes the purpose of the mechanical outdoor air system and the operation and maintenance requirements of the system.</p>	<p>Please see Response B5-55. The California Building Code (Title 24), Part 6 (California Building and Energy Efficiency Standards) as well as Part 11 (CALGreen) has standards for enhanced filtration for multi-family residential buildings. Under Title 24, Part 6, Section 120.1(b)(1)(C) and Part 11 (Section 5.504.5.3), multifamily residential buildings that are four stories or higher are required to use MERV-13 filters. As a result, compliance with existing regulations is sufficient to ensure a healthy indoor air quality environment.</p>
B5-58	<p><u>PM_{2.5} Outdoor Air Concentration Mitigation.</u> Install air filtration with sufficient PM_{2.5} removal efficiency (e.g. MERV 13 or higher) to filter the outdoor air entering the mechanical outdoor air supply systems, such that the indoor concentrations of outdoor PM_{2.5} particles are less than the California and National PM_{2.5} annual and 24-hour standards. Install the air filters in the system such that they are accessible for replacement by the occupants or maintenance personnel. Include in the mechanical outdoor air ventilation system manual instructions on how to replace the air filters and the estimated frequency of replacement.</p>	<p>Please see Response B5-55. The California Building Code (Title 24), Part 6 (California Building and Energy Efficiency Standards) as well as Part 11 (CALGreen) has standards for enhanced filtration for multi-family residential buildings. Under Title 24, Part 6, Section 120.1(b)(1)(C) and Part 11 (Section 5.504.5.3), multifamily residential buildings that are four stories or higher are required to use MERV-13 filters. As a result, compliance with existing regulations is sufficient to ensure a healthy indoor air quality environment.</p>
B5-59	<p>Exhibit D Comments from Matt Hagermann and Paul E. Rosenfeld, air quality, greenhouse gas, and health risk consultants</p> <p>We have reviewed the March 2021 Draft Environmental Impact Report (“DEIR”) for the Long Range Development Plan and Housing Projects #1 and #2 (“Project”) located in the City of Berkeley (“City”). The Project proposes the following three components: Long Range Development Plan (“LRDP Update”), Housing Project #1, and Housing Project #2. The LRDP Update proposes to establish a maximum amount of net new growth for the UC Berkeley campus through the 2036-2037 school year.</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses B5-60 through B5-82 below. None of this material constitutes the type of significant new information that requires recirculation of the Draft EIR for further public comment under CEQA Guidelines Section 15088.5.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Housing Project #1 proposes to demolish 41,000-SF of existing land use space, as well as construct 245 apartment units, totaling 312,00-SF of residential space, 20,000-SF of campus life space, 17,000-SF of public commercial space, and 21 parking spaces, on the 0.92-acre site. Housing Project #2 proposes to demolish all existing structures on-site, as well as construct 166 student housing and 125 affordable housing apartment units, totaling 447,970-SF of residential space, 12,000-SF of campus life space, 3,500-SF of public retail space, 7,000-SF of academic space, and 11 parking spaces, on the 2.8-acre site.</p> <p>Our review concludes that the DEIR fails to adequately evaluate the Project’s air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated EIR should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment.</p>	
B5-60	<p>Air Quality Unsubstantiated Input Parameters Used to Estimate Project Emissions</p> <p>The DEIR’s air quality analysis relies on emissions calculated with CalEEMod.2016.3.2 (p. 5.2-37 – 5.2- 38). [footnote 1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project’s construction and operational emissions are calculated, and “output files” are generated. These output files disclose to the reader what parameters are utilized in calculating the Project’s air pollutant emissions and make</p>	<p>Chapter 5.2, Air Quality, and Chapter 5.7, Greenhouse Gas Emissions, provide a detailed description of the methodology to evaluate program-level and project-level construction and operational impacts, including changes to the model defaults that better reflect the proposed project’s characteristics. See also Response B5-61 below. No changes to the modeling parameters are warranted and Chapter 5.2, Air Quality, and Chapter 5.7, Greenhouse Gas Emissions, adequately evaluated air quality and GHG emissions impacts of the proposed project.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																
	<p>known which default values are changed as well as provide justification for the values selected.</p> <p><i>Footnote 1: CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.</i></p> <p>When reviewing the Project's CalEEMod output files, provided in the Air Quality and Greenhouse Gas Emissions Data ("AQ & GHG Analysis") as Appendix C to the DEIR, we found that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions are underestimated. As a result, an updated EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.</p>																	
B5-61	<p><i>Unsubstantiated Reductions to CO₂, N₂O, and CH₄ Intensity Factors</i></p> <p>Review of the CalEEMod output files demonstrates that the "UC Berkeley Anchor House Development Operations Run" model includes manual reductions to the default CH₄, CO₂, and N₂O intensity factors (see excerpt below) (Appendix C, pp. 811).</p> <table border="1" data-bbox="352 1073 1129 1182"> <thead> <tr> <th>Table Name</th> <th>Column Name</th> <th>Default Value</th> <th>New Value</th> </tr> </thead> <tbody> <tr> <td>tblProjectCharacteristics</td> <td>CH4IntensityFactor</td> <td>0.029</td> <td>0</td> </tr> <tr> <td>tblProjectCharacteristics</td> <td>CO2IntensityFactor</td> <td>641.35</td> <td>0</td> </tr> <tr> <td>tblProjectCharacteristics</td> <td>N2OIntensityFactor</td> <td>0.006</td> <td>0</td> </tr> </tbody> </table> <p>As you can see in the excerpt above, the CH₄, CO₂, and N₂O intensity factors were each reduced to 0 pounds per megawatt hour ("lbs/MWh"). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified. [footnote 2] According to the "User Entered Comments and Non-Default Data" table, the justification provided for these changes is: "See assumptions for Anchor House" (Appendix C, pp. 809). Furthermore, the Assumptions Worksheet</p>	Table Name	Column Name	Default Value	New Value	tblProjectCharacteristics	CH4IntensityFactor	0.029	0	tblProjectCharacteristics	CO2IntensityFactor	641.35	0	tblProjectCharacteristics	N2OIntensityFactor	0.006	0	<p>As described in Chapter 5.7, Greenhouse Gas Emissions, UC Berkeley is governed by the UC Sustainable Practices Policy and UC Berkeley's Sustainability Plan. Pursuant to these policies, UC Berkeley is required to purchase electricity from carbon-free sources (see Table 5.7-6, under UC Berkeley Goals "By 2020 procure 100% clean electricity for eligible accounts"). As documented in the annual GHG inventories conducted by UC Berkeley and identified in Chapter 5.7, Energy procured from EBCE in 2018 was carbon neutral and would continue to be procured from carbon neutral sources.</p> <p>GHG emissions from Housing Projects #1 and Housing Project #2 were not conducted individually since GHG emissions are cumulative impacts and UC Berkeley conducts annual GHG emissions monitoring to achieve the UC Berkeley GHG emissions targets. However, the citation in Appendix C2 is for the annual GHG emissions inventory for UC Berkeley on The Climate Registry website: https://www.theclimateregistry.org/our-members/cris-public-reports/. Additionally, the 2018 inventory for UC Berkeley from The Climate</p>
Table Name	Column Name	Default Value	New Value															
tblProjectCharacteristics	CH4IntensityFactor	0.029	0															
tblProjectCharacteristics	CO2IntensityFactor	641.35	0															
tblProjectCharacteristics	N2OIntensityFactor	0.006	0															

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response												
	<p>provides the following carbon intensity factors (see excerpt below) (Appendix C2, pp. 744):</p> <div data-bbox="323 407 1108 690" style="border: 1px solid black; padding: 5px;"> <p>Carbon Intensity Factors</p> <p>East Bay Community Carbon Intensity Factors</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: right;">EBC CO₂ Intensity Factor¹</td> <td style="text-align: center;">0</td> <td style="text-align: left;">pounds per megawatt hour</td> </tr> <tr> <td style="text-align: right;">CO₂:</td> <td style="text-align: center;">0</td> <td style="text-align: left;">pounds per megawatt hour</td> </tr> <tr> <td style="text-align: right;">CH₄:²</td> <td style="text-align: center;">0</td> <td style="text-align: left;">pound per megawatt hour</td> </tr> <tr> <td style="text-align: right;">N₂O:²</td> <td style="text-align: center;">0</td> <td style="text-align: left;">pound per megawatt hour</td> </tr> </table> <p><small>¹ The Climate Registry CRIS Public Reports: 2018 Emission Rates. https://www.theclimateregistry.org/our-members/cris-public-reports/</small></p> <p><small>² CalEEMod default values.</small></p> </div>	EBC CO ₂ Intensity Factor ¹	0	pounds per megawatt hour	CO ₂ :	0	pounds per megawatt hour	CH ₄ : ²	0	pound per megawatt hour	N ₂ O: ²	0	pound per megawatt hour	<p>Registry can be found directly in Appendix C1. Therefore, the information for the CO₂ intensity factor for ECBE was provided and is correct.</p>
EBC CO ₂ Intensity Factor ¹	0	pounds per megawatt hour												
CO ₂ :	0	pounds per megawatt hour												
CH ₄ : ²	0	pound per megawatt hour												
N ₂ O: ²	0	pound per megawatt hour												
	<p>However, these changes remain unsupported for two reasons.</p>	<p>The citation for CH₄ and N₂O for Housing Projects #1 in Appendix C2 is incorrect because (a) the carbon intensity for electricity purchased from EBCE is zero (including for CH₄ and N₂O), as indicated on The Climate Registry annual inventory for UC Berkeley, and (b) GHG emissions modeling for Housing Projects #1 and #2 was not conducted since the GHG emissions from these individual projects are captured in the LRDP emissions forecast. The methodology for this is described in GHG-1.</p>												
	<p>First, the source provided for the CO₂ intensity factor includes a broken link. As such, we cannot verify that the revised CO₂ intensity factor is correct.</p>													
	<p>Second, the source provided for the CH₄ and N₂O intensity factors claims they are based on CalEEMod default values. As such, the changes to the default CH₄ and N₂O intensity factors are unsubstantiated and inconsistent with the information provided in the Assumptions Worksheet. As such, we cannot verify the revised CH₄ and N₂O intensity factors.</p>													
	<p>These unsubstantiated reductions present an issue, as CalEEMod uses the CH₄, CO₂, and N₂O intensity factors to calculate the Project’s greenhouse gas (“GHG”) emissions associated with electricity use. [footnote 3] Thus, by including unsubstantiated reductions to the default CH₄, CO₂, and N₂O intensity factors, the model may underestimate the Project’s GHG emissions and should not be relied upon to determine Project significance.</p>													

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response												
B5-62	<p data-bbox="323 362 1031 423"><i>Footnote 3: “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.caleemod.com/, p. 17.</i></p> <p data-bbox="323 435 747 461"><i>Failure to Substantiate Material Export</i></p> <p data-bbox="323 505 1115 605">Review of the CalEEMod output files demonstrates that the “LRDPAnnualConstructionEstimate” includes 60,000 cubic yards (“cy”) of material export (see excerpt below) (Appendix C, pp. 471).</p> <table border="1" data-bbox="352 610 1142 695"> <thead> <tr> <th>Table Name</th> <th>Column Name</th> <th>Default Value</th> <th>New Value</th> </tr> </thead> <tbody> <tr> <td>tbiGrading</td> <td>MaterialExported</td> <td>0.00</td> <td>30,000.00</td> </tr> <tr> <td>tbiGrading</td> <td>MaterialExported</td> <td>0.00</td> <td>30,000.00</td> </tr> </tbody> </table>	Table Name	Column Name	Default Value	New Value	tbiGrading	MaterialExported	0.00	30,000.00	tbiGrading	MaterialExported	0.00	30,000.00	<p data-bbox="1157 435 1927 776">The comment asserts that project assumptions applied to the CalEEMod are potentially incorrect, but gives no substantial evidence to support this assertion. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The assumptions for CalEEMod that apply to the proposed LRDP Update are estimates provided by UC Berkeley that are based on the development program described in Chapter 3, Project Description, of the Draft EIR, on pages 3-24 through 3-33. The construction model for the program-level LRDP Update was only used to provide an estimate of 30-year amortized construction emissions for the GHG evaluation.</p> <p data-bbox="1157 824 1927 1094">For the Chapter 5.7, Greenhouse Gas Emissions, GHG emissions from on-road vehicles transporting soil were based on the combined import/export volumes of Housing Project #1 and Housing Project #2 to provide a conservative estimate of average annual 30-year amortized construction emissions associated with the LRDP Update buildout. This is an estimate only and does not consider reductions in GHG emissions associated with transition to zero emissions trucks and off-road equipment in accordance with Executive Order N-79-20.</p>
Table Name	Column Name	Default Value	New Value											
tbiGrading	MaterialExported	0.00	30,000.00											
tbiGrading	MaterialExported	0.00	30,000.00											
	<p data-bbox="323 716 1115 948">According to the “User Entered Comments and Non-Default Data” table, the justification provided for this change is: “Export estimate for soil export for subterranean floors/parking” (Appendix C, pp. 471). However, the DEIR fails to mention or justify the amount of material export required for the proposed LRDP update whatsoever. As a result, the amount of material export inputted into the model may be underestimated.</p> <p data-bbox="323 992 1115 1300">This potential underestimation presents an issue, as the inclusion of the entire amount of material export within the model is necessary to calculate emissions produced from material movement, including truck loading and unloading, and additional hauling truck trips. [footnote 4] As the DEIR fails to substantiate the amount of material export required for construction of the LRDP Update, the model may underestimate the Project’s construction-related emissions and should not be relied upon to determine Project significance. An updated EIR should be prepared to verify the amount of required material export.</p>													
	<p data-bbox="323 1344 852 1404"><i>Footnote 4: CalEEMod User’s Guide, available at: http://www.caleemod.com/, p. 3, 26.</i></p>													

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response												
B5-63	<p><i>Failure to Model All Required Material Export and Import</i></p> <p>Regarding the material export and import required for the construction of Housing Project #2, the DEIR states:</p> <p>“Debris hauled off-site would include approximately 11,000 cubic yards of soil, and 1,700 cubic yards of soil would be imported for planting” (p. 3-65).</p> <p>However, review of the CalEEMod output files demonstrates that the “People’s Park Construction - Mitigated (Tier 4 Interim Equip)” model includes only 10,927- and 1,645-cubic yards (“cy”) of material export and import, respectively (Appendix C, pp. 921).</p> <table border="1" data-bbox="352 792 1108 873"> <thead> <tr> <th>Table Name</th> <th>Column Name</th> <th>Default Value</th> <th>New Value</th> </tr> </thead> <tbody> <tr> <td>(b)Grading</td> <td>MaterialExported</td> <td>0.00</td> <td>10,927.00</td> </tr> <tr> <td>(b)Grading</td> <td>MaterialImported</td> <td>0.00</td> <td>1,645.00</td> </tr> </tbody> </table> <p>As you can see in the excerpt above, the material export and import required for the construction of Housing Project #2 are underestimated by 73- and 55-cy, respectively. These underestimations present an issue, as the inclusion of the entire amount of material export and import within the model is necessary to calculate emissions produced from material movement, including truck loading and unloading, and additional hauling truck trips. [footnote 5] Thus, by failing to include the full amount of material export and import required for the construction of Housing Project #2, the model underestimates the Project’s construction-related emissions and should not be relied upon to determine Project significance.</p> <p><i>Footnote 5: CalEEMod User’s Guide, available at: http://www.caleemod.com/, p. 3, 26.</i></p>	Table Name	Column Name	Default Value	New Value	(b)Grading	MaterialExported	0.00	10,927.00	(b)Grading	MaterialImported	0.00	1,645.00	<p>Chapter 5.2, Air Quality, documents the methodology for evaluating program-level impacts associated with buildout of the LRDP Update (see page 5.2-33). Unlike the project-level analyses conducted for Housing Projects #1 and #2, construction phasing, duration, construction equipment list, etc. for other projects implementing the LRDP Update are simply unknown at this time. Therefore, the type of analysis requested by the commenter is speculative because the grading quantities of future projects are not known at this time. Program-level construction-related impacts under Impact AIR-2.1 were identified as a significant unavoidable impact of the proposed project.</p> <p>Based on the preliminary construction information provided by the construction contractor, Housing Project #2 would require 10,927 cubic yards of material export and 1,645 cubic yards of material import. The information used in the emissions modeling is a precise estimate of construction import and export rather than the rounded number cited on page 3-65. Therefore, the CalEEMod modeling for Housing Project #2 correctly estimates emissions from material export. Chapter 5.2, Air Quality, and Appendix C2 provides substantiation for this change to the model default. Soil haul volumes for Housing Project #1 are a conservative estimate of grading required.</p>
Table Name	Column Name	Default Value	New Value											
(b)Grading	MaterialExported	0.00	10,927.00											
(b)Grading	MaterialImported	0.00	1,645.00											

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B5-64	<i>Failure to Substantiate Demolition</i>	The calculations for the number of demolition debris haul trucks in connection with Housing Project #2 is identified in Appendix C3 of the Draft EIR. As identified in Appendix C 3, there would be 91 haul trips associated with building demolition and 15 haul trips associated with asphalt demolition for a total of 106 haul trips. This is based on the tonnage of the demolished material provided by UC Berkeley and an approximate 20-ton haul truck capacity, consistent with the CalEEMod User's Guide. CalEEMod modeling for Housing Project #2 is consistent with this assumption of 106 haul trips. Haul volumes for Housing Project #2 are a conservative estimate of demolition debris required.
	According to the CalEEMod User's Guide, "[h]aul trips are based on the amount of material that is demolished, imported or exported assuming a truck can handle 16 cubic yards of material." [footnote 6] Therefore, the air model calculates a default number of hauling trips based upon the amount of demolition material inputted into the model.	
	<i>Footnote 6: http://www.aqmd.gov/docs/default-source/caleemod/o2_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14</i>	
	Regarding the amount of demolition required for the construction of Housing Project #2, the DEIR states: "The proposed Housing Project #2 would demolish all existing structures on-site, including the public restroom, basketball courts, and stage" (p. 3-64).	
	Furthermore, review of the CalEEMod output files demonstrates that the "People's Park Construction - Mitigated (Tier 4 Interim Equip)" model calculated a default value of 106 hauling truck trips (see excerpt below) (Appendix C, pp. 925).	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number
Demolition	5	13.00	4.00	106.00
Pile Driving	1	3.00	0.00	0.00
Building Construction	8	202.00	31.00	0.00
Site Prep/Grade/Trench	6	15.00	4.00	0.00
Site Prep Soil Haul	0	8.00	0.00	1,572.00
Architectural Coating	4	40.00	0.00	0.00
Paving	6	15.00	0.00	0.00
Finishing/Landscaping	2	5.00	0.00	0.00

As you can see in the excerpt above, the model calculates 106 hauling truck trips for demolition. However, no justification is provided by the “User Entered Comments and Non-Default Data” table. Furthermore, the DEIR and associated documents fail to disclose the specific square footage of structures to be demolished or the tons of debris resulting from the required demolition. Thus, we cannot verify that the correct amount of demolition was inputted for the construction of Housing Project #2. As such, the amount of demolition inputted for the construction of Housing Project #2 may be underestimated.

This potential underestimation presents an issue, as the total amount of demolition material is used by CalEEMod to determine emissions associated with this phase of construction; the three primary operations that generate dust emission during the demolition phase are mechanical or explosive dismemberment, site removal of debris, and on-site truck traffic on paved and unpaved road. [footnote 7] Thus, by failing to substantiate the amount of required demolition, the model may underestimate the Project’s construction-related emissions and should

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																																																								
	not be relied upon to determine the significance of the Project’s air quality impacts.																																																									
	<i>Footnote 7: CalEEMod User Guide, Appendix A, p. 11, available at: http://www.caleemod.com/</i>																																																									
B5-65	<p><i>Unsubstantiated Changes to Operational Vehicle Fleet Mix Percentages</i></p> <p>Review of the CalEEMod output files demonstrates that the “UC Berkeley Anchor House Development Operations Run” and “Operation_Housing Project #2” models include several changes to the default operational vehicle fleet mix percentages (see excerpt below) (Appendix C, pp. 810, 951-952).</p> <table border="1"> <thead> <tr> <th>Table Name</th> <th>Column Name</th> <th>Default Value</th> <th>New Value</th> </tr> </thead> <tbody> <tr> <td>tblFleetMix</td> <td>HHD</td> <td>0.05</td> <td>5.4430e-003</td> </tr> <tr> <td>tblFleetMix</td> <td>LDA</td> <td>0.56</td> <td>0.70</td> </tr> <tr> <td>tblFleetMix</td> <td>LDT1</td> <td>0.04</td> <td>0.05</td> </tr> <tr> <td>tblFleetMix</td> <td>LDT2</td> <td>0.19</td> <td>0.24</td> </tr> <tr> <td>tblFleetMix</td> <td>LHD1</td> <td>0.01</td> <td>0.00</td> </tr> <tr> <td>tblFleetMix</td> <td>LHD2</td> <td>5.1570e-003</td> <td>0.00</td> </tr> <tr> <td>tblFleetMix</td> <td>MCY</td> <td>5.4600e-003</td> <td>6.8190e-003</td> </tr> <tr> <td>tblFleetMix</td> <td>MDV</td> <td>0.11</td> <td>0.00</td> </tr> <tr> <td>tblFleetMix</td> <td>MH</td> <td>6.9000e-004</td> <td>0.00</td> </tr> <tr> <td>tblFleetMix</td> <td>MHD</td> <td>0.02</td> <td>0.00</td> </tr> <tr> <td>tblFleetMix</td> <td>OBUS</td> <td>2.2210e-003</td> <td>0.00</td> </tr> <tr> <td>tblFleetMix</td> <td>SBUS</td> <td>3.4300e-004</td> <td>0.00</td> </tr> <tr> <td>tblFleetMix</td> <td>UBUS</td> <td>2.3580e-003</td> <td>0.00</td> </tr> </tbody> </table>	Table Name	Column Name	Default Value	New Value	tblFleetMix	HHD	0.05	5.4430e-003	tblFleetMix	LDA	0.56	0.70	tblFleetMix	LDT1	0.04	0.05	tblFleetMix	LDT2	0.19	0.24	tblFleetMix	LHD1	0.01	0.00	tblFleetMix	LHD2	5.1570e-003	0.00	tblFleetMix	MCY	5.4600e-003	6.8190e-003	tblFleetMix	MDV	0.11	0.00	tblFleetMix	MH	6.9000e-004	0.00	tblFleetMix	MHD	0.02	0.00	tblFleetMix	OBUS	2.2210e-003	0.00	tblFleetMix	SBUS	3.4300e-004	0.00	tblFleetMix	UBUS	2.3580e-003	0.00	<p>Changes to the fleet mix are substantiated in Appendix C1. The fleet mix for the proposed project is provided by Fehr and Peers and is consistent with the vehicle characteristics for the proposed students and faculty. Appendix C1 provides a detailed breakdown of the EMFAC2017 vehicle classifications associated with commute trips, which are passenger vehicles, and vendor deliveries, which are truck trips. Housing Project # 1 and #2 are consistent with these model assumptions for the LRDP Update. For example, Appendix C2 documents that on an average day, Housing Project #1 would generate two truck trips while passenger vehicle trips associated with the project would generate 365 daily trips. Appendix C3 documents that on an average day, Housing Project #2 would generate 9 truck trips while passenger vehicle trips associated with the project would generate 1,747 daily trips. Furthermore, as shown in Tables 5.2-15 and 5.2-17, the combined operational emissions of Housing Projects #1 and #2 are substantially below the BAAQMD significance thresholds.</p>
Table Name	Column Name	Default Value	New Value																																																							
tblFleetMix	HHD	0.05	5.4430e-003																																																							
tblFleetMix	LDA	0.56	0.70																																																							
tblFleetMix	LDT1	0.04	0.05																																																							
tblFleetMix	LDT2	0.19	0.24																																																							
tblFleetMix	LHD1	0.01	0.00																																																							
tblFleetMix	LHD2	5.1570e-003	0.00																																																							
tblFleetMix	MCY	5.4600e-003	6.8190e-003																																																							
tblFleetMix	MDV	0.11	0.00																																																							
tblFleetMix	MH	6.9000e-004	0.00																																																							
tblFleetMix	MHD	0.02	0.00																																																							
tblFleetMix	OBUS	2.2210e-003	0.00																																																							
tblFleetMix	SBUS	3.4300e-004	0.00																																																							
tblFleetMix	UBUS	2.3580e-003	0.00																																																							
	<p>As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.[footnote 8] However, no justification is provided by the “User Entered Comments and Non-Default Data” table. Furthermore, the AQ & GHG Analysis provides the following operational vehicle fleet mix assumptions (see excerpt below) (Appendix C, pp. 745, 885).</p> <p><i>Footnote 8: CalEEMod User Guide, available at: http://www.caleemod.com/, p. 2, 9</i></p>																																																									

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Housing Project #1 Fleet Mix Assumptions:

Housing Project #1 Fleet Mix Assumptions:
Changes to the CalEEMod Defaults - Year 2024

Total VMT: 367

Commercial Default	LD4	LD11	LD17	LDV	LDV1	LDV2	LDV3	LDV4	LDV5	LDV6	LDV7	LDV8	LDV9	LDV10	LDV11	LDV12
0.562515	0.030358	0.183718	0.196250	0.014814	0.005157	0.024059	0.048402	0.022221	0.022398	0.026460	0.003343	0.000960	100%			
1,573	106	532	297	41	14	70	131	6	7	15	1	2	2,796			
60%				7%			5%						100%			
Proportion Assumed	0.708367	0.047788	0.238889	0.077988	0.004499	0.032897	0.158807	1.000000	0.014168	0.019542	0.006856	0.002188	0.004402	100.00%		
Adjusted with Assumed	0.702522	0.047528	0.237988	0	0	0	0	0.008443	0	0	0.008219	0	0	100%		
Trips	258	17	87	0	0	0	0	2	0	0	2	0	0	367		
Percent	70%	5%	24%	0%	0%	0%	1%	0%	0%	0%	1%	0%	0%	100%		
Modified	0.702522	0.047528	0.237988	0	0	0	0	0.008443	0	0	0.008219	0	0	100.0%		
Final Check Trips	258	17	87	0	0	0	0	2	0	0	2	0	0	367		
	89.49%						0%	0.54%								

Housing Project #1 Fleet Mix Assumptions:

Housing Project #2 Fleet Mix Assumptions:
Changes to the CalEEMod Defaults - Year 2024

Total VMT: 1,736

Commercial Default	LD4	LD11	LD17	LDV	LDV1	LDV2	LDV3	LDV4	LDV5	LDV6	LDV7	LDV8	LDV9	LDV10	LDV11	LDV12
0.562515	0.030358	0.183719	0.196250	0.014814	0.005157	0.024059	0.048402	0.022221	0.022398	0.026460	0.003343	0.000960	100%			
1,573	106	532	297	41	14	70	131	6	7	15	1	2	2,796			
60%				7%			5%						100%			
Proportion Assumed	0.708367	0.047788	0.238889	0.077988	0.004499	0.032897	0.158807	1.000000	0.014168	0.019542	0.006856	0.002188	0.004402	100.00%		
Adjusted with Assumed	0.702804	0.047547	0.237784	0	0	0	0	0.005044	0	0	0.008222	0	0	100%		
Trips	1,234	83	418	0	0	0	0	9	0	0	12	0	0	1,736		
Percent	70%	5%	24%	0%	0%	0%	0%	1%	0%	0%	1%	0%	0%	100%		
Modified	0.702804	0.047547	0.237784	0	0	0	0	0.005044	0	0	0.008222	0	0	100.0%		
Final Check Trips	1,234	83	418	0	0	0	0	9	0	0	12	0	0	1,736		
	89.50%							0.50%								

However, these changes remain unsupported for two reasons. First, the assumptions provided by the AQ & GHG Analysis fail to include a source for the revised operational vehicle fleet mix percentages. Second, the DEIR fails to mention the revised operational vehicle fleet mix percentages or justify these changes whatsoever. As such, we cannot verify the revised values.

These unsubstantiated changes present an issue, as operational vehicle fleet mix percentages are used by CalEEMod to calculate the Project’s operational emissions associated with on-road vehicles. [footnote 9] Thus, by including unsubstantiated changes to the default operational vehicle fleet mix, the models may underestimate the Project’s mobile-source operational emissions and should not be relied upon to determine Project significance.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																																
B5-66	<p>Footnote 9: CalEEMod User Guide, available at: http://www.caleemod.com/, p. 2, 9</p> <p><i>Unsubstantiated Changes to Operational Vehicle Trip Lengths</i></p> <p>Review of the CalEEMod output files demonstrates that the “UC Berkeley Anchor House Development Operations Run” and “Operation_Housing Project #2” models include several reductions to the default operational vehicle trip lengths (see excerpt below) (Appendix C, pp. 850, 998).</p> <p>“UC Berkeley Anchor House Development Operations Run”</p> <table border="1" data-bbox="327 721 1125 831"> <thead> <tr> <th>Table Name</th> <th>Column Name</th> <th>Default Value</th> <th>New Value</th> </tr> </thead> <tbody> <tr> <td>tblVehicleTrips</td> <td>HO_TL</td> <td>5.70</td> <td>2.69</td> </tr> <tr> <td>tblVehicleTrips</td> <td>HS_TL</td> <td>4.80</td> <td>2.69</td> </tr> <tr> <td>tblVehicleTrips</td> <td>HW_TL</td> <td>10.80</td> <td>2.69</td> </tr> </tbody> </table> <p>“Operation_Housing Project #2”</p> <table border="1" data-bbox="327 919 1125 1029"> <thead> <tr> <th>Table Name</th> <th>Column Name</th> <th>Default Value</th> <th>New Value</th> </tr> </thead> <tbody> <tr> <td>tblVehicleTrips</td> <td>HO_TL</td> <td>5.70</td> <td>0.00</td> </tr> <tr> <td>tblVehicleTrips</td> <td>HS_TL</td> <td>4.80</td> <td>0.00</td> </tr> <tr> <td>tblVehicleTrips</td> <td>HW_TL</td> <td>10.80</td> <td>3.37</td> </tr> </tbody> </table>	Table Name	Column Name	Default Value	New Value	tblVehicleTrips	HO_TL	5.70	2.69	tblVehicleTrips	HS_TL	4.80	2.69	tblVehicleTrips	HW_TL	10.80	2.69	Table Name	Column Name	Default Value	New Value	tblVehicleTrips	HO_TL	5.70	0.00	tblVehicleTrips	HS_TL	4.80	0.00	tblVehicleTrips	HW_TL	10.80	3.37	<p>Please see Response A3-67 regarding the commute trip length. The trip length used for Housing Projects #1 and #2, in Appendix C2 and C3, respectively, is based on the commute trip length for students at UC Berkeley. The trip length for non-residential trips are based on the Alameda County Transportation Commission (CTC) Travel Demand Model for uses in the proposed project’s Transportation Analysis Zone (TAZ). Therefore, mobile source modeling for Housing Projects #1 and #2 are consistent with the transportation modeling conducted for the proposed project. Changes to the CalEEMod defaults are substantiated and no changes to the modeled is warranted.</p>
Table Name	Column Name	Default Value	New Value																															
tblVehicleTrips	HO_TL	5.70	2.69																															
tblVehicleTrips	HS_TL	4.80	2.69																															
tblVehicleTrips	HW_TL	10.80	2.69																															
Table Name	Column Name	Default Value	New Value																															
tblVehicleTrips	HO_TL	5.70	0.00																															
tblVehicleTrips	HS_TL	4.80	0.00																															
tblVehicleTrips	HW_TL	10.80	3.37																															
	<p>As you can see in the excerpt above, the home–other (“HO”), home–shop (“HS”), and home–work (“HW”) operational vehicle trip lengths were manually reduced from their default values to 2.69-miles in the “UC Berkeley Anchor House Development Operations Run” model. Furthermore, the HO and HS operational trip lengths were each manually reduced to 0, while the HW operational vehicle trip length was manually reduced to 3.37-miles, in the “Operation_Housing Project #2” model. As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified. [footnote 10] According to the “User Entered Comments and Non-Default Data” table, the justification provided for these changes is: “See assumptions file” (Appendix C, pp.</p>																																	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

809, 951). The AQ & GHG Analysis provides the following operational vehicle trip length assumptions (see excerpt below) (Appendix C, pp. 743, 885).

Footnote 10: CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 2, 9

“UC Berkeley Anchor House Development Operations Run” Assumptions:

Land Use Trip Breakdown:	Lightly Duty/Main	
Weekday Trip Rate	1.5023	trips/DU
Saturday Trip Rate	1.5023	trips/DU
Sunday Trip Rate	1.5023	trips/DU
Non-Res C-C Trip Length	2.6851	miles/trip
Non-Res C-W Trip Length	0	miles/trip
Non-Res C-NW Trip Length	0	miles/trip
Primary Trip %	100%	
Divert Trip %	0%	
Passby Trip %	0%	
Non-Res C-C Trip %	0%	passenger
Non-Res C-W Trip %	100%	MDT
Non-Res C-NW Trip %	0%	HDT

“Operation_Housing Project #2” Assumptions:

Land Use Trip Breakdown:		
Weekday Trip Rate	3.1384	trips/DU
Saturday Trip Rate	3.1384	trips/DU
Sunday Trip Rate	3.1384	trips/DU
H-W Trip Length	3.3706	miles/trip
H-S Trip Length	0	miles/trip
H-O Trip Length	0	miles/trip
Primary Trip %	100%	
Divert Trip %	0%	
Passby Trip %	0%	
H-W Trip %	100%	
H-S Trip %	0%	
H-O Trip %	0%	

Furthermore, regarding the operational vehicle trip lengths, the DEIR states:

“The commuter VMT (Home-Work) and VMT per commuter consists

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>of VMT generated by vehicle trips between homes and workplaces by private motor vehicles (including drive-alone, carpool, drop-off, and TNC) and was calculated using the following inputs...</p> <ul style="list-style-type: none"> • Average trip lengths for current commuter faculty and staff derived from UC Berkeley’s anonymized home residence database. • Average trip lengths for current commuter students derived from UC Berkeley’s anonymized student employee home residence database” (emphasis added) (p. 5.15-44– 5.15-45). <p>However, these changes remain unsupported for three reasons. First, the DEIR fails to provide a source for UC Berkeley’s anonymized student employee home residence database. Second, the assumptions provided by the AQ & GHG Analysis similarly fail to include a source for the revised operational vehicle trip lengths. Third, while the assumptions provided by the AQ & GHG Analysis for the “UC Berkeley Anchor House Development Operations Run” model include revised <i>non-residential</i> trip lengths, they fail to provide the revised residential trip lengths. As such, we cannot verify the revised operational vehicle trip lengths.</p> <p>These unsubstantiated reductions present an issue, as CalEEMod uses operational vehicle trip lengths to calculate motor vehicle emissions associated with Project operation. [footnote 11] Thus, by including unsubstantiated reductions to the default operational vehicle trip lengths, the models may underestimate the Project’s mobile-source operational emissions and should not be relied upon to determine Project significance.</p> <p><i>Footnote 11: CalEEMod User Guide, available at: http://www.caleemod.com/, p. 36.</i></p>	
B5-67	<p><i>Unsubstantiated Changes to Wastewater Treatment System Percentages</i></p> <p>Review of the CalEEMod output files demonstrates that the “UC Berkeley Anchor House Development Operations Run” and “Operation_Housing</p>	<p>The percentages identified in the CalEEMod User’s Guide are based on statewide data of the primary treatment methods. For example, in the state 10.33 percent of wastewater is treated using septic tanks. The project does not involve use of septic tanks; and therefore, septic tanks was zeroed out in the model. Similarly, while there may be some</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	Project #2” models include several changes to the default wastewater treatment system percentages (see excerpts below) (Appendix C, pp. 851-952, 998-999).	anaerobic bacteria digest sludge during the wastewater treatment process, the East Bay Municipal Utilities District’s (EBMUD) Waste Water Treatment Plant (WWTP) does not primarily treat wastewater in open-air facultative lagoons. EBMUD’s wastewater treatment is a tertiary-treated wastewater. EBMUD’s anerobic processes are enclosed in an anerobic digester that generates electricity to offset the plant’s energy use. As a result, modeling in CalEEMod is conservative for EBMUD’s facilities and correctly adjusts the wastewater percentages to reflect the treatment processes of EBMUD’s facilities.

“UC Berkeley Anchor House Development Operations Run” Model:

Table Name	Column Name	Default Value	New Value
tbWater	AerobicPercent	87.46	100.00
tbWater	AerobicPercent	87.46	100.00
tbWater	AerobicPercent	87.46	100.00
tbWater	AerobicPercent	87.46	100.00
tbWater	AerobicPercent	87.46	100.00
tbWater	AerobicPercent	87.46	100.00
tbWater	AnaerobicandFacultativeLagoonsPercent	2.21	0.00
tbWater	AnaerobicandFacultativeLagoonsPercent	2.21	0.00
tbWater	AnaerobicandFacultativeLagoonsPercent	2.21	0.00
tbWater	AnaerobicandFacultativeLagoonsPercent	2.21	0.00
tbWater	AnaerobicandFacultativeLagoonsPercent	2.21	0.00
tbWater	AnaerobicandFacultativeLagoonsPercent	2.21	0.00
tbWater	AnaerobicandFacultativeLagoonsPercent	2.21	0.00
tbWater	SepticTankPercent	10.33	0.00
tbWater	SepticTankPercent	10.33	0.00
tbWater	SepticTankPercent	10.33	0.00
tbWater	SepticTankPercent	10.33	0.00
tbWater	SepticTankPercent	10.33	0.00
tbWater	SepticTankPercent	10.33	0.00

“Operation_Housing Project #2” Model:

Table Name	Column Name	Default Value	New Value
tbWater	AerobicPercent	87.46	100.00
tbWater	AnaerobicandFacultativeLagoonsPercent	2.21	0.00
tbWater	SepticTankPercent	10.33	0.00

As you can see in the excerpts above, the models assume that 100% of the Project’s wastewater would be treated aerobically. According to the “User Entered Comments and Non-Default Data” table, the justification provided for these changes is: “Assumes 100% aerobic. See assumptions file for water use.” (Appendix C, pp. 809, 951). Furthermore, the DEIR states that “wastewater is treated at the EBMUD Wastewater Treatment Plant in Oakland” (p. 5.8-11).

However, review of EBMUD WWTP treatment process demonstrates

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response												
	<p>that the facility utilizes anaerobic digesters. [footnote 12] As a result, the model is incorrect in assuming that the Project’s wastewater would be treated aerobically, and we cannot verify the revised wastewater treatment system percentages.</p> <p><i>Footnote 12: “EBMUD Wastewater Treatment Plant.” International Water Association, available at: https://iwa-network.org/wp-content/uploads/2015/12/Case_20study_EBMUD.pdf, p. 2.</i></p> <p>These unsubstantiated changes present an issue, as each type of wastewater treatment system is associated with different GHG emission factors, which are used by CalEEMod to calculate the Project’s total GHG emissions. [footnote 13] Thus, by including unsubstantiated changes to the default wastewater treatment system percentages, the models may underestimate the Project’s GHG emissions and should not be relied upon to determine Project significance.</p> <p><i>Footnote 13: CalEEMod User Guide, available at: http://www.caleemod.com/, p. 45.</i></p>													
B5-68	<p><i>Unsubstantiated Changes to Gas Fireplace Values</i></p> <p>Review of the CalEEMod output files demonstrates that the “UC Berkeley Anchor House Development Operations Run” model includes several changes to the default gas fireplace values (see excerpt below) (Appendix C, pp. 810).</p>	<p>The commenter suggests that student and faculty housing on campus could include fireplaces. This is not correct. The proposed project would not include any housing with fireplaces. Under BAAQMD Regulation 6, Rule 3, Woodburning Devices, effective November 1, 2016, wood-burning devices are prohibited in new construction. Furthermore, in accordance with UC Sustainable Practices Policy (see Table 5.7-6) no new building or major modification off of the main campus energy system will use on-site fossil fuel combustion. This prohibition includes gas-burning fireplaces. In general, new UC Berkeley housing would not utilize wood-burning or gas-burning devices. Therefore, no changes to the CalEEMod defaults are warranted.</p>												
	<table border="1" data-bbox="331 1214 1108 1304"> <thead> <tr> <th>Table Name</th> <th>Column Name</th> <th>Default Value</th> <th>New Value</th> </tr> </thead> <tbody> <tr> <td>tblFireplaces</td> <td>NumberGas</td> <td>36.60</td> <td>0.00</td> </tr> <tr> <td>tblFireplaces</td> <td>NumberNoFireplace</td> <td>9.76</td> <td>244.00</td> </tr> </tbody> </table>	Table Name	Column Name	Default Value	New Value	tblFireplaces	NumberGas	36.60	0.00	tblFireplaces	NumberNoFireplace	9.76	244.00	
Table Name	Column Name	Default Value	New Value											
tblFireplaces	NumberGas	36.60	0.00											
tblFireplaces	NumberNoFireplace	9.76	244.00											
	<p>As you can see in the excerpt above, the model assumes that the Project would not include any gas fireplaces. As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be</p>													

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>justified. [footnote 14] According to the “User Entered Comments & Non-Default Data” table for these models, the justification provided for these changes is: “no fireplace” (Appendix C, pp. 809). Furthermore, regarding the Project’s area-source emissions, the DEIR states:</p> <p><i>Footnote 14: CalEEMod User Guide, available at: http://www.caleemod.com/, p. 2, 9</i></p> <p>“Area source emissions from use of consumer cleaning products and paints are based on CalEEMod default values and square footage of the proposed buildings. <i>Additionally, no fireplaces are considered in the modeling</i>” (emphasis added) (p. 5.2-38).</p> <p>However, these changes remain unsupported, as the DEIR cannot simply assume the Project would not include any gas fireplaces and exclude them in the modeling without substantial justification. According to the CalEEMod User’s Guide:</p> <p>“CalEEMod was also designed to allow the user to change the defaults to reflect site- or project- specific information, when available, <i>provided that the information is supported by substantial evidence as required by CEQA</i>” (emphasis added). [footnote 15]</p> <p><i>Footnote 15: CalEEMod Model 2013.2.2 User’s Guide, available at: http://www.aqmd.gov/docs/default-source/caleemod/usersguideSept2016.pdf?sfvrsn=6, p. 12.</i></p> <p>As you can see in the excerpt, any changes to default values should be supported by substantial evidence. As the DEIR fails to mention that the Project would not include any gas fireplaces, there is no substantial evidence supporting the revised gas fireplace values.</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>These unsubstantiated changes present an issue, as CalEEMod uses the number of gas fireplaces to calculate the Project's area-source operational emissions. [footnote 16] Thus, by including unsubstantiated changes to the default number of gas fireplaces, the model may underestimate the Project's area-source operational emissions and should not be relied upon to determine Project significance.</p> <p><i>Footnote 16: CalEEMod User Guide, available at: http://www.caleemod.com/, p. 40.</i></p>	
B5-69	<p>Failure to Implement All Feasible Mitigation to Reduce Emissions</p> <p>As discussed above, the DEIR's air quality analysis relies upon an incorrect and unsubstantiated air model to determine the significance of the Project's criteria air pollutant emissions. However, despite the DEIR's reliance upon a flawed air model, the Project's operational emissions estimates indicate a significant air quality impact. Specifically, the DEIR concludes that the operational ROG/VOC emissions associated with the LRDP 2036 Forecast would exceed the applicable BAAQMD threshold (see excerpt below) (p. 5.2-20, Table 5.2-12).</p>	<p>See also Response B5-27. The commenter requests consideration of additional mitigation measures to reduce ROG emissions associated with operation of the proposed project (Impact Air-2.2). The commenter has identified the following potential mitigation measures: use of Tier 4 Final construction equipment; reduced idling time for trucks; requiring zero emissions heavy-duty (on-road) vehicles for construction starting in 2030 or later years; and installing air filtration systems. With the exception of filtration systems, these measures mitigate construction emissions, not operational phase impacts of the project. As identified in Chapter 5.2, Air Quality, Impact AIR-2.1 identifies generally that construction emissions could exceed the BAAQMD thresholds and Mitigation Measure AIR-2.1 includes measures future construction projects at UC Berkeley are required to implement to reduce construction emissions. The commenter did not identify any additional operational phase mitigation measures that would reduce ROG emissions from long-term operation of the proposed project.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

TABLE 5.2-12 UC BERKELEY LRDP 2036 FORECAST

Sector	Average Pounds per Day			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Existing Land Uses in 2036-37 without LRDP Update				
Cogeneration Plant ^a	34	303	48	48
Fuel Use ^a	3	58	4	4
Campus Fleet ^a	<1	1	<1	<1
Student Commute ^b	2	3	6	2
Faculty and Staff Commute ^b	7	11	20	8
Visitors ^b	2	2	4	2
Vendors ^b	<1	<1	<1	<1
Consumer Products / Painting ^c	324	—	—	—
Total	372	379	82	65
2036-37 LRDP Adjusted BAU				
Cogeneration Plant ^a	31	273	43	43
Fuel Use ^a	5	87	7	7
Campus Fleet ^a	<1	1	<1	<1
Student Commute ^b	2	3	6	2
Faculty and Staff Commute ^b	9	14	24	10
Visitors ^b	2	3	5	2
Vendors ^b	<1	<1	<1	<1
Consumer Products / Painting ^c	490	—	—	—
Total	538	381	85	64
Change				
Change from Existing Land Uses	166	2	3	<1
BAAQMD Threshold	54	54	82	54
Exceeds Average Daily Threshold	Yes	No	No	No
Tons per Year				
	ROG	NO _x	PM ₁₀	PM _{2.5}
Existing Land Use in 2036-37 Annual Emissions	67	68	14	11
LRDP 2036-37 Emissions	98	69	14	11
Change in Emissions	31	1	<1	<1
BAAQMD Annual Project-Level Threshold	10	10	15	10
Exceeds Annual Threshold	Yes	No	No	No

As a result, the DEIR concludes that the Project’s operational air quality impact would be significant-and- unavoidable, stating:

“Implementation of Mitigation Measure AIR-2.2 would require use of low-

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>or no-VOC paints at UC Berkeley and could reduce ROG emissions on campus by 44 lbs/day (8 tons per year). Combined with the reductions anticipated with implementation of the Hybrid Heat Nodal Recovery option identified in the Campus Energy Plan, emissions would be reduced by 70 lbs/day (13 tons per year) of ROG. However, ROG emissions from consumer product use at the UC Berkeley Campus would continue to exceed the BAAQMD regional significance thresholds and cumulatively contribute to the ozone nonattainment designations. Because the use of consumer products and the VOC content contained within consumer products is not something that UC Berkeley has full control over, there are no mitigation measures available to reduce this program-level impact. Therefore, long-term implementation of the proposed LRDP Update is considered significant and unavoidable” (p. 5.2-53).</p>	
	<p>However, while we agree that the Project would result in significant operational criteria air pollutant emissions, the DEIR’s conclusion that these impacts are “significant and unavoidable” is incorrect. According to CEQA Guidelines § 15096(g)(2):</p>	
	<p>“When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.”</p> <p>As you can see, an impact can only be labeled as significant and unavoidable after <i>all available, feasible mitigation</i> is considered. Here, while the DEIR includes Mitigation Measure (“MM”) AIR-2.2, the DEIR fails to implement <i>all feasible</i> mitigation (p. 5.2-53). Therefore, the DEIR’s conclusion that the Project’s air quality impacts are significant and unavoidable is unsubstantiated. To reduce the Project’s air quality impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested on page 19 in</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	the section of this letter titled “Feasible Mitigation Measures Available to Reduce Emissions.” Thus, the Project should not be approved until an updated EIR is prepared, including updated, accurate air modeling, as well as incorporating all feasible mitigation to reduce emissions to less-than-significant levels.	
B5-70	<p>Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated</p> <p>The DEIR estimates that operation of the LRDP Update would result in a maximum excess cancer risk of 7.3 in one million, which would not exceed the BAAQMD threshold of 10 in one million (see excerpt below) (p. 5.2-63, Table 5.2-18).</p>	Please see Responses B5-71 through B5-75 below. None of this material constitutes the type of significant new information that requires recirculation of the Draft EIR for further public comment under CEQA Guidelines Section 15088.5.

TABLE 5.2-18 LRDP UPDATE OPERATIONAL HEALTH RISK ASSESSMENT RESULTS

Receptor	Project Level Risk		
	Cancer Risk (per million)	Chronic Hazards	Acute Hazards
Point of Maximum Impact (PMI)	24.6	0.064	0.20
Maximum Exposed Individual Resident (MEIR)	7.3	0.018	0.084
Maximum Exposed Individual Worker (MEIW)	0.7	0.052	0.12
Maximum Exposed Sensitive Receptor (Montessori Family School)	0.9	0.011	0.072
BAAQMD Threshold for Individual Sources	10	1.0	1.0
Exceeds Threshold?	No	No	No

Note: Cancer risk calculated using 2015 OEHHA Guidance Manual. PMI and MEIR cancer risks are calculated for the 30-yr residential scenario. MEIW cancer risk calculated for 25-yr worker scenario. Maximum exposed sensitive receptor cancer risk calculated for 12-year student scenario (ages 3 to 14). Source: HARP2, Air Dispersion Model and Risk Tool.

However, the DEIR concludes that the health risk impacts associated with construction of the LRDP would be significant and unavoidable (p. 5.2-61). Specifically, the DEIR states:

“Significant and unavoidable. Implementation of Mitigation Measure AIR-2.1 previously described in impact discussion AIR-2, which requires use of Tier 4 (or higher) equipment, and Mitigation Measure AIR-3, which requires site-specific construction HRAs, would reduce construction-related health risk impacts of future development projects that

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>implement the proposed LRDP Update to the extent feasible. However, despite implementation of these mitigation measures, construction-related health risk impacts may still exceed the applicable thresholds due to future project-specific circumstances... These future site-specific circumstances are not known for this program-level evaluation. Accordingly, no additional mitigation measures are available to reduce this program-level impact to less-than-significant levels. Therefore, this impact remains significant and unavoidable” (emphasis added) (p. 5.2-61).</p> <p>Furthermore, the DEIR estimates that the construction of Housing Project #1 would result in a mitigated excess cancer risk of 1.1 in one million, which would not exceed the BAAQMD threshold of 10 in one million (see excerpt below) (p. 5.2-67, Table 5.2-20).</p>	

TABLE 5.2-20 HOUSING PROJECT #1 CONSTRUCTION HEALTH RISK ASSESSMENT RESULTS: WITH MITIGATION

Receptor	Project Level Risk		
	Cancer Risk (per million)	Chronic Hazards	Construction Exhaust PM _{2.5} (µg/m ³)
Maximum Exposed Individual Resident (MEIR)	1.1	0.004	0.007
BAAQMD Threshold	10	1.0	0.3 µg/m ³
Exceeds Threshold?	No	No	No

Notes: micrograms per cubic meter = µg/m³; PM_{2.5} = fine particulate matter. Modeling includes Mitigation Measure AIR-2.1, which requires use of Tier 4 equipment for engines 50 horsepower and higher. Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual.
Source: PlaceWorks, 2020.

Regarding potential health risks associated with the operation of Housing Project #1, the DEIR states:

“Exposure to elevated concentrations of vehicle-generated PM2.5 and TACs at sensitive land uses have been identified by CARB, the California Air Pollution Control Officer’s Association, and BAAQMD as a potential air quality hazard. The types of uses that could create new major sources of TACs are industrial, manufacturing, and warehousing uses. Housing

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																
	<p>Project #1 would primarily involve development of housing in addition to a small commercial component and thus would not include the type of land uses typically associated with major sources of TACs. While the proposed building would include a diesel-fired emergency generator, it is not anticipated to be a major source of TACs due to its limited use. Furthermore, any emergency generator installed on-site would be required to comply with BAAQMD permitting regulations (i.e., Regulation 2), which imposes limits on maintenance and reliability run-time hours. Therefore, operation-related health risk impacts associated with Housing Project #1 would be less than significant” (p. 5.2-68).</p> <p>As demonstrated above, the DEIR concludes that Housing Project #1 would result in a less-than- significant impact with respect to operational toxic air contaminants (“TACs”), because the proposed land uses are not typically associated with major sources of TACs.</p>																	
B5-71	<p>Finally, the DEIR estimates that the construction of Housing Project #2 would result in a mitigated excess cancer risk of 5.2 in one million, which would not exceed the BAAQMD threshold of 10 in one million (see excerpt below) (p. 5.2-71, Table 5.2-22).</p> <p>TABLE 5.2-22 HOUSING PROJECT #2 CONSTRUCTION HEALTH RISK ASSESSMENT RESULTS: WITH MITIGATION</p> <table border="1"> <thead> <tr> <th>Receptor</th> <th>Cancer Risk (per million)</th> <th>Chronic Hazards</th> <th>PM_{2.5} (µg/m³)</th> </tr> </thead> <tbody> <tr> <td>Maximum Exposed Individual Resident (MEIR)</td> <td>5.2</td> <td>0.01</td> <td>0.04</td> </tr> <tr> <td>BAAQMD Threshold</td> <td>10</td> <td>1.0</td> <td>0.30</td> </tr> <tr> <td>Exceeds Threshold?</td> <td>No</td> <td>No</td> <td>No</td> </tr> </tbody> </table> <p><small>Notes: micrograms per cubic meter = µg/m³; PM_{2.5} = fine particulate matter. Modeling includes Mitigation Measure AIR-2.1, which requires use of Tier 4 equipment for engines 50 horsepower and higher. Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual. Source: PlaceWorks, 2020.</small></p> <p>Regarding potential health risks associated with the operation of Housing Project #2, the DEIR states:</p> <p>“Exposure to elevated concentrations of vehicle-generated PM2.5 and</p>	Receptor	Cancer Risk (per million)	Chronic Hazards	PM _{2.5} (µg/m ³)	Maximum Exposed Individual Resident (MEIR)	5.2	0.01	0.04	BAAQMD Threshold	10	1.0	0.30	Exceeds Threshold?	No	No	No	<p>The commenter suggests the Draft EIR finding of a significant and unavoidable impact due to LRDP Update construction health risk is unsubstantiated. The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR (CEQA Guidelines Section 15146). As stated in Draft EIR page 5.2-66 (Impact AIR-3), despite implementation of Mitigation Measure AIR-2.1 and Mitigation Measure AIR-3 (renumbered as Mitigation Measure AIR-3.1 as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR), construction-related health risk impacts may still exceed the applicable thresholds because site-specific circumstances are not known at the time of this program-level evaluation. Therefore, this impact remains significant and unavoidable.</p> <p>Construction health risk impacts associated with the LRDP Update are evaluated qualitatively, not quantitatively, because the specifics of these new projects are simply unknown at this time. See, e.g., CEQA Guidelines, Section 15064.7(a) (significance threshold can be</p>
Receptor	Cancer Risk (per million)	Chronic Hazards	PM _{2.5} (µg/m ³)															
Maximum Exposed Individual Resident (MEIR)	5.2	0.01	0.04															
BAAQMD Threshold	10	1.0	0.30															
Exceeds Threshold?	No	No	No															

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>TACs at sensitive land uses has been identified by CARB, the California Air Pollution Control Officer’s Association, and BAAQMD as a potential air quality hazard. The types of uses that could create new major sources of TACs are industrial, manufacturing, and warehousing uses. Housing Project #2 would primarily involve development of housing in addition to a small retail component and thus would not include the type of land uses that are typically associated with major sources of TACs. In addition, the proposed buildings would be electric powered. While the proposed buildings would still include a diesel-fired emergency generator, it is not anticipated to be a major source of TACs due to its limited use.⁵⁶ Furthermore, any emergency generator installed on-site would be required to comply with BAAQMD permitting regulations (i.e., Regulation 2), which imposes limits on maintenance and reliability run-time hours. Therefore, operation-related health risk impacts associated with Housing Project #2 are considered less than significant” (p. 5.2-72).</p> <p>As demonstrated above, the DEIR concludes that Housing Project #2 would result in a less-than- significant impact with respect to operational TACs, because the proposed land uses are not typically associated with major sources of TACs. However, the DEIR’s evaluation of the Project’s health risk impacts is incorrect for five reasons.</p> <p>First, as previously stated, the DEIR concludes that the health risk impacts associated with construction of the LRDP would be significant and unavoidable (p. 5.2-61). However, as previously stated, an impact can only be labeled as significant and unavoidable under CEQA after <i>all available, feasible mitigation</i> is considered. Here, while the DEIR includes MM AIR-2.1 and MM AIR-3, the DEIR fails to implement <i>all feasible</i> mitigation (p. 5.2-48, 5.2-60). Therefore, the DEIR’s conclusion that the LRDP’s construction- related health risk impact is significant and unavoidable is unsubstantiated. To reduce the Project’s health risk impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested on page 19 in</p>	<p>qualitative or quantitative); Section 15142 (EIR shall consider “qualitative as well as quantitative factors”); <i>Ebbetts Pass Forest Watch v. California Dept. of Forestry & Fire Protection</i> (2008) 43 Cal.4th 936, 954 (CEQA analysis may include a general discussion where detailed, site-specific analysis would be speculative and require an analysis of specific acts that cannot reasonably be foreseen). Without these specifics, it is not possible to quantify potential impacts, such as construction emissions, and thus, construction concentrations and associated health risks would be.</p> <p>While lead agencies must use their best efforts to find out and disclose all that they reasonably can about a project’s potentially significant environmental impacts, they are not required to predict the future or foresee the unforeseeable (CEQA Guidelines Section 15144). An agency need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable effects of the proposed project, which has been done in impact discussion AIR-3 in the Draft EIR.</p> <p>However, as stated in the Draft EIR, identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects. To illustrate this, the construction-related health risks for both Housing Projects #1 and #2 were less than significant with implementation of Mitigation Measure AIR-2.1.</p>

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
	the section of this letter titled “Feasible Mitigation Measures Available to Reduce Emissions.” Thus, the Project should not be approved until an updated EIR is prepared and incorporates all feasible mitigation to reduce health risk impacts to less-than- significant levels.	
B5-72	Second, the DEIR’s construction HRAs prepared for Housing Projects #1 and #2 are incorrect, as they rely upon annual PM10 estimates from a flawed air model (Appendix D2, pp. 1173, 1210). As previously discussed, when we reviewed the Project’s CalEEMod output files, provided in the AQ & GHG Analysis as Appendix C to the DEIR, we found that several of the values inputted into the model are not consistent with information disclosed in the DEIR and associated documents. As a result, the construction HRAs utilize underestimated diesel particulate matter (“DPM”) concentrations to calculate the cancer risk associated with the construction of Housing Projects #1 and #2. Thus, the DEIR underestimates the construction-related cancer risks associated with Housing Projects #1 and #2, and the subsequent less- than-significant impact conclusions should not be relied upon.	Please see Responses B5-63 through B5-69. The construction modeling for Housing Projects #1 and #2 was conducted appropriately and no changes to the PM10 or DPM construction emissions are necessary.
B5-73	Third, the DEIR’s claim that the operational TAC emissions associated with Housing Project #1 and Housing Project #2 would be less-than-significant, because the Project “would not include the type of land uses that are typically associated with major sources of TACs,” is unsupported. Rather, according to the DEIR, the operation of Housing Projects #1 and #2 would result in 888 new daily vehicle trips, which would result in additional exhaust emissions and continue to expose nearby sensitive receptors to DPM emissions (p. 5.2-68). However, the DEIR’s vague discussion of the operational TACs associated with Housing Projects #1 and #2 fails to indicate the concentrations at which such pollutants would trigger adverse health effects. Without making a reasonable effort to connect the Project’s operational TAC emissions to the potential health risks posed to nearby receptors, the DEIR is inconsistent with CEQA’s requirement to correlate the increase in emissions generated by the Project with the potential adverse impacts on human health.	<p>Please see Response B5-65. The fleet mix for the proposed project is provided by Fehr and Peers and is consistent with the vehicle characteristics for the proposed students and faculty. Appendices C1 and C2 provides a very detailed breakdown of the EMFAC2017 vehicle classifications for the two housing projects associated with commute trips, which are passenger vehicles, and vendor deliveries, which are truck trips. For Housing Projects #1 and #2, over 99 percent of the daily vehicle trips would be from passenger vehicles and not diesel trucks.</p> <p>BAAQMD’s CEQA Guidelines provide screening criteria to determine when an operational health risk assessment is warranted. Pursuant to the BAAQMD CEQA Guidelines, the project is not an industrial/manufacturing project (permitted sources) or a project that generates a substantial number of diesel trucks, such as a large distribution center or retail center. As described in Draft EIR page 5.2-</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B5-74	<p>Fourth, the Office of Environmental Health Hazard Assessment (“OEHHA”), the organization responsible for providing guidance on conducting HRAs in California, released its most recent Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments in February 2015, [footnote 17] as referenced by the DEIR (p. 5.2-71). The OEHHA document recommends that exposure from projects lasting more than 6 months be evaluated for the duration of the project and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (“MEIR”).[footnote 18] Even though we were not provided with the expected lifetime of Housing Project #1 and #2, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, we recommend that health risk impacts from operation of Housing Project #1 and #2 also be evaluated, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA. These recommendations reflect the most recent state health risk</p>	<p>73, examples of projects which generate substantial toxic air contaminant (TAC) emissions from vehicle trips are industrial, manufacturing, and warehousing uses. As documented in Draft EIR Appendices C2 and C3, the overwhelming majority of vehicles generated by the project are passenger vehicle trips, and emissions from these sources are not the primary cause of health risk in the Bay Area. Consequently, the Draft EIR determined that Housing Projects #1 and #2 would not generate a substantial number of diesel-fueled vehicles to warrant preparation of an operational health risk assessment.</p> <p>In addition, the diesel-fueled emergency generators which are planned for Housing Projects #1 and #2 were included in the Operational LRDP Update Health Risk Assessment (Draft EIR, Appendix D1). As shown in Draft EIR Table 5.2-18, LRDP Update Operational Health Risk Results, the health risks to the maximum exposed individual resident, worker and sensitive receptor (school/day care) would be less than significant.</p> <p>Please see Response B5-73. Housing Projects #1 and #2 would not generate a substantial number of diesel-fueled vehicles to warrant preparation of an operational health risk assessment. As shown in Draft EIR Table 5.2-20, Housing Project #1 Construction Health Risk Results: with Mitigation, the health risks to the maximum exposed individual resident would be less than significant with incorporation of Mitigation Measure AIR-2.1. For construction of Housing Project #2, Table 5.2-21, Housing Project #2 Construction Health Risk Results: without Mitigation, the health risks to the maximum exposed sensitive receptors (day care and school student) would be less than significant. Table 5.2-22, Housing Project #2 Construction Health Risk Results: with Mitigation provides the health risks to the maximum exposed individual resident would be less than significant with incorporation of Mitigation Measure AIR-2.1.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>policies, and as such, we recommend that an updated assessment of health risk impacts posed to nearby sensitive receptors from Project operation be included in an updated EIR for the Project.</p> <p><i>Footnote 17: "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/hotspots2015.html</i></p> <p><i>Footnote 18: "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-6, 8-15</i></p>	
B5-75	<p>Fifth, while the DEIR includes construction HRAs for Housing Projects #1 and #2, the DEIR fails to evaluate the <u>cumulative</u> lifetime cancer risk posed to nearby, existing receptors as a result of the <u>construction and operation of both Housing Projects together</u>. According to OEHHA guidance, as referenced by the DEIR, "the excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk at the receptor location" (p. 2-12).[footnote 19] Furthermore, the BAAQMD has an individual project cancer risk threshold of 10 in one million.[footnote 20] Here, as the Project proposes both Housing Projects, <u>the construction-related and operational cancer risks for both Housing Projects should have been summed</u> and compared to the BAAQMD threshold of 10 in one million.</p> <p><i>Footnote 19: "Guidance Manual for preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf p. 8-4</i></p> <p><i>Footnote 20: "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, available at: https://www.baaqmd.gov/-/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 2-2.</i></p>	<p>Please see Responses B5-73 and B5-74. Housing Projects #1 and #2 would not generate a substantial number of diesel-fueled vehicles to warrant preparation of an operational health risk assessment. Draft EIR Tables 5.2-20, 5.2-21, and 5.2-22 provide that construction-related health risks to the maximum exposed individual resident, worker and sensitive receptors would be less than significant with incorporation of Mitigation Measure AIR-2.1. In addition, the diesel-fueled emergency generators which are planned for Housing Projects #1 and #2 were included in the Operational LRDP Update Health Risk Assessment (Draft EIR, Appendix D1). As shown in Draft EIR Table 5.2-18, LRDP Update Operational Health Risk Results, the health risks to the maximum exposed individual resident, worker and sensitive receptor (school/day care) would be less than significant.</p> <p>As noted in the LRDP Update HRA (Draft EIR Appendix D1; page 23), the cumulative health risk values in Table 5.2-24 for the various emission sources were determined at different locations than the MEIR location for the LRDP Update HRA (along Hearst Avenue, west of Arch Street). For instance, the MEIR location for the LRDP Update analysis is along Hearst Avenue (see Figure 5.2-6), whereas the maximum exposed residential receptor for the Construction of Housing Projects #1 is</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B5-76	<p data-bbox="323 816 512 841">Greenhouse Gas</p> <p data-bbox="323 889 957 914">Failure to Adequately Evaluate Greenhouse Gas Emissions</p> <p data-bbox="323 963 1115 1091">The DEIR estimates that the 2036 LRDP Forecast Sustainability Forecast, as well as the 2036 Adjusted Business as Usual (“BAU”) Forecast, would not increase net annual greenhouse gas (“GHG”) emissions above those of existing conditions (see excerpt below) (p. 5.7-35, Table 5.7-9).</p>	<p data-bbox="1157 326 1942 800">along Berkeley Way (Draft EIR, Section 5.2.3, impact discussion AIR-3). It is likely that the summed cumulative health risks at any one location would be less than the summed total provided in Table 5.2-24, as pollutant concentrations decrease with distance from the emission source. The program-level LRDP EIR considers cumulative health risk impacts under AIR-5, under Table 5.2-24, which include two simultaneous construction projects associated with Housing Projects #1 and #2. As shown in this table, no cumulative health risks, non-cancer hazard index (chronic hazards and acute hazards), or PM2.5 impacts were identified. Therefore, Housing Projects #1 and #2 would not result in cumulative health risk impacts since the project’s health risks when summed with the screening-level risks from surrounding emission sources would not exceed BAAQMD’s cumulative significance thresholds.</p> <p data-bbox="1157 816 1942 873">Please see Responses B5-79 through B5-80 below regarding the GHG emissions analysis.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

TABLE 5-7-9 UC BERKELEY LRDP GHG EMISSIONS FORECAST

Scope	Sector	MTCO ₂ e/Year							
		2018	2036 Adjusted BAU Forecast	Net Change from Existing	2036 LRDP Forecast Sustainability Scenario	Net Change from Existing			
1	Cogeneration Plant #	123,888	66%	111,393	59%	-12,496	15,667	19%	-107,225
	UC Berkeley Campus Fleet #	1,772	0%	1,591	15%	-181	0	0%	-1,772
	Fuel Use #	11,719	6%	17,651	9%	5,932	17,651	20%	5,932
	Refrigerants #	779	0.4%	1,173	15%	394	1,173	15%	394
	Subtotal Scope 1 #	138,158	73%	131,298	69%	-6,860	35,491	41%	-102,667
2	Purchased Electricity #	4,781	3%	4,636	2%	-145	72	0.1%	-4,709
	Student Commute #	4,097	2.2%	3,168	1.7%	-929	3,168	4%	-838
3	Faculty and Staff Commute	16,520	8.8%	14,348	7.6%	-2,172	14,348	17%	-1,756
	Visitors #	4,986	2.6%	4,080	2.1%	-906	4,080	5%	-906
	Vendors #	89	0.0%	75	<0.1%	-13	75	0.1%	-13
	Air Travel #	22,926	12.2%	27,946	15%	5,020	27,946	32%	5,020
	Solid Waste #	740	0.4%	902	0.5%	162	902	1%	162
	Water/Wastewater #	299	0.2%	480	0.3%	181	480	0.6%	181
	Subtotal Scope 3	49,657	24.2%	51,507	27.1%	1,850	51,507	59%	1,850
Amortized Construction #	NA	NA	2,728	1%	2,728	2,728	3%	2,728	
TOTAL		192,597	100%	189,562	100%	-3,035	86,563	100%	-102,798
No Net Increase Threshold	NA	NA	192,597	NA	0	0	192,597	NA	0
Exceeds Threshold #1	NA	NA	No	NA	No	No	NA	No	No

As a result, regarding GHG emissions associated with the LRDP, the DEIR states:

“Implementation of the proposed LRDP Update Mitigation Measure GHG-2 would result in decreased annual GHG emissions compared to existing conditions, consistent with UC Berkeley’s carbon neutrality goals. Implementation of the proposed LRDP Update would not be cumulatively considerable. Accordingly, this impact would be less than significant” (p. 5.7-44).

B5-77

Furthermore, regarding the GHG emissions associated with the proposed Housing Projects #1 and #2, the DEIR states:

Please see Responses B5-79 through B5-80 below regarding the GHG emissions analysis.

“Project-related GHG emissions are not confined to a particular air basin but are dispersed worldwide. Therefore, impacts under Impact GHG-1 are not project-specific impacts to global warming, but are the contribution to this cumulative impact from Housing Projects #1 and #2. As described under impact discussion GHG-1, the projects would not contribute a significant amount of GHG emissions or contribute considerably to existing cumulative emissions impacts. UC tracks and monitors annual GHG emissions for UC Berkeley to ensure the targets identified in the UC

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B5-78	<p>Sustainable Practices Policy. Therefore, GHG emissions related to Housing Projects #1 and # 2 and their contribution to global climate change would not be cumulatively considerable, and GHG emissions impacts would be less than significant” (p. 5.7-44).</p> <p>Finally, regarding the Project’s consistency with applicable GHG plans and policies, the DEIR concludes that: the LRDP would not conflict with UC Berkeley’s carbon neutrality goals or the State’s SB 32 reduction goals; and Housing Projects #1 and #2 would not conflict with CARB’s Scoping Plan or MTC/ABAG’s Plan Bay Area 2040 (p. 5.7-42 - 5.7-43). However, the DEIR’s GHG analysis, as well as the subsequent less-than-significant impact conclusion, is incorrect for two reasons.</p> <p>(1) The DEIR’s GHG emissions estimates are unsubstantiated; and</p> <p>(2) The DEIR fails to evaluate GHG emissions associated with Housing Project #1 and Housing Project #2.</p>	<p>Please see Responses B5-79 through B5-80 below regarding the GHG emissions analysis.</p> <p>The GHG emissions estimates in the Draft EIR are substantiated in Chapter 5.7, Greenhouse Gas Emissions, as well as Appendix C1. Chapter 5.7 documents the methodology for the existing emissions and the 2036 emissions forecast. Additionally, Appendix C1 contains assumptions and model calculations for the emissions forecast.</p> <p>As stated in GHG-1, GHG emissions from Housing Projects #1 and Housing Project #2 are included in the emissions forecast for the LRDP 2036 emissions forecast. Additionally, CalEEmod modeling for Housing Projects #1 and #2 in Appendix C2 and Appendix C3, respectively, include the GHG emissions output for the site-specific Housing Projects #1 and #2 opening year. However, UC Berkeley tracks and monitors GHG emissions for the entire campus (i.e., not for individual projects) to achieve UC Berkeley’s GHG emissions targets. While GHG emissions associated with Housing Projects #1 and #2 would result in an increase in GHG emissions, this is coupled with substantial emissions reductions throughout the UC Berkeley campus. Hence, while Appendix C2 and C3 include this project-level GHG emissions data, it is provided for information purposes only. Instead, the Draft EIR documents cumulative GHG emissions impacts of the LRDP Update (including Housing Projects #1 and #2) based on the total GHG emission at UC Berkeley. The emissions forecast for the LRDP Update (see also Appendix C1) includes the growth associated with Housing Projects #1 and #2. As demonstrated in GHG-1, despite the growth anticipated at UC Berkeley, GHG emissions would decrease. With the Sustainability Scenario, which includes implementation of the UC</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-79	<p><i>1) Unsubstantiated GHG Emissions Estimates</i> As previously discussed, the DEIR estimates that the LRDP would result in net annual GHG emissions lower than those of existing conditions. However, it is unclear how the DEIR’s emissions estimates were derived, as the AQ & GHG Analysis fails to include a CalEEMod output file for operation of the proposed LRDP Update. As a result, we cannot verify the emissions estimates utilized, and the DEIR’s quantitative GHG analysis regarding the LRDP Update should not be relied upon. An updated EIR should be prepared that provides the modeling output files used to estimate the GHG emissions associated with the operation of the LRDP Update.</p>	<p>Berkeley Sustainability Plan and the UC Sustainable Practices Policy, GHG emissions would be substantially less than existing (2018) emissions.</p> <p>The GHG emissions estimates in the Draft EIR are substantiated in Chapter 5.7, Greenhouse Gas Emissions, as well as Appendix C1. Chapter 5.7 documents the methodology for the existing emissions and the 2036 emissions forecast. Additionally, Appendix C1 contains assumptions and model calculations for the emissions forecast. The emissions inventory and forecast for the UC Berkeley was conducting using methodology developed for preparing community GHG emissions inventories and is generally consistent with the methodology used to track and monitor GHG emissions at UC Berkeley. UC Berkeley reports its annual GHG inventory to both The Climate Registry and the California Air Resources Board (CARB). Third party verification of the inventory is completed as part of the reporting process. The Draft EIR utilizes UC Berkeley’s, third-party verified, 2018 Emissions Inventory to develop the emissions forecast. The UC system is also a participant in Second Nature’s University Climate Change Coalition (UC3) (As identified by Second Nature, UC is working to become carbon neutral in its operations by 2025 (i.e., Scope 1 and 2 sources). Despite increased student enrollment, UC has reduced its systemwide emissions by 15 percent since 2009 through energy efficiency gains and the adoption of solar and other renewable energy generation. In 2016, UC made the largest solar purchase ever made by a U.S. university. https://secondnature.org/about-uc3-2/uc3-members/). The emissions inventory and forecast are consistent with methodology identified by BAAQMD (BAAQMD. 2010, April 15. GHG Plan Level Quantification Guidance. https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ghg-quantification-guidance_5_3_10.pdf) and ICLEI (ICLEI. 2012, October. U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions. https://iclei.usa.org/us-community-protocol/). CalEEMod was not utilized for the LRDP Update because it</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-80	<p>2) <i>Failure to Evaluate GHG Emissions</i> As previously stated, the DEIR fails to evaluate the GHG emissions associated with Housing Projects #1 and #2. By failing to evaluate the Project's construction-related and operational GHG emissions, the Project is inconsistent with CEQA. Specifically, according to CEQA Guidelines Section 15064.4:</p>	<p>is a tool that is used for project-level GHG emissions inventories and is not appropriate for program-level, community wide emissions. Furthermore, in accordance with the plan-level methodology, the model uses the latest U.S. EPA-approved CARB Emissions Factor Model (EMFAC2017) and OFFROAD model (Offroad 2017). All emissions factors utilized for emissions modeling are documented in Appendix C1.</p>
	<p>“The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project” (emphasis added).</p>	<p>As identified in Response B5-78, the emissions forecast includes the additional GHG emissions from Housing Projects #1 and #2. Therefore, the Chapter 5.7 describes, calculates, and estimates GHG emissions associated with the proposed project.</p>
	<p>As you can see in the excerpt above, CEQA Guidelines require that a Project “describe, calculate, or estimate” the GHG emissions generated by a Project. Here, by failing to evaluate and quantify the GHG emissions associated with Housing Project's #1 and #2, the DEIR is inconsistent with CEQA Guidelines, and the subsequent less-than-significant GHG impact determination should not be relied upon.</p>	
B5-81	<p>Feasible Mitigation Measures Available to Reduce Emissions</p>	<p>The commenters request to select Alternative D, Increased Faculty and Staff Housing, is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
	<p>Our analysis demonstrates that the Project would result in potentially significant air quality and health risk impacts that should be mitigated further. In an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>According to the DEIR, by incorporating on-campus housing for faculty and staff, consistent with the development proposed by Alternative D, the Project could reduce potential operational ROG emissions associated with vehicle trips (p. 6-62). Specifically, the DEIR states:</p> <p>“Under Alternative D, more infill housing would occur thus less VMT and subsequent VMT emissions would occur when compared to the proposed project. Therefore, ROG emissions from VMT would be less when compared to the proposed project” (p. 6-62).</p> <p>Furthermore, the California State Polytechnic University, Pomona provides an example of how including on-campus housing results in less vehicle miles traveled (“VMT”). Specifically, Cal Poly Pomona states:</p> <p>“The provision of additional 245 beds in the project’s student housing replacement facilities will result in a reduction of approximately 3,970 vehicle miles traveled (VMTs) per day from commute trips.” [footnote 21]</p> <p><i>Footnote 21: “Student Housing Replacement Final Environmental Impact Report.” California State Polytechnic University, Pomona, August 2016, available at: https://www.cpp.edu/fpm/pdc/docs/student-housing-replacement-final-eir-08-2016.pdf, p. 5.</i></p> <p>Thus, we propose that the Project consider Alternative D, which includes expanding on-campus housing for faculty and staff, instead of proposing additional off-campus housing projects, in order to further reduce the Project’s mobile-source operational emissions.</p>	
B5-82	Furthermore, the State of California Department of Justice recommends the following mitigation measures: [footnote 22]	The commenter requests consideration of additional mitigation measures to reduce potentially significant impacts of the proposed

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

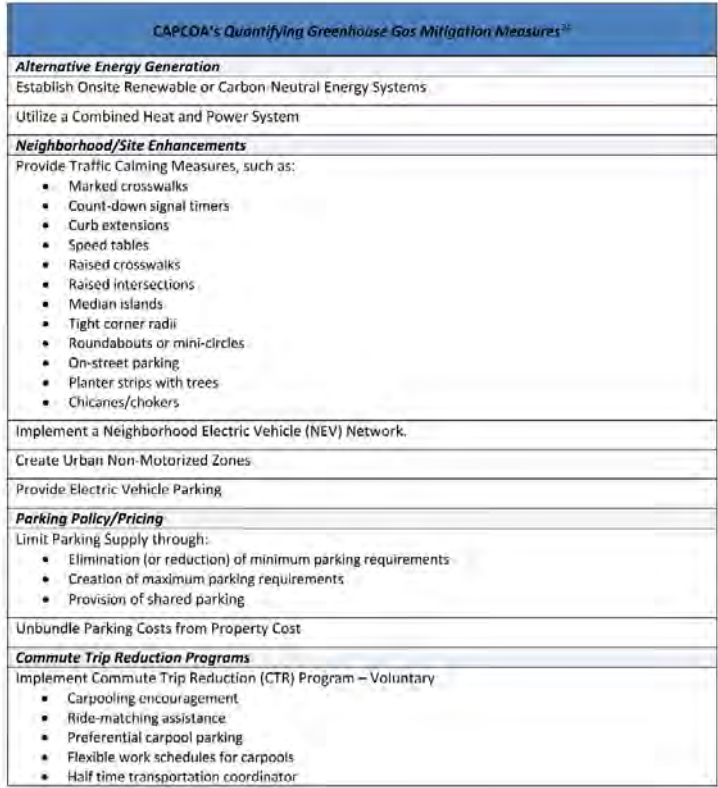
Letter/ Comment #	Comment	Response
	<p>Footnote 22: “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act.” State of California Department of Justice, p. 6.</p> <p>Construction-Related Measures:</p> <ul style="list-style-type: none"> ● Requiring off-road construction equipment to be zero-emission, where available, and all diesel- fueled off-road construction equipment, to be equipped with CARB Tier 4 Final engines, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities. ● Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day. ● Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled. ● Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible. ● Limiting the amount of daily grading disturbance area. ● Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area. ● Forbidding idling of heavy equipment for more than two minutes. ● Providing information on transit and ridesharing programs and services to construction employees. Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees. <p>Operational Measures:</p> <ul style="list-style-type: none"> ● Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030. ● Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided. 	<p>project ROG emissions associated with operation of the proposed project (Impact Air-2.2).</p> <p>Construction – Tier 4 Construction Equipment. Draft EIR Mitigation Measure AIR-2.1 requires use of equipment that is rated by the U.S. EPA as Tier 4 Final for all equipment 50 horsepower and higher. See Response A3-77.</p> <p>Construction – Bid Requirements. UC Berkeley’s Campus Design Standards, along with applicable codes, ensure that new construction and renovation projects at UC Berkeley integrate industry best practices and experience with existing campus buildings, infrastructure, grounds, and maintenance issues. The current Campus Design Standards include requirements for construction contractors to list major equipment on site. Construction contractors are required to review and agree to the Campus Construction Design Standards prior to bidding on construction projects at UC Berkeley. At the request of the commenter, Mitigation Measure AIR-2.1 has been amended to include the requested contract provisions (see Chapter 3, Revisions to the Draft EIR).</p> <p>Construction – Zero Emissions (ZE) Equipment. For construction activities, Mitigation Measure AIR-2.1 does not preclude use of electric equipment. In fact, Mitigation Measure AIR-2.1 specifically states, “to the extent that equipment is available and cost effective, contractors shall use electric, hybrid, or alternative fueled off-road construction equipment.” Future discretionary projects under the LRDP Update would be required to evaluate construction impacts compared to the BAAQMD significance thresholds to ensure less than significant impacts. Use of electric forklifts and yard trucks can be utilized to reduce construction emissions below the BAAQMD regional construction thresholds, which would be determined at the time of</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<ul style="list-style-type: none"> ● Installing and maintaining, at the manufacturer’s recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project. ● Installing and maintaining, at the manufacturer’s recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air. ● Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building’s projected energy needs. ● Requiring all stand-by emergency generators to be powered by a non-diesel fuel. ● Requiring operators to establish and promote a rideshare program that discourages single- occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking. ● Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking. ● Achieving certification of compliance with LEED Platinum green building standards. ● Providing meal options onsite or shuttles between the facility and nearby meal destinations. ● Improving and maintaining vegetation and tree canopy for residents in and around the project area. <p>Additional feasible mitigation measures can be found in CAPCOA’s Quantifying Greenhouse Gas Mitigation Measures. [footnote 23]</p>	<p>discretionary approval. However, at this time, there are very few ZE heavy, off-road equipment for construction activities. Therefore, requiring ZE equipment at this time for construction activities is not feasible.</p> <p>Construction – Equipment “On” Time. Construction equipment used on-site would not be “on” for 10 hours per day. Construction hours would generally be from 7:00 a.m. to 4:00 p.m. and would not be longer than eight hours per day. In addition, based on similar construction projects and surveys conducted by South Coast Air Quality Management District for use in the CalEEMod program default construction hours, as documented in the CalEEMod User’s Guide, construction equipment would typically be on for less than the duration of daily construction activities (e.g., 4 to 6 hours per day). Furthermore, CBP AIR-3 requires that construction contractors ensure that all nonessential idling of construction equipment is restricted to five minutes or less, in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. Therefore, construction equipment would not be on for 10 hours per day.</p> <p>Construction and Operation – Use of Zero Emission (ZE) Trucks by 2030. ZE on-road trucks are just entering the market and are generally not commercially available at this time. However, the California Air Resources Board (CARB) anticipates that by 2030, ZE trucks will comprise a larger part of the economy. While these trucks may be commercially available by 2030, use of ZE trucks by construction contractors and vendors is not an enforceable condition for the proposed project and is outside UC Berkeley’s jurisdiction. While UC Berkeley may go out to bid for construction projects on campus, the contractors themselves do not own the vendor trucks used to supply products or transport haul materials offsite. Similarly, UC Berkeley does not have control over vendor deliveries at UC Berkeley during the operation phase. These trucks are owned by individual operators or</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Footnote 23: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf</p>	<p>fleet owners. As a result, for this programmatic level of analysis, it cannot be guaranteed that ZE trucks are available. Therefore, this measure was considered and determined to be infeasible.</p> <p>Construction – Electric Tools. At the request of the commenter, Mitigation Measure AIR-2.1 has been amended to require use of electric tools where grid electricity is available (see Chapter 3, Revisions to the Draft EIR, of this Final EIR).</p> <p>Construction – Limit Grading Area. Construction exhaust emissions are based on equipment use and not based on the area disturbed. Consequently, the requested measure would not substantially reduce construction emissions. Therefore, this measure was considered and rejected.</p> <p>Construction – Prohibition During Air Quality Alerts. At the request of the commenter, Mitigation Measure AIR-2.1 has been amended to prohibit construction activities when the Air Quality Index (AQI) is greater than 150 for particulates and ozone in the project area (see Chapter 3, Revisions to the Draft EIR, of this Final EIR).</p> <p>Operation and Construction – Reduced Idling Time. Existing CARB Regulations (see also CBP AIR-3) requires that all nonessential idling of construction equipment is restricted to five minutes or less, in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. Therefore, nonessential idling time from use of on-site equipment is already limited on-site to the extent practicable.</p> <p>Construction – Transportation Demand Management Measures. At the request of the commenter, Mitigation Measure AIR-2.1 has been amended to require that contractors provide information on transit</p>
	 <p>The screenshot shows a table titled "CAPCOA's Quantifying Greenhouse Gas Mitigation Measures". It lists various categories of mitigation measures:</p> <ul style="list-style-type: none"> Alternative Energy Generation: Establish Onsite Renewable or Carbon Neutral Energy Systems; Utilize a Combined Heat and Power System. Neighborhood/Site Enhancements: Provide Traffic Calming Measures, such as: <ul style="list-style-type: none"> Marked crosswalks Count-down signal timers Curb extensions Speed tables Raised crosswalks Raised intersections Median islands Tight corner radii Roundabouts or mini-circles On-street parking Planter strips with trees Chicanes/chokers Implement a Neighborhood Electric Vehicle (NEV) Network. Create Urban Non-Motorized Zones Provide Electric Vehicle Parking Parking Policy/Pricing: Limit Parking Supply through: <ul style="list-style-type: none"> Elimination (or reduction) of minimum parking requirements Creation of maximum parking requirements Provision of shared parking Unbundle Parking Costs from Property Cost Commute Trip Reduction Programs: Implement Commute Trip Reduction (CTR) Program – Voluntary <ul style="list-style-type: none"> Carpooling encouragement Ride-matching assistance Preferential carpool parking Flexible work schedules for carpools Half time transportation coordinator 	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<ul style="list-style-type: none"> • Vanpool assistance • Bicycle end-trip facilities (parking, showers and lockers) • New employee orientation of trip reduction and alternative mode options • Event promotions and publications • Flexible work schedule for employees • Transit subsidies • Parking cash-out or priced parking • Shuttles • Emergency ride home <p>Implement Commute Trip Reduction (CTR) Program – Required Implementation/Monitoring</p> <ul style="list-style-type: none"> • Established performance standards (e.g. trip reduction requirements) • Required implementation • Regular monitoring and reporting <p>Provide Ride-Sharing Programs</p> <ul style="list-style-type: none"> • Designate a certain percentage of parking spaces for ride sharing vehicles • Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles • Providing a web site or messaging board for coordinating rides • Permanent transportation management association membership and funding requirement. <p>Implement Subsidized or Discounted Transit Program</p> <p>Provide End of Trip Facilities, including:</p> <ul style="list-style-type: none"> • Showers • Secure bicycle lockers • Changing spaces <p>Encourage Telecommuting and Alternative Work Schedules, such as:</p> <ul style="list-style-type: none"> • Staggered starting times • Flexible schedules • Compressed work weeks <p>Implement Commute Trip Reduction Marketing, such as:</p> <ul style="list-style-type: none"> • New employee orientation of trip reduction and alternative mode options • Event promotions • Publications <p>Implement Car-Sharing Program</p> <p>Provide Employer-Sponsored Vanpool/Shuttle</p> <p>Price Workplace Parking, such as:</p> <ul style="list-style-type: none"> • Explicitly charging for parking for its employees; • Implementing above market rate pricing; • Validating parking only for invited guests; • Not providing employee parking and transportation allowances; and • Educating employees about available alternatives. <p>Implement Employee Parking "Cash-Out"</p> <p>Transit System Improvements</p> <p>Increase Transit Service Frequency/Speed</p>	<p>and ridesharing programs and services to construction employees, as well as meal options on-site and/or shuttles between the facility and nearby meal destinations for construction employees (see Chapter 3, Revisions to the Draft EIR, of this Final EIR).</p> <p>Operation – Electric Forklift and Yard Trucks. For operational activities, fuel use on campus includes emergency generators, boilers, and off-road equipment. Fuel use at the LRDP Update horizon year of 2036 would generate 5 lbs. per day of ROG emissions. Off-road equipment used for maintenance activities represents a smaller portion of this sector than boilers. UC Berkeley off-road equipment includes ZE electric riding lawn mowers and ZE carts with dumpers for emptying garbage bins. In addition, custodial staff uses ZE electric carts to access buildings on campus. Swapping out existing diesel forklifts and yard trucks on campus with electric equipment would nominally reduce on-campus ROG emissions. Therefore, this mitigation measure was considered but rejected since it would not substantially reduce ROG emissions from the primary source, which is consumer product use.</p> <p>Construction and Operation – Enhanced Filtration Systems Offsite. For long-term operation, the Draft EIR did not identify any significant project-level or cumulative impacts to sensitive receptors proximate to the project site (see AIR-3, “LRDP Update Operation Community Risk and Hazards” and AIR-5 “Toxic Air Contaminants”). Therefore, this measure is not warranted for operational activities. For construction emissions, as identified in Chapter 5.2, Air Quality, under Mitigation Measure AIR-3 (renumbered as Mitigation Measure AIR-3.1 as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR), future discretionary projects under the LRDP Update would be required to evaluate construction impacts compared to the BAAQMD significance thresholds and incorporate measures to ensure less than significant impacts. As demonstrated in impact discussion AIR-3, in the site-</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response														
<table border="1"> <tr> <td>Road Pricing/Management</td> </tr> <tr> <td>Improve Traffic Flow, such as: <ul style="list-style-type: none"> • Signalization improvements to reduce delay; • Incident management to increase response time to breakdowns and collisions; • Intelligent Transportation Systems (ITS) to provide real-time information regarding road conditions and directions; and • Speed management to reduce high free-flow speeds. </td> </tr> <tr> <td>Required Project Contributions to Transportation Infrastructure Improvement Projects</td> </tr> <tr> <td>Install Park-and-Ride Lots</td> </tr> <tr> <td>Vehicles</td> </tr> <tr> <td>Utilize Alternative Fueled Vehicles, such as: <ul style="list-style-type: none"> • Biodiesel (B20) • Liquefied Natural Gas (LNG) • Compressed Natural Gas (CNG) </td> </tr> <tr> <td>Utilize Electric or Hybrid Vehicles</td> </tr> <tr> <td>Measures – Area Landscaping</td> </tr> <tr> <td>Landscaping Equipment</td> </tr> <tr> <td>Prohibit Gas Powered Landscape Equipment</td> </tr> <tr> <td>Implement Lawnmower Exchange Program</td> </tr> <tr> <td>Electric Yard Equipment Compatibility</td> </tr> <tr> <td>Measures – Miscellaneous</td> </tr> <tr> <td>Miscellaneous</td> </tr> <tr> <td>Require Environmentally Responsible Purchasing, such as: <ul style="list-style-type: none"> • Purchasing products with sustainable packaging; • Purchasing post-consumer recycled copier paper, paper towels, and stationary; • Purchasing and stocking communal kitchens with reusable dishes and utensils; • Choosing sustainable cleaning supplies; • Leasing equipment from manufacturers who will recycle the components at their end of life; • Choosing ENERGY STAR appliances and Water Sense-certified water fixtures; • Choosing electronic appliances with built in sleep-mode timers; • Purchasing ‘green power’ (e.g. electricity generated from renewable or hydropower) from the utility; and • Choosing locally-made and distributed products. </td> </tr> </table>	Road Pricing/Management	Improve Traffic Flow, such as: <ul style="list-style-type: none"> • Signalization improvements to reduce delay; • Incident management to increase response time to breakdowns and collisions; • Intelligent Transportation Systems (ITS) to provide real-time information regarding road conditions and directions; and • Speed management to reduce high free-flow speeds. 	Required Project Contributions to Transportation Infrastructure Improvement Projects	Install Park-and-Ride Lots	Vehicles	Utilize Alternative Fueled Vehicles, such as: <ul style="list-style-type: none"> • Biodiesel (B20) • Liquefied Natural Gas (LNG) • Compressed Natural Gas (CNG) 	Utilize Electric or Hybrid Vehicles	Measures – Area Landscaping	Landscaping Equipment	Prohibit Gas Powered Landscape Equipment	Implement Lawnmower Exchange Program	Electric Yard Equipment Compatibility	Measures – Miscellaneous	Miscellaneous	Require Environmentally Responsible Purchasing, such as: <ul style="list-style-type: none"> • Purchasing products with sustainable packaging; • Purchasing post-consumer recycled copier paper, paper towels, and stationary; • Purchasing and stocking communal kitchens with reusable dishes and utensils; • Choosing sustainable cleaning supplies; • Leasing equipment from manufacturers who will recycle the components at their end of life; • Choosing ENERGY STAR appliances and Water Sense-certified water fixtures; • Choosing electronic appliances with built in sleep-mode timers; • Purchasing ‘green power’ (e.g. electricity generated from renewable or hydropower) from the utility; and • Choosing locally-made and distributed products. 	<p>specific analysis of construction health risk for Housing Projects #1 and #2, Tier 4 construction equipment is typically sufficient to achieve the BAAQMD significance thresholds and ensure that construction activities associated with the proposed project do not expose sensitive receptors to substantial pollutant concentrations. Additionally, installation of filtrations systems in property not owned by UC Berkeley is not within the implementation authority of UC Berkeley. Furthermore, installation of filtration systems for temporary emissions (typically two years or less) is not as effective as reducing emissions through use of newer, lower emitting construction equipment.</p>
Road Pricing/Management																
Improve Traffic Flow, such as: <ul style="list-style-type: none"> • Signalization improvements to reduce delay; • Incident management to increase response time to breakdowns and collisions; • Intelligent Transportation Systems (ITS) to provide real-time information regarding road conditions and directions; and • Speed management to reduce high free-flow speeds. 																
Required Project Contributions to Transportation Infrastructure Improvement Projects																
Install Park-and-Ride Lots																
Vehicles																
Utilize Alternative Fueled Vehicles, such as: <ul style="list-style-type: none"> • Biodiesel (B20) • Liquefied Natural Gas (LNG) • Compressed Natural Gas (CNG) 																
Utilize Electric or Hybrid Vehicles																
Measures – Area Landscaping																
Landscaping Equipment																
Prohibit Gas Powered Landscape Equipment																
Implement Lawnmower Exchange Program																
Electric Yard Equipment Compatibility																
Measures – Miscellaneous																
Miscellaneous																
Require Environmentally Responsible Purchasing, such as: <ul style="list-style-type: none"> • Purchasing products with sustainable packaging; • Purchasing post-consumer recycled copier paper, paper towels, and stationary; • Purchasing and stocking communal kitchens with reusable dishes and utensils; • Choosing sustainable cleaning supplies; • Leasing equipment from manufacturers who will recycle the components at their end of life; • Choosing ENERGY STAR appliances and Water Sense-certified water fixtures; • Choosing electronic appliances with built in sleep-mode timers; • Purchasing ‘green power’ (e.g. electricity generated from renewable or hydropower) from the utility; and • Choosing locally-made and distributed products. 																
<p>Footnote 24: “Quantifying Greenhouse Gas Mitigation Measures.” California Air Pollution Control Officers Association (CAPCOA), August 2010, available at: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf, p.</p>	<p>Operation – Air Monitoring Station. For long-term operation, the Draft EIR did not identify any significant project-level or cumulative impacts to sensitive receptors proximate to the project site (see AIR-3, “LRDP Update Operation Community Risk and Hazards” and AIR-5 “Toxic Air Contaminants”). While the proposed project would cumulatively contribute to the San Francisco Bay Area Air Basin’s (SFBAAB or Air Basin) nonattainment designation for ozone because of the increase in ROG emissions, the effect of this impact is regional not local. The BAAQMD has an established air monitoring network to track concentrations of air pollutants in the SFBAAB to achieve the national and state ambient air quality standards (AAQS). As identified in BAAQMD’s 2019 Air Monitoring Network Plan, “air pollution levels, in the absence of significant local sources, are similar within each geographical region of the Bay Area. That is, cities within each of the major valleys of the Bay Area can have similar air quality levels. Consequently, a few sites can characterize an area.” As a result, it is not necessary to install air monitors associated with an increase in ROG emissions from consumer product use because the Berkeley Aquatic Park Air Quality Monitoring Station at 1 Bolivar, Berkeley California 94710, reports air quality levels in the vicinity of UC Berkeley. In addition, Purple Air also maintains a public network of air monitors (Purple Air Map.</p>															

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>reduce emissions released during Project construction and operation. An updated EIR should be prepared to include all feasible mitigation measures, as well as include an updated health risk and GHG analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The updated EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project’s significant emissions are reduced to the maximum extent possible.</p>	<p>https://www.purpleair.com/map?opt=1/mAQI/a10/cCo#9.9/37.8522/-122.3515) and while they are not used for demonstrating attainment with the national and station AAQS, they provide additional real-time information on air quality in a given area. Therefore, installation of air quality monitors on-site was considered and rejected.</p> <p>Operation – Solar Panels. As identified in Section 5.7, Greenhouse Gas Emissions, the LRDP Update would not result in a substantial increase in GHG emissions from existing (2018) conditions. Additionally, in accordance with the UC Berkeley Sustainability Plan and UC Sustainable Practices Policy, new buildings and major modifications will evaluate and include, if feasible, on-site solar PV and battery storage or other renewable energy options. By 2025, UC Berkeley will increase on-site solar PV capacity by 2.5 megawatts. Under Executive Order B-18-12, any proposed new or major renovation of State buildings larger than 10,000 square feet must use clean, on-site power generation, such as solar photovoltaic, solar thermal and wind power generation, and clean back-up power supplies, if economically feasible. Further, electricity on campus is required to come from carbon-neutral sources. Therefore, installation of solar panels for each building would be redundant with the current policy that requires that electricity from new buildings be supplied from carbon neutral sources. Consequently, installation of solar panels is considered for each new building project; and therefore, is not considered mitigation.</p> <p>Operation – Emergency Generators. Diesel-fired emergency generators are not anticipated to be a major source of emissions due to their limited use. Additionally, generators are required to comply with U.S. EPA’s Tier 4 engine standards which greatly reduces diesel particulate matter (DPM) emissions and potential impacts to nearby sensitive receptors. Any emergency generator installed on the cumulative projects would be required to comply with BAAQMD permitting regulations (i.e., Regulation 2), which imposes limits on</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p data-bbox="1157 323 1923 456">maintenance and reliability run-time hours. Because of their limited use, non-diesel emergency generators would not substantially reduce emissions at UC Berkeley. Therefore, use of non-diesel emergency generators is considered and rejected.</p> <p data-bbox="1157 500 1938 1052"><u>Operation – Transportation Demand Management (TDM).</u> UC Berkeley already maintains transportation demand management measures to reduce single-occupancy vehicle use. As identified in the LRDP Update, students tend to walk, bicycle, or take transit to campus. While many faculty and staff continue to drive to campus, the drive-alone rates at UC Berkeley have steadily decreased by thirty percent over the last 15 years. In addition, UC Berkeley has new modes of transportation including micro-mobility and the Loop shuttle to reduce single-occupancy vehicle use. The Draft EIR, Chapter 5.15, Transportation, identified CBP TRAN-9 that ensures continued implementation of UC Berkeley’s existing and updated TDM programs and tracks single-occupant vehicle trips (see also Table 5.15-3, and CBP TRAN-1 through CBP TRAN-4 and CBP TRAN- 9, in Chapter 5.15, Transportation). Therefore, the requested measures are existing programs implemented at UC Berkeley and are not considered mitigation.</p> <p data-bbox="1157 1096 1934 1472"><u>Operation – CALGreen Voluntary Tier 2 and LEED Platinum.</u> UC Berkeley is a state facility; and therefore, regulated by state policies on energy and environmental design in addition to the UC Sustainable Practices Policy. Under Executive Order B-18-12, all new State buildings and major renovations beginning design after 2025 must be constructed as Zero Net Energy (ZNE) facilities with an interim target for 50 percent of new facilities beginning design after 2020 to be ZNE. State agencies shall also take measures toward achieving ZNE for 50 percent of the square footage of existing state-owned building area by 2025. Additionally, new or major renovations to State buildings and build-to-suit leases larger than 10,000 square feet must obtain</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>Leadership in Energy and Environmental Design (LEED™) Silver certification or higher, using the applicable version of LEED. New building and major renovation projects at UC Berkeley are required to outperform energy codes by at least 20 percent or meet energy intensity performance targets, which exceeds the Voluntary Tier 2 standards under CALGreen. UC Berkeley’s commitment to sustainable construction and operations is demonstrated by the Connie & Kevin Chou Hall, part of the Haas School of Business. The six-story classroom building, Chou Hall is the first academic building in the country to earn TRUE Zero Waste certification at the highest possible level along with a LEED Platinum certification for its energy efficient design and operation. For Housing Projects #1 and 2, UC Berkeley aims to achieve LEED Gold. UC Berkeley will consider LEED Platinum certification for new buildings to achieve energy performance goals.</p> <p><u>Operation – Shuttles for Meals.</u> UC Berkeley already operates the Loop shuttle to reduce single-occupancy vehicle use and provide connection between the UC Berkeley campus and downtown Berkeley where meal destinations are available. Therefore, the requested measure is an existing service implemented at UC Berkeley and it not considered mitigation.</p> <p><u>Operation – Tree Canopy.</u> UC Berkeley maintains a Landscape Master Plan that guides tree planting at the UC Berkeley Campus. Figure 3-4 of the LRDP identifies the landscape and open space framework and the LRDP Update includes objectives to invest in the maintenance, restoration, and renewal of landscape and open space features. Therefore, the requested measure is an existing policy implemented at UC Berkeley and it not considered mitigation.</p> <p>UC Berkeley maintains a Landscape Master Plan that guides tree planting on the UC Berkeley campus. Figure 3-4 of the LRDP Update</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B5-83	Disclaimer	<p>identifies the landscape and open space framework and the LRDP Update includes objectives to invest in the maintenance, restoration, and renewal of landscape and open space features. Therefore, the requested measure is an existing policy implemented at UC Berkeley and it not considered mitigation.</p> <p>This comment makes a general statement but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The mitigation measures in the California Air Pollution Control Officer’s Association’s Quantifying Greenhouse Gas Mitigation Measures were reviewed during preparation of the EIR. No additional feasible mitigation measure have been identified that substantially reduce the long-term ROG emissions impacts, primarily associated from consumer product use. In addition, Mitigation Measure GHG-2 would ensure consistency with UC Berkeley’s Sustainability Plan and UC Sustainable Practices Policy.</p> <p>As documented in the response above, none of this material constitutes the type of significant new information that requires and updated HRA or GHG analysis, or require recirculation of the Draft EIR for further public comment under CEQA Guidelines Section 15088.5.</p> <p>The comment serves as a closing remark. No response is required.</p>
	<p>SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.	
B6	Berkeley Tenants Union, April 21, 2021	
B6-1	<p>The University must make the following binding amendments to the Long Range Development Plan:</p> <ol style="list-style-type: none"> 1. Do not demolish 1921 Walnut Street, an 8-unit, rent controlled and tenant-occupied building 2. Do not develop on People’s Park, which is used by numerous unhoused Berkeleyans for shelter 3. Cease increasing enrollment until UC Berkeley has built enough affordable, quality housing near campus to house all students. <p>If UC Berkeley fails to make these changes, then it will be intentionally gentrifying the community and intentionally causing significant, inequitable displacement of Berkeley residents. In addition to being immoral, this gentrification and displacement will have significant negative effects on the environment and more.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please also see Master Response 14, Displacement and Master Response 15, Gentrification.</p>
B7	Lesley Emmington, Make UC a Good Neighbor, April 21, 2021	
B7-1	Please find attached comments re: UCB Draft Environmental Impact Report, Housing Project #1 and #2	The comment serves as an opening remark. No response is required.
B7-2	<p>Attachment: Brunzell comments cover letter: Re: Draft UC Berkeley LRDP Environmental Impact Report Comments Dear LRDP Project Manager:</p> <p>Please find attached comments on the LRDP Draft Environment Impact Report from Kara Brunzell, Principal of Brunzell Historical. Ms. Brunzell is an historic resources consultant whom Make UC A Good Neighbor has retained to evaluate the projects set forth in the LRDP.</p>	The comment serves as an opening remark. No response is required.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B7-3	<p>On behalf of our wonderful Berkeley neighborhoods, we look forward to your responses to these comments.</p> <p>Attachment: Kara Brunzell letter:</p> <p>The UC Berkeley LRDP proposes to develop two large residential projects despite substantial negative impacts to historical resources. The UC LRDP's failure to adequately consider negative impacts to historical resources as required under the California Environmental Quality Act (CEQA) are discussed below.</p> <p>INTRODUCTION</p> <p>UC Berkeley proposes to construct two large multi-story mixed-use buildings in order to address a shortage of student housing. One proposed project is located at Oxford Street and University Avenue directly across from to the Crescent Lawn at the western entrance to campus, and the other is in People's Park (roughly 1/4 mile south of campus). UC Berkeley's need for additional student housing is indisputable; however, the two projects currently proposed are poorly planned and will result in complete destruction and/or significant negative impacts to multiple irreplaceable historical resources. These negative impacts could be avoided with careful planning, including consideration of alternatives as required by California Environmental Quality Act (CEQA).</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses B7-4 through B7-15.</p>
B7-4	<p>DRAFT EIR DEFICIENCIES</p> <p>Project #1 (Anchor House)</p> <p>While the brief historic context provided in this section is on its face accurate and well-researched, it is focused solely on the campus and its history of development. The project area is in the city environs, which was historically owned by private citizens and was not part of the campus. The fact that the University purchased these parcels does not change their history of development. In order to provide an accurate</p>	<p>The HRTR prepared for Housing Project #1 includes a discussion of how both the area within the project site and the surrounding area developed prior to construction of the University Garage and the acquisition of the entire project site by UC Berkeley. See Section 5, "Historical Background" (pages 15-32) of the HRTR, included as Appendix F.2 of the Draft EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B7-5	<p>framework for evaluation of impacts to historical resources, this section should discuss the development of the City of Berkeley as well as University history.</p> <p>The proposed project is in close proximity to the Crescent Lawn and Eucalyptus Grove, features that appear on the 1914 John Galen Howard campus master plan and are elements of that historic landscape. The Draft Environmental Impact Report (EIR) does not discuss the negative impacts to the historic landscape that will result from construction of a very tall building directly across the street. Nor are impacts to other nearby historical resources on campus or the impacts to the campus in general discussed.</p>	<p>Neither the Eucalyptus Grove nor West Crescent (referred to as Crescent Lawn by the commenter) was addressed in the HRTR for Housing Project #1 (Appendix F.2 of the Draft EIR) because neither has the potential to be materially altered by the proposed project.</p> <p>Eucalyptus Grove The Eucalyptus Grove is not currently listed in the National Register of Historic Places or the California Register of Historical Resources. The Eucalyptus Grove is listed as a City of Berkeley Landmark as part of Landmark #191 – Berkeley Campus Landscape Features. A recently completed survey evaluation concluded that the Eucalyptus Grove is eligible for the California Register of Historical Resources and National Register of Historic Places under Criterion C/3 (Design) as a historic designed cultural landscape and retains all seven aspects of historic integrity....Therefore, the Eucalyptus Grove is a historical resource for the purposes of the California Environmental Quality Act (CEQA). (Page & Turnbull and PGA Design, “Eucalyptus Grove, University of California, Berkeley, Historic Resource Evaluation,” prepared for University of California, Berkeley, December 11, 2020, 60.)</p> <p>The Eucalyptus Grove is approximately 600 feet southwest of the southwestern corner of the Housing Project #1 site, on the opposite side of the Crescent Lawn. As such, it is not in the immediate vicinity of the project site and the proposed project does not have the potential to demolish or materially alter in an adverse manner those physical characteristics that account for the grove’s historic significance.</p> <p>West Crescent The West Crescent appears to have been designed by John Galen Howard in the early years of the twentieth century. The West Crescent</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B7-6	<p>The Draft EIR is deficient in its treatment of 1921 and 1925 Walnut Street in several respects:</p> <ul style="list-style-type: none"> o 1925 Walnut Street is categorized as vacant office space. Although the house may be vacant and may have been used as offices at some point, it was clearly designed as a single-family residence and should be described as such. It appears on the Built Environment Resources Directory (BERD) as one of three brown-shingle residences; the apparent demolition of its two counterparts (making it a rarer property type) should be considered, as it renders the survivor more important. o Both properties are listed on the BERD with a code of 3S, which signifies that they have been surveyed and appear eligible for National Register of Historic Places (NRHP) listing. This determination requires concurrence from the California Office of Historic Preservation, and properties with this code should be presumed to be historical resources unless their condition has been substantially altered or the original determination can be shown to be based on factual inaccuracies or misinterpretation of the criteria. 	<p>is not currently listed in the National Register of Historic Places or the California Register of Historical Resources, nor is it a City of Berkeley Landmark. (It was not among the features included as part of Landmark #191 – Berkeley Campus Landscape Features.) As such, it does not appear eligible for consideration as a historical resource under CEQA.</p> <p>The northernmost point of West Crescent is located approximately 140 feet from the project site, at the opposite corner of Oxford Street and University Avenue from the project site. Because of this separation, the proposed project would not demolish or materially alter any features of the West Crescent. Nor would the proposed project alter the fundamental character of the park’s setting. Since its construction, the West Crescent has been on the edge of the Campus Park, across the street from the urban development of downtown Berkeley.</p> <p>The HRTR for Housing Project #1 states that 1925 Walnut Street was designed and functioned as a single-family residence. It states that after years of residential use, UC Berkeley purchased the property and currently uses the building as office space (see page 8 and page 27 of the report in Appendix F.2 of the Draft EIR). The report does not state that the building is vacant.</p> <p>In response to the comment stating that 1925 Walnut Street may be a rare property type, the HRTR for Housing Project #1 notes that the two blocks northwest of the property consist of a concentration of single- and multi-family residential development stretching east to west along Hearst Avenue between Shattuck Avenue and Milvia Street, and extending north for several blocks (see page 38 report in Appendix F.2 of the Draft EIR). In response to this comment additional research conducted by ARG indicates that the dwellings at 2037 Hearst Avenue (located 0.2 mile from 1925 Walnut Street) and 2005 Hearst Avenue (located 0.3 mile from 1925 Walnut Avenue) feature shingle cladding</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<ul style="list-style-type: none"> o Both properties are on the City of Berkeley list of significant buildings (1994), additional evidence that both buildings qualify as historical resources. o The Draft EIR dismisses the resources as lacking historic significance without providing substantial evidence: no property-specific history of ownership and use has been provided, even though, for the reasons listed above, the buildings appear eligible as historical resources. 	<p>similar to that exhibited by the dwelling at 1925 Walnut Street.</p> <p>Previous documentation of the apartment building at 1921 Walnut Street consists of a two-page Historic Resource Inventory (HRI) form that was completed in 1979 (see page 12 of the HRTR in Appendix F.2 of the Draft EIR). Additionally, the City of Berkeley included the building in the list of “Architecturally Significant Buildings Located in Downtown Berkeley,” appended to the 1994 Downtown Berkeley Design Guidelines. (City of Berkeley Planning and Development Department, Downtown Berkeley Design Guidelines, 1994, 71.) The building was not evaluated under the National Register of Historic Places or California Register of Historical Resources criteria in either instance.</p> <p>California Office of Historic Preservation guidelines recommend that historic resource surveys and historic resource evaluations be updated if they are over five years old. (California Office of Historic Preservation, “California Law & Historic Preservation: Statutes, Regulations & Administrative Policies Regarding the Preservation & Protection of Cultural & Historical Resources,” Technical Assistance Series No. 10, 1999, accessed May 18, 2021, https://ohp.parks.ca.gov/pages/1069/files/10%20comb.pdf.) Accordingly, in 2020, Knapp Architects evaluated the apartment building at 1921 Walnut Street using California Register of Historical Resources criteria and concluded that it lacks association with important historical events or persons. Knapp Architects concluded that the apartment building is not among the best or most representative extant examples of architect George L. Mohr’s work, nor is it a remarkable example of its architectural style. For these reasons, Knapp Architects found 1921 Walnut Street ineligible for listing in the California Register (see page 12 of the report in Appendix F.2 of the Draft EIR). The 2021 HRTR for Housing Project #1 provides an updated physical description, extensive property history, construction chronology, historic context, and an evaluation that addresses each National Register of Historic Places and</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>California Register of Historical Resources criterion. This report concurs with the findings by Knapp Architect and concludes that the building is not eligible for listing in the National Register of Historic Places or California Register of Historical Resources (see pages 37-38).</p> <p>Similar to 1921 Walnut Street, previous documentation of 1925 Walnut Street consists of a two-page Historic Resource Inventory (HRI) form that was completed in 1978 (see page 12 of the HRTR in Appendix F.2 of the Draft EIR). The building was also included the City of Berkeley’s list of “Architecturally Significant Buildings Located in Downtown Berkeley,” appended to the 1994 Downtown Berkeley Design Guidelines. (City of Berkeley Planning and Development Department, Downtown Berkeley Design Guidelines, 1994, 71.) The building was not evaluated under the National Register of Historic Places or California Register of Historical Resources criteria in either instance.</p> <p>In 2018, Knapp Architects evaluated 1925 Walnut Street in a joint historical assessment for this property and the University Garage at 1952 Oxford Street, using the California Register of Historical Resources criteria. The assessment concluded that the building lacks association with important historical events, trends, or persons and is neither the work of a master nor a remarkable example of its architectural style. For these reasons, Knapp Architects found 1925 Walnut Street ineligible for the California Register of Historical Resources (see page 12 of the HRTR in Appendix F.2 of the Draft EIR). The 2021 HRTR for Housing Project #1 provides an updated physical description, extensive property history, construction chronology, historic context, and an evaluation that addresses each National Register of Historic Places and California Register of Historical Resources criterion. The report concurs with the findings by Knapp Architect and concludes that the building is not eligible for listing in the National Register of Historic Places or California Register of Historical Resources (see page 38-39).</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>As disclosed in the HRTR for Housing Project #1 (see pages 12 to 13 of the report in Appendix F.2 of the Draft EIR), both 1921 Walnut Street and 1925 Walnut Street have been categorized in the BERD with a code of 3S, meaning that each “appears eligible for [the] N[atational] R[egister] as an individual property through survey evaluation.” (California Office of Historic Preservation, “California Historical Resource Status Codes,” December 8, 2003, accessed May 21, 2021, https://ohp.parks.ca.gov/pages/1069/files/chrstatus%20codes.pdf.) The code was applied to the buildings potentially in response to the 1978 and 1979 Historic Resource Inventory (HRI) forms or the categorization of the buildings as “Architecturally Significant Buildings Located in Downtown Berkeley” in the 1994 Downtown Berkeley Design Guidelines. The categorization of a building as 3S in the BERD does not require State Historic Preservation Office (SHPO) concurrence; it merely reflects that a historical resource evaluation, such as those commissioned by local jurisdictions, found a property to be eligible for listing in the National Register of Historic Places. (Properties that have been determined eligible by the State Historic Preservation Office (SHPO) for listing in the National Register of Historic Places are given a Category 2 status code. [California Office of Historic Preservation, “California Historical Resource Status Codes,” December 8, 2003, accessed May 21, 2021, https://ohp.parks.ca.gov/pages/1069/files/chrstatus%20codes.pdf.])</p> <p>As stated above, neither the 1978 and 1979 Historic Resource Inventory (HRI) forms or the 1994 Downtown Berkeley Design Guidelines evaluated 1921 and 1925 Walnut Street under the National Register of Historic Places or California Register of Historical Resources criteria.</p> <p>The Alameda County Clerk-Recorder’s Office has remained closed due to COVID-19 protocols since early 2020, and the history of the</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>ownership and use of both buildings was compiled as follows (and described on page 3 of the HRTR in Appendix F.2 of the Draft EIR):</p> <ul style="list-style-type: none"> ▪ Online repositories including ProQuest’s Digital Sanborn Maps, Newspapers.com, NewsBank, Newspaper Archive, Ancestry.com’s digitized census records, and the San Francisco Public Library’s digitized copies of Alameda County city directories were reviewed to gather historical information related to the properties at the project site. ▪ Staff at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS), the Berkeley Architectural Heritage Association (BAHA), the City of Berkeley, and the University of California, Berkeley were consulted to collect primary source documents and other archival materials. In-person research at these repositories was precluded by state, local, and private safety protocols enacted in response to the COVID-19 pandemic. <p>Permit records held by the City of Berkeley indicate that the 1921 Walnut Street apartment building that was constructed for William Heywood in 1909 (see page 22 of the HRTR in Appendix F.2 of the Draft EIR) was owned by F. E. Forbes Company, a Berkeley-based real estate investment management company founded in 1921, between at least 1958 and 1990, and by Waterbury Properties by at least 1994. The HRTR states that the building was designed and continues to function as an apartment building. An occupant history using archival documents accessible during the COVID-19 pandemic is provided on page 23 of the report.</p> <p>As described on pages 25-27 of the HRTR in Appendix F.2 of the Draft EIR, 1925 Walnut Street was owned by Mary B. Holton in 1900, the date of the building’s construction. The property may have passed through other owners in the early twentieth century, but by the late 1960s, it</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B7-7	<p>The discussion of architectural compatibility (4.4-38-39) of the new project with the four designated/eligible historical resources adjacent to the project is insufficient and does not appear to be an attempt to seriously address compatibility. No renderings or simulations are provided to assist the reader with the discussion of the proposed project. (Plans and elevations are provided in a different section and are black-and-white and two-dimensional rather than the color renderings and photo-simulations that are standard for major architectural projects.) Nor does the discussion provide a detailed project description. Materials, which are one of the most important aspects of compatibility with pre-World War II architecture, are not described. The Secretary of the Interior’s Guidelines are not referenced, nor is there a defense of the fact that this building (much larger in footprint and taller than both the buildings it would replace) will loom above single-story designated historic commercial buildings in the immediate vicinity. The preparer apparently assumed architectural compatibility was a foregone conclusion and did not need to be addressed in detail.</p>	<p>was owned by Joan and Maurice O’Keefe family. The O’Keefes’ estate transferred the property to F. E. Forbes Co. in 1969, who sold it to Daniel and Kathleen Goldstein in 1973. The Goldsteins sold the property to Richard and Barbara Ehrenberger in 1976, who subsequently sold to Joseph Burros and Robert Cabrera in 1986. In 1988, the property was sold to the current owner, the UC. The report states that the building was designed and functioned as a residence until it was converted to office space after it was acquired by the UC (page 27).</p> <p>The HRTR for Housing Project #1 (Appendix F.2 in the Draft EIR) includes a detailed description, including exterior material and color, and color renderings of the proposed project in Section 9, “Project Description” (pages 43-45). Section 10, “Project Impacts and Mitigation Measures” of the HRTR considers the compatibility of the proposed project on adjacent historical resources. The report concludes that the design of Housing Project #1 is compatible with the composition and materials of nearby historical resources, including those that contribute to the proposed Shattuck Avenue Downtown Historic District. (Contributors to this proposed district include a wide range of late nineteenth and early twentieth commercial building architectural styles.) As a result, no impacts to nearby historical resources that derive from the project design are anticipated (see pages 47-50 of the report).</p>
B7-8	<p>The layout of the block, with its mix of uses and heights, would appear to lend itself to a redevelopment project that reuses the existing historic buildings while constructing denser new housing on the southern half of the block. This would have an additional advantage of leaving tenants in the apartment building undisturbed and doing away with the expense of tenant buyouts. It is likely that additional stories could be added to the historic building on Oxford Street and that it could be converted to</p>	<p>The comment suggests an alternative site plan for Housing Project #1 that would preserve the historic resources on the site and the Walnut Street Apartments. Please see Master Response 18, Alternatives, for further discussion on this suggestion. With respect to consistency with the City of Berkeley’s Downtown Area Plan, please see Master Response 2, Constitutional Exemption from Local Regulation, and Master Response 13, Consistency with Other Policy Documents.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>housing. Although density would be lower than the proposed project, it would avoid destruction of historical resources, retain existing affordable housing, and be more compatible with the existing neighborhood. It would also be less expensive than the proposed project and the money spent would have a larger net positive effect on the local economy (since rehabilitation costs skew more toward labor than materials). The draft EIR gives no indication that such project alternatives were contemplated, a failure to properly consider alternatives under CEQA. A similar redevelopment project (Acheson Commons) that partially reuses historic buildings has been recently undertaken immediately adjacent to the proposed project, which is evidence that a more carefully planned project is likely feasible in this location. Acheson Commons was also planned in conformance with Berkeley’s Downtown Area Plan, which proponents of this project have ignored.</p>	
B7-9	<p>Project #2 (People’s Park) The historic context is deficient in multiple respects. The neighborhood was part of the City of Berkeley rather than the University until the 1960s; therefore, a more detailed historic context of the neighborhood is required. While the events surrounding the creation of People’s Park are discussed in adequate detail, several relevant contexts are ignored. The growth of the Free Speech Movement on UC Berkeley campus, the wider antiwar movement, and postwar population growth along with the concurrent expansion of the University system should all be discussed.</p>	<p>The HRTR for Housing Project #2 includes a detailed historic context statement for People’s Park (Appendix F.3 of the Draft EIR). See Section 5, “Historical Background” of the report (pages 11-36), which includes the following subheadings:</p> <ul style="list-style-type: none"> ▪ UC Berkeley and Campus Planning in the Postwar Era ▪ University Acquisition and Clearance of Lot 1875-2, the People’s Park Site ▪ Development of People’s Park: “Everybody Gets a Blister” ▪ University Action against People’s Park: Bloody Thursday ▪ National Guard Involvement and Demonstrations in the Aftermath of Bloody Thursday ▪ University Negotiations: “Clean Up the Mess in Berkeley” ▪ Removal of the Fence and Reestablishment of People’s Park ▪ Recent History of People’s Park <p>In particular, the growth of the Free Speech Movement on the UC Berkeley campus and the broader antiwar movement are historical</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B7-10	<p>The historic significance of People’s Park (which became a City of Berkeley landmark when it was less than twenty years old) within the context of late 1960s and 1970s political activism is undisputed, and the draft EIR acknowledges its importance within this context. People’s Park is itself an extremely important historical resource associated with political activism of the 1960s that grew out of opposition to the Vietnam War, for which Berkeley was a primary locus. Discussion of potential adverse changes to historical resources focuses on adjacent buildings, however, and mostly ignores People’s Park, the only historical resource that will be completely destroyed by the proposed project.</p>	<p>themes that are discussed in multiple subsections of the “Historical Background” section.</p> <p>The HRTR for Housing Project #2 considers impacts to People’s Park itself (Appendix F.3 of the Draft EIR). In particular, Impact 1 in the HRTR states that “The proposed People’s Park Housing Project entails demolishing and reconfiguring People’s Park, a designated City of Berkeley Historical Landmark, in a manner that would leave it with insufficient integrity to convey its historic significance” (page 49). This finding gave rise to Impact CUL-1.3 in the Draft EIR (page 5.4-39):</p> <p><i>Impact CUL-1.3: Housing Project #2 would demolish and reconfigure People’s Park, a designated City of Berkeley Historical Landmark, which would result in a substantial adverse change to a historic resource.</i></p> <p>The Draft EIR identifies mitigation measures that would reduce impacts from the demolition and redevelopment of the site but concludes that “the proposed Housing Project #2 would still result in the site’s permanent and significant alteration, and impacts would remain significant and unavoidable” (page 5.4-40).</p>
B7-11	<p>People’s Park is a substantial open-space resource in an otherwise densely built-out neighborhood; there are no other public parks nearby. In the five decades it has served the neighborhood as a park, its trees and vegetation have reached maturity, making it an important oasis of natural life within a developed area. The proximity and number of historical resources adjacent to the park also makes it an important viewpoint for these precious architectural gems.</p> <p>First Church of Christ Scientist (a National Historic Landmark) is perhaps the most famous and spectacular, but it is just one of a dozen historical resources in the immediate vicinity of the park. The Anna Head School for Girls is also renowned for both its history and as an outstanding example of Shingle style architecture. Julia Morgan’s Baptist Seminary is another unique, architecturally significant landmark. The two NRHP-</p>	<p>This comment expresses an opinion about the existing setting of the site of proposed Housing Project #2 but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>The HRTR for Housing Project #2 includes discussion of the historic significance of People’s Park itself as well as multiple nearby historical resources (Appendix F.3 of the Draft EIR). The Draft EIR identified</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>listed buildings, eight local landmarks, and several other nearby historic-era buildings that appear potentially eligible are all low in height and the historic setting will be degraded by insertion of a gigantic new building.</p>	<p>three types of impacts to historical resources associated with the proposed project (pages 5.4-39 to 5.4-41):</p> <ul style="list-style-type: none"> ▪ Impact CUL-1.3: Housing Project #2 would demolish and reconfigure People’s Park, a designated City of Berkeley Historical Landmark, which would result in a substantial adverse change to a historical resource. ▪ Impact CUL-1.4: The proposed use of pile driving during construction of Housing Project #2 could produce significant ground vibration or soil movement under or adjacent to the existing foundations of nearby historical resources, compromising their structural integrity. ▪ Impact CUL-1.5: The design of Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People’s Park through incompatible design. <p>In particular, the Draft EIR notes that the height of the proposed project, which is much greater than that of the surrounding buildings, may render the project incompatible with its historic neighbors.</p> <p>As discussed in Master Response 10, Changes to Housing Project #2, and Response A3-112, construction of Housing Project #2 no longer involves pile driving.</p>
B7-12	<p>The compatibility discussion acknowledges that an out-of-scale building adjacent to two- to four-story historic buildings will cause a negative impact, which is accurate. However, it falsely asserts that design choices regarding “fenestration patterns, entry design, and the palette of exterior materials” would significantly mitigate the extreme negative impact of a giant new building looming over lowslung historical resources.</p>	<p>The commenter incorrectly asserts that the Draft EIR states that design choices regarding “fenestration patterns, entry design, and the palette of exterior materials” has the potential to make design-related impacts to historical resources less than significant. Further the Draft EIR does not use terms “significantly mitigate” or “extreme negative impact,” these are unsubstantiated opinions of the commenter.</p> <p>See Mitigation Measure CUL-1.5 (page 5.4-41):</p> <p>Mitigation Measure CUL-1.5: Prior to approval of final design plans for</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>Housing Project #2, UC Berkeley shall retain an architect meeting the National Park Service Professional Qualifications Standards for historic architecture to review plans for the proposed student housing and affordable and supportive housing buildings. The historic architect shall provide input and refinements to the design team regarding fenestration patterns, entry design, and the palette of exterior materials to improve compatibility with neighboring historical resources and to enhance compliance with the Secretary of the Interior's Standards and the City of Berkeley Southside Design Guidelines.</p>
		<p>Significance with Mitigation: Significant and unavoidable. Though Mitigation Measure CUL-1.4 would reduce impacts to nearby historical resources, the scale and proportion of the Housing Project #2 as proposed would likely not be compatible with those resources, and impacts would remain significant and unavoidable.</p>
B7-13	<p>Although People's Park is in the general vicinity of campus, it is not adjacent or particularly close and it is simply not an appropriate location for residential development. Destruction of an extremely significant historical resource, development of the only open space in a dense urban neighborhood, and construction of an out-of-scale new building that will overwhelm and dwarf a National Historic Landmark along with a dozen adjacent historical resources are among the primary reasons that a completely different location should be sought for this project.</p>	<p>The commenter expresses an opinion about the proposed Housing Project #2. The commenter provides no substantial evidence to support their opinion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>
		<p>Please see Responses B7-11 and B7-12.</p>
B7-14	<p>Both projects violate several objectives of the LRDP itself. These objectives include:</p> <ul style="list-style-type: none"> -Maintenance of open and natural areas. -Sustainability and carbon neutrality (adaptive reuse of existing buildings is far greener than demolition paired with new construction). -Connectivity between UC Berkeley and surrounding communities. 	<p>The commenter asserts that the proposed Housing Projects #1 and #2 violate the objectives of the proposed LRDP Update. The commenter provides no substantial evidence to support their assertions. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1,</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B7-15	<p>CONCLUSION</p> <p>Both proposed projects will result in substantial negative impacts to historical resources, as detailed above. The LRDP is deficient in many respects. Alternatives to these proposed projects have not been explored despite CEQA requirements to do so. Preservation of our precious historic and architectural heritage is a sufficient reason to redesign these projects, and both will have additional negative impacts. While the proposed Anchor House location seems appropriate for dense housing due to its proximity to campus, the destruction of at least eight units of affordable housing (which will apparently necessitate payments of \$50,000-\$100,000 dollars to at least 12 current residents) highlights the project proponents' failure to consider a broader picture. Inclusion of ground floor commercial in the project is a feature that appears tailored to circa 2010 assumptions that expensive retail space will be economically viable in the future, although in 2021 construction of urban commercial and office space seems at best a shaky investment. The plan to develop People's Park displays a lack of regard for the dispossessed people currently camping in the park. Addition of low-income units to the development plan does not address displacement of its unhoused population.</p>	<p>Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>The comment serves as a conclusion for the comments above. Please see Responses B7-2 through B7-14.</p>
B8	Maxina Ventura, East Bay Pesticide Alert, April 21, 2021	
B8-1	<p>We sincerely dispute the ongoing assertions of UC that, there would be no significant impacts around the ongoing destruction of Hills Campus forests or People's Park and its forest and other vegetation. It's more IC sleight-of-hand trying to suggest that urban forests are not forests under some esoteric legalese. Regardless, deforestation is being challenged worldwide with reforestation but we're in climate crisis now and need not to cut more trees, or pesticide. UC's been releasing sequestered carbon and each cut area, even if eventually some trees grow, or even if some trees were planted (not in plans) would not mitigate much after</p>	<p>The commenter expresses an opinion about what constitutes a significant impact with respect to the loss of forests and other vegetation. The commenter provides no substantial evidence to support their opinion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>having caused harm. It would take decades for mitigation of any significance to help us, all after having actively harmed the environment.</p> <p>After the Claremont Cyn. massacre in January, the air was terrible and at first I could not figure out why (no wildfires I could see in CA or on the West Coast and I spent a couple weeks huddled over an air filter most of the time). Then I realized this was right after this massive clearcut of very old, mature Eucalypts which had sequestered so very much carbon. UC did actual health damage to anyone with Asthma, COPD, Emphysema, or potentially anyone with Covid. Shame.</p>	<p>As described in Chapter 7, CEQA-Required Assessment Conclusions, this EIR does not analyze impacts to agriculture and forestry resources because the EIR Study Area is primarily in an urbanized setting, and approval and implementation of the proposed LRDP Update and construction and operation of the proposed Housing Projects #1 and #2 would have no impact on agriculture and forestry resources. Maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Natural Resources Agency categorize land in the EIR Study Area as Urban and Built-Up Land, and “Other Land,” and the EIR Study Area does not have farmland or grazing land. Neither do the cities of Berkeley and Oakland have land zoned for farmland or timberland production. Portions of the EIR Study Area are designated Open Space, but not State or national forest lands. Consequently, there would be no impacts to agriculture and forestry resources, and this issue is not discussed further in this EIR.</p> <p>Impacts related to air quality are described in Chapter 5.2, Air Quality, of the Draft EIR. The air quality impacts of the proposed project are not related to trees or their removal. This is not to imply that trees do not have a relationship to air quality. Trees can provide shade that may reduce the need for air conditioning which in turn can reduce fossil fuel consumption thus improving air quality. Trees can also absorb small particulate matter from the air, which can improve air quality. However, as described in Chapter 5.2 (see page 5.2-1), the analysis in the Draft EIR is based on the methodology recommended by the Bay Area Air Quality Management District (BAAQMD) for program- and project-level review. The analysis focuses on air pollution from regional emissions and localized pollutant concentrations from buildout of the proposed project. In Chapter 4.1, “emissions” refers to the actual quantity of pollutant material measured in pounds per day or tons per year, and “concentrations” refers to the amount of pollutant material per volumetric unit of air. Concentrations are measured in parts per million (ppm), parts per billion (ppb), or micrograms per cubic meter</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B8-2	Attached please find: East Bay Pesticides formal EIR comments on: - LRDP - Specific to Hill Campus EIR	<p>(µg/m³). As discussed in Chapter 5.2, Air Quality, of the Draft EIR, the impact discussion in Chapter 4.1 (see pages 5.2-32 through 5.2-76) is based on this cumulative setting because all development within the San Francisco Bay Area Air Basin contributes to regional emissions of criteria pollutants (listed below), and basin-wide projections of emissions is the best tool for determining the cumulative effect. BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including reactive organic gases (ROG), oxides of nitrogen (NO_x), coarse inhalable particulate matter (PM₁₀), and fine inhalable particulate matter (PM_{2.5}). Development projects below these significant thresholds (shown in Table 5.2-6, BAAQMD Regional (Mass Emissions) Criteria Air Pollutant Significance Thresholds) are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. Additionally, the measure of the ability of the on-site trees to effect air quality is not part of the methodology for analyzing air quality impacts for CEQA documents. The proposed housing projects would plant additional trees and vegetation, which would help to maintain the level of trees and vegetation in the EIR Study Area. Therefore, any benefits that may occur from the trees on the project sites and the EIR Study Area would continue to occur under the proposed project.</p> <p>GHG emissions generated by the project cumulatively contribute to world-wide CO₂ concentrations and climate change impacts. GHG impacts are global, and there are no localized impacts to sensitive receptors surrounding the project from project-related GHG emissions regardless of the time of day. Therefore, there are no ambient air quality standards for GHGs.</p> <p>The comment provides a list of attachments to the commenter's letter. These attachments are also listed in Comments B8-Attachment-1 through B8-Attachment-7, and are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<ul style="list-style-type: none"> - Specific to Levine-Fricke Softball Field (Strawberry Cyn. Rec. Center) - UC Vegeation Mgmt. EIR - People's Park and LRDP - People's Park Committees formal comments 4/27/20 - Photos of People's Park forest, wet, moist 2018 and after destruction of much of the forest, photo taken 2019 <p>UC's destruction of the environment and provocations against people and flora and other fauna must end now.</p>	EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B8 Attachment 1	People's Park Committee Scoping Comments Regarding EIR for UC Berkeley LRDP Update and Housing Projects at People's Park and Hill Campus, 4/27/20	The attachment provides a copy of scoping comments received from the People's Park Committee on the Notice of Preparation for the proposed project, dated April 27, 2020. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B8 Attachment 2	Links to news articles and Response to Comments from 2020 LRDP EIR	The attachment provides a link to message from the UC Berkeley Chancellor published on April 10, 2019, about updating UC Berkeley's LRDP, and a link to the responses that was prepared as part of the Final Environmental Impact Report for the 2020 LRDP. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B8 Attachment 3	Comments Regarding UC Berkeley NOP of an EIR Sent on Behalf of Easy Bay Pesticide Alert, 12/20/19	The attachment provides a copy of comments made by East Bay Pesticide Alert, dated December 20, 2019, in response to the Wildland Vegetative Fuel Management Plan Environmental Impact Report Notice of Preparation. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B8 Attachment 4	East Bay Pesticide Alert's Formal Comments in Response to the UC Hill Campus DEIR, 10/5/20	The attachment provides a copy of comments made by East Bay Pesticide Alert, dated October 5, 2020, in response to the Wildland Vegetative Fuel Management Plan Draft Environmental Impact Report. The attachment is acknowledged for the record and will be forwarded

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
Letter B8 Attachment 5	Comments Regarding Addendum to the UC Berkeley 2020 LRDP EIR (Levine-Fricke Softball Field Improvements Project), 1/17/20	to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B8 Attachment 6	East Bay Pesticide Alert's Comments in Response to UC Development of an EIR for UC Berkeley's LRDP and its Threats to People's Park, Oxford Tract, Gill Tract, and Neighbors of Oxford Tract, 5/15/20	The attachment provides a copy of comments made by East Bay Pesticide Alert, dated January 17, 2020, in response to a separate UC Berkeley project, the Addendum to the University of California, Berkeley 2020 Long Range Development Plan Environmental Impact Report for Levine-Fricke Softball Field Improvements Project. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B8 Attachment 7	People's Park aerial photos	The attachment provides two images of People's Park prior to and after tree removals. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
B9	Mike Kelly, Panoramic Hill Association, April 21, 2021	
B9-1	Dear Planners, please find attached comments on the 2021 LRDP from The Panoramic Hill Association. Kindly acknowledge receipt of this email at your convenience. Thanks, M Kelly	The comment serves as an opening remark. No response is required.
B9-2	Thank you for this opportunity to submit comments on the next Long Range Development Plan for the campus. This comment letter is presented in addition to our participation in comments submitted as part of the Southside Neighborhood Consortium.	The comment serves as an introduction to the comments that follow. Please see Responses B9-3 through B9-17.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B9-3	<p>In general, we are concerned that this LRDP does not adequately consider the real cumulative impacts from increased noise, traffic, fire danger, light pollution, impacts on historic resources, impacts on natural resources and wildlife and loss of quality of life that will result from expansion of UCB facilities and programs.</p>	<p>The section Psychological and Physiological Effects of Noise is provided to give background on the effects of noise exposure generally. It is not meant to establish thresholds of significance used in the CEQA noise analysis. Section 5.11.2, Standards of Significance outlines the quantified standards of significance used to make significance determinations. The City of Berkeley Municipal Code standards are less than 75 dBA for residential receptors.</p>
	<p>NOISE IMPACTS</p> <p>Perhaps nowhere is the lack of analysis of actual cumulative impacts more distressing than in the potential for increased noise to residents of our neighborhood.</p> <p>Our neighborhood is inundated with noise from UC Berkeley facilities. Over the past two decades our residents have experienced a dramatic degradation of quality of life from noise pollution. This includes noise from both activities such as a wide range of new athletic activities across the complex of facilities in and around Strawberry Canyon and also from a steady increase in the the noise from HVAC equipment, laboratory venting equipment and power transformer equipment across the campus. Over the past several decades the campus has received hundreds of letters and emails from residents of Panoramic Hill complaining about noise from Campus operations.</p> <p>The Draft LRDP contains a section entitled Psychological and Physiological Effects of Noise.</p> <p>Although this section purports to be examining the psychological and physiological effects of noise exposure and presumably the relationship between psychological impacts and physiological outcomes, this LRDP section actually focuses on health outcomes such as hearing loss from exposure to extremely high levels of noise.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B9-4	<p>This section of the draft LRDP relies on a single sentence to summarize the relationship between noise exposure and health impacts on the cardiovascular and nervous systems; Prolonged noise exposure in excess of 75 dBA increases body tensions, which affects blood pressure, heart functions, and the nervous system. <i>LRDP 5-11-3</i></p> <p>This single sentence implies, incorrectly, that the only noise exposure which would result in health outcomes such as high blood pressure, cardiovascular or nervous system pathologies is sustained exposure to noise in excess of 75dBA. This is simply not accurate.</p>	<p>As discussed, the section Psychological and Physiological Effects of Noise is provided to give background on the effects of noise exposure generally. It is not meant to establish thresholds of significance used in the CEQA noise analysis. Section 5.11.2, Standards of Significance outlines the quantified standards of significance used to make significance determinations. The quantified noise level standards from the City of Berkeley Municipal Code which the Draft EIR uses are based on acceptable noise levels necessary to protect public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet. The subjective experiences which the commenter describes are related to existing conditions and do not represent an environmental noise impact under CEQA from implementation of the proposed LRDP Update. Potential noise impacts from implementation of the LRDP Update and two housing projects are addressed in the Draft EIR using the established standards of significance. It should be noted that while a noise may be audible that does not necessarily mean it is in excess of allowable noise standards.</p>
	<p>A simple example of this can be understood by considering a person who is randomly exposed to a dripping faucet during the night for months at a time; in this example the faucet would never be measured as a significantly loud sound as measured by a decibel meter, but it is easy to understand that a person exposed to this situation would experience disturbance from the noise which could then lead to loss of sleep, stress and distress which could in turn cause physiological degradation to their health. This approach to analyzing and assessing health impacts from exposure to disturbing noise is known as a Noise Reaction Model. In a Noise Reaction Model assessment of impacts from exposure to noise sources which cause disturbance and mental distress are linked to</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>disease pathology based on the experienced disturbance of the noise on the receptor, not based on a dBA measurement of that noise.</p>	
	<p>In the attached document, Environmental Noise-Induced Effects on Stress Hormones, Oxidative Stress, and Vascular Dysfunction, the use of the Noise Reaction Model is described as crucial in determining the adverse systemic health effects of noise exposure:</p>	
	<p>[In this setting, low-level noise exposure interferes with communication, disturbs daily activities, and disrupts sleep, leading to sympathetic and endocrine activation and a number of cognitive and emotional reactions, including annoyance, depression, and mental stress. If the exposure persists over a period of time, the cognitive and emotional state of stress could then cause a pathophysiological cascade, resulting in increased stress hormone levels, blood pressure, and heart rate, which in turn favors the development of cerebrocardiovascular risk factors such as hypertension, arrhythmia, dyslipidemia, increased blood viscosity and blood glucose, and activation of blood clotting factors and the subsequent manifestation of cerebrocardiovascular disease such as stroke, ischemic heart disease, acute myocardial infarction, heart failure, and arterial hypertension [5, 6]. Of note, even short-term nocturnal aircraft noise exposure has been shown to be associated with takotsubo cardiomyopathy, a condition triggered by emotional stress and excessive stress hormone release (also known as broken-heart syndrome) [9]. Noise-induced annoyance has been proposed to play an intermediary role in disease development, i.e., the degree to which noise causes interference, annoyance, and mental stress may mediate the pathophysiological consequences and disease risk. <i>Page 2, Environmental Noise-Induced Effects on Stress Hormones, Oxidative Stress, and Vascular Dysfunction: Key Factors in the Relationship between Cerebrocardiovascular and Psychological Disorders</i></p>	
	<p>Additionally, considering that noise annoyance represents mental stress,</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>it has been shown to be associated with psychological symptoms and disorders such as depression and anxiety, with the important notion that different noise sources may induce different levels of annoyance. <i>Page 2, Environmental Noise-Induced Effects on Stress Hormones, Oxidative Stress, and Vascular Dysfunction: Key Factors in the Relationship between Cerebrocardiovascular and Psychological Disorders</i>]</p> <p>The descriptions found in the quoted document of the connection between noise exposure and experience of distress and degraded health are quite familiar to residents of the Panoramic Hill neighborhood. Daytimes are now filled with what feels like a non-stop parade of noise from UC facilities, while nighttime is filled with loud whining and buzzing from HVAC equipment, exhaust fans from science buildings and power transformers on campus. Furthermore sleep is sometimes interrupted before dawn by sports athletic practices, which begin while residents are still in a deep sleep.</p>	
B9-5	<p>Cumulative impacts of noise from air handling, power transformers, exhaust fans and science lab venting are increasing the ambient noise levels across the city of Berkeley; Quantifying and analyzing those impacts should be considered in the scope of the LRDP and individual project analysis for the campus.</p> <p>Hillside communities such as ours and the neighborhoods all around the campus are very susceptible to these types of noise impacts. In our neighborhood air handling and fan noise from the campus environs feels like it has at least doubled in the past decade. A range of residents in our neighborhood now complain of losing sleep from intermittent air handling noise.</p> <p>Among the most pronounced noise sources are exhaust fans on top of buildings in the science quadrant east of the campanile, specifically one on top of Latimer Hall and another on top of Birge Hall. Noise from these</p>	<p>Noise from operational stationary sources, such as mechanical equipment, is highly localized. While a noise survey gathering the total noise generated by air handling equipment on the campus (it is not entirely clear what is meant by this comment since, again, noise from operational stationary sources such as mechanical equipment is highly localized and does not propagate from one end of the campus to the next) has not been conducted, the subjective experiences which the commenter describes are related to existing conditions and do not represent an environmental noise impact under CEQA from implementation of the proposed LRDP Update. Potential noise impacts from implementation of the LRDP Update and two housing projects are addressed in the Draft EIR using the established standards of significance. It should be noted that while a noise may be audible that does not necessarily mean it is in excess of allowable noise standards. CBP NOI-1 is included in the Draft EIR to be protective of the noise environment surrounding future projects under the LRDP Update and</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	<p>fans has been intermittent and can be extremely loud and disruptive especially during nighttime hours.</p> <p>Does the University have data regarding the total noise generated by air handling on the campus?</p> <p>Does the university have policies or guidelines intended to minimize cumulative noise impacts from air handling?</p> <p>Are noise impacts to the community considered in the design and installation of laboratory venting for the sciences?</p> <p>Other loud sources of air handling noise include but are not limited to, venting exiting from the southend of the Simpson Student Athlete Center, air handling located on the northside of Boyles Hall, cooling units on top of the CMS utility building on Prospect Plaza and air handling at Boalt Law School.</p> <p>New air handling and power transformer noise emission associated with the housing projects described in this LRDP EIR should consider their cumulative contribution to the noise pattern for elevated neighborhoods such as Panoramic Hill.</p>	<p>to ensure that they comply with the exterior noise limits from the Berkeley Municipal Code.</p>
B9-6	<p>In closing this discussion of noise we would like to state that although the Campus considers itself exempt from local noise ordinance such as the city of Berkeley, that the noise the Campus generates does not stop at the border of campus property. The city of Berkeley noise ordinance calls for the measurement of noise at the property line between the noise generator and the noise recipient.</p>	<p>While UC Berkeley is constitutionally exempt from local government's regulations whenever using property under its control in furtherance of its educational mission the Berkeley Municipal Code standards have been used as thresholds of significance for the purposes of CEQA. Please see Master Response 2, Constitutional Exemption from Local Regulations.</p>
B9-7	<p>STRAWBERRY CANYON ENVIRONMENT</p> <p>Within the context of this LRDP's discussion of Sensitive Natural Communities and the Strawberry Creek Management Plan (5-3-4) we</p>	<p>The commenter's concerns regarding the coast live oak/bay woodland ecosystem are noted, as is the importance of the Strawberry Canyon Watershed. No response is required.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>would like to point out the particular significance of the Coastal Live Oak / Bay Woodland ecosystem, which is a critical element of our regional ecology. The Strawberry Canyon Watershed is an important habitat for this ecosystem. The LRDP analysis brings significant focus to the presence of invasive species such as Eucalyptus in its mapping of Strawberry Canyon but has no specific attention to management of the Coastal Live Oak ecosystem.</p>	
B9-8	<p>The State of California has enacted two laws that apply to the management and conservation of native oak woodlands, AB 242 (1999-2000) and SB 1334 (2004). We believe that UC Berkeley has a role to play in the active management of its Native Oak Woodlands and that management should be included in the Campuses Long Range Planning; the reason is both as a matter of compliance with AB 242 and SB 1334, and more importantly because of the Campus is the steward of Strawberry Canyon and its extensive intact Oak Woodland habitat.</p> <p>AB 242 states; The future viability of California’s Oak Woodland resources are dependent, to a large extent, on the maintenance of large scale land holdings...</p>	<p>The commenter expresses interest in having UC Berkeley participate in State legislation pertaining to oak woodlands, given the presence of this habitat type in in Strawberry Canyon. These are summarized as follows.</p> <p>The Oak Woodland Conservation Act (SB 1334) was enacted in 2004 to encourage local counties to consider whether a project under CEQA review within its jurisdiction may result in a conversion of oak woodlands that would have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county can require one or more of oak woodland mitigation alternatives. Because UC Berkeley is not a local county it does not have any specific authority under AB 242.</p> <p>The California Oak Woodland Conservation Act (AB 242 2001) was enacted to provide funding for the conservation and protection of California’s oak woodlands. Participating organizations are required to develop an Oak Woodlands Conservation Management Plan in order to qualify for funding to preserve oak woodlands through the Oak Woodlands Conservation Fund. Under the language in Section 1365 of AB 242, moneys in the fund are to be available to local governments, park and open-space districts, resource conservation districts, and nonprofit organizations. It does not appear that UC Berkeley would be eligible for funding as it is not one of the qualifying organizations.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B9-9	<p>As a large scale land holder the Campus should develop and implement an Oak Woodland Conservation Plan for Strawberry Canyon as described within these bills. Attached to this letter is the document: Oak Woodland Impact Decision Matrix - A Guide for Planner’s to Determine Significant Impacts to Oaks as Required by SB 1334. Authored by the UC Integrated Hardwood Range Management Program.</p>	<p>The interest on the commenters part to have UC Berkeley develop and implement an Oak Woodland Conservation Plan for Strawberry Canyon is noted. As discussed under impact discussion BIO-2 on pages 5.3-28 through 5.3-30 of the Draft EIR, while the stands of oak woodland and scattered specimen native coast live oaks are not recognized as a sensitive natural community by the CNDDDB, they are of concern to the CDFW and should be protected and avoided. UC Berkeley prepared vegetation management plans for Strawberry Canyon and other properties to address fire risk management and habitat enhancement, which recognizes the importance of oak woodlands and other natural communities and focuses on invasive species removal and fuel reduction. Please see the Response B9-8.</p>
B9-10	<p>Matrix of Additional Responses to LRDP Sections:</p> <p>Page 3.22-3.23, Section 3. Project Description, Potential Renewable Energy Systems: <i>“UC Berkeley would also increase the electrical capacity of its underground feeds from the Hill Campus East to the Campus Park... As a result of recent annual PG&E PSPS program events that limit electrical supply to the Campus Park for several hours or even days, UC Berkeley could develop a large PV solar installation on the Hill Campus East to increase electrical power resilience to the Campus Park.”</i></p> <p>Page 5.18.25, Refers to future solar array photovoltaic power station within Hill Campus East area: <i>“in the Hill Campus East and WUI, the addition of a solar array system in the Hill Campus East poses specific potential issues with introducing additional electrical utility infrastructure in a Very High FHSZ that could increase risk of wildfire. For example, new power lines could ignite wildfires if overhead lines fall down and come into contact with vegetation.”</i></p>	<p>The commenter asserts that building a solar array in the Hill Campus East would increase the probability of wildfire and evacuation route congestion. The commenter provides no substantial evidence to support their assertions. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>UC Berkeley has contemplated these types of effects as a result of building a solar array in the Hill Campus East and an evaluation of impacts is included in Chapter 5.18, Wildfire, of the Draft EIR. Please also see Response A3-41 regarding evacuation.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>PHA Comment (to pages listed above): Hill Campus East is a mostly forested area with steep topography which flanks both sides of the City- and regional designated disaster evacuation route of Centennial Avenue. A photovoltaic solar array facility large enough to compensate for PG&E Public Safety Power Shutoffs would require a large construction project, extensive grading work, and substantial power distribution infrastructure. Equipment, construction and maintenance workers, and associated vehicle trips on Centennial and within Hill Campus East would significantly increase. This element alone of the LRDP Update will increase the probability of accidental ignition sources and evacuation route congestion during a major wildfire or earthquake on the Hayward Fault. Adding to the overall disaster risk, USGS has mapped most of the area of Hill Campus East as “Earthquake-Induced Landslide Zone”.</p>	
B9-11	<p>Table 5-4, pages 5.13/.14: Pending Lawrence Berkeley National Laboratory Projects: The substantial list of planned future LBNL projects described in Table 5-4, the increase of student and staff populations in the 20-year LRDP build-out, and combined with planned expansion of sports facilities, recreational users and visitors in Strawberry Canyon, will create a cumulative impact that greatly exceeds the safe carrying capacity of Centennial Avenue and other streets within Hill Campus West and East. All these people and vehicles added to existing land uses in Strawberry Canyon also adds to the likelihood of accidental ignitions that may initiate dangerous wildfires in a steep-sided canyon with limited access for fire-fighting mobilizations and evacuations.</p>	<p>The commenter asserts that the proposed project, with other cumulative projects, would contribute to the exceedance of the safe carrying capacity of certain streets within the EIR Study Area. However, the commenter provides no substantial evidence to support their assertion. Cumulative impacts pertaining to wildfire are addressed in Chapter 5.18, Wildfire, of the Draft EIR under impact discussion WF-5. Please also see Response A3-41 regarding evacuation.</p>
B9-12	<p>Page 5.13.16, Section 5.13.2.3 Impact Discussion (Public Services): <i>PS-3: “Implementation of the proposed project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.”</i> PHA Comment to above: This statement directly contradicts the record</p>	<p>As described on page 5.13-16, in Chapter 5.13, Public Services, of the Draft EIR, “Though the EIR Study Area includes territory in both the cities of Berkeley and Oakland, future potential development under the proposed LRDP Update would primarily be in the city of Berkeley. In addition, as described in Chapter 5.12, Population and Housing, of this Draft EIR, the majority of the UC Berkeley population resides in the city of Berkeley.” In addition, “the majority of the Hill Campus East would</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>of communication with Chief Brannigan of the Berkeley Fire Department, presented in Appendix L– Agency Correspondence as BFD’s response to questions from the EIR preparers. An example can be found on page 53 of Appendix L under ‘City Responses’ as follows:</p> <p><u>Question #2.</u> Would the BFD need to construct new facilities or expand existing facilities in order to accommodate the project’s demand for fire protection services, based on the projected growth of the university over the course of the next 20 years?</p> <p><i>BFD Response:</i> <i>Yes. The projected population growth and development proposed by the University over the next 20 years will require significant additions of resources and facilities for the Berkeley Fire Department to adequately respond to calls-for-service. The increased density and height of projects proposed by the University will create response challenges that need to be met with an aerial ladder truck, type 1 fire engine, ambulance, mobile air supply truck, and a Battalion Chief. The staffing, apparatus, overhead costs and facility to house these resources would all need to be designed, funded, and located in proximity to the University. Increased capability and size of the Department’s Division of Training would also be required to meet the additional training demands of a larger department.</i></p> <p><u>Additional PHA Comment to above:</u> There is no comparable record to BFD’s exchange with the EIR preparers in Appendix L- Agency Correspondence regarding fire and emergency response capacity-related communications with other fire departments that serve the university in the LRDP study area, or have mutual response obligations, including the City of Oakland, County of Alameda, or East Bay Regional Parks Department. It’s reasonable to expect that these other emergency response agencies, in addition to BFD, will require additional or upgraded facilities to house an increase of fire-fighting equipment, vehicles, and staff proportional to the increased burden of new structures and UCB’s population growth as projected in the LRDP Update.</p>	<p>remain unchanged. Under the proposed LRDP Update, the changes to the parts of the EIR Study Area in the city of Oakland are minimal and therefore not anticipated to substantially affect the OFD or result in impacts to fire protection services in the city of Oakland.” Therefore, primary fire response for the proposed project would be from the Berkeley Fire Department, which the Draft EIR focused on in its analysis.</p> <p>The Draft EIR describes under impact discussion PS-3, that the “BFD indicated that new and modified facilities would be required to accommodate additional resources needed. As determined under <i>City of Hayward v. Trustees of the California State University</i> (242 Cal.App.4th [2015]), it is not UC Berkeley’s responsibility to build a new fire station, but only to mitigate the physical impacts of construction of such facilities if they are determined necessary as a result of the proposed project. Therefore, if and when the City of Berkeley would decide to construct a new facility in order to accommodate additional resources, UC Berkeley would negotiate its proportional share of funding for the mitigation of any environmental impacts resulting from the construction of the facility. Because the BFD would expand to meet the needs of the growing community and UC Berkeley population, with or without the proposed LRDP Update, the impact generated by the implementation of the proposed LRDP Update related to fire protection services would be less than significant.”</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B9-13	<p>Page 5.15.62, Section 5.15. Transportation: <i>TRAN-4 The proposed project would not result in inadequate emergency access.</i></p> <p>LRDP Update <i>Implementation of the proposed LRDP Update would not result in inadequate emergency access. Future roadway modifications would be designed in a manner consistent with applicable regulations, including those related to roadway widths. In addition, UC Berkeley would coordinate with other agencies, as appropriate and consistent with the proposed LRDP Update and per City of Berkeley policies, to ensure the safe transition between UC Berkeley facilities and other infrastructure.</i></p>	<p>Regarding the statement that the analysis does not address the Hills area, please see Response A3-54. Regarding evacuation, please see Response A3-41. For the statements regarding the inadequacy of the emergency access analysis, please see Responses A3-53 and A3-70. Please see Response B9-16 with respect to an evaluation of Panoramic Hill area.</p>
	<p><i>Efficient operations of UC Berkeley roadways help to reduce response times for emergency responders. The emergency access analysis was conducted to determine if the proposed LRDP Update has the potential to impact emergency vehicle access by creating conditions that would substantially affect the ability of drivers to yield the right-of-way to emergency vehicles or preclude the ability of emergency vehicles to access streets within the EIR Study Area.</i></p>	
	<p><u>PHA Comment to above:</u> The LRDP Update analysis of transportation impacts to emergency access is primarily focused on the EIR Study Areas of Campus Park and City Environs Properties. There is no discussion or analysis of how the 20-year LRDP build-out will affect neighborhood populations and roadways adjacent to Hill Campus West and Clark Kerr Campus projects. Of particular concern to Panoramic Hill Association is the adverse impact of increased vehicle and pedestrian travel on lower Centennial Avenue, Stadium Rim Way, and Prospect Street. Over 250 residential structures are located on Panoramic Hill in the City of Berkeley's most restrictive 'Fire Zone 3'. There is only a single, sub-standard roadway to access or egress from the Berkeley and Oakland sides of Panoramic Hill at the outlet across the street from Memorial Stadium.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>In a document that exceeds 1,000 pages, there is no analysis of how the LRDP will affect the residents of Panoramic Hill, and the name only appears twice in generic descriptions of the EIR study area environs.</p>	
	<p>We strongly disagree with the unsupported statement in TRAN-4. Furthermore, nowhere in the document under sections 5.15 Transportation or 5.18 Wildfire is there a discussion or analysis of emergency vehicle access to and population egress from Panoramic Hill if and when a disaster emergency occurs such as an approaching wildfire. Every new building, student and faculty housing, sports facility, and BLNL facility on the east side of UC campus concentrates more and more people and vehicles into a confined canyon with no corresponding increase of capacity in a transportation network that will serve as an evacuation corridor and wildfire-fighting vehicle access route. The likely chaos of an unrehearsed mass evacuation of the university, Lawrence Hall of Science, and surrounding residential hill populations using Centennial Avenue and Stadium Rim Way, converging with evacuees at the outlet of Panoramic Way, will be worsened by an increase of UC students, staff, and vehicles anticipated under the LRDP Update.</p>	
B9-14	<p>Page 5.18.1 to 18.30, Section 5.18 Wildfire: PHA Comment: PHA is perplexed by the apparent disconnect between the EIR findings of impacts and determination of significance, in contrast to the notable clarity of descriptions of the vegetative fuel loads, potential for ignition sources, and elevated risks of wildfire in the Hill Campus under a 20-year LRDP Update. As examples of the latter, below we've included a few excerpts from section 5.18. Wildfire:</p> <p>Page 5.18.8, Wildfire Background: <i>The San Francisco Bay area's Mediterranean-like climate, lack of summer rains, wind-conducive topography with steep canyons and swales, and fireadapted vegetation</i></p>	<p>The comment contains excerpts of Chapter 5.18, Wildfire, in the Draft EIR, and expresses support for the significant and unavoidable impact finding for Impact WF-3. As described on page 5.18-26 of the Draft EIR, although Mitigation Measure WF-3 would ensure that associated infrastructure from potential future development projects are assessed for wildfire impacts and any potential impacts mitigated, due to potential unknown impacts from future development within the very high fire hazard severity zone under the proposed LRDP Update, impacts at the programmatic level of the proposed LRDP Update are identified in the Draft EIR as significant and unavoidable. Please also see Response A3-41 regarding evacuation. The commenter expresses</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p><i>predisposes the area to periodic burns. Wildfires have grown in frequency and intensity throughout the West during the past several years, particularly in California, where prolonged drought and hot, dry temperatures have been common.</i></p> <p>Page 5.18.8, Wildfire Causes: <i>...humans were responsible for igniting 84 percent of wildfires and accounted for 44 percent of acreage burned.</i></p> <p>Page 5.18.9, Wildfire Causes: <i>US Forest Service wildfire data from 1986 to 1996 determined that 95 percent of human- caused wildfires and 90 percent of all wildfires occurred within half a mile of a road; and that about 61 percent of all wildfires and 55 percent of human-caused wildfires occurred within about 650 feet of a road.</i></p> <p>Page 5.18.10, Wildland Urban Interface (WUI): <i>Developments in the WUI exacerbate fire occurrence and fire spread in several ways, ...</i></p> <p>Page 5.18.11, Wildfire Hazards: <i>The EIR Study Area, particularly the Hill Campus East, is vulnerable to winddriven fires starting along the slopes of East Bay Hills, compounded by the mountainous topography, limited water supply, limited access and egress routes through the hills, and the location directly over the Hayward Fault, which increases the risks of fires induced by earthquake damage.</i></p> <p>Page 5.18.16, Weather and Winds: <i>Extreme but periodic red-flag weather days occur in the EIR Study Area and surrounding areas from the presence of strong, hot, dry offshore winds, ...</i></p> <p>Page 5.18.19, Section 5.18.3 Impact Discussion: <i>The proposed LRDP Update would accommodate an increase in UC Berkeley’s population and traffic congestion may increase over the life of the LRDP Update, which could adversely affect emergency response or evacuation routes in the event of an accident or natural disaster.</i></p>	<p>an opinion about the justification of the proposed project relative to the wildfire impacts described in Chapter 5.18, Wildfire, of the Draft EIR; however, the commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Page 5.18.21, WF-2, Impact Discussion: WF-2 The proposed project could, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.</p>	
	<p>Page 5.18.21, WF-2, Impact Discussion: Other factors, such as vegetation, have the potential to exacerbate wildfire risks. The grassland and oak-bay woodland of the Hill Campus East are easily ignited; during late summer and fall, natural vegetation is extremely flammable, and wildfires are serious hazards in areas with extensive, unirrigated vegetation.</p>	
	<p>Page 5.18.25, WF-3, Impact Discussion: Impact WF-3: The proposed LRDP Update could involve the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines, or other utilities associated with potential development within the Very High FHSZ, including with the potential addition of a solar array installation in the Hill Campus East. Construction and operation of these improvements could exacerbate fire risk through construction and maintenance activities and/or through the introduction of additional electrical infrastructure.</p>	
	<p>Page 5.18.26, WF-3, Impact Discussion: Significance with Mitigation: Significant and unavoidable. Though Mitigation Measure WF-3 would ensure that associated infrastructure from potential future development projects, including the installation and maintenance of a potential solar array and/or associated power lines, are assessed for wildfire impacts and any potential impacts mitigated, due to potential unknown impacts from future development within the Very High FHSZ under the proposed LRDP Update, impacts at the programmatic level of the proposed LRDP Update would remain significant and unavoidable.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Page 5.18, Section 5.18. Wildfire: PHA Comment to 5.18 excerpts above: PHA agrees that the proposed LRDP Update would be significant in the context of Wildfire Hazards. The scale and uncertainty of effectiveness of partial mitigation measures and Continuing Best Practices (CBP) described throughout Impact Discussion sections of 5.18 Wildfire do not justify or support an expansion of infrastructure within the Hill Campus and the impacts of introducing a significant increase of human activities within the confines of Strawberry Canyon and the evacuation route of Centennial Avenue. The LRDP Update boasts that there will be no additional or expanded roadways within the Hill Campus (except for the Centennial bridge relocation). This pronouncement is not a beneficial asset to wildfire safety or disaster evacuation. The LRDP simply adds more burden of people, vehicles, and equipment to an existing condition of the WUI, substandard streets, inadequate parking, and the bottleneck where Centennial intersects with local streets and Memorial Stadium.</p>	
B9-15	<p>Attached to this document are a series of expert reports submitted in the recent litigation between the Campus and PHA regarding the proposed construction of a Softball Stadium in Strawberry Canyon. These documents are attached because they contain information applicable to the consideration of impacts on this neighborhood from Campus projects in the area.</p>	<p>The comment references specific attachments to the commenter’s letter. These attachments are also listed in comments B9-Attachment-3, and B9-Attachment-5 through B9-Attachment-8, and are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.</p>
B9-16	<p>In its introduction to the Long Range Development Plan for 2021, areas identified for planned development include the Hill Campus East and Hill Campus West Areas (LRDP, 13). Maps show these areas and narratives describes goals, guides and planning processes to be utilized in their development. Included in the maps showing these “Areas” is the National Trust Historic Designated Neighborhood called Panoramic Hill, perhaps the closest strictly residential neighborhood to the UC Campus that includes many National Trust designated homes and contributing structures. Other than one property (Havens House), which belongs to the University but is located in that neighborhood, not a single house or even the neighborhood itself is named in the LRDP as an area affected by</p>	<p>The referenced Panoramic Hill National Register District is a residential district located in the blocks southeast of California Memorial Stadium and north of the Clark Kerr Campus. At the time of the Panoramic Hill National Register District’s 2005 designation, the contributors to the Panoramic Hill National Register District included 61 residences, 1 fountain, and 14 associated structures (roads, paths, and walls). (Berkeley Architectural Heritage Association, “Panoramic Hill National Register of Historic Places Registration Form, Berkeley, California,” listed in the National Register of Historic Places in 2005.)</p> <p>None of the sites that have been identified as Potential Areas of New</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>UC development. No impact to the Panoramic Hill neighborhood, its residents, historic buildings, or environs, is mentioned in the LRDP. Planned expansion in Strawberry Canyon will impact Panoramic Hill in many ways including fire risk, traffic congestion, access to homes along the one entry road (Panoramic Way) and egress in cases of medical or other emergencies such as to escape fire and earthquake threats. In addition to these emergency impacts, light and sound from sports games, tournaments and events will dramatically change the nature of the environment and affect the character of daily life in an irreversible way.</p>	<p>Development and Redevelopment (Figure 3-3) or Potential Areas of Renovation (Figure 3-4) in the Draft EIR overlap with the Panoramic Hill National Register District or are immediately adjacent to any of the Panoramic Hill National Register District’s contributors. The closest New Development/Redevelopment site – CE1 (Smyth-Fernwald) – is separated from the historic district by a significant grade change and a separate circulation network. As a result, no impacts to the historic character of the Panoramic Hill National Register District are anticipated and discussion of the Panoramic Hill National Register District was not included in the Draft EIR.</p> <p>With respect to the commenter’s concerns about evacuation due to a fire or an earthquake, please see Response A3-41.</p>
B9-17	<p>A stated goal of the LRDP is to “enhance the connectivity between UC Berkeley and surrounding areas...”. Failing to consider or even mention a neighborhood so intimately connected to UC Berkeley is a glaring omission.</p> <p>PHA sincerely hopes that the revised LRDP will expand its analysis to consider impacts to the surrounding community in all directions with the goal of improving quality of life and environment both on campus and off.</p>	Please see Response B9-16.
Letter B9 Attachment 1	Review Article: Environmental Noise-Induced Effects on Stress Hormones, Oxidative Stress, and Vascular Dysfunction: Key Factors in the Relationship between Cerebrocardiovascular and Psychological Disorders	The attachment provides an article on environmental noise-induced effects on stress hormones, oxidative stress, and vascular dysfunction. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B9 Attachment 2	Oak Woodland Impact Decision Matrix, A Guide for Planner’s to Determine Significant Impacts to Oaks as Required by SB 1334. (Public Resources Code 21083.4)	The attachment provides a copy of the 2008 Oak Woodland Impact Decision Matrix from the University of California Integrated Hardwood Range Management Program. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
Letter B9 Attachment 3	UC Berkeley Softball Stadium Addendum – Traffic Comments dated January 16, 2020	this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B9 Attachment 4	National Register of Historic Places Registration Form for Panoramic Hill dated October 21, 2005	The attachment provides a copy of comments received on a separate UC Berkeley Project, the Addendum to the University of California, Berkeley 2020 Long Range Development Plan Environmental Impact Report for Levine-Fricke Softball Field Improvements Project. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B9 Attachment 5	Comments from Shawn Smallwood, consulting biologist, on the Levine-Fricke Softball Field Improvement, dated January 14, 2020	The attachment provides a copy of comments received on a separate UC Berkeley Project, the Addendum to the University of California, Berkeley 2020 Long Range Development Plan Environmental Impact Report for Levine-Fricke Softball Field Improvements Project. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B9 Attachment 6	Comments from Derek L. Watry, noise consultant from Wilson Ihrig, on the Levine-Fricke Softball Field Improvement, dated July 30, 2020	The attachment provides a copy of comments received on a separate UC Berkeley Project, the Addendum to the University of California, Berkeley 2020 Long Range Development Plan Environmental Impact Report for Levine-Fricke Softball Field Improvements Project. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
Letter B9 Attachment 7	Comments from Kara Brunzell, consulting Architectural Historian, on the Levine-Fricke Softball Field Improvements Project, dated January 16, 2020	The attachment provides a copy of comments received on a separate UC Berkeley Project, the Addendum to the University of California, Berkeley 2020 Long Range Development Plan Environmental Impact Report for Levine-Fricke Softball Field Improvements Project. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B9 Attachment 8	Comments from Nadia Burseson, noise consultant from Burseson Consulting, on the Levine-Fricke Softball Field Improvements Project, dated January 15, 2020	The attachment provides a copy of comments received on a separate UC Berkeley Project, the Addendum to the University of California, Berkeley 2020 Long Range Development Plan Environmental Impact Report for Levine-Fricke Softball Field Improvements Project. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
B10	Carrie B. Olson, Berkeley Architectural Heritage Association (BAHA), April 21, 2021	
B10-1	This letter, attached exhibits, referenced materials [footnote 1] and sources, and Ms. Leila Moncharsh’s comment letter dated today constitute Berkeley Architectural Heritage Association’s (BAHA) comments to the draft Environmental Impact Report (DEIR) propounded by the University of California at Berkeley (UCB) on March 8, 2021, concerning a proposed draft Long Range Development Plan (LRDP) “Update” for UC Berkeley together with two specific demolition and construction projects (Project #1 and Project #2) that propose the destruction and/or endangerment of multiple landmarked buildings in Berkeley. BAHA reserves the right to supplement this letter in light of the fact that the Lead Agency and/or the University of California failed to respond to Ms. Moncharsh’s [footnote 2] prior requests for information. BAHA respectfully requests that the Lead Agency address each comment below and answer each of the separately numbered questions.	The comment serves as an introduction to the comments that follow. Please see Responses B10-2 through B10-283.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>Footnote 1: These incorporated materials include the statements and evidence put forward by BAHA members, including members of the Board.</i></p> <p><i>Footnote 2: Leila Moncharsh is a BAHA Board Member.</i></p>	
	<p>By way of background, BAHA has over 1100 members; its mission is to document, protect, and preserve architecturally significant structures and landscapes in the City of Berkeley. Its members are drawn from a cross-section of the community and include individuals with relevant professional qualifications to assess the DEIR including architects, architectural historians, engineers, and building contractors, and UCB students, staff and faculty. BAHA believes that the proposed projects will irreversibly and negatively impact important Berkeley architectural structures and historic landscapes. Because the projects are unnecessary and unmitigated, they must be re-considered.</p> <p><u>Executive Summary</u></p> <p>BAHA’s position is that the DEIR is legally insufficient, factually unsupported, and woefully inadequate to satisfy California’s Environmental Quality Act (CEQA) and other applicable laws. The public has the right—a right that CEQA guarantees—to be provided a full and fair assessment of the environmental consequences of the Lead Agency’s proposed projects. By mis-describing the projects and understating their actual environmental impacts, including their impacts on important cultural resources, the Lead Agency here (the UC Regents) deprives the public of the very information that CEQA was designed to compel it to provide.</p> <p>The DEIR is based on two flawed premises set out in the draft LRDP: (1) that undergraduate enrollment at UCB must be increased</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-2	<p>dramatically and (2) that all of the proposed increased enrollment and commensurate construction must take place within the confines of the City of Berkeley. As a consequence of these two false premises, the Regents are attempting to foist unnecessary costs on Berkeley citizens and “redevelop” UCB’s historic and cultural resources into unnecessary and architecturally undistinguished high-rises.</p> <p><u>Flawed Premise #1: Increased Enrollment Is Necessary and Outside the Lead Agency’s Control</u></p> <p>As set forth in more detail below, no law, regulation, or demographic trend requires UCB to enroll more undergraduates. The evidence indicates that the UC System has more than adequate capacity to handle incoming resident high schoolers at the legally mandated level for the next decade and beyond. Indeed, the State Auditor recently found that the UC system has excess capacity; and other research has found that the UC system currently enrolls more resident undergraduates than legally mandated under the state Education Master Plan. Further, enrollment levels at individual campuses are entirely within the Lead Agency’s control. While systemwide UC undergraduate enrollment is governed by the state Master Plan, enrollment at individual campuses such as UCB is hashed out in negotiations between chancellors and is ultimately decided by the UC Regents, which submits budget recommendations to the Governor, who in turn incorporates these recommendations into a larger executive budget package that is forwarded to the legislature for review and consideration. Therefore, the suggestion that the proposed enrollment increase is “imposed” on UCB is patently absurd.</p> <p>Because nothing compels UCB to admit more students, the large, proposed increase in students is due to an entirely different consideration: money. [footnote 3]</p>	<p>Please see Master Response 8, Population Projections. As noted in Master Response 8, student headcounts do include off-campus programs. However, students enrolled in UC Berkeley educational programs in non-peak times, such as Summer Sessions students, and students enrolled in UC Berkeley educational programs that are online or held on the UC Berkeley campus on weekends or evening, were excluded from the baseline. Employee headcounts include employees of all work schedules (e.g., telecommuting, part-time, flexible work days, etc.), including contractors. Therefore, the population headcounts and projections are conservative in that they over-estimate the number of students and employees/staff who actually travel to or reside near the UC Berkeley campus.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>Footnote 3: A good summary of UCB's financial woes can be found at https://cshe.berkeley.edu/sites/default/files/publications/douglassbleemer.tipping_point_report.updated_2.19.19.pdf</i></p>	
	<p>Non-resident student fees are significantly higher than those for residents [footnote 4] and are essentially unrestricted in terms of use. In response to overwhelming criticism of UC's preferential admission of non-residents [footnote 5] as a means of raising money [footnote 6], legislation was recently passed that provides an upper limit on non-resident admissions—a limit that, for UCB, is expressed as a percentage of overall enrollment. Now the only way that UCB can generate higher fee income without raising tuition overall is to increase resident admissions dramatically so that it can likewise increase non-resident enrollments dramatically.</p>	
	<p><i>Footnote 4: Current fees per semester are approximately \$9200 for resident students and \$24,000 for non-resident students. https://registrar.berkeley.edu/tuition-fees-residency/tuition-fees/fee-schedule</i></p>	
	<p><i>Footnote 5: California State Auditor, University of California: Its Admissions and Financial Decisions Have Disadvantaged California Resident Students, Report 2015-107 (March 2016), available at https://www.auditor.ca.gov/reports/2015-107/index.html</i></p>	
	<p><i>Footnote 6: UCB has admitted that it enrolled increasing numbers of non-resident students as a means of raising money. See, UCB Response to CA Auditor Report 2015-107, available at https://www.auditor.ca.gov/reports/2015-107/responses.html</i></p>	
	<p>Although the Lead Agency claims that it needs to expand enrollment to accommodate more deserving California resident students and to create</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>more diversity, those reasons are patently false. If UCB wanted to accommodate more California resident students or believed that many more California-resident students met UCB’s strict entrance criteria, UCB can admit them now and into the future without increasing overall enrollment by reducing the number of non-resident students. Non-resident students now account for almost 25% of UCB enrolled students (not counting the various international exchange programs and similar “non-enrolled” categories).</p>	
	<p>There also is no evidence proffered (or available) that supports the DEIR’s assertion that increasing the number of students will result in more diversity. The vast majority of non-resident international students currently and recently enrolled at UCB are primarily from a single country, and enrollment statistics demonstrate that this population is increasingly being drawn from wealthy families. [footnote 7] By contrast, the population of UCB’s California resident students has become increasingly diverse during this same period. The inescapable conclusion is that admitting more qualified California-resident students will increase diversity in the student body, which is something that can be accomplished without increasing overall enrollment.</p>	
	<p><i>Footnote 7: Current admissions statistics and demographic data are available on UCB’s websites.</i></p>	
	<p>In addition, the overall proposed population increase—students, staff, faculty, and other UCB users—will far exceed the figures provided in the LRDP and discussed in the DEIR. The proposed population increase to 67,200 does not take into consideration the numbers of individuals who attend classes or otherwise access UCB facilities through various exchange and non-degree programs (such as UC Extension, the CCC cross-enrollment programs, and various international faculty and student exchanges) nor does it include the increasingly large number of persons who work for UCB as part of UCB’s outsourcing contracts for, by way of</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>example, janitorial services and grounds maintenance. It also does not address the likelihood that the projected 10,000 new users of the Berkeley Global Campus will want to live in and/or commute to UCB's Berkeley sites, including LBL and the Campus Park.</p> <p>In sum, the dramatic enrollment increase proposed in the LRDP and defended in the DEIR both misrepresents the actual proposed increase to the overall UCB population and the true reasons behind it. By concealing these two things, the Lead Agency improperly conceals and thus limits public discourse over its plans to raise money in a way that is low cost to UCB but of a very high cost to the City of Berkeley and its taxpaying residents. [footnote 8] The Lead Agency's failure to address the true reasons for and the reasonableness of its intent to increase enrollment renders the DEIR legally insufficient and represents an abuse of discretion.</p> <p><i>Footnote 8: If the Lead Agency wanted to diversify housing, for example, they would not propose limiting the housing opportunities in Project 1 to transfer students without requiring proof of financial need, as that population is overwhelmingly white. (Something that opens UCB to constitutional challenges and years of legal wrangling.)</i></p>	
B10-3	<p><u>Flawed Premise #2: All Growth Must Happen Within the Confines of the City of Berkeley</u></p> <p>The lead agency's second flawed premise is that the UC Regents' Long Range Development Plan can avoid including multiple geographic areas where UCB operates, UCB students live, UCB staff work, and UCB faculty teach. Many sites outside the area covered by the LRDP's constrained geographic project parameters are actively being used by UCB and/or are under development by UCB planners for future use. The Lead Agency has adopted separate LRDPs for multiple satellite UCB campuses and housing complexes including the Berkeley Global Campus (f/k/a Richmond Field Station) and Albany-Gil Tract (f/k/a University Village). It also has acquired the ground lease for and has</p>	Please see Master Response 7, EIR Study Area.

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
	<p>begun plans to develop a large tract of land in South San Francisco at Moffett Field. Nothing in CEQA or the Education Code or any of the enabling regulations, provide a legal basis for the UC Regents to take such a segmented approach to presenting their long-range development plan for a single university. Further, California courts have uniformly rejected this segmented approach. The UCB campus, for planning purposes, thus includes UCB sites in Albany, Richmond, Oakland, Emeryville, and South San Francisco as well as satellite locations outside the Bay Area.</p>	
B10-4	<p>UC Regents Fail to Account for Actual Environmental Impacts or Properly Justify Destruction of Natural and Cultural Resources.</p> <p>By concealing the actual proposed overall increase to the UCB population as well as ignoring satellite campuses and other areas where it currently operates and/or where the Lead Agency is actively pursuing housing, classroom and research development options, the Lead Agency not only failed to issue a legally sufficient LRDP and DEIR that would permit the public to assess its plan, but it also fails to identify, assess and discuss the environmental impacts of its projects in the DEIR.</p>	<p>Please see Master Response 7, EIR Study Area, and Master Response 8, Population Projections.</p>
B10-5	<p>Among other things, the Lead Agency and the contractors that it employed to perform the analysis for the DEIR failed to accurately assess current baseline conditions or address the extent of the health and other impacts of the proposed projects.</p>	<p>Please see Response B10-6 regarding the current conditions and assessment of health risks.</p>
B10-6	<p>For example, the DEIR contractor that examined the health effects of the proposed construction projects ignored health effects on the infants housed at UCB's own child development centers, many of which are close to proposed construction sites (indeed, the DEIR contractors appeared entirely unaware that these facilities existed). Because the cancer risks pose by this construction (as described in the HRA reports) are demonstrably significant for this vulnerable population the DEIR's conclusion that there will be no negative health effects is demonstrably incorrect and unsupported.</p>	<p>As stated in the HRA prepared for the LRDP Update (Draft EIR Appendix D1), the LRDP HRA included receptors placed at 20-meter increments along the Campus Park boundaries, rectangular receptor grids consisting of 50 m increments to a distance of 500 m, at 100 m increments to a distance of 2 km, and at a distance of 250 m increments to a distance of 5 km. The receptor locations are depicted in Figure 4 of the LRDP Update HRA. Additionally, the construction HRA receptor locations for Housing Projects #1 and #2 are depicted in Draft EIR Figure 5.2-7 and 5.2-8, respectively. Although not specifically</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>mentioned in the Draft EIR or HRA, the receptor grid used in the construction HRAs and the LRDP Update HRA included UC Berkeley Early Childhood Education (ECE) facility locations. (UC Berkeley, 2021. Early Childhood Education Program, accessed on May 11, 2021 at https://ece.berkeley.edu/locations-hours/.) UC Berkeley confirmed there are no childcare facilities on the Campus Park.</p>
		<p>At the request of the commenter, the Construction Health Risk Assessment for Housing Project #2 was revised to specifically include the Dwight Way Child Development Center (CDC) at 2427 Dwight Way, as shown in Chapter 3, Revisions to the Draft EIR, and Appendix D3 of this Final EIR. Draft EIR Figure 5.2-8, Project Site and Off-Site Receptor Locations of Housing Project #2 Construction HRA, has been revised to show the location of Dwight Way CDC and is included in Chapter 3 of this Final EIR. As shown in the revised Table 5.2-21, Housing Project #2 Construction Health Risk Assessment Results: without Mitigation, in Chapter 3 of this Final EIR, the health risks to the maximum exposed sensitive receptor at the Dwight Way CDC would be less than significant.</p>
B10-7	<p>Likewise, the DEIR fails to survey or even acknowledge the existing Natural Resources much less discuss the impacts on them. For example, Potters Creek runs from the Clark Kerr Campus and under People's Park. None of the reports or assessments provided in the DEIR identify this creek, address the impact on this creek, and/or discuss how the existence of water in this geographic area could intensify the environmental impacts on adjacent natural, historic and cultural resources (i.e., by amplifying the harm caused by pile driving near the historic resources adjacent to People's Park).</p>	<p>The commenter's concerns regarding potential impacts on natural resources is noted. Contrary to the assertion by the commenter, Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources associated with the Housing Project #2 site. Review of the Creek & Watershed Map of Oakland and Berkeley indicates that a tributary of Derby Creek once bisected the block occupied by the site of Housing Project #2, ending less than a block northeast of Bowditch Street. (Source: Sowers, J.M., and Richard, D.M., 2009, Creek & Watershed Map of Oakland & Berkeley (Fourth edition); Oakland Museum of California, Oakland, CA, 1:25,800 scale.) This map was compiled from city and county data, review of aerial photography and field inspection. The historical locations of creeks were interpreted from 1939 aerial photography and 1850-1910 historical maps. The original creek</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-8	<p>As for housing—which the Lead Agency claims is the primary driver for its proposed massive construction campaign—the Lead Agency has already taken steps (largely unaddressed in the LRDP or DEIR) to secure large amounts of housing within and outside the City of Berkeley, including using master leases for privately developed student dorms and agreements with Mills College to use its dorms to house UCB students. Indeed, UCB historically has housed and presently houses many students and faculty outside Berkeley proper and many more outside the walking-distance range of the Campus Park that the Lead Agency now deems necessitates large-scale development in or near the Campus Park.</p> <p>For example, the Lead Agency recently announced plans to expand UCB’s use of Mills College, effectively creating a separate Freshman college within a college—an arrangement that is not addressed, discussed or even hinted at in the LRDP and DEIR. Nor does UCB actually intend that all Freshmen remain in Berkeley for the first two years of their university student career. UCB initiated five years ago a separate program to divert incoming Freshmen to UCB’s satellite campus in London, which UCB claims has been a tremendous success. The creation of a separate Freshman campus at Mills College is further evidence that UCB plans to have Freshman live and take classes outside Berkeley. The Lead Agency does not provide any evidence that its historic practice of housing some Freshmen outside Berkeley has been deleterious to those students’ UCB experience. Moreover, increasing enrollment is hardly a sensible solution to either UCB or the Bay Area’s housing shortage.</p>	<p>alignment was filled as this part of Berkeley developed over 150 years ago, and surface water is now collected in the City’s storm drainage infrastructure.</p> <p>This comment expresses an opinion about UC Berkeley but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Please also see Master Response 7, EIR Study Area.</p>
B10-9	<p>Nor are the “housing” plans the Lead Agency proposes narrowly addressed to solving the housing problem. Although billed as student housing projects, neither Project 1 nor Project 2 are exclusively devoted to student housing. Project 1—called the Helen Diller Anchor House—for example, offers non-dense student accommodations (exclusively for</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>transfer students) [footnote 9] on top of several stories of commercial retail, office and recreational space. [footnote 10] UCB’s prior plans for the Project 1 site contemplated the construction of a large building, which contained an equal number of housing units as the present proposal but preserved existing historic resources—namely, the rent-controlled Walnut Street Apartments and the UC Garage that are now slated for demolition. Given the large number of square feet devoted to commercial and other non-housing uses, the Lead Agency cannot justify the demolition of these historic and cultural resources as necessary to create housing. Instead, the Helen Diller Anchor House project should be seen for what it is: a plan to demolish a unique and landmarked garage and a historic rent-controlled apartment house in favor of privately financed vanity project on public land, the construction and operation of which will be financed by rents charged to new commercial tenants having nothing whatsoever to do with UCB.</p> <p><i>Footnote 9: By designating the accommodations for transfer students, UCB has effectively put itself on a path towards multiple lawsuits given that the racial makeup of the transfer population is predominantly white and they are not requiring any demonstration of financial need to qualify for this housing.</i></p> <p><i>Footnote 10: The Lead Agency has already signed an agreement that designates a particular commercial real estate agent at Baird and Warner to handle leasing this large commercial space.</i></p>	<p>Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Housing Project #1 is primarily a housing project for UC students. Approximately 94 percent of the development is devoted to student housing and campus life. Campus life facilities include a fitness center and study lounges that are necessary for healthy living, a commuter lounge to provide a safe and convenient space for students commuting to UC Berkeley to study and unwind before or after class, and an events space and classrooms for the Rausser College of Natural Resources and The Art Studio. In addition, the project includes on the lower floors circulation, back-of-house and mechanical spaces supporting the residential and campus life uses. Approximately 5 percent of the space (located on the ground floor) is dedicated to retail/commercial use. This commercial/retail space will provide community-serving functions for the project and activate the ground floor, which is appropriate given its downtown Berkeley location.</p> <p>With respect to the commenters statement about preserving the Walnut Street Apartments and University Garage, please see Master Response 18, Alternatives.</p>
B10-10	<p><u>BAHA’s Focus: Unjustified Destruction of Important Cultural and Historic Resources</u></p> <p>As a preservation group, BAHA is particularly concerned by the Lead Agency’s proposal to demolish several landmarked historic properties, endanger others and fundamentally alter the city’s unique neighborhoods. The structures that either will be demolished in the course of executing these plans or that will undoubtedly be permanently harmed as a result of the projects or their construction include Bernard</p>	<p>The commenter expresses an opinion about the proposed project. The commenter provides no substantial evidence to support their opinion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Maybeck’s First Church of Christ Scientist; Smyth-Fernwald House, Berkeley’s oldest residential building and the last remaining example of an Asian inspired interior by Julia Morgan; Anna Head School, which is not only landmarked as the first Shingle Style structure in the West, but was founded by a pioneering female educator and is the visual representation of an important cultural moment, namely the diversification of higher education to women—many of whom went on to study at UCB; the UC Garage, which is a unique, attractive, and landmarked commercial building designed by Berkeley architect Walter Ratcliff; the historic and rent-controlled Walnut Street apartments; multiple buildings on the Clark Kerr Campus.</p> <p>Notably, the Lead Agency is proposing demolishing two key landmarked properties that are uniquely tied to prominent women feminist icons and two others that are the last or the last outstanding examples of key historic architectural innovations. By building multiple tall high-rises in low-rise residential neighborhoods including on People’s Park and on the Oxford Tract, which are now open spaces, putting up new parking lots including under the historic landscaped grass crescent along Oxford, and constructing a sports complex for nationally televised beach volleyball competitions on the Clark Kerr Campus, the projects will fundamentally alter the nature and character of Berkeley’s residential neighborhoods by diminishing green space, inserting large high-rise complexes out of character with the neighboring low-rise homes and dramatically increasing gridlock and studentification. Yet these impacts are given short shrift and the change of course that they represent is not even addressed.</p>	<p>The impact of Housing Projects #1 and #2 on nearby historical resources is addressed in their respective HRTRs included as Appendix F, Cultural Resources Data (see Appendix F.2 for Housing Project #1 and Appendix F.3 for Housing Project #2).</p> <p>The HRTR for Housing Project #1, included as Appendix F.2 in the Draft EIR, concludes that the design of Housing Project #1 is compatible with the composition and materials of nearby historical resources, including those that contribute to the proposed Shattuck Avenue Downtown Historic District. (Contributors to this proposed district include a wide range of late nineteenth and early twentieth commercial building architectural styles.) As a result, no impacts to nearby historical resources that derive from the project design are anticipated (see pages 47-50 of the HRTR).</p> <p>The HRTR for Housing Project #2 concludes that the project may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People’s Park through incompatible design (Impact CUL-1.5 in the Draft EIR) and, as a result, specified Mitigation Measure CUL-1.5 (page 5.4-41 of the Draft EIR):</p> <p>Mitigation Measure CUL-1.5: Prior to approval of final design plans for Housing Project #2, UC Berkeley shall retain an architect meeting the National Park Service Professional Qualifications Standards for historic architecture to review plans for the proposed student housing and affordable and supportive housing buildings. The historic architect shall provide input and refinements to the design team regarding fenestration patterns, entry design, and the palette of exterior materials to improve compatibility with neighboring historical resources and to enhance compliance with the Secretary of the Interior’s Standards and the City of Berkeley Southside Design Guidelines.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-11	<p>By failing to address fully and fairly the significance of the proposed losses of landmarked properties and the true alternatives to demolishing them and others on the proverbial chopping block, the lead agency has improperly ignored its legal duties under CEQA in a thinly veiled attempt to avoid a full and fair public hearing of the impacts of its proposed projects. By way of example, UCB previously agreed to limit their buildings in City environs to 8 stories and preserve the character of the Clark Kerr Campus and People’s Park. Notably when it first unveiled its latest “Project 2” plan for People’s park, UCB committed to respecting the City’s strict height limits. Now, with no explanation, UCB subsequently unveiled a 17-story tower with connected towers of similar massing for the site. The DEIR admits that these structures are wholly incompatible aesthetically with the surrounding neighborhood and that their construction will require destructive pile driving that “may” (read “will”) damage multiple nearby unique and landmarked properties, including the Anna Head School Complex (which is within 60 feet of the anticipated pile driving) and Bernard Maybeck’s First Church of Christ Scientist (FCCS), which is also clearly within the expected zone of harm. [footnote 11] Their proposed mitigation is to meet with the City, monitor the harm to adjacent resources (although not to cease construction if harm results), and then payout timely filed claims for damage. This mitigation plan is facially insufficient; moreover, there are multiple reasonable alternatives to Project 2 ignored by the Lead Agency. The following photos show buildings endangered by the Projects.</p> <p><i>Footnote 11: Despite the importance of these two national landmarks, the DEIR provides no estimates as to (a) exactly where the pile driving will occur; (b) what the actual vibrations expected to be generated at each of the pile driving sites will be; and (c) the estimated impact this force and energy will have on the precious materials used in these structures (including hammered Belgian glass). The research is clear that harm can be expected to occur.</i></p>	<p>The commenter incorrectly asserts that the Draft EIR has not been prepared pursuant to CEQA. The commenter provides no substantial evidence to support their opinion. The example provided by the commenter simply points out that the proposed LRDP Update has changed and those changes are the subject of this EIR. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 6, LRDP and LRDP Implementation.</p> <p>Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

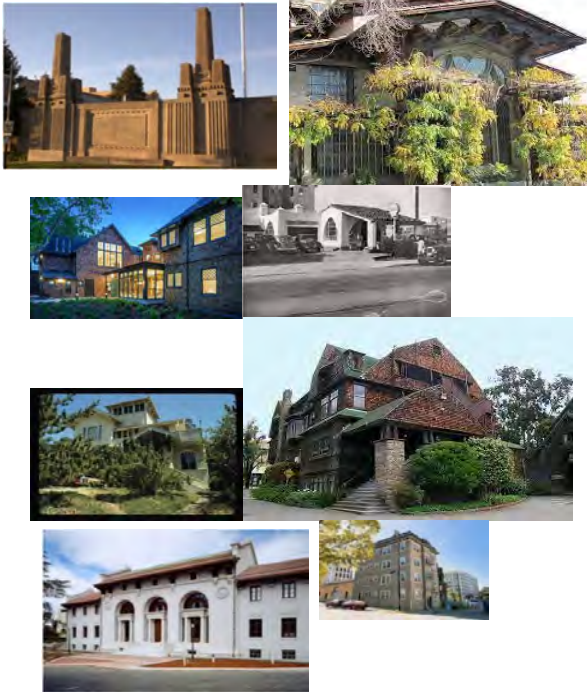

Letter/ Comment #	Comment	Response
	<p data-bbox="155 1078 226 1104">B10-12</p> <p data-bbox="323 1078 947 1104"><u>The LRDP and DEIR Must Be Revised and Reconciled</u></p> <p data-bbox="323 1149 1121 1455">Before alterations of such permanence and magnitude are undertaken, a legally sufficient LRDP and DEIR must be propounded so that the public—including the citizens of Berkeley—can (a) understand the true scope and extent of the proposed projects and (b) properly assess their true costs and benefits. Because UC failed to adhere to its own policies and procedures in creating, drafting, and disseminating the LRDP and EIR, and because its proposal is drafted in such a way to violate both the letter and spirit of CEQA, UC is not entitled to any deference whatsoever concerning its plans to dramatically</p>	<p data-bbox="1157 1078 1906 1312">The commenter provides no substantial evidence to support their assertions. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p data-bbox="1157 1360 1703 1390">Please see Response A3-5 regarding recirculation.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	increase enrollment at the UCB campus and engage in an unprecedented construction spree that will push costs of absorbing and servicing this dramatically expanded population onto the City of Berkeley and Berkeley taxpayers and cause the destruction of multiple significant landmarked buildings. BAHA urges the Regents to consider integrating UCB's wonderful historic resources into the new planned structures.	
B10-13	In addition, the Lead Agency must fulfill its statutory duty to estimate the financial impacts of its projects on the City of Berkeley and provide assurance—by way of a specific financial commitment—to the City of Berkeley to prove that it can meet its legal reimbursement obligations. Either as part of the LRDP or simultaneously with it, the Lead Agency must (1) address the level of reimbursement they plan to pay the City of Berkeley to compensate it (and its citizens) for the economic burdens and consequences of their projects—particularly the enrollment and staff/faculty increases; and (2) provide evidence that the Lead Agency is prepared to make the necessary commitment (financial and otherwise) to protect the health and safety of City Residents and the UCB community.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record.

5. COMMENTS AND RESPONSES

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
<p><small>BERKELEY PHYSICAL DESIGN FRAMEWORK</small></p> <p>DOWNTOWN PROJECTS: GATEWAY BUILDING & UC GARAGE</p> <p><small>This project would also be a third party partnership. Gateway is planned as a flexible office building, used primarily as relocation space for campus units displaced from buildings undergoing seismic renovation. However, despite this prosaic use, Gateway occupies a prime corner at the west entrance to campus, and high quality design is imperative. The adjacent historic UC Garage, now used for bus storage, would be renovated for a public-oriented use, such as the campus visitor center now housed in the drab lobby of University Hall.</small></p>		
		
	<p><small>Figure 12. View from north of Gateway Building with renovated UC Garage in foreground.</small></p>	
	<p><small>40</small></p>	

B10-14

BACKGROUND

A. The Physical Location of UCB Operations

The first class (of twelve) UCB students graduated in 1873. Assembly of land for what is now the University of California, Berkeley campus began several years earlier in 1860 with the dedication of 160 acres of farmland between the north and south branches of Strawberry Creek. [footnote 12] The University itself was founded in 1867, following acquisition of an additional 320 acres of “college grounds” and the merger of the College of California with the State’s land grant college system. As such, UCB qualifies as a Land Grant University. [footnote 13]

Footnote 12: Stadtman, Verne A. (1970). The University of California, 1868–1968. New York: McGraw-Hill. pp. 7– 34; Helfand, Harvey (2002).

This comment provides background information but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 8, Population Projections. The comment is acknowledged for the record.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>University of California, Berkeley: An Architectural Tour. New York: Princeton Architectural Press. p. 4. ISBN 9781568982939; Cal. Stats., 17th sess., 1867–1868, ch. 244, § 7.</i></p> <p><i>Footnote 13: A land-grant university is an institution of higher education in the United States designated by a state to receive the benefits of Morrill Acts of 1862 and 1890. Collins, John Williams, O'Brien, Nancy P., EDS. (2003). The Greenwood Dictionary of Education. Westport, CT: Greenwood Publishing Group. p. 227. ISBN 0-89774-860-3.</i></p>	
	<p>Today, UCB encompasses approximately 1,250 acres of land in and adjacent to Berkeley and over 3000 additional acres in several satellite campuses and other off-site locations. In addition, UCB leases property, including built-out properties to serve as student housing and academic space and undeveloped property to be developed for housing and research and academic uses in the future. Over the years, it has also spun off several institutions including the Lawrence Berkeley National Laboratories [footnote 14] (in Berkeley and Livermore) and its agricultural college, which became UC Davis. The last vestige of UCB's land-grant, agricultural origin is block-long plot located on Oxford Street North of Hearst, now called the Oxford Tract and the minimum devoted to agricultural purposes required for that status. [footnote 15]</p>	
	<p><i>Footnote 14: The Lawrence Berkeley National Laboratory (LBNL) is a federally funded research and development center operated and managed by the University of California Regents under contract with the US Department of Energy (DOE). The research, service, and training work conducted at LBNL are within the University's mission. As the LBNL Management and Operating (M&O) contractor, the University is responsible for providing the intellectual leadership and management expertise necessary and appropriate to manage, operate, and staff the Laboratory; accomplishing the missions and activities assigned and funded by DOE to the Laboratory; administering the DOE UC Prime Contract; and providing University oversight of contract compliance and</i></p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>performance. “LBNL”, as used within this document, refers to both the national federally funded research and development center named the Lawrence Berkeley National Laboratory and to the University of California in its role as the M&O contractor of the Lawrence Berkeley National Laboratory.</p>	
	<p><i>Footnote 15: That parcel is slated for large-scale development, although the DEIR does not consider the environmental impact of this planned development.</i></p>	
	<p>With respect to its holdings in the City of Berkeley, UCB occupies the so-called Campus Park [footnote 16] (a/k/a Main Campus) as well as the Piedmont Avenue Corridor and the Hill Campus (which it shares with Lawrence Berkeley National Laboratory), and the Clark Kerr Campus. In addition, over the years the University has acquired, leased and been gifted various plots of land throughout the city, with the greatest concentration on the Southside and in the downtown area, particularly along Oxford Street just south of the Campus Park.</p>	
	<p><i>Footnote 16: The Campus Park was initially conceived by Fredrick Law Olmstead. See Helfand, Harvey (2002). University of California, Berkeley: An Architectural Tour. New York: Princeton Architectural Press. p. 4. ISBN 9781568982939 The area referred to as “Campus Park” in the LRDP covers only a portion of UCB properties. The Campus Park lies entirely within the City of Berkeley and has as its entrance a semi-circular drive roughly at the top of University Avenue and is generally bounded by Oxford Street on the west, Hearst Avenue on the north, Bancroft Way on the south, and Piedmont Ave. to the East.</i></p>	
	<p>Overtime, UCB leased and acquired property outside Berkeley to establish satellite campuses, including the Richmond Field Station (n/k/a Berkeley Global Campus), a 120-acre site along San Francisco Bay in Richmond, CA, and more recently 36 acres of Moffett Field just South of San Francisco Airport. It is also in the process of leasing sites in Emeryville for the School of Optometry. Even prior to the recent</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	pandemic, UCB recognized the importance of expanding its on-line options. [footnote 17]	<p data-bbox="323 428 1129 841"><i>Footnote 17: https://campustechnology.com/articles/2018/03/21/uc-berkeley-rolls-out-tech-for-accessible-course-content.aspx At the same time that it constructed academic facilities, UCB also built student residences, including traditional dorms, housing two or three students, per room, as well as less-dense, newer style complexes with apartment-style units. UCB acquired a large property in Albany where it erected University Village, a housing complex designed for students with families and graduate students. There is also Piedmont Hall that serves as a separate college and includes student housing for college members. In addition to UCB-supplied housing, UCB students can live in the various fraternities, sororities, co-operatives, apartment buildings, and private-rooms-to-let that dot the residential areas around campus.</i></p> <p data-bbox="323 883 1129 1230">UCB's construction of student housing, however, did not keep up with the dramatic increases of enrollment in recent years and the commensurate cut in capital funding. UCB began to rely on privately developed student residences to accommodate the increased housing needs. Under the leadership of former UC president Janet Napolitano, UCB began to once again construct student housing and lease student housing constructed by third parties. In addition, several private student housing developers jumped in to meet the need for even more housing by constructing several student-only buildings in Berkeley. A partial list of these and other non-UC owned options is provided below.</p> <p data-bbox="323 1240 1129 1472">UCB's need/desire for raising money together with the constraints placed upon it as to how much it can charge in-state residents for tuition, lead it to accept out-of-state students in increasingly high numbers, which resulted in enrollment surging far above the levels approved in UCB's existing 2005-2020 LRDP and approved EIR. The result of this growth drive included multiple CEQA lawsuits, which are still proceeding today, as well as legislation limiting the enrollment of out-of-state residents to a</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>set percentage of in-state resident students (just under 25%). More on this later.</p>	
	<p>As UCB enrollment continued to grow, UCB ran out of housing space and so entered into several creative solutions including leasing dorm rooms on the nearby Mills College Campus and pushing a study-abroad option for incoming Freshmen. As the San Jose Mercury News reported in 2016, “To meet soaring demand with limited space, UC Berkeley has pushed hundreds of students off campus, with freshmen studying in San Francisco — and even London — and other students living in dorms at neighboring universities.”[footnote 18] Earlier this month, UCB announced the creation of a campus-within-a-campus for incoming Freshmen at Mills College. Freshmen will both be housed in Mills College dorms and take classes from UCB faculty in Mills College classrooms. UCB maintains that it currently houses 96% of freshman and has secured additional large amounts of new housing via leases and new construction and donated buildings. Notably, the Pandemic of 2020-2021 forced UCB to move many of its classes to remote-only learning, essentially speeding up UCB’s stated goal to increase and support remote learning. [footnote 19] It also provided students the opportunity to study from literally anywhere in the world. [footnote 20]</p>	
	<p><i>Footnote 18: https://www.mercurynews.com/2016/12/12/uc-berkeley-squeezes-in-more-students-shifts-some-off-campus-to-meet-surging-enrollment/</i></p>	
	<p><i>Footnote 19: https://technology.berkeley.edu/telecommuting</i></p>	
	<p><i>Footnote 20: https://www.nytimes.com/2020/08/28/style/college-collab-houses-coronavirus.html</i></p>	
	<p>As this history indicates, UCB now has a sizeable presence outside the City of Berkeley. In addition to campuses in Richmond California (the Richmond Field Station), in Albany (the University Village), South San Francisco (Moffett Field) [footnote 21] and now Oakland (Mills College), UCB established a London campus in 2015 [footnote 22] and is presently</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>planning to move the School of Optometry to a satellite site in Emeryville. UCB students can also arrange to live and study at UC complexes in Washington, DC [footnote 23] and Sacramento. [footnote 24]</p>	
	<p><i>Footnote 21: From September 2003 to July 2016, UC managed a contract valued at more than \$330 million to establish and operate a University Affiliated Research Center (UARC). Since then and at the invitation of NASA, “the Berkeley campus is pursuing a possible development of a 36-acre parcel at Moffett Field, home of the NASA Ames Research Center. In the fall semester, a faculty steering group evaluated the academic opportunity for Berkeley at this Silicon Valley site and found the effort to have extraordinary potential. This spring, UC Berkeley negotiated the terms of a ground lease with NASA and built a public-private coalition that would finance construction at the site without deploying University funding. Despite substantial economic concerns from COVID-19, our development partners, with whom the campus will form a joint venture, view this project on a multi-decadal timescale and remain enthusiastic about the opportunity and their own capacity to execute the project even through an economic downturn. We will proceed cautiously, and with the confidence that UC Berkeley has and will continue to thrive even in the most challenging times.” https://evcp.berkeley.edu/special-faculty-advisor-provost-moffett-field-director-aerospace-program-development-2020; and https://regents.universityofcalifornia.edu/regmeet/july19/f7.pdf According to the Daily Cal, “The new partnership [between UCB and NASA] would grant an allotted 1.4 million square feet and 36.2 acres for development, which could be used to host space for new laboratories and teaching spaces in collaboration with local industry as well as additional housing units.” https://www.dailycal.org/2019/08/16/uc-berkeley-proposes-development-of-moffett-field-with-nasas-ames-research-center/</i></p> <p><i>Footnote 22: http://globaledge.berkeley.edu/locations/london; https://accentglobal.com/program-samples/freshmen-get-extra-edge/</i></p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>Footnote 23: The UC Washington Center (UCDC) is a multi-campus residential, instructional and research center that provides students and faculty from the University of California with opportunities to study, research, work, and live within Washington’s rich cultural, political and international heritage. The program is housed in an 11-story building in a lively neighborhood a short walk from the White House with room for more than 270 students. The Center is also home to several research units of the University of California including the Forum for Collaborative Research/University of California, Berkeley, Consortium of Universities for Global Health (CUGH), Student Press Law Center and the Inter-University Program for Latino Research (IUPLR) as well as the Office of Federal Governmental Relations, the University’s liaison with Congress and the Federal government. See https://www.ucdc.edu/uc-washington-center-home; https://ucdc.berkeley.edu</i></p> <p><i>Footnote 24: 24 UC Center Sacramento is the University of California’s teaching, research and public-service site located one block from the State Capitol Building. Operated by UC Davis, UCCS offers a distinctive academic program in public policy to students from throughout the university’s 10-campus system. The program provides students with an opportunity to study through seminars and internships in and around the state Capitol. Since its founding in 2004, UCCS has enrolled undergraduate students from every UC campus, many of whom now are engaged in policy careers with all levels of government or with organizations, associations and firms that work closely with government. UCB students may apply to enroll in UCCS. https://uccs.ucdavis.edu/about</i></p>	
B10-15	<p>B. UCB Natural, Historic, and Cultural Resources</p> <p>The Lead Agency and UCB officials have recognized that the property that the UCB properties described above contain numerous natural, historic and/or cultural resources. These resources include old growth native redwood and live oak trees, rare specimen trees, endangered reptiles and birds, landmarked structures, important landscapes, and</p>	<p>This comment expresses an opinion about the existing conditions but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>structures and spaces that have great cultural meaning. In addition, its natural landscapes include creeks and natural springs as well as other (man-made) water features including fountains and over-water bridges. From time to time, UCB has had these resources surveyed and/or assessed. Several of these are one-off or last remaining examples of a significant natural, historic or cultural resource. For example, the Symthe- Fernwald house in Berkeley, which is owned by UCB, is both the oldest remaining residence in the city of Berkeley and the only remaining example of an Asian-inspired interior designed by famed architect (and UCB graduate) Julia Morgan.</p> <p>Over the years, previous UCB administrations and iterations of the Lead Agency put in place policies and guidance’s designed to preserve and protect these unique resources. These include the Berkeley Physical Design Framework [footnote 25], New Century Plan [footnote 26], UCB Landscape Heritage Plan [footnote 27], UCB’s Master Landscape Plan [footnote 28] and the design plan and best practices. These policies and protections, which are still in effect, are in addition to applicable federal and state laws and regulations that protect the environment and historic and cultural resources. [footnote 29] Notably, as part of its federal contracts, UCB must certify its compliance with, among other things, the National Historic Preservation Act of 1966, as amended (16 USC 470), E.O. 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 USC Sec. 469a-1 et seq.).</p> <p><i>Footnote 25: https://www.ucop.edu/design-services/_files/phdf/bk.pdf</i> <i>Footnote 26: https://capitalstrategies.berkeley.edu/sites/default/files/pep_cpd_ncp.pdf</i> <i>Footnote 27: https://capitalstrategies.berkeley.edu/sites/default/files/landscape-heritage-plan-ucberkeley.pdf</i> <i>Footnote 28:</i></p>	<p>decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>https://capitalstrategies.berkeley.edu/sites/default/files/2004_-_landscape_master_plan.pdf</p> <p>Footnote 29: Failure to adhere to these policies and guidances in creating new planned development, particularly where that failure is unexplained, is (in BAHA’s view) per se unreasonable.</p> <p>C. <u>Town and Gown: Berkeley as Host City</u></p>	<p>The City of Berkeley, comprised of approximately ten square miles, is home to a diverse population of about 120,000. [footnote 30] The City’s economy is diverse and thriving overall, with certain sectors, such as retail sales, growing rapidly, while other sectors, such as manufacturing, declining.</p> <p>Footnote 30: https://worldpopulationreview.com/us-cities/berkeley-ca-population.</p> <p>Berkeley is currently one of the most densely populated cities in the state and affordable housing [footnote 31] and other consequences of an increased population such as air quality and climate change are perennial problems. Although the City is largely built out, it continues to experience infill for residential and commercial uses. To meet new state requirements to create 9000 housing units in the next 10 years, the City is working hard to push ahead expansive housing construction plans including permitting seven unit structures on single house lots. However, master leasing by UCB has removed many of the new units from the market and thus from the 9000-count. In short, as densely populated as the City itself is, Berkeley is poised to become even more dense over the next decade separate and apart from any enrollment increase and building boom by UCB.</p> <p>Footnote 31: <i>Over the past two decades, lack of affordable housing and a</i></p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<i>host of other causes has resulted in a large homeless population in Berkeley and surrounding communities.</i>	<p>While establishment of the University preceded the incorporation of the City, the City and the University grew up as interdependent institutions. As UCB expanded it acquired land via eminent domain, which displaced city residents. The construction of the football stadium in the 1920s displaced numerous families as did the establishment of the Sports Complex on the southwest corner of the present-day Campus Park, which required the demolition of three City blocks west of Bancroft below Dana Street in the years 1932-33. Cowell Hospital (since demolished) was built around the same time, displacing a small residential area along the Piedmont Corridor. The displacement of this neighborhood was continued by the construction of Boalt Hall (1949), Calvin Lab, and Wurster Hall, and by the acquisition of homes on the block of Piedmont Avenue west of Bancroft Way.</p> <p>As Berkeley's largest land-owner and at times its largest employer, UCB is both integral to the City and a severe drain on its resources. One fundamental problem posed by UCB is its exemptions from both local property taxes/other assessments and from local planning and zoning controls. UCB may approve and develop expanded facilities without the City's review and approval. For its part, the City must accommodate development over which it has no control and provide public services, such as wastewater collection and fire protection, to an ever-growing UCB population and physical plant. By virtue of its non-tax paying status, the University is thus able to use the public infrastructure without having to pay the full cost or to balance competing needs. The state legislature addressed this economic strain by enacting Pub Ed Code 67504.</p> <p>Another problem UCB poses is its relentless occupation of newly constructed housing via extended master leasing. While City residents appreciate that UCB wishes to secure housing for its students, they do not appreciate UCB's clear plans to consume close to all newly</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>constructed housing units before they hit the local rental market, particularly in light of the fact that UCB is simultaneously expanding the student, faculty and staff population far beyond the figures previously vetted and approved in the 2005 EIR process or agreed to with the City.</p>	
	<p>Another problem that the University poses for City Government and City residents is environmental effects of its operations. Not only do University research labs handle very toxic substances and emit potentially hazardous waste that must be monitored carefully, construction, maintenance, and routine operations of classroom, administrative, and housing facilities generate particulate matter, solid and non-solid waste (including toxic waste) and consume ever greater amounts of energy. As the number of staff and faculty has increased over the past decades, so too the number of commuters (particularly those commuting by carbon emitting cars) has increased dramatically, causing poorer air quality, traffic and congestion, and (in some cases) dangerous road conditions.</p>	
	<p>The emergence of shared ride services such as Uber and Lyft, servicing the commuting needs of those working and studying on a campus with little parking, has contributed to these negative environmental effects. [footnote 32] The recent COVID 19 pandemic has highlighted UCB's challenges to provide safe indoor air quality to staff, faculty, students and visitors within UCB's existing buildings.</p>	
	<p><i>Footnote 32: https://tsrc.berkeley.edu/news/uber-and-lyft-have-made-san-francisco-s-traffic-much-worse-study-says; https://advances.sciencemag.org/content/5/5/eaau2670</i></p>	
	<p>The "town-gown" conflict and level of tension between the two entities has varied through the years, depending upon the building activity of the University and the relative economic health of the community. Proposition 13 tax limitations and an aging infrastructure have strained the City of Berkeley's capacity to provide public services and utilities and</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>increased concerns about land uses that do not pay their own way through taxes and fees.</p> <p>There has been growing sentiment amongst Berkeley residents that growth in the community should be balanced, and the quality of life in the residential neighborhoods, including those surrounding the campus, should be maintained or enhanced. Prior controversial UCB development projects aroused widespread community opposition as well as a perception that UCB was insensitive to neighborhood concerns. On November 8, 1988, Berkeley residents overwhelmingly passed the Public Agency Accountability ballot measure (i.e., Measure "N"). The ballot measure, which is advisory in nature, states that it shall be City policy that all public agencies should follow the City's planning and zoning laws and should pay taxes and fees to support their fair share of City services. [footnote 33]</p> <p><i>Footnote 33: The ballot measure was advisory in nature and stated that: 1) it shall be the City's policy that all land use plans, development and expansion by public agencies follow City laws, the City's General Plan and Zoning Ordinance, and the California Environmental Quality Act; and 2) the City Manager and elected representatives of the City of Berkeley shall use all available lawful means to ensure that public agencies pay taxes and fees, comparable to those paid by private citizens and businesses, to support their fair share of City services. The ballot measure was overwhelmingly approved by 74% of the voters on November 8, 1988 and was adopted by the City Council as Resolution No. 54,583-N.S. on November 29, 1988.</i></p> <p>Although UCB has never paid its fair share of City Services, it has agreed at various junctures to bear a portion of the infrastructure costs associated with its rampant expansion. [footnote 34] Notably, its payments have not increased with inflation or fully compensated the City for increased enrollment and faculty/staff increases.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>Footnote 34: According to the City of Berkeley website, in the 1980s and 1990s, “Other important developments in City- University planning included the University’s contribution of funds to support the salary of a planning position within the City of Berkeley to assist in coordination and review efforts (1989-1991), development of a joint transportation planning program, donation of a fire engine to the City, and agreement to pay a service fee equivalent to property tax for any new off-campus student housing on property not currently owned by the University. In addition, the City and University have been working together on solutions to problems of homelessness in Berkeley.” It appears that many of these commitments were aspirational only, and that UCB in fact did not fulfill its promises in this regard.</i></p>	
	<p>With regards to the zoning laws, until the latest draft LRDP, UCB planners generally respected the City’s building height restriction, and limited all new construction to 8 stories. In the latest iteration, however, the lead agency abandoned that cooperative stance and proposed constructing an over 16 story mixed use building on what is now People’s Park (Project 2), that would create the tallest structure in Berkeley and, not incidentally, exceed the reach of the tallest Berkeley fire engine ladder. [footnote 35]</p>	
	<p><i>Footnote 35: While BAHA doubts that UCB planners expect students to fend for themselves in the event of a fire, their complete failure to acknowledge the life-safety issues posed by their large development is astonishing as is their failure to own their abandonment of their prior tacit agreement to adhere to the City’s zoning restrictions on building height.</i></p>	
	<p>In October 1989, the Mayor of Berkeley and UCB’s Chancellor entered into a Memorandum of Accord (MOA). The MOA provided in part that People’s Park would be developed as City and University open space and</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>put restrictions on UCB’s development on the Clark Kerr Campus. The MOA is set to expire in 2032.</p> <p>Notwithstanding its commitments in the MOA, UCB proceeded to plan to violate that agreement almost immediately. Among other things, UCB has developed numerous plans for construction on the Clark Kerr Campus – including demolition of landmarked structures and the construction of an outdoor sports exhibition facility that will draw large numbers of visitors to that Campus. Rather than create a dedicated, usable open space at People’s Park, UCB permitted the area to become an open-air drug market much to the consternation of the City and neighbors, and now plan to construct the tallest building in Berkeley in that space. [footnote 36]</p> <p><i>Footnote 36: In July 1990, UCB and the City adopted two other important agreements: (1) the LRDP Mitigation Implementation Agreement; and (2) the Cooperative Relations Agreement. The purpose of the Mitigation Implementation Agreement was to ensure that UCB actually implemented the mitigation measures proposed in the Environmental Impact Report on the then-existing LRDP.</i></p>	
B10-16	<p>D. <u>Enrollment Promises Broken.</u></p> <p>Its MOU with the City of Berkeley is not the only written commitment UCB has routinely and cynically violated. The 1962 LRDP, 2005 LRDP and 2020 LRDP all provided purported enrollment projections and imposed caps – that is, upwards limits – on future enrollment during the LRDP period. For the past 50 or so years, UCB has repeatedly exceeded enrollment caps contained in its then-operative LRDPs and its side agreements with the City of Berkeley.</p> <p>By 1974, campus enrollment had grown to over 29,100 students, about 6% over the enrollment of 27,500 planned for in the University’s 1962</p>	<p>Please see Master Response 8, Population Projections, and Master Response 17, 2005 LRDP EIR Population Projections.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Long Range Development Plan. After the City adopted a Master Plan in 1977 and UCB recommitted to cap enrollment at 27,500. Nevertheless, UCB routinely exceeded that cap. UCB enrollment ranged from 29,102 in 1974, 29,525 in 1979, 30,494 in 1984, 31,364 in 1988, and thence to 29,640 in 1991-1992. Desperate to hold UCB to its stated cap, the City of Berkeley executed a Long-Range Development Plan Mitigation Implementation Agreement with UCB wherein UCB committed to reduce total enrollments to 29,450 by 2005. That enrollment reduction did not occur.</p>	
	<p>In 2005, consistent with the enrollment provisions of CEQA section 21080.09, The Regents adopted a Long-Range Development Plan (2020 LRDP) for UC Berkeley to achieve several objectives through the year 2020, including stabilizing enrollment. At that time, The Regents certified an Environmental Impact Report for the 2020 LRDP (2005 EIR) pursuant to CEQA. The 2020 LRDP projected that by the year 2020 student enrollment at UCB would increase by 1,650 students, and the 2005 EIR based its environmental impact analysis on this number. (AA 351-52.)</p>	
	<p>According to information the Regents made available in 2017, it appears that beginning in or about 2007, The Regents made informal, discretionary decisions to increase enrollment over and above the 1,650 additional students projected by the 2020 LRDP such that by the time this case was filed in April of 2018, the actual increase in student enrollment was 8,302 students. This represents a five-fold increase compared to the 1,650 enrollment increase projected in the 2020 LRDP and 2005 EIR. (AA 352.) These informal decisions were made without CEQA review and without regard to Education Code requirements concerning the effects of enrollment increases on the surrounding community.</p>	
	<p>These excess increases in student enrollment above the original projected increase of 1,650 students caused and continue to cause significant impacts on the environment and quality of life in the Berkeley</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>community, including increased use of off-campus housing for and by UCB students, leading to increases in off-campus noise and trash, and increased burdens on the City of Berkeley's public safety services, including police, fire, ambulance, and Emergency Medical Technician services. (AA 352-54.)</p> <p>The Regents initially complied with the directive in subdivision (b) of section 21080.09 by including the 2020 LRDP's original projected increase of 1,650 students in the 2005 EIR's analysis. (AA 351-54.) But after certifying the 2005 EIR for the 2020 LRDP, The Regents never conducted subsequent environmental review of the excess increase above 1,650 students that occurred between 2005 and 2018.</p>	
	<p>The 2020 LRDP adopted by the UC Regents in 2005 established a limited growth plan. Between 2006 and 2016, student enrollment increased by 15% for undergraduates and 7% for graduates, bringing the total student population to now over 42,000, far above the 2020 LRDP's projected enrollment figure and well beyond the population authorized as part of the CEQA EIR approval process in 2005.</p> <p>After UCB exceeded the enrollment cap set out in the 2020 LRDP, the City filed suit arguing that by exceeding the enrollment cap, UCB had subverted the CEQA EIR process. The Court agreed with the City:</p>	
	<p>The Legislature has recognized that both enrollment levels and physical development are related features of campus growth that must be mitigated under CEQA..... Thus, when a public university prepares an EIR for a development plan, section 21080.09 requires universities to expand the analysis to include a related feature of campus growth, future enrollment projections, which is entirely consistent with the traditional, broad definition of a CEQA project. (§ 21080.09, subd. (b).)</p>	
	<p><i>Save Berkeley's Neighborhoods v. Regents of University of California</i>, 51 Cal. App. 5th 226, 239, 264 Cal. Rptr. 3d 864, 873, 2020 Cal. App. LEXIS</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>587, *16-17, 2020 WL 3547363. The Court stated unequivocally, When a university prepares an EIR for a development plan, section 21080.09, subdivision (b) requires the university to analyze “[e]nvironmental effects relating to changes in enrollment levels” in that EIR. . . Similarly, section 21080.09, subdivision (d), says that “[c]ompliance with this section” satisfies CEQA with respect to “enrollment plans ... only after the environmental effects of those plans” have been both analyzed and addressed under CEQA together with a development plan. (§ 21080.09, subd. (d).) It does not say that subsequent changes to enrollment plans—with new or increased environmental effects that have not been analyzed and addressed—are exempt from CEQA. Id.</p> <p>Notwithstanding this clear holding that is well-supported by the text and spirit of CEQA, UCB has propounded a DEIR that is woefully deficient insofar as it does not completely or properly analyze the environmental effects of proposed future enrollment increases much less the actual population increase encompassed by the proposed LRDP.</p>	
B10-17	<p>E. The DEIR</p> <p>The DEIR purports to examine three projects:</p> <ul style="list-style-type: none"> ● The proposed, draft LRDP “Update” which unveils plans to construct 16 new projects in the environs of the City of Berkeley and multiple additional construction and renovation projects to take place “on campus” (that is within the Campus Park and the adjacent Clark Kerr and Hill Campuses) all based on a projected increase in total population (students, directly employed staff, and faculty) to 67,200 (full time equivalent units, not individuals). ● Project #1, a 16-story [footnote 37] mixed use commercial, housing and class-room space on the block bordered by University, Oxford, Walnut and House (so-called Project 1); and ● Project #2, a mixed use 17-story mixed use high-rise and separate “supportive” housing structure on what is now known as People’s Park. 	<p>This comment expresses an opinion about the organization of the Draft EIR and makes false and incorrect statements about the Draft EIR. The commenter correctly describes the three components of the proposed project that are evaluated in the Draft EIR, but incorrectly claims that Table 2-1, Impacts at a Glance, in Chapter 2, Executive Summary, on pages 2-8 and 2-9 introduces a new category “Geology and Soils,” but also the comment recognizes earlier in the comment that Geology and Soils is in fact Chapter 5.6 of the Draft EIR. It is also unclear why the commenter claims that Appendix F, Cultural Resources Data, only appear to “concern Tribal Cultural Resources and no other sorts of cultural resources,” which again is not true. The contents of Appendix F are listed on page 5.4-1 in Chapter 5.4, Cultural Resources, of the Draft EIR, as follows: This chapter is based on the following reports prepared for the proposed LRDP Update and</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<p><i>Footnote 37: Two of the stories will be underground.</i></p>	<p>The DEIR states that it considered the following categories of potential environmental impacts: (1) Aesthetics ; (2) Air Quality; (3) Biological Resources; (4) Cultural Resources; (5) Energy; (6) Geology and Soils; (7) Greenhouse Gas Emissions; (8) Hazards and Hazardous Materials; (9) Hydrology and Water Quality; (10) Land Use and Planning; (11) Noise; (12) Population and Housing; (13) Public Services; (14) Parks and Recreation; (15) Transportation; (16) Tribal Cultural Resources; (17) Utilities and Service Systems; and (18) Wildfire.</p>	<p>Housing Projects #1 and #2, which are included in Appendix F, Cultural Resources Data, of this Draft EIR:</p> <ul style="list-style-type: none"> ▪ Appendix F1, LRDP Cultural Resources Data, which includes the Historical Resources Technical Report, Long Range Development Plan Update, University of California, Berkeley, prepared in November 2020 by Architectural Resources Group, Inc. ▪ Appendix F2, Housing Project #1 Cultural Resources Data, which includes the Historical Resources Technical Report Housing Project #1 (Helen Diller Anchor House) prepared in November 2020 by Architectural Resources Group, Inc. ▪ Appendix F3, Housing Project #2 Cultural Resources Data, which includes the Historical Resources Technical Report Housing Project #2 (People’s Park) prepared in November 2020 by Architectural Resources Group, Inc.
<p>In actuality, the DEIR labels the environmental impact categories differently and variously. For example, Table 2-1, which purports to summarize the DEIR’s findings includes a new category “Geology and Soil.” The reports provided in the DEIR appendices add to this confusion. For example, Cultural Resources described and discussed in the EIR such as People’s Park are evaluated as “Historic Resources” in the reports provided in the appendices. The reports relating to “cultural resources” in the DEIR appendices appear only to concern Tribal Cultural Resources and no other sorts of cultural resources.</p>	<p>The following additional report was prepared for the proposed project and is not included in Appendix F because it contains confidential information on the location of archaeological resources and is therefore not available for public review.</p> <ul style="list-style-type: none"> ▪ Archaeological Resources Evaluation for the University of California Berkeley Long Range Development Program (LRDP) Draft Environmental Impact Report 2020, prepared in July 2020 by Archeo-Tec. 	
<p>B10-18</p>	<p>As our comments below make clear, under whatever category impacted architectural and cultural resources such as the UC Garage, the Anna Head School and Maybeck’s First Church of Christ Scientist fall, the loss to the public from raising or significantly damaging them (as predicted in the historical impact reports) cannot be found to be acceptable unmitigable losses, particularly where (as here) the buildings to be constructed will house a comparatively few students and instead will contain large commercial retail, office space and a (22,000 sq. foot!) health club as well as exclusive UCB non-housing areas, such as parking,</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>Impacts to historic buildings, such as those listed by the commenter, are discussed in Chapter 5.4, Cultural Resources, of the Draft EIR. With</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>event spaces, and a commuter lounge. Any eventual finding by the Lead Agency that the benefits of constructing the proposed architecturally undistinguished, mixed use high-rises (such as Projects 1 and 2) outweigh the value of these iconic landmarked structures is certainly unsupported by the evidence provided in the DEIR.</p>	<p>respect to the potential impacts to off-site historic buildings listed by the commenter (i.e., Anna Head School and Maybeck’s First Church of Christ, Scientist) were related to vibration from pile driving for the construction of Housing Project #2. Even though Mitigation Measure CUL-1.1e would reduce the impacts of pile driving to a less-than-significant level, the use of pile driving equipment to construct Housing Projects #1 and #2 is no longer required. Please see Response A3-112, and Master Response 10, Changes to Housing Project #2.</p>
B10-19	<p><u>COVID-19 Notice</u></p> <p>UCB and the Lead Agency have rejected numerous requests by BAHA and others for short extensions of time to permit the public the opportunity to evaluate and respond to the Lead Agency’s DEIR. Due to the challenges posed by COVID-19 related closures – including closures of multiple UCB facilities including libraries and archives – and city, county, state, and even international restrictions, BAHA has been unable to obtain the type and extent of supporting evidence and documentation that it would normally have been able to collect during the standard CEQA response period. UCB’s refusal to provide BAHA and the public additional time to respond under these extraordinary circumstances (extraordinary circumstances UCB has acknowledged repeatedly) was unreasonable and was compounded by UCB’s own failure to respond to requests for documents and information regarding the DEIR and the Projects. Therefore, BAHA reserves the right to supplement these comments and make all appropriate arguments based on these circumstances and UCB’s conduct.</p>	<p>Please see Response A3-2 regarding the extension of the CEQA-required public review periods, as well as Master Response 3, COVID-19.</p>
B10-20	<p><u>COMMENTS AND QUESTIONS</u></p> <p>As set forth below, the Lead Agency fails to satisfy the requirements of CEQA, the California Public Resource Code, the California Education Code, federal laws and regulations, and other applicable legal and regulatory requirements and has abused its discretion in the manner,</p>	<p>The commenter expresses their opinion regarding how the Regents and UC Berkeley conduct their affairs and incorrectly asserts that the Regents and UC Berkeley have violated the law. As a matter of standard operating procedures, UC Berkeley complies with all mandatory regional, State and federal regulations, including those listed by the commenter, when approving and overseeing development on UC Berkeley property.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>means, and content of its DEIR and related documents. It has failed to provide substantial reliable evidence supporting its conclusion that (a) the Lead Agency is legally required to increase UCB student enrollment; (b) that its legally-required long range development plan for UCB can be segmented into multiple LRDPs and tiered EIRs that fail to account for and examine to totality of the proposed growth and its impact on the geographic areas where the growth will actually occur; and that (c) all of the proposed population growth must be absorbed by UCB in the City of Berkeley.</p> <p>CEQA, which was passed by the California state legislature in 1970: aims to inform the public and government decision makers about the potential environmental effects of proposed activities. To facilitate this disclosure function, the Act requires the pertinent public agency to prepare an environmental impact report. This report must give decision makers what they need to take appropriate account of environmental consequences. The report is also a document of accountability. It must arm those outside the approval process with an accessible and empowering document. If people disagree with the proposed project, the report is to help them respond accordingly. [footnote 38]</p> <p><i>Footnote 38: Community for a Better Environment v. South Coast Air Quality Management Dist., 47 Cal. App. 5th, 588, 598 (citing Laurel Heights Improvement Assn. v. Regents of University of California, 47 Cal. 3rd 376,392 (1988)).</i></p> <p>Here the LRDP DEIR fails to satisfy the requirements of applicable law insofar as it fails to provide</p> <p>(1) complete project descriptions including the actual proposed population increase and the full scope of the projects planned for UCB (including at its satellite sites); (2) an accurate baseline environmental, population, and housing data; (3) accurate and complete statement(s) of</p>	<p>Please see Response A3-2 regarding compliance with CEQA and the CEQA Guidelines.</p> <p>With respect to student enrollment and compliance with the California Education Code, please see Master Response 8, Population Projections.</p> <p>With respect to the LRDP Update, please see Master Response 6, LRDP and LRDP Implementation.</p> <p>Regarding alternative sites outside of the city of Berkeley, please see Master Response 18, Alternatives.</p> <p>For responses regarding plan consistency, please see Master Response 13, Consistency with Other Policy Documents.</p> <p>The commenter’s assertions are based on their incorrect assumptions that the proposed LRDP Update include and address other UC Berkeley properties that are outside of the LRDP Planning Area, which is congruent with the EIR Study Area. Please see Master Response 7, EIR Study Area.</p> <p>The comment is also an introduction to the comments in the remainder of the comment letter. These are further addressed in Responses B10-21 through B10-283.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>objectives; (4) an adequate discussion of project alternatives; (5) an adequate discussion of available mitigation measures; (6) a complete and accurate discussion and evaluation of the environmental impacts of the Projects including the impact on Natural, Cultural and Historic Resources. The Regents also failed to follow procedures required under CEQA and their own procedures, including, by (1) segmenting and tiering the projects; (2) approving the acquisition of the Walnut Street apartments and termination the leases of existing tenants without following the proper procedures; (3) unlawfully and unreasonably withholding material information from the public; and (4) providing incomplete, inaccurate and/or unsupported data in connection with the DEIR.</p> <p>BAHA also observes that UCB planners and other administrative staff appear to have failed to bring to the attention of the UC Regents – at least in the publicly available pre-meeting materials – the degree to which the proposed draft LRDP, Project 1 and Project 2 (a) deviate from the UC’s operative planning documents including the New Century Plan, the Master Landscape Plan, the Historic Landscape Plan, the design guidelines and existing best practices document; and (b) repudiate years of joint planning with the City of Berkeley and written and tacit agreements with the City of Berkeley. That omission is unfortunate and, we suggest respectfully, may attribute to the failings of the DEIR.</p>	
B10-21	<p><u>ENROLLMENT INCREASE (IMPACT ON POPULATION)</u></p> <p>1 The DEIR Fails to Satisfy CEQA EIR Requirements as to the Proposed Population Increase: Population-Specific Comments and Questions</p> <p>1.1 The DEIR’s Discussion</p> <p>The Lead Agency is planning for UCB’s overall population to increase</p>	<p>The commenter incorrectly states that the Draft EIR does not fully evaluate the impacts of UC Berkeley’s projected population increase to the City of Berkeley and other adjacent jurisdictions. On the contrary, Chapter 5.12, Population and Housing, assesses the level of population growth that could be expected in the City of Berkeley as well as in several nearby jurisdictions. Impacts to the City of Berkeley are assessed throughout the Draft EIR. For example, impacts to the City of Berkeley’s public services are assessed in Chapter 5.13, Public Services, and impacts to the City of Berkeley’s utilities are assessed in Chapter 5.17, Utilities and Service Systems.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																
	<p>dramatically. Specifically, in its Draft Proposed LRDP, the Lead Agency proposes the following increase in UCB population:</p> <p>TABLE 2.1: Current Campus Population and LRDP Population Projections</p> <table border="1"> <thead> <tr> <th data-bbox="327 464 464 488">Population Group</th> <th data-bbox="577 459 726 496">Current Population (2018-2019)</th> <th data-bbox="783 459 905 496">Potential Future LRDP Population</th> <th data-bbox="1003 464 1092 488">Net Change</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 500 401 524">Students</td> <td data-bbox="674 500 726 524">39,710</td> <td data-bbox="856 500 905 524">48,200</td> <td data-bbox="1024 500 1092 524">+ 8,490</td> </tr> <tr> <td data-bbox="327 527 457 552">Faculty and Staff</td> <td data-bbox="674 527 726 552">15,420</td> <td data-bbox="856 527 905 552">19,000</td> <td data-bbox="1024 527 1092 552">+ 3,580</td> </tr> <tr> <td data-bbox="327 555 380 579">TOTAL</td> <td data-bbox="674 555 726 579">55,130</td> <td data-bbox="856 555 905 579">67,200</td> <td data-bbox="1024 555 1092 579">+ 12,070</td> </tr> </tbody> </table> <p><i>Note: The table does not include a visitors category, which is considered in the environmental analysis.</i></p> <p>The Lead Agency claims that UCB is not a “growth” campus and that this increased enrollment is an insignificant 1% increase year over year.</p> <p>Although the Lead Agency attempts to downplay the proposed enrollment increase, make no mistake this increase is significant. The City of Berkeley currently has a total population of approximately 110,000-120,000 residents; therefore, the proposed increase would make UCB’s population more than 50% of what Berkeley current resident population is now. Berkeley is already one of the most densely populated cities in the State. The practical result of this surge of new UCB “users” will be increased pollution, traffic, and competition for housing in Berkeley. City residents can quite literally expect to see gridlock.</p> <p>It will also create problems for other areas from inevitable spill-over effect of this population increase coupled with the population increases proposed in UCB’s LRDPs for its satellite locations. The Lead Agency has, however, not discussed the full environmental impacts of UCB’s proposed enrollment and overall population increase to the City of Berkeley much less these other impacted areas.</p> <p>Notably, the draft LRDP project does not cap UCB’s future population; instead, it provides a “projection” for the future population. the [sic] population increase could be much more than currently being proposed,</p>	Population Group	Current Population (2018-2019)	Potential Future LRDP Population	Net Change	Students	39,710	48,200	+ 8,490	Faculty and Staff	15,420	19,000	+ 3,580	TOTAL	55,130	67,200	+ 12,070	<p>Please also see Master Response 7, EIR Study Area, and Master Response 8, Population Projections.</p>
Population Group	Current Population (2018-2019)	Potential Future LRDP Population	Net Change															
Students	39,710	48,200	+ 8,490															
Faculty and Staff	15,420	19,000	+ 3,580															
TOTAL	55,130	67,200	+ 12,070															

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

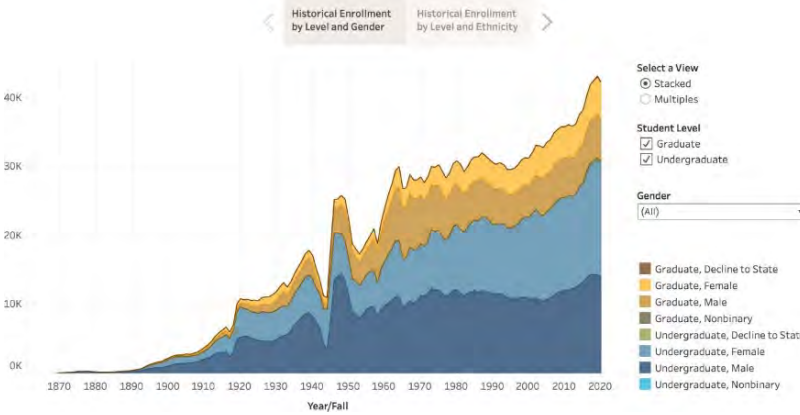
Letter/ Comment #	Comment	Response
B10-22	<p>1.2 BAHA's Comments</p> <p>UCB has, not unsurprisingly, grown quite a bit since 1870. The surprising thing is how dramatic this growth has been over the past few years. The following graphic is illustrative.</p>	<p>The use of the 2018-19 school year as the baseline year for the Draft EIR analysis is described on page 5-4 to page 5-5 of the Draft EIR. As stated on page 5-4 of the Draft EIR: "The baseline represents the existing conditions on the ground ("physical conditions") at the time that the Notice of Preparation was issued (April 7, 2020). However, some baseline conditions, in particular those related to population, apply 2018 data due to the disruptions created by the current coronavirus disease 2019 (COVID-19) pandemic." Please also see Master Response 8, Population Projections.</p>
	 <p>The chart displays historical enrollment data from 1870 to 2020. The y-axis represents enrollment in thousands (0K to 40K), and the x-axis represents the year/fall. The enrollment shows a steady upward trend, with a notable increase starting around 1950. The legend indicates that the enrollment is broken down by student level (Graduate and Undergraduate) and gender (Female, Male, and Nonbinary). The total enrollment reaches approximately 42,437 by 2020.</p>	
	<p>UCB's enrollment in the post-war decades up to 2000 held fairly steady around the 30,000 total student mark. Since then enrollment has grown year over year, reaching 42,437 [footnote 39] this year. (Thus the baseline population mark is not 39,710 as set forth in the DEIR.) As the LRDP does not set a cap on total enrollment and has a history of blowing through projections and promised caps, it is quite likely that overall student enrollment could top 50,000 in the next LRDP period. Before such a momentous step is taken, one that will alter UCB and the City of Berkeley significantly and permanently, the public has a right to know accurate information and the basis for the Lead Agency's decision to make this population increase proposal now.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-23	<p><i>Footnote 39: 39 https://pages.github.berkeley.edu/OPA/our-berkeley/enroll-history.html</i></p> <p>1.2.1 The DEIR Must Provide Baseline Enrollment Data and Solid Maximum Enrollment Figures</p> <p>The law is well settled that, in the context of a CEQA review of a LRDP or other project based upon increased enrollment projections, the Lead Agency must evaluate and avoid or mitigate the off-campus environmental effects of the project, [footnote 40] including plans to increase enrollment. [footnote 41] With respect to proposed campus enrollment increases, the Lead Agency must conduct a CEQA review of the off-campus effects of such expanded enrollment in accord with CEQA section 21080.09.</p> <p><i>Footnote 40: City of San Diego v. Board of Trustees of California State University (2015) 61 Cal.4th 945, 966; City of Marina v. Board of Trustees of California State University (2006) 39 Cal.4th 341, 360.</i></p> <p><i>Footnote 41: Education Code section 67504 specifies in pertinent part: “The Legislature further finds and declares that the expansion of campus enrollment and facilities may negatively affect the surrounding environment. Consistent with the requirements of the California Environmental Quality Act (CEQA), it is the intent of the Legislature that the University of California sufficiently mitigate significant off-campus impacts related to campus growth and development.” See also Save Berkeley’s Neighborhoods v. Regents of University of California, 51 Cal. App. 5th 226, 239-241, 264 Cal. Rptr. 3d 864, 873-874, 2020 Cal. App. LEXIS 587, *15-19, 2020 WL 3547363.</i></p>	<p>Consistent with CEQA requirements, the Draft EIR evaluates the potential physical effects on the environment associated with development to accommodate potential population growth and physical infrastructure that may be needed to support future population levels at UC Berkeley. The evaluation in the Draft EIR includes an analysis of potential impacts to the City of Berkeley’s physical environment and public services.</p> <p>Regarding baseline population data, the Draft EIR evaluates population using the 2018-19 school year as the baseline year. The use of the 2018-19 school year as the baseline year for the Draft EIR analysis is described on page 5-4 to page 5-5 of the Draft EIR. As stated on page 5-4 of the Draft EIR: “The baseline represents the existing conditions on the ground (“physical conditions”) at the time that the Notice of Preparation was issued (April 7, 2020). However, some baseline conditions, in particular those related to population, apply 2018 data due to the disruptions created by the current coronavirus disease 2019 (COVID-19) pandemic.” Regarding enrollment data, please also see Master Response 3, COVID-19, and Master Response 8, Population Projections.</p>
	<p>In this case, the Lead Agency did not provide (a) a reliable and supported baseline population data; (b) a reliable projection for both the increase in student enrollment planned for the new LRDP period and the</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>commensurate increase in staff, faculty and other UCB users. Accurate and sufficient data must be presented and presented in the DEIR itself (not buried in a small print table in the DEIR appendices). As one court explained:</p>	
	<p>The data in an EIR must not only be sufficient in quantity, but it must also be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project. “[I]nformation “scattered here and there in EIR appendices,” or a report “buried in an appendix,” is not a substitute for “a good faith reasoned analysis” [footnote 42]</p>	
	<p><i>Footnote 42: Habitat & Watershed Caretakers v. City of Santa Cruz, 213 Cal. App. 4th 1277, 1293, 152 Cal. Rptr. 3d 888, 902, 2013 Cal. App. LEXIS 128, *26-27 (citing Vineyard, supra, 40 Cal.4th at p. 442.)</i></p>	
	<p>Because reliable population data and sufficient information about the population increase was not made available to the public, the DEIR lacks sufficient information as well as discussion of or explanation for the proposed enrollment increase, much less a sufficient discussion of the environmental impacts that will be caused by the proposed or projected population increase.</p>	
	<p>A lead agency will be deemed to have abused its discretion under CEQA if its decisions are not supported by substantial evidence; its evidence cannot be deemed substantial if it is inaccurate, unreliable, or substantially incomplete. [footnote 43]</p>	
	<p><i>Footnote 43: “Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.” ’ ’ In re Bay-Delta etc., supra, 43 Cal.4th 1143, 1161–1162, quoting Laurel Heights I, supra, 47 Cal.3d at p. 392, quoting § 21168.5. Substantial evidence means “enough relevant</i></p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p><i>information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” CEQA Guidelines, § 15384, subd. (a). Substantial evidence does not include “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment” (Ibid.) California Oak Foundation v. Regents of University of California, 188 Cal. App. 4th 227, 261-262, 115 Cal. Rptr. 3d 631, 657, 2010 Cal. App. LEXIS 1555, *53-54. Here, the Lead Agency has failed to supply adequate, much less substantial, evidence to support its decisions (1) that enrollment, staffing and faculty positions must be increased. (2) student housing is inadequate and must be constructed as part of mixed use projects on the identified housing opportunity sites notwithstanding the unmitigated impacts on and destruction of cultural and historic resources to make way for these mixed use projects and (3) that, except for the identified significant impacts to a handful of cultural/historic resources, there will be no significant environmental effects caused by the increased UCB population and proposed construction and demolition.</i></p>	
B10-24	<p>1.2.2 Lead Agency Has Unique Vantage Point and Extensive Access to Population Data</p> <p>The UC Regents are unlike most CEQA proponents insofar as they have both detailed information about currently enrolled students and the ability to predict who their future “consumers” (i.e., students) will be. UCB tracks the race, ethnic background, secondary school history, residency and a variety of other data points for all of their students.</p> <p>The Lead Agency also has the ability to predict the numbers of California resident high school students who will be graduating in any given year. As an over 150-year old institution, the University of California has deep experience both evaluating the number of California high school</p>	<p>The commenter expresses their opinion and serves as an introduction to the comments that follow. Please see Responses B10-25 through B10-38. Please also see Master Response 8, Population Projections.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>students who will graduate in a particular given year and likely population trends into the future. Perhaps more importantly, the California Department of Education (CADOE) conducts regular and detailed surveys of the population of California public schools from K-12. Based on this and other work by the CADOE and other agencies, the population of resident high school students who qualify for UC admission under the state’s Master Education Plan can be predicted with a fair degree of accuracy quite a few years into the future. [footnote 44]</p>	
	<p><i>Footnote 44: Patterns in community college qualified transfer admissions (a small segment of the overall UC student population) are also fairly predictable for basically the same reasons: historic trends and excellent available data.</i></p>	
	<p>Although population of resident freshmen applicants to the UC System may vary year to year, the actual enrollment at a single institution can remain stable if the UC Regents so choose. While the State’s Master Education Plan sets the overall minimum resident enrollment for the entire system, it is up to the UC Regents (aided by the chancellors and the Office of the President) to set the enrollments for each individual campus. Under the state Master Plan, no one campus is required to admit any specific number of resident students.</p>	
	<p>Because campus capacity is audited regularly (among other things to determine if new campuses need to be built), the Regents are in an excellent position to understand the overall capacity of the UC system and the capacity of each UC “campus.” Through the work of campus planners and other professionals on staff, UC has a very good idea of the condition of its physical facilities, including classrooms and student housing.</p> <p>The UC Regents, therefore, as a Lead Agency for CEQA is in a unique position; it is not like the typical real estate developer or even</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>municipality facing a CEQA review for its development plans. This is because the UC Regents have a wealth of information at their disposal and consequently (a) can make a reasonably reliable estimate (with a reasonable margin for error) as to how many resident students they must admit to the UC system in any given year to satisfy the state’s Master Plan and (b) alternatives, namely a number of different campuses to which the “must admit” resident students can be allocated or assigned. Because they can predict these “must admit” resident students and know the capacity of each campus, the UC Regents as lead agency also are in a position to decide – subject to the constraints of the new legislation – the number of non- resident students and additional resident students that it is prepared to admit and likewise allocate those students to the individual campuses that have capacity.</p>	
	<p>In a perfect world, the Regents would conduct their enrollment planning in this way – based upon projected resident student admissions with assessments of capacity. Unfortunately, this is not what has happened historically as noted above. Either due to poor planning or erroneous budget assumptions, the UC Regents have found themselves with repeated budget shortfalls such that they or UC administrators have attempted to raise funds by admitting large numbers of non-resident student, who are required to pay higher fees. This unfortunate circumstance coupled with the fact that not all UC campuses are equally attractive to out-of-state students has meant that UCB and other high-profile UC campuses have seen more than their fair share of new students.</p>	
	<p>While as a matter of history, the Lead Agency’s missteps may be understandable, as a matter of CEQA compliance they are not. The Lead Agency must exhibit good faith in developing and proposing an LRDP that is both consistent with the letter and spirit of the relevant state statutes and in evaluating it under CEQA. Here we are faced with one institution – UCB – for which the Lead Agency has proposed or is in the</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>process of drafting multiple LRDPs none of which reference the others. That is unacceptable. Further, on the issue of enrollment growth, the reasonableness of that proposed growth and its review under CEQA can only be meaningfully assessed if the Lead Agency provides a complete picture as to (a) how many new people will be coming to the institution and (b) where all of these new students, staff and faculty will be living, working and commuting.</p> <p>Here, in the proposed LRDP and DEIR the count is off and the “area” is erroneously defined. We address both of these failings in our comments below.</p>	
B10-25	<p>1.2.3 Use of FTE Underinclusive and Misleading</p> <p>Although the Lead Agency has access to comprehensive population data, the student enrollment data that they provide in conjunction with the LRDP and the DEIR lack both reliable baseline statistics and total population predictions [sic] Notably, the figures provided in the above table (and throughout the LRDP and DEIR) are provided in “full time equivalents” (FTE) not absolute numbers of new users (i.e., students, staff and faculty). Because these figures are full time equivalent students/faculty/staff, not the actual number of individuals in each of those roles, the current and expected populations are actually much greater. For example, two students who attend UCB part time [footnote 45] – either by design or due to necessity -- may together represent only one FTE student, but will likely have twice the environmental impact (in terms of carbon emissions, waste generation et cetera) of a single individual. Those two non-FTE students will have to commute to campus if they do not live on campus; if they live on campus, they will need two (separate) beds and will generate the same waste and use the same resources as if they attended classes full time.</p> <p><i>Footnote 45: While UC Policy requires that students be enrolled full-time,</i></p>	<p>The commenter incorrectly states that population estimates in the Draft EIR are based on full-time equivalent numbers. Please see Response B10-2, which explains that the student and employee/staff headcounts likely over-estimate population.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>under certain circumstances students may be allowed by their college to enroll in a reduced course load. Approved undergraduate students may enroll for two courses or fewer per semester, or the equivalent as determined by their college. Approved graduate students may enroll for one-half or less of the regular course load stipulated in Academic Senate Regulation 702. https://registrar.berkeley.edu/tuition-fees-residency/tuition-fees; see also, e.g., https://nature.berkeley.edu/advising/undergraduate-student-status (discussing reduced course-loads to permit working et cetera); https://www.ucop.edu/operating-budget/fees-and-enrollments/other-fee-information/exemptions-reductions.html (discussing fees for part-time undergraduates and graduate students). The MBA program, for example, offers night and weekend programs. A participant in such a program may well have a different environmental impact – i.e., by commuting to campus regularly via car – than an undergraduate who lives in a student dorm. The Fung Institute for Engineering Leadership likewise offers 2, 3 and 4-year programs. https://funginstitute.berkeley.edu/programs-centers/full-time-program/program-design/part-time-option/</i></p>	
B10-26	<p>1.2.4 All Types of Students Not Covered</p> <p>The DEIR also does not take into consideration – in its current enrollment statistics or its enrollment projections -- all student users of UCB. In addition to full-time enrolled students, UCB also hosts concurrent enrollment students, cross-enrolled CCC students [footnote 46] (including inter-segmental cross enrollment [footnote 47]), Osher Lifelong Learning Institute students, and high-school students, including high school commuters [footnote 48].</p> <p><i>Footnote 46: California community college students have access to over 600 summer courses through Berkeley Summer Sessions, where they take key prerequisites or gateway courses to most majors at UC Berkeley, other UC campuses, and many four-year institutions. http://pathways.berkeley.edu/</i></p>	<p>Please see Master Response 8, Population Projections, which explains that the population headcounts and projections are conservative in that they over-estimate the number of students who actually travel to or reside near campus.</p> <p>In response to the specific question, students affiliated with the Osher Lifelong Learning Institute were excluded from population counts because they do not use State-supported space. Concurrently enrolled students and community college and high school students during summer sessions were not specifically included in UC Berkeley census projections, but all of these students are counted as UC Berkeley visitors, so their environmental impacts are evaluated in the Draft EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>Footnote 47: Undergraduates who meet certain eligibility criteria and are enrolled at any campus of the California Community College, California State University, University of California systems may Enroll at UCB without formal admission for one course per academic term.</i> https://registrar.berkeley.edu/registration/visitor-and-exchange-programs. <i>No data concerning this category of students is provided in the DEIR.</i> <i>Footnote 48: https://extension.berkeley.edu/international/academic/</i></p>	
	<p>The DEIR neither addresses nor examines these campus users. It also fails to examine other categories of students and visitors, including participants in the International Student EAP Reciprocity programs [footnote 49] and the BGA Program. [footnote 50] While it is possible that these programs have de minimus impact on the actual campus population in a given year, absent detailed information about the nature and type of the individuals who study, work, or visit UCB, the impact of increasing any given population cannot adequately be examined. [footnote 51]</p>	
	<p><i>Footnote 49: https://registrar.berkeley.edu/registration/visitor-and-exchange-programs</i></p>	
	<p><i>Footnote 50: BGA Discover is a short-term program allowing undergraduate and graduate students to take UC Berkeley courses and explore a variety of subjects based on their academic interests.</i></p>	
	<p><i>https://extension.berkeley.edu/international/academic/</i> <i>Footnote 51: The DEIR likewise does not examine the number of semesters undergraduate and graduate students are on the Berkeley campus to complete a degree. According to the Academic Senate rules, “Except as otherwise provided in this section and SR 614, 35 (or 24 semester) of the final 45 (or 30 semester) units completed by each candidate for the bachelor’s degree must be earned in residence in the college or school of the University of California in which the degree is to be taken.” https://senate.universityofcalifornia.edu/bylaws-regulations/regulations/rpart3.htm]</i></p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-27	1.2.5 Reliable Faculty & Staff Population Figures Not Provided <p data-bbox="323 399 1125 948">Neither the LRDP nor the DEIR provide any information on the number of University employees and third-party contractors (i.e., the employees of third parties) who regularly work at or visit UCB sites. Notably, an audit of UC outsourcing practices as well as third-party reports, suggests that increasing numbers of outside contractors are being engaged to perform routine work on UC campuses. [footnote 52] Not only are these on-site contractors not counted in the LRDP and DEIR, but those documents also provide the employee statistics – namely the staff and faculty population baseline numbers and projections – as number of FTE, not individuals. As with the example of the students, two part time staff persons can (and likely will) generate twice as much in carbon emissions commuting to campus as one FTE staff person. The Lead Agency is obligated to provide reliable (supported) baseline figures as part of its DEIR (or if it has a basis to show that two individuals do not generate more environmental impact than one FTE, provide the data or reports supporting that position).</p> <p data-bbox="323 995 1125 1472"><i>Footnote 52: https://afscme3299.org/documents/reports/Pioneering-Inequality_WhitePaper.pdf. According to the AFSCME white paper cited above, “The most recent data available shows UC spends \$3.4 million on contracts with ABM annually for custodial and parking services.” <i>Id.</i> 20. A state audit appears to have confirmed UC’s wide-spread practice of outsourcing menial jobs. ; California State Auditor, “The University of California Office of the President Has Not Adequately Ensured Compliance With Its Employee Displacement and Services Contract Policies, Report 2016- 125.1,” pp. 38-30, August 2017, https://www.auditor.ca.gov/pdfs/reports/2016-125.1.pdf. See also Danny Feingold, “Jerry Brown’s University of California Perma-Temp Problem,” <i>Capital & Main</i>, August 15, 2016, https://capitalandmain.com/jerry-browns-university-of-california-permatemp-problem-0910; Emily DeRuy, “Workers at some UC campuses say they don’t earn fair wages,” <i>The</i></i></p>	The commenter incorrectly states that population estimates in the Draft EIR are based on full-time equivalent numbers. Please see Response B10-2, which explains that the student and employee/staff headcounts likely over-estimate population. Please see Master Response 8, Population Projections.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-28	<p><i>Mercury News, October 23, 2017, http://www.mercurynews.com/2017/10/22/workers-at-some-uc-campuses-say-they-dont-earn-fair-wages/; Emily Green, “UCSF hires 2 dozen janitors who complained, lost their jobs,” <i>SF Gate</i>, September 01, 2016, https://www.sfgate.com/politics/article/UCSF-hires-2-dozen-janitors-who-complained-lost-9194030.php; Sharon Zhen, “UC employees, students protest in support of contracted valet workers,” <i>Daily Bruin</i>, July 31, 2017, http://dailybruin.com/?p=299690.</i></p> <p>1.2.6 Visitors and Other Users Not Accurately Captured</p> <p>While the DEIR states that it addresses visitors and while it does include some data concerning deliveries made to campus, it does not expressly consider all categories of visitors to the UCB Campus Park, much less to the off-campus sites in Berkeley and elsewhere. The survey completed as part of the LRDP planning process indicates that many Berkeley and non-Berkeley residents visit the campus park regularly for a variety of academic, cultural and sporting events as well as business and leisure activities. [footnote 53] In addition, UCB routinely hosts international delegations [footnote 54] as well as researchers and students who want to undertake projects at UCB. [footnote 55] The plans for this segment of the UCB “population,” although not consistent in terms of specific individual visitors, is capable of being estimated based on usage data. Rather than ignore these categories of visitors, the Lead Agency must provide information about them and predictions for how many visitors it expects as the enrollment and faculty/staff census increases.</p> <p><i>Footnote 53: https://masterplan.berkeley.edu/sites/default/files/2020-05-19_lrdp_cmp_survey_findings_public_final_mc.pdf</i> <i>Footnote 54: https://globalengagement.berkeley.edu/delegations-visitors/hosting-international-visitors</i> <i>Footnote 55: https://globalengagement.berkeley.edu/delegations-visitors/visiting-scholars-researchers-postdocs</i></p>	<p>Visitor data included in the analysis of the Draft EIR include annual visitors in the following categories:</p> <ul style="list-style-type: none"> ▪ Sporting event attendees ▪ Performance venue attendees ▪ Other event attendees ▪ Optometry clinic visitors ▪ Attendees at special events at the California Memorial Stadium ▪ Sather Tower visitors ▪ Koret Health and Recreation Center visitors ▪ Lawrence Hall of Science visitors ▪ Berkeley Art Museum and Pacific Film Archive visitors <p>Visitor data is included in Appendix O, Visitor Data, of this Final EIR.</p> <p>Regarding the categories of students included in the population data used in the Draft EIR, please see Master Response 8, Population Projections, and Response B10-2, which explain that off-campus students are included in the baseline student headcount, with the exception of students enrolled in online and off-peak programs.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The LRDP and DEIR fail to include multiple categories of other campus users [footnote 56] thereby further understating the full scope of that increased population and its environmental effects. For example, UCB operates an extension program. [footnote 57] That program is not addressed in the DEIR or the LRDP. Notably, UCB operates dedicated facilities to its extension program, and that program draws people to Berkeley to attend classes and other events on UCB property. [footnote 58] In addition, the Undergraduate Division of UCB serves the summer abroad program, Education Abroad Program, Global Internship Program, Summer Sessions and Fall Programs for Freshman. [footnote 59] Depending on where these programs are offered and/or students are diverted outside Berkeley to participate, the number of persons physically present on UCB property or in Berkeley could be impacted. Therefore, the impact on the environment from the proposed projects could be greater or lesser depending on the enrollment or participation in these programs.</p>	
	<p><i>Footnote 56: For example, one UC Regents policy defines categories of campus users (so-called campus “affiliates”) as follows:</i></p> <ol style="list-style-type: none"> <i>1. “student” means any person who (a) is enrolled in or registered with an academic program of the University; (b) has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment; or (c) is on an approved educational leave or other approved leave status, or is on filing-fee status.</i> <i>2. “official volunteer” means any person who is: (a) listed as an officer or a board member of the recognized campus alumni association, including its committees or related clubs; (b) listed as an officer or a board member of a support group formally recognized by the particular campus; or (c) formally registered through the relevant Campus Human Resources/Staff Personnel office and authorized to provide volunteer services on behalf of the University in campus facilities (e.g., hospitals, museums, etc.).</i> 	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>3. “employee” means any person who is listed in the campus payroll system, regardless of the percentage of time associated with the person’s employment, including a staff retiree who has been recalled for University employment and other individuals to whom the University is contractually obligated to provide access to University property equivalent to that allowed to University employees.</p> <p>4. “emeritus” means any person who holds the title of “emeritus” pursuant to Regents Standing Order 103.5 and section 120 of the University of California Academic Personnel Manual. https://policy.ucop.edu/doc/3000127/NonAffiliateRegs</p> <p>Footnote 57: https://extension.berkeley.edu/static/studentservices/concurrent/</p> <p>Footnote 58: https://diversity.berkeley.edu/sites/default/files/vcue_strategic_plan.pdf (discussing extension program as “undergraduate” program in diversity plan).</p> <p>Footnote 59: See also, https://globalengagement.berkeley.edu/about/international-services-programs-institutes-cal/international-programs</p>	
B10-29	<p>1.2.7 Information on Location of Current and Future UCB Users Not Complete</p> <p>As noted elsewhere in these comments, not all UCB students live and take classes in Berkeley. Some Freshmen study at UCB’s London Campus; soon UCB Freshmen will be taking classes and living at Mills College. In addition, not all staff or faculty are assigned or primarily assigned to work at the Campus Park in Berkeley. As noted below, UCB operates facilities at several on and off campus sites, including sites outside Berkeley and some outside California. Without knowing where the UCB population lives, studies/works and commutes, it is impossible to undertake the required CEQA environmental assessment.</p> <p>The Lead Agency also has announced, via its 2014 LRDP for the Berkeley</p>	<p>Please see Master Response 7, EIR Study Area, Master Response 8, Population Projections, and Response B10-2. As noted in Master Response 8, student headcounts do include off-campus programs, with the exception of students enrolled in online and off-peak programs. Therefore, the population headcounts and projections are conservative in that they over-estimate the number of students who actually travel to or reside near campus.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	Global Campus (f/k/a the Richmond Field Station), that it expects the population of that satellite campus to grow from 300 to 10,000. To determine whether these added students, faculty, and/or staff will have an impact on Berkeley – for example by driving from Richmond to the LBL through the Hill Campus – the public needs to know more about this new population.	
B10-30	<p data-bbox="323 537 1125 596">1.2.8 Lead Agency Can and Should Commit to Cap on UCB Enrollment So EIR Process Can Proceed</p> <p data-bbox="323 646 1125 948">As explained above, the Lead Agency can reliably predict the number of in-state, resident students the UC system as a whole will be required to admit well into the future and have control over to which campuses these future populations of students are assigned by assigning individual campuses enrollment goals. They also know how many students each campus can enroll based on available resources. Because they have this information and control, the Lead Agency has the ability to cap future enrollment at UCB at a set number of graduate and undergraduate students.</p> <p data-bbox="323 998 1125 1440">Absent a set maximum population, the CEQA EIR process is rendered meaningless. The law requires the Lead Agency to assess the impact of planned enrollment growth at a particular campus, effectively to perform a CEQA review of the enrollment increase. The purpose of a CEQA evaluation is to provide a full and fair vetting of information set out in a DEIR. If the enrollment or population numbers upon which the environmental impact assessment change dramatically, the impact may well be different and thus the approved EIR becomes a nullity. Further, the legislature has specifically found that, in regard to a proposed enrollment increase, that negative impacts are likely on the surrounding area and that, consequently a CEQA evaluation must take place and mitigation measures, if available, be adopted. Without reliable enrollment information, this required analysis cannot take place.</p>	Please see Master Response 7, EIR Study Area, and Master Response 8, Population Projections.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Although it is non-binding in some respects – for example, it may propose building a building that never gets built due to funding reasons – the LRDP was intended to provide outer-limits to proposed growth and development. Thus, most UC LRDPs provide the maximum number of square feet that will be built for classrooms and similar maximums for research facilities. If the premise upon which these projections are made – population growth – is exceeded, then the facilities-needs will have been underestimated and the whole LRDP planning process and CEQA EIR evaluating process will have been rendered pointless.</p>	
	<p>Unfortunately, that is where we have found ourselves time and time again.: UCB engages in an expensive planning process to create a development plan that will be effectively obsolete by the time the buildings are built due to supposedly unexpected increases in enrollment. This pattern has repeated for the last few LRDPs and appears to be repeating here. Not only will the Lead Agency and UCB have wasted money and time creating these LRDP plans – including paying planners and architects and conducting surveys – they will have spent even more money having an environmental review conducted and then defended in court all to no purpose.</p>	
B10-31	<p>1.2.9 Given UCB’s historic pattern of exceeding LRDP projected enrollments, the DEIR must evaluate the environmental impact of enrollment exceeding LRDP projections by similar margins</p> <p>If the Lead Agency will not commit to a realistic cap, its LRDP and EIR should be deemed incomplete. Alternately, in light of UCB’s over 30-year history of failing to abide by enrollment projected maximums, the DEIR should examine the environmental impact of the actual probable population increase – student enrollment plus attendant increases in staff, faculty and UCB visitors – rather than rely on impacts based upon stated projections. Since most recently UCB has exceeded enrollment</p>	<p>With respect to the commenter’s assertion about enrollment, please see Master Response 8, Population Projections, and Master Response 17, 2005 LRDP EIR Population Projections.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	projections by a set percentage, the DEIR should examine the environmental impact of the projected increased population inflated by that same percentage. Failure to examine the impact of the actual probable increased population renders the DEIR insufficient and unreliable under CEQA.	
B10-32	<p data-bbox="321 500 1115 526">1.2.10 The increase in enrollment is not inevitable or legally required</p> <p data-bbox="321 573 1115 1084">UCB asserts in the LRDP and the DEIR that increased enrollment is a legal requirement. That position is legally and factually incorrect. No law, regulation, or demographic trend requires UCB to enroll more undergraduates. The evidence indicates that the UC System has more than adequate capacity to handle incoming resident high schoolers at the legally mandated level for the next decade and beyond. Indeed, the State Auditor recently found that the UC system has excess capacity; and other research has found that the UC system currently enrolls more resident undergraduates than legally mandated under the state Master Plan. Further, enrollment levels at individual campuses are entirely within the Lead Agency’s control. While systemwide UC undergraduate enrollment is governed by the state Master Plan, enrollment at individual campuses such as UCB is hashed out in negotiations between chancellors and is ultimately decided by UC Regents, which submits budget recommendations to the Governor.</p> <p data-bbox="321 1133 1115 1370">Because an enrollment and overall campus population increase will undoubtedly have a significant environmental impact, the Lead Agency should provide the true rationale – backed by statistics and data – for the proposed increase. If the reason for the increase is budgetary, as we suspect, that objective should be stated openly. In any event, the project objective in the DEIR is inaccurate and incomplete and not supported by substantial evidence. [footnote 60]</p>	<p data-bbox="1157 500 1957 526">Please see Master Response 8, Population Projections.</p> <p data-bbox="1157 573 1957 630">The comment incorrectly states that a project’s objectives must be supported by substantial evidence.</p>
	<i>Footnote 60: “The draft EIR’s description of the project’s objectives is</i>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-33	<p><i>not supported by substantial evidence. The CSA did not obligate the City to propose an SOI amendment, so the project, proposing an SOI amendment, was not mandated by the CSA. The draft EIR’s identification of amendment of the SOI itself as the project’s objective did not illuminate the underlying purpose of the project. Of course a proposed SOI amendment is aimed at approval of an SOI amendment, but the draft EIR’s description of the project’s objectives begs the question of why the City would seek an SOI amendment. Since the CSA did not obligate the City to propose an SOI amendment, the draft EIR’s description of the project’s objectives failed to illuminate the underlying purpose of the project but instead only described the nature of the project.” Habitat & Watershed Caretakers v. City of Santa Cruz, 213 Cal. App. 4th 1277, 1300, 152 Cal. Rptr. 3d 888, 907, 2013 Cal. App. LEXIS 128, *42-43</i></p> <p>1.2.11 Goals of Increased Diversity and More Resident Students Can Be Accomplished Without Increasing Overall Enrollment</p> <p>Although the Lead Agency claims that it needs to expand enrollment to accommodate more deserving California resident students and to create more diversity, those reasons are patently false. If UCB wanted to accommodate more California resident students or believed that many more California-resident students met UCB’s strict entrance criteria, UCB can admit them now and into the future without increasing overall enrollment by reducing the number of non-resident students. Non-resident students now account for almost 25% of UCB enrolled students (not counting the various international exchange programs and similar “non-enrolled” categories).</p> <p>There also is no evidence proffered (or available) that supports the DEIR’s assertion that increasing the number of students will result in more diversity. The vast majority of non-resident international students currently and recently enrolled at UCB are primarily from a single country, and enrollment statistics demonstrate that this population is increasingly being drawn from wealthy families. By contrast, the</p>	<p>The comment incorrectly states that a project’s objectives must be supported by substantial evidence. This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>population of UCB’s California resident students has become increasingly diverse during this same period. The inescapable conclusion is that admitting more qualified California-resident students will increase diversity in the student body, which is something that can be accomplished without increasing overall enrollment.</p> <p>As noted above, a project’s stated objectives must be supported by substantial evidence; here, there is no evidence, only conjecture. Moreover, given UCB and UC administrators actions and comments in the past regarding enrollment increases, it seems likely that the true purpose and objective of the proposed enrollment increase has not yet been disclosed, namely, to raise funds by increasing non-resident enrollment, which now is dependent on also raising resident enrollment.</p>	
B10-34	<p>1.2.12 Lead Agency Fails to Discuss Sufficiently for CEQA Purposes Environmental Impacts Directly Resulting from Population Increase; Instead, It Focuses on Impact of Increased Development</p> <p>By and large, the DEIR focuses on the environmental impacts of building construction (construction activities, demolition of existing structures, and impacts from new buildings) rather than the impacts of the draft LRDP’s large, proposed population increase. See DEIR Table 2-2 (only mentions “population” four times, namely AIR-1, POP-1, POP-5, POP-6). The lead agency does not explain its rationale for ignoring the impact the addition of so many people to an already densely populated area will have on, to mention only a few, volume of waste (including waste collected by the City of Berkeley at non-UCB off-campus sites) and increased traffic and use of Parks and Nature Trails etc. Each type of impact should be considered in light of the population increase, not just the increased planned building.</p>	<p>The comment incorrectly states that the Draft EIR does not address the impacts of the increased population. Please see Master Response 8, Population Projections. As described in Chapter 5.15, the transportation impact analysis, which is primarily based on VMT, is directly based on the expected increases for the various population groups at UC Berkeley. Similarly, other impact topics, such as air quality, GHG, and noise, that use transportation metrics as an input also account for the population increase expected under the LRDP Update. Analysis of impacts in other environmental categories such as parks and recreation (Draft EIR Chapter 5.14, Parks and Recreation) public services (Draft EIR Chapter 5.13, Public Services) and solid waste (Draft EIR Chapter 5.17, Utilities and Services Systems), among others, is also based, at least in part, on population projections. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Where UC Berkeley staff, students, and faculty reside on non-UC Berkeley properties, the environmental review for those developments would reflect the impacts related to solid waste, parks and recreation, and transportation, and other environmental topics.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-35	<p>1.2.13 Lead Agency Fails to Consider Reasonable Alternatives to Population Increase</p> <p>Because it wrongly assumes and asserts that UCB’s student enrollment must increase, the Lead Agency did not provide a reasonable alternative to the proposed large population increase. Pursuant to 14 CCR 15126.6, one of alternatives that should be considered is keeping the status quo. In this case, the status quo would be to keep UCB’s population steady at the current enrollment number. [footnote 61] That option does not appear to have been discussed. (NB: lack of specific details and variances and inconsistencies between the DEIR’s text, its tables, and its supporting appendices make it difficult to assess the specifics of the alternatives that were examined.)</p> <p><i>Footnote 61: DEIR’s failure to provide baseline data on the environmental impact of the current student and “other affiliate” users on the “area” of Berkeley (and other satellite campuses where UCB operates) means that the evaluation of the status quo alternative(s) is incomplete and unreliable.</i></p> <p>While the statute does not require that all reasonable alternatives be considered, it does require that alternatives sufficient to contribute to the public debate over the proposed plans be provided. This is called the “rule of reason,” which the statute describes as follows: The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible</p>	<p>The commenter incorrectly states that the LRDP Update asserts that student enrollment must increase. As described in the Draft EIR (see page 3-1 and 3-2), the LRDP Update itself does not set a maximum population limit or target. The LRDP Update is a long range planning document.</p> <p>The buildout horizon year of the 2036-37 school year is only for the purposes of providing the basis for identifying the development needed to accommodate projected enrollment and UC Berkeley population growth through a defined period and evaluating the associated long-range environmental impacts in this EIR. As such, while the proposed LRDP Update is intended to accommodate changes in UC Berkeley population, UC Berkeley does not control its population through implementation of its LRDP but rather the undergraduate student population is mandated by the State. Please see Master Response 6, LRDP and LRDP Implementation and Master Response 8, Population Projections.</p> <p>With respect to the commenters opinion about the evaluation of alternatives to the proposed project, please see Master Response 18, Alternatives.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.</p> <p>Here, one obvious and reasonable alternative to the enrollment increases and attendant staff and faculty hiring that UCB intends to impose in the comparatively small section of UCB's real estate --represented by the proposed LRDP geographic area (described below) --would be (a) to divert some of the students and faculty to other UCB satellite campuses such as the Berkeley Global Campus and/or Moffatt Field; and/or (b) to accommodate some students in the numerous alternate student housing available to UCB students at facilities outside the proposed LRDP area, including Mills College (which would seem to soon be able to offer all or almost all of its current dorm space to UCB students pursuant to existing arrangements with UCB), the University Village, and the Intersection buildings in Emeryville, all of which are discussed below. Moving the large number of new UCB students to areas outside the constrained LRDP area (which is discussed below) would be both a realistic alternative and a reasonably available mitigation measure. The DEIR's failure to consider this option is unreasonable in light of the availability of these other sites -- particularly the immediate availability of student housing at Mills College—and consequently CEQA's requirements have not been satisfied.</p>	
B10-36	<p>Another alternative to increasing enrollment at UCB is to divert students to other UC institutions/campuses. If the Lead Agency has demographic data and projections showing that the overall UC enrollment is required to increase (by operation of state's Master Education Plan) approximately 1% or more per year, then they have the ability to divert students to other UC campuses. Various evaluations conducted by, among others the State Auditor, have all concluded that there is sufficient capacity in the UC system to absorb several projected generations of California resident high school seniors. This capacity at other campuses makes diversion a reasonable alternative that was not considered by the Lead Agency.</p>	Please see Master Response 18, Alternatives, for a discussion of off-site locations.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-37	<p>A third, and equally reasonable alternative to increasing overall enrollment, is to decrease non- resident enrollment at UCB so that more in-state residents can enroll. In this way, an increased number of resident students could be accommodated while eliminating the impacts of a large overall population increase. That alternative was not studied.</p> <p>These are but three examples of alternatives that were not explored and that under the rule of reason were both obvious and reasonable. Before issuing a its final EIR, these alternatives should be considered.</p>	<p>Please see Response to B10-35. Please see Master Response 18, Alternatives.</p>
B10-38	<p>1.2.14 Meaningful Mitigation to Increased Population Not Addressed</p> <p>Because the environmental effects are not accurately captured in the DEIR, the mitigation measures are likewise unsatisfactory and inadequate. Indeed, the primary mitigation measure appears to be essentially follow-sustainability-and-transportation-plans to reduce waste and emissions. As UCB has so far failed to meet the goals of its sustainability and transportation plans, the DEIR’s proposal that mitigation will be provided by UCB reaching those goals (with a larger population) seems unreasonable.</p> <p>The Lead Agency is legally required to evaluate and provide reasonable mitigation measures. As the court has explained: When enacting CEQA, the Legislature made clear its intention that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (§ 21002). Accordingly, public agencies are required by CEQA to prepare an EIR that, among other things, provides the public with “detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (§ 21061; see Guidelines, § 15003, subs. (b)–(e).) Where</p>	<p>The commenter asserts that the mitigation measures in the Draft EIR are inadequate. The commenter provides no substantial evidence to support their assertions. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 5, Mitigation.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>project alternatives or mitigation measures are not feasible, the EIR must set forth that there are overriding considerations that render the unmitigated effects outweighed by the project’s benefits. (Guidelines, § 15093.) In this way, the public is adequately informed of the agency’s reasoning in deciding that an environmentally significant action should either be approved or rejected and can thus hold the agency accountable for its decision. [footnote 62]</p> <p><i>Footnote 62: California Oak Foundation v. Regents of University of California, 188 Cal. App. 4th 227, 260, 115 Cal. Rptr. 3d 631, 655-656, 2010 Cal. App. LEXIS 1555, *49-51 (citing (Laurel Heights I, supra, 47 Cal.3d at p. 392.)</i></p>	
B10-39	<p>1.2.15 UCB Will Receive Increased Federal Funding Based on Increased Population but Has Failed to Demonstrate Compliance with Applicable Federal Laws</p> <p>As described further below, UCB receives significant federal funding directly and indirectly. One of the key categories of federal funds it receives is federal student financial aid. Some of this aid is used by UCB (and like institutions all around the country) to pay students’ housing costs. As the relevant federal website explains:</p> <p>Grants and Student Loans Typically, the school first applies your grant or loan money toward your tuition, fees, and (if you live on campus) room and board. Any money left over is paid to you directly for other education expenses. If you get your loan money, but then you realize that you don’t need the money after all, you may cancel all or part of your loan within 120 days of receiving it and no interest or fees will be charged.</p> <p>Work-Study Your school must pay you directly unless you request that the school</p>	<p>The commenter incorrectly asserts that UC Berkeley is required to comply with NEPA as part of the environmental review process for the proposed project. Please see Master Response 19, Evaluation of the Use of Federal Funds.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<ul style="list-style-type: none"> ● send your payments directly to your bank account or ● use the money to pay for education-related charges (e.g., tuition, fees, room and board) on your student account. [footnote 63] 	
	<p><i>Footnote 63: https://studentaid.gov/complete-aid-process/receive-aid</i></p>	
	<p>Records pertaining to Project 1 – including the MOU and operating agreements – make clear that the rental income from student housing will be used to support that building’s on-going operation and maintenance. Currently 27% of UCB undergraduates are Pell Grant recipients [footnote 64] and many more receive other federal monies that are received by UCB to pay for their room and board. UCB’s direct and indirect acceptance of federal funds will certainly continue during the next LRDP period. The capital budgeting, strategy and planning documents issued in connection with the projects and other UCB future plans make clear that this federal funding will be used to operate and maintain these new buildings including, specifically Project 1.</p>	
	<p><i>Footnote 64: https://financialaid.berkeley.edu/types-of-aid-at-berkeley/grants/federal-pell-grant/</i></p>	
	<p>Because federal funding will be used to operate these projects, particularly the student housing projects, the Lead Agency is required to comply with federal statutory and regulatory requirements. These requirements include contemplating admitting more students receiving federal funding to pay for student housing. In short, the Lead Agency’s DEIR must not only comply with CEQA, but it must also comply with the National Environmental Resources Act in its DEIR concerning its planned enrollment increase and consequent student housing building spree. Likewise, it must comply with the National Historic Preservation Act when its projects involve the demolition of national landmarks or national landmark eligible properties such as the UC Garage and the</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-40	<p>Anna Head School. The Lead Agency should provide the necessary information, evidence, and discussion required to satisfy federal law in its final EIR.</p> <p>1.3 BAHA's Questions</p> <p>In conjunction with issuing its final EIR, the Lead Agency should answer the following questions (Note: "population increase" as used herein covers actual individuals, not FTE, and includes all categories of campus users including but not limited to students (undergraduate, graduate, enrolled, part-time, visiting, auditing); individuals who attend class via the UCB extension program or at other locations; individuals who attend UCB classes remotely; staff (employees, contractors, independent contractors, contractor employees) and faculty (part-time, full-time, and temporary, and teaching assistants (if not counted as graduate students) and visitors (including but not limited to visiting researchers, scholars, regular event ticket holders, and other regular facility users)):</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses B10-41 through B10-61.</p>
B10-41	<p>Question 1.1.: For each of the years that the draft LRDP will be in effect, what is the projected number resident (California) high school graduates who must be granted admission to the University of California (all UC schools) pursuant to the minimum requirements of the State's Master Plan for Education?</p>	<p>This comment poses a question that is not germane to the environmental analysis. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please see Master Response 8, Population Projections.</p>
B10-42	<p>Question 1.2: With respect to Your answer to the previous question, what if any steps have you taken to take into account any population shifts since the advent of the Covid-19 Pandemic (i.e., families with young families leaving the state)?</p>	<p>See Response B10-41.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-43	Question 1.3: For each of the years that the draft LRDP will be in effect, what is the capacity of other UC campuses (other than UCB) to admit the numbers of students listed in response to Question 1.1?	This comment requests information regarding other UC campuses and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-44	Question 1.4: Do the UC Regents believe that no other campuses in the UC System have or will have the capacity to absorb the number of students proposed to be allocated to UCB under the proposed UCB LRDP for the years covered by the LRDP period and in the numbers the LRDP predicts will be enrolled at UCB? If so, what is the basis for that belief?	This comment requests information regarding other UC campuses and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-45	Question 1.5: Is the proposed increase in enrollment at UCB proposed in the Draft LRDP “Update” in whole or in part based upon a need for increased student fee revenue? If so, please provide details including the projected amount of increased fee revenues and basis for the need for these funds.	The comment requests information regarding fiscal decisions at UC Berkeley and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, where it describes that CEQA does not require analysis of economic issues. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-46	Question 1.6: Does increased fee income from more students have any role in the Lead Agency’s decision to increase enrollment at UCB? If so, please explain.	The comment requests information regarding fiscal decisions at UC Berkeley and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
		Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, where it describes that CEQA does not require analysis of economic issues. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-47	Question 1.7: In connection with the draft LRDP or DEIR, have you made any estimates or projections as to income from student fees during any of the years covered by the draft proposed LRDP? If so, please provide.	The comment requests information regarding fiscal decisions at UC Berkeley and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, where it describes that CEQA does not require analysis of economic issues. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-48	Question 1.8: How many currently enrolled UCB students received Pell Grant funding in the 2019-2020 and 2020-2021 school years (by percentage of total undergraduates and in absolute numbers)?	The comment requests information regarding student tuition financing at UC Berkeley and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 19, Evaluation of the Use of Federal Funds. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-49	Question 1.9: How many currently enrolled UCB transfer students received Pell Grant or other federal student financial aid in the 2019-2020 and 2020-2021 school years (by percentage and in absolute numbers)?	The comment requests information regarding student tuition financing at UC Berkeley and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 19, Evaluation of the Use of Federal Funds. The

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
		comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-50	Question 1.20: how much money does UCB project that it will receive from Pell Grants (including Pell Grant monies used to pay for UCB student housing) during the period covered by the draft LRDP?	The comment requests information regarding student tuition financing at UC Berkeley and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 19, Evaluation of the Use of Federal Funds. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-51	Question 1.21: Does UCB collect rent or other income with respect to the student housing for which it has master leases? Are any of these monies Pell Grant funds?	The comment requests information regarding student tuition financing and housings costs at UC Berkeley and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 19, Evaluation of the Use of Federal Funds. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-52	Question 1.22: What is the current total population of UCB by category and status (FT; PT etc.)? Please provide detailed data including source of data, location, date of data, and category information.	The comment requests a level of specific information that is not germane to the environmental evaluation and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Please also see Master Response 8, Population Projections, which provides additional details regarding the student headcount used in the Draft EIR.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-53	Question 1.23: What is the current population of contract workers regularly working at UCB sites? Please provide source and date of data, work locations, and categories of workers. To the extent different individuals perform the tasks of one contract position (i.e., a daily janitor position rotated between three contract employees), please indicate that information in your responses.	The comment requests a level of specific information that is not germane to the environmental evaluation and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-54	Question 1.24: What is the total expected population increase contemplated with regard to UCB at all locations, by category and status (FT; PT etc.)?	The comment requests a level of specific information that is not germane to the environmental evaluation and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 7, EIR Study Area. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-55	Question 1.25: If UCB exceeds its enrollment projections in the period covered by the draft LRDP “Update” by the same margins that it has exceeded the projections of the existing 2020 LRDP, what will the total population increase, by category, be?	The comment requests hypothetical information that is not available and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-56	Question 1.26: With respect to your answer to the prior question, how does the increase of students (in absolute numbers) compare with the present population of Harvard College and Yale College?	This comment requests information regarding other universities and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	Question 1.27: How many of the individuals referenced in response to the Question 1.25, will or are expected to commute distances of over 2 miles on a regular basis? Please provide the source and basis of your estimated projection(s) and the expected travel distances by category and expected single-trip or round-trip mileage.	does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-57	Question 1.27: How many of the individuals referenced in response to the Question 1.25, will or are expected to commute distances of over 2 miles on a regular basis? Please provide the source and basis of your estimated projection(s) and the expected travel distances by category and expected single-trip or round-trip mileage.	The comment references data requested in Comment B10-55. As stated in Response B10-55, the commenter is requesting hypothetical information that is not available. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-58	Question 1.28: How many individuals referenced in response to the Questions 1.25 and who are expected to commute distances of over 2 miles on a regular basis will be using GHG emitting vehicles (including a shared van, personal non-electric vehicles, campus provided buses or shuttles, and private ride services such as taxis, Uber or Lyft). Please provide the source of the data used and the basis of your projections.	The comment references data requested in Comment B10-55. As noted in Response B10-55, the commenter is requesting hypothetical information that is not available. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-59	Question 1.29: What is the projected VMT for the population covered by the prior question?	The comment references data requested in Comment B10-55. As noted in Response B10-55, the commenter is requesting hypothetical information that is not available. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-60	Question 1.30: Will the current AQI for the residential areas around UCB's Berkeley locations be impacted by additional GHG emissions produced by the contemplated population increase?	comment raise a new environmental issue. No response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-61	Question 1.31: If UCB exceeds its enrollment projections in the period covered by the draft LRDP "Update" by the same margins that it has exceeded the projections of the existing 2020 LRDP, how will the projections provided in response to the prior two questions differ? Please explain.	The comment requests hypothetical information that is not available and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
B10-62	LRDP and DEIR GEOGRAPHIC AREA (LAND USE AND PROJECT SCOPE) 2 The Area Covered by the LRDP and DEIR Is Improperly Constricted and Erroneous Under CEQA: BAHA's Comments and Questions 2.1 DEIR's Discussion of Project Scope	This comment expresses an opinion about the EIR Study Area and incorrectly asserts that the EIR Study Area is improperly constricted. Please also see Master Response 7, EIR Study Area.
	The Lead Agency constrained the LRDP and DEIR [footnote 65] "project" to only a portion of UCB owned and/or controlled property. The area covered by the DEIR (and LRDP) is indicated below and includes the	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

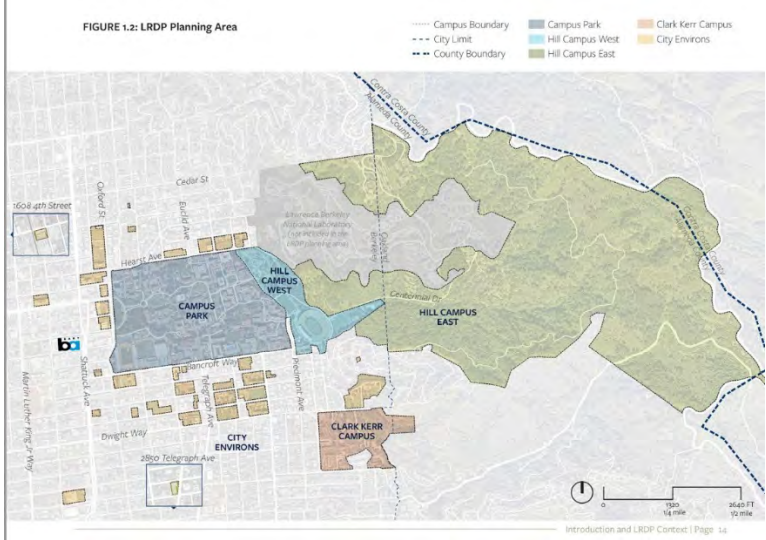
Letter/ Comment #	Comment	Response
	<p>“Campus Park” and the contiguous Hill Campuses (Hill Campus West and Hill Campus East). It also includes the satellite Clark Kerr campus and so-called Campus Environs satellite sites. It does not include many properties owned and/or leased by UCB, including other satellite campuses and housing sites in the Bay Area such as the Berkeley Global Campus (f/k/a the Richmond Field Station), the Albany Gill Tract (f/k/a University Village), Moffett Field, and the new Freshman campus at Mills College. Similarly it includes some individual sites – i.e., single parcels, structures, or lots – such as People’s Park, Anna Head School, and a large shared services building on 4th Street in West Berkeley but omits others such as the recently donated student housing buildings in Emeryville (f/k/a “the Intersection”). Strangely, the “Core Campus” is meaningfully different than that detailed in the New Century Plan, [footnote 66] which took a more expansive view of what constituted the core campus – including for example the Oxford Tract, the Blocks to the West of the Campus along Oxford and to the South beyond Bancroft.</p>	
	 <p>The map, titled 'FIGURE 1.2: LRDP Planning Area', shows the geographical layout of the University of California, Berkeley campus. It includes a legend with the following categories: Campus Boundary (dotted line), City Limit (dashed line), County Boundary (dash-dot line), Campus Park (blue shaded area), Hill Campus West (light blue shaded area), Hill Campus East (green shaded area), Clark Kerr Campus (orange shaded area), and City Environs (yellow shaded area). The map shows Campus Park in the center, Hill Campus West to its east, Hill Campus East further east, and the Clark Kerr Campus to the south. City Environs are scattered around the main campus areas. Major streets like Oxford St, Bancroft Way, and Telegraph Ave are labeled. A scale bar at the bottom right indicates 0, 14, and 28 miles.</p>	
	<p>Footnote 65: The EIR Notice promulgated on or about April 2020, states:</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>“The planning area for the LRDP Update and associated EIR is shown in Attachment A, Figure 1 and includes properties owned by the UC Regents located within the City of Berkeley, as well as areas of the Hill Campus located within the City of Oakland and a portion of land located in unincorporated Contra Costa County. Specifically, the LRDP Update Planning Area includes the Campus Park, which is bounded by the hills to the east, Hearst Avenue to the north, Oxford Street to the west, and Bancroft Way to the south; the Hill Campus, which extends east from the Campus Park; campus environs north of the Campus Park to Ridge Road, west of the Campus Park to Shattuck Avenue, and south of the Campus Park to Dwight Way; the Clark Kerr Campus southeast of the Campus Park; and several satellite properties located within the City of Berkeley.”</i></p> <p><i>https://files.ceqanet.opr.ca.gov/261038-2/attachment/83aRFnu5KQLoGKXuhAKdyeGllDOWqtH9mr-3la1XB25S9xPb8AbfVnMxhjF8HU5PdZK4D94cpomllHy70</i></p> <p><i>Footnote 66:</i></p> <p><i>https://capitalstrategies.berkeley.edu/sites/default/files/pep_cpd_ncp.pdf</i></p> <p>The DEIR does acknowledge UCB owns considerable additional property: “UC Berkeley–owned properties outside of the EIR Study Area include the University Village in the city of Albany, the Richmond Field Station in the city of Richmond, and various properties lying entirely outside the city of Berkeley, including numerous research reserves, field stations, and experimental forests throughout California.” It explains that it did not examine these properties because, “These areas are outside of the scope of the proposed LRDP Update because they are sufficiently distant from the Campus Park and its environs and, therefore, they are not evaluated in this EIR.”</p> <p>The DEIR divides up the LRDP area into zones and summarizes the total projected construction and development within these zones as follows:</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/
Comment #

Comment

Response

TABLE 5-14 PROPOSED LRDP UPDATE BUILDOUT PROJECTIONS

Zones	Building Square Footage					Students			Faculty/Staff
	Total	Residential ^a	Academic Life ^b	Campus Life ^c	Parking	Beets	Parking Spaces ^d	Undergrads	
Existing Conditions 2018-19									
Campus Park	837,072	—	7,310,084	979,532	341,686	—	1,992	—	—
UCB Campus West	98,479	473,658	3,487	444,881	—	12,022	407	—	—
UCB Campus East	378,713	—	312,074	4,699	—	—	295	—	—
Clark Kerr Campus	422,434	305,913	75,774	29,317	—	1,000	227	—	—
City Owned Properties ^e	4,430,794	1,348,175	2,193,899	432,521	228,314	—	5,053	5,053	—
Total	14,914,967	2,028,286	9,895,901	1,994,210	1,095,000	30,000	8,340	25,823	9,776
Market Year 2028-29									
Campus Park	11,205,371	—	9,246,038	1,462,044	509,000	—	1,673	—	—
UCB Campus West	391,609	473,658	3,487	444,881	—	12,022	407	—	—
UCB Campus East	378,713	—	312,074	4,699	—	—	295	—	—
Clark Kerr Campus	1,393,500	792,750	72,754	112,070	45,000	3,944	299	—	—
City Owned Properties ^e	4,227,388	1,480,070	2,346,884	364,230	1,031,000	15,880	5,368	—	—
Total	23,014,261	3,832,328	12,180,439	2,484,809	1,997,000	20,751	8,663	25,000	19,000
Net Change									
Campus Park	3,833,399	—	1,936,054	482,712	190,000	—	311	—	—
UCB Campus West	213,130	—	—	—	—	—	—	—	—
UCB Campus East	99,000	—	—	—	—	—	—	—	—
Clark Kerr Campus	383,091	418,837	—	82,753	45,000	2,944	22	—	—
City Owned Properties ^e	4,485,719	1,332,214	1,153,785	351,944	843,000	13,937	1,075	—	—
Total	8,994,239	1,832,042	2,189,839	934,697	1,088,000	14,771	1,307	5,000	3,414

Notes: (1) This table pertains to the UC Berkeley proposed plan and is based on the UC Berkeley LRDP Planning Area as shown in Figure 5-2. LRDP Study Area.
 (2) Residential use includes faculty, student, and family housing. (3) Academic life is based on the existing 1980s plan for use by UC Berkeley.
 (4) Academic life use includes administrative, classroom, 360, and research space. (5) Academic life use includes academic, administrative, and other miscellaneous space.
 (6) Campus life use includes residence, athletic, recreation, wellness, space, assembly, and expansion facilities, dining facilities, and social space.
 (7) Parking, beets, and other facilities include both structured and unstructured parking.
 (8) The City Owned Properties include the proposed housing Projects 1b and 1c.
 Source: University of California, Berkeley, and the relevant plans.

The DEIR also acknowledges that in addition to these Proposed LRDP Update Buildout Projections, UCB is presently engaged in other construction and development projects on other UCB properties both inside and outside the draft LRDP/DEIR area. These “other” projects are reflected in this chart:

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

TABLE 5-3 PENDING UC BERKELEY PROJECTS

Campus Zone	Project Name	Description	Construction/ Implementation	
			Start	Finish
Outside of EIR Study Area (Albany)	Albany Village Grad Student Housing	Approximately 700 single bedrooms in apartments for graduate students in 6-story building with 275 parking spaces.	September 2022	August 2024
City Environs Properties	Bakar BioEnginuity Hub Incubator Space	Full-service life science incubator with private labs, wet, and dry open lab benches for faculty and student start-up researchers; preserves Woo Hon Fai Hall	March 2020	July 2021
Clark Kerr Campus	Beach Volleyball	Development of the beach volleyball complex and partial demolition of Building 21, which is approximately 8,000 square feet	June 2022	December 2022
Hill Campus East	Centennial Drive Bridge Replacement	Replacement of structurally deficient bridge on Centennial Drive. New overcrossing and re-route of Centennial Bridge, in partnership with Lawrence Berkeley National Laboratory	November 2021	November 2023
Outside of EIR Study Area (Emeryville)	Intersection Graduate Student Housing + Commercial Space	105 graduate student units.	Underway	December 2020
Campus Park	Law Library Stack Conversion	145,000 square feet of newly usable space	Not yet determined	Not yet determined
Campus Park	Moffitt Library Center for Connected Learning	Renovation of three lower floors of the library	February 2022	July 2023
Campus Park	Moffitt Library Seismic Retrofit	Seismic corrections.	May 2021	January 2022
Outside of EIR Study Area (Emeryville)	Optometry Surgery Center @ Intersection	New combined community clinic and continuing education facility in an existing commercial building	Not yet determined	Not yet determined
Hill Campus West	Softball New Stadium	Demolition of all existing facilities and construction of an NCAA-compliant field with a 1,500-seat capacity	June 2021	June 2022
City Environs Properties	Upper Hearst	Faculty housing and Goldman School of Public Policy expansion	Not yet determined	Not yet determined
Campus Park	Weill Hall Neurohub	Renovation of several areas of Weill Hall (formerly LSA) to create the physical center of Weill Neurohub East	Not yet determined	Not yet determined
Hill Campus East	Wildland Vegetative Fuel Management Plan	Plan intended to provide guidance to implement projects that reduce wildfire risk	Summer 2021	Not yet determined

Source: University of California, Berkeley, 2020.

Needless to say, collectively the draft LRDP projects and the Table 5-3 “other” UCB projects constitute a large amount of construction and development. In addition to the construction captured in these two tables, as explained below, UCB has even more property currently being used regularly by UCB students, staff and faculty (Mills College, the London campus) and even more under development and/or lease.

B10-63

2.2 BAHAs Comments

This comment expresses an opinion about the EIR Study Area and incorrectly asserts that the Draft EIR needs to consider projects that

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The DEIR’s explanation that all of UCB’s property was not included in the DEIR is unpersuasive. The first claim – that this “other” property is outside the LRDP area -- of course begs the question as to why these other properties – together with numerous leased properties in Berkeley and Mills College in Oakland – were not included in the LRDP as they are used and will be used by UCB students who also study at and commute to Campus Park. It is also worth noting that according to google maps, the (included) 4th Street Shared Services building is 3.8 miles from UCB’s Sather Gate while the Intersection apartment building in Emeryville (not included) is 3.6 miles from Sather Gate.</p>	<p>are governed by other plans and have undergone separate environmental review. The comment also incorrectly asserts that the Draft EIR did not properly define the geographic scope of the LRDP and the projects in the Draft EIR. The geographic scope is clearly illustrated and described in Chapter 3, Project Description, of the Draft EIR, in Section 3.4, EIR Study Area. Please also see Master Response 7, EIR Study Area.</p>
	<p>Clearly something other than distance motivated the exclusion of these numerous other properties. Because the failure to include these other properties is unreasonable and the proffered explanation patently erroneous, the Lead Agency’s decision to limit the draft Proposed LRDP Update area and the DEIR study area so as to exclude important satellite campuses and sites is unsupported and unsupportable under both the CA Public Education Code/Public Resources Code and CEQA. By failing to describe all plans to develop UCB properties in these documents and to discuss how the projects in the different geographic areas are related to those for the proposed LRDP area, both the LRDP and the DEIR fail to fulfill their legally required purposes. The Lead Agency should rectify these omissions in its final EIR.</p>	
	<p>Significantly, BAHA is NOT proposing that the satellite campuses that are the subject of separate LRDPs need to be re-presented as separate projects for full CEQA evaluation in this DEIR – although that may have been the most prudent way for the Lead Agency to proceed. What we are saying is that to discuss the impacts of the proposed population increase and construction projects properly as required under CEQA, the Lead Agency must provide in its LRDP a full and complete picture of all of the UCB properties and discuss all of those under active planning and</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>development or identified for development and/or demolition. Among other things, the public needs to know how many of the new students, staff and faculty will working in various UCB locations so that it can assess the amount of commuting that will be occurring as well as the distances being covered in these commutes.</p>	
	<p>A perfect example of how integral this missing information is to the assessment of the DEIR is the recent announcement that UCB was establishing a campus-within-a-campus at Mills College for Freshmen. Because no specific details were provided in the press reports or releases and the Mills College plan was not even hinted at in the LRDP, the public is left wondering how many students will be housed and taught at the Mills College Campus and what, if any, impact this change will have on the purported acuity of the UCB student housing shortage. Indeed, the DEIR effectively acknowledges the incompleteness of the LRDP's Land Use Planning Discussion:</p> <p>The potential areas [for development or redevelopment] . . . provide a menu of possible options that UC Berkeley has to accommodate potential growth and changes. . . . [P]otential future development would be primarily focused on intensive and strategic use of existing UC Berkeley-owned land through determinations of where UC Berkeley can remodel, relocate, densify, or expand current facilities. UC Berkeley may acquire and/or develop additional properties during the EIR buildout horizon that implements the proposed LRDP Update to meet UC Berkeley's physical space needs. While such additional acquisition and/or development would be focused on adjacency or proximity to existing UC Berkeley properties like those shown in Tables 3-2, 3-3, and 3-4, some sites could potentially be located further away.</p>	
	<p>An accurate, stable and finite project description is the “sine qua non of an informative and legally sufficient EIR.” [footnote 67] The term “project” is broadly construed to ensure that environmental review under CEQA includes all components of the activity that may harm the</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>environment, to avoid “the fallacy of division,” which is “overlooking [a project’s] cumulative impact by separately focusing on isolated parts of the whole.” [footnote 68] Environmental considerations may not be submerged by chopping a single CEQA project into smaller parts for piecemeal assessment. [footnote 69] Rather, “the whole of an action” or the entire activity for which the approvals are being sought must be considered by the agency. (Guidelines § 15378(a), (c).) Also, EIRs must evaluate the environmental impacts of reasonably foreseeable future activities associated with the project where these activities may contribute to significant environmental effects. [footnote 70] Here, the Lead Agency clearly did not properly define the geographic scope of the LRDP and the projects in the DEIR. Further, as noted in the prior section, the DEIR’s discussion of the Projects’ “cumulative” impact with the Table 5-3 projects is incomplete and not adequately supported.</p> <p><i>Footnote 67: County of Inyo, supra, 71 Cal.App.3d at 192-193.</i> <i>Footnote 68: McQueen v. Board of Directors (1988) 202 Cal.App.3d 1136, 1144.</i> <i>Footnote 69: Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263, 283-284.</i> <i>Footnote 70: Laurel Heights I, supra, 47 Cal.3d at 395-396.</i></p>	
B10-64	<p>2.2.1 Satellite Campuses and Sites Should Have Been Included and (at the Very Minimum) Discussed</p> <p>Public statements made by the Chancellor and other UC officials make clear the University’s intent to use and develop these “other” properties as integral parts of UCB. [footnote 71]</p> <p><i>Footnote 71: https://www.dailycal.org/2018/05/14/chancellor-carol-christ-announces-campus-will-build-sites-listed-housing-task-force-report/</i></p>	<p>This comment expresses an opinion about the EIR Study Area and misunderstands the purpose of the LRDP and the Draft EIR. Please also see Master Response 6, LRDP and LRDP Implementation, and Master Response 7, EIR Study Area.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------



Under the circumstances, it was unreasonable for the Lead Agency to fail to discuss these locations in the LRDP and DEIR in a meaningful way.

While it makes reference to some of UCB’s pending projects outside and inside the LRDP area, none of them are meaningfully discussed. For example, it provides summary table 5-3. Although it is helpful to know that, for example, that there are numerous student housing projects already underway, it is incomplete. Moreover, the fact that the LRDP provides purported baseline student housing numbers and housing projections without reference to these new substantial housing resources is problematic. The public will have no idea – without comparing this table, the draft LRDP and the planning documents for the other housing sites – how many units/beds will actually be created and how any new housing complex proposed in the projects will actually reduce housing needs. It is also hard to discuss the size of the projects – particularly Project 1 and 2 – to evaluate whether smaller, less impactful structures could be constructed.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Moreover, the construction proposed by the LRDP and the construction being undertaken in the same geographic area as part of the projects listed in Table 5-3 could have substantial cumulative negative environmental impacts that are not adequately discussed in any DEIR or EIR. The DEIR basically concludes that cumulative impacts are not material. However, that conclusion is not supported. As discussed below, the wildlife vegetative fuel management plan that is set to take place beginning in Summer 2021 will have great impacts on UCB's natural resources – natural resources within the proposed LRDP area in the Hill Campus. The failure to include details about the expected impacts of this other project means that the cumulative impacts of this draft LRDP plan and the existing fuel management LRDP are not examined, as they must be under CEQA.</p>	
	<p>UCB is required by statute to provide a complete long range development plan for each campus. As used in the statute, which was enacted before satellite campuses were as prevalent as they are today, a “campus” means a single institutional member of the UC System, such as UC Santa Cruz, UC Irvine, or UC Berkeley. The legislature clearly contemplated that each university unit encompassed more than just the main campus [footnote 72] and intended that the general planning document – the long-range development plan – cover all plans being undertaken by a given UC university for its property, including so-called off-site locations and branch campuses. See CA Pub Ed. Sec. 94819 (“Branch campus” means a site other than the main campus or a satellite location.”)</p>	
	<p><i>Footnote 72: CA Pub Ed. Code. Sec. 94849 (“Main campus” means the institution’s sole or primary teaching location.”). See also sec. 94862 (“Satellite location” means an auxiliary classroom or teaching site within 50 miles of the branch or main location.”) and sec. 94865 (“Site” means a main or branch campus or satellite location.”)</i></p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The “project” in an EIR must encompass all actions that the Lead Agency plans to undertake: [A]n EIR must consider the “whole” of an action. “‘Project’ means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: [¶] (1) An activity directly undertaken by any public agency” (Cal. Code Regs., tit. 14, div. 6, ch. 3 (CEQA Guidelines), § 15378, subd. (a), italics added.) Here, while the City’s decision was whether to propose an SOI amendment, the “whole” of the action included the Regents’ request for extraterritorial services and LAFCO’s decision on both the proposal and the request. Thus, the EIR was required to consider all of these actions. [footnote 73]</p>	
	<p><i>Footnote 73: Habitat & Watershed Caretakers v. City of Santa Cruz, 213 Cal. App. 4th 1277, 1297, 152 Cal. Rptr. 3d 888, 905, 2013 Cal. App. LEXIS 128, *36-37</i></p>	
	<p>Because an LRDP for a university is intended to be comprehensive and forward-looking, an EIR for such a comprehensive plan must be based on complete information about the Lead Agency’s plan, not select glimpses of it. After all: The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project. CA Pub. Resources Code § 21061 (italics added). The Regents took this comprehensive approach in their LRDP for UC San Diego, which included satellite areas, including this wording in the project’s geographic description: Several non-continuous properties are also included in the campus LRDP,</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>including the La Jolla del Sol housing complex (12 acres), surrounding beach properties consisting of the Audrey Geisel House and an adjacent coastal canyon and beachfront parcel (25.8 acres), the Gliderport, the Torrey Pines Center, and recently acquired Torrey Pines Court (41 acres). [footnote 74]</p>	
	<p><i>Footnote 74: https://www.ucop.edu/operating-budget/_files/legreports/17-18/ucsd_Irdpeirlegreports_o8o818.pdf</i></p>	
	<p>That earlier approach – to include plans for all relevant campuses of a single university institution – was the correct approach and should have been followed by the Lead Agency here. The Lead Agency’s failure to include existing and expected sites where UCB students are expected to study (i.e., where classrooms are present or will be built) and/or live, violates the letter and spirit of CA Ed. Code, the CA Public Resource Code and is not reasonable under the circumstances under CEQA [footnote 75] and other governing laws: [sic]</p>	
	<p><i>Footnote 75: In Whitman v. Board of Supervisors (1979) 88 Cal. App. 3d 397 [151 Cal. Rptr. 866], an EIR was prepared regarding an application for a conditional use permit to drill a single exploratory oil and gas well in an area which embraced limited gas and oil operations, but was adjacent to a major oil field. The project site was also a wildlife habitat. (Id. at pp. 402-403.) The court held that the EIR was deficient because it did not make adequate reference to other existing or planned drilling in the area (Id. at p. 411) or to “the environmental impacts associated with an oil pipeline contemplated as an addition to the project.” (Id. at p. 414); San Franciscans for Reasonable Growth v. City and County of San Francisco (1984) 151 Cal. App. 3d 61 [198 Cal. Rptr. 634], held that certain EIR’s for the construction of high-rise office buildings in downtown San Francisco were deficient because they did not discuss other proposed buildings in the downtown area.</i></p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Related projects currently under environmental review unequivocally qualify as probable future projects to be considered in a cumulative analysis. In addition, even projects anticipated beyond the near future should be analyzed for their cumulative effect. [footnote 76]</p>	
	<p><i>Footnote 76: West Davis Community Ass'n v. Regents of University of California, 235 Cal. App. 3d 1033, 1041, 1 Cal. Rptr. 2d 275, 279, 1991 Cal. App. LEXIS 1277, *12, 91 Cal. Daily Op. Service 8810, 91 Daily Journal DAR 13590 (citing Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo, supra, 172 Cal. App. 3d at p. 168;)</i></p>	
	<p>Courts have made clear that “[r]esponsibility for a project cannot be avoided merely by limiting the title or description of the project” or dividing it into two parts. [footnote 77] As the court in the West Davis Community Association case against the UC Regents held, “Respondent [the UC Regents] has violated Public Resources Code section 21083, the guidelines and the case law by dividing the UCD campus project into two separate projects with separate EIR’s”. [footnote 78]</p>	
	<p><i>Footnote 77: Rural Landowners Assn. v. City Council (1983) 143 Cal. App. 3d 1013, 1025 [192 Cal. Rptr. 325]; see also West Davis Community Ass'n v. Regents of University of California, 235 Cal. App. 3d 1033, 1041, 1 Cal. Rptr. 2d 275, 279, 1991 Cal. App. LEXIS 1277, *12-13, 91 Cal. Daily Op. Service 8810, 91 Daily Journal DAR 13590</i></p>	
	<p><i>Footnote 78: West Davis Community Ass'n v. Regents of University of California, 235 Cal. App. 3d 1033, 1043, 1 Cal. Rptr. 2d 275, 281, 1991 Cal. App. LEXIS 1277, *17-18, 91 Cal. Daily Op. Service 8810, 91 Daily Journal DAR 13590</i></p>	
	<p>Addressing development at UCB across several LRDPs and DEIRs/EIRs also has the practical effect of failing to provide a comprehensive picture for UCB’s future expansion and development and diverting attention</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

from the collective environmental consequences of the overall plan. For example, the Lead Agency’s 2014 LRDP for the Berkeley Global Campus planned for the current site of the Richmond Field Station contemplates increasing site users from 300 to 10,000 but makes no provision for housing these additional users on the Richmond site. Because the Draft Proposed LRDP most recently proposed makes mention of these planned for 10,000 new users of the nearby BGC, no document (much less a comprehensive planning document) has examined where these new users will be housed. As many of the current uses of the RFS live in and commute from Berkeley, it is reasonable to suppose that many of these new 10,000 users will seek housing there as well effectively increasing the estimated population growth figures supplied by the Lead Agency in its latest draft UCB LRDP by 10,000.

Nor can the Lead Agency avoid properly defining the LRDP project scope by creating a separate parallel document – the Campus Master Plan – that is separate from and not subject to CEQA requirements. The image below purports to describe the differences between these two planning documents.

Long Range Development Plan	Campus Master Plan
DIFFERENCES	
Program-level plan (land use plan) that guides the long-term physical development of the campus	Aspirational ten-year plan with specific projects to address priorities, such as housing, sustainability, academic space
Required by law	Not required by law
Requires an Environmental Impact Report (EIR)	Does not require an EIR
Can be long term	Living document: can be short or long term
Regents approval required	Chancellor's approval required
Geography: covers all of the university's space within the City of Berkeley, plus the entire Hill Campus	Geography: includes same area as the Long Range Development Plan but may also consider strategic uses for campus sites outside of that boundary, such as University Village or Richmond Field Station.
SIMILIARITIES	
<ul style="list-style-type: none"> • Aligned with the Strategic Plan • Employ an integrated, systems-level approach • Build campus consensus around a shared vision • Strategic and prioritize investments 	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>By essentially creating a parallel planning documents – namely, the UCB Master Campus Plan, the BGC/RFS LRDP, and the various “plans” described below -- the Lead Agency seeks to avoid scrutiny of the full scope of its plans for UCB and frustrate the very reasons behind CEQA. Put another way, the Lead Agency, which is legally obligated to propound a complete Long-Range Development Plan, has failed to do so. Because it does not examine a complete, unified and comprehensive LRDP for UCB, the DEIR here fails to examine the actual environmental impacts of the Lead Agency’s plans. Indeed, it is even hard to ascertain the “area” under proper examination for the DEIR given that the Lead Agency fails to provide sufficient information as to where it expects the increased population growth and facility construction to take place. For example, if 5000 students will be housed outside Berkeley, in new housing in Emeryville, Albany and/or Moffett Field, the impacts of the increased populations will be felt in those “areas” not Berkeley, and the calculation of need (or acuity of need) for housing in Berkeley, will be different than if those 5000 students had to be housed in this city. Moreover, the DEIR fails to address much less capture the actual expected environmental impacts of the commuting between the planned-for UCB satellite campuses in the Bay Area.</p> <p>By failing to include or describe <i>all</i> reasonably foreseeable projects including those that have been budgeted-for and/or that have separate DEIRs pending or in draft, the LRDP is incomplete under CEQA and thus the DEIR is likewise legally and factually incomplete. Absent the complete development plan, it is impossible to assess – as required under CEQA – the purported necessity for destroying Cultural and Historic Resources and the cumulative impact of the proposed construction projects and enrollment increases.</p>	
B10-65	<p>2.2.2 Impossible to Assess Student Housing Needs Properly Under CEQA Without Complete Picture of Student Housing (Impact on Housing)</p>	<p>The commenter expresses an opinion regarding areas that are outside of the LRDP Planning Area. Please see Master Response 6, LRDP and LRDP Implementation, and Master Response 7, EIR Study Area. The</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																
	<p>As part of the LRDP process, UCB has thrown out conflicting figures as to the proportion of undergraduates that live in UCB housing. The 2017 Housing Task Force Report set the figure at 22%, a graphic based on 2016-2017 enrollment place the figure at 30%. None of these figures was accurate; all are underinclusive. The more specific housing data provided in the Draft LRDP (see table below) and discussed in the DEIR are likewise inaccurate and misleading. [footnote 79]</p> <p><i>Footnote 79: The Draft Housing Task Force reports sets the figure at 22% of undergraduates. x</i> https://evcp.berkeley.edu/sites/default/files/housing_master_plan_task_force_final_draft_january_2017.pdf; a report issued in connection with the LRDP stated 23%. https://capitalstrategies.berkeley.edu/sites/default/files/vc_200213_peoples_park_open_house_8.5x11_flier_fin_101.pdf</p>	<p>commenter also questions the amount of UC Berkeley housing. Please see Master Response 8, Population Projections.</p>																
	<p>TABLE 2.2: LRDP Development Program</p>																	
	<table border="1"> <thead> <tr> <th data-bbox="323 915 541 948">Program Type</th> <th data-bbox="590 915 716 948">Current Program (2018-19)</th> <th data-bbox="764 915 890 948">Net New Campus Program</th> <th data-bbox="938 915 1064 948">Potential Future Total Program</th> </tr> </thead> <tbody> <tr> <td data-bbox="323 954 541 979">Campus Space (GSF)</td> <td data-bbox="590 954 716 979">11,830,170</td> <td data-bbox="764 954 890 979">+2,552,000</td> <td data-bbox="938 954 1064 979">14,382,170</td> </tr> <tr> <td data-bbox="323 985 541 1010">Housing (Beds)¹</td> <td data-bbox="590 985 716 1010">9,020</td> <td data-bbox="764 985 890 1010">+11,730</td> <td data-bbox="938 985 1064 1010">20,750</td> </tr> <tr> <td data-bbox="323 1016 541 1040">Parking (Spaces)</td> <td data-bbox="590 1016 716 1040">6,340</td> <td data-bbox="764 1016 890 1040">+1,240</td> <td data-bbox="938 1016 1064 1040">7,580</td> </tr> </tbody> </table>	Program Type	Current Program (2018-19)	Net New Campus Program	Potential Future Total Program	Campus Space (GSF)	11,830,170	+2,552,000	14,382,170	Housing (Beds) ¹	9,020	+11,730	20,750	Parking (Spaces)	6,340	+1,240	7,580	
Program Type	Current Program (2018-19)	Net New Campus Program	Potential Future Total Program															
Campus Space (GSF)	11,830,170	+2,552,000	14,382,170															
Housing (Beds) ¹	9,020	+11,730	20,750															
Parking (Spaces)	6,340	+1,240	7,580															
	<p><small>1. This table includes UC Berkeley housing, as well as the existing 16 non-university beds at the 1921 Walnut Street site. It does not include housing or beds outside of the LRDP Planning Area, some affiliate housing, or housing that UC Berkeley provides through a master lease agreement.</small></p>																	
	<p>As always, the small print is key. The Lead Agency did not include master leased housing, “affiliate housing,” and housing or beds outside the LRDP Planning area. These are significant omissions. In addition to the housing already provided at off-site locations such as University Village and UC’s London Freshman program, UCB has obtained master leases for multiple student housing sites in the city of Berkeley. The Lead Agency should provide, before issuing a final EIR, a complete list of current UCB housing options, including master leased housing, “affiliate housing” and off-campus sits such as Mills College and the London campus. It should also</p>																	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>include all plans for all housing that it is planning to build or that reasonably can be projected to be built in the period covered by the draft LRDP.</p>	
	<p>In addition, UCB undergraduates can rent dorm rooms on the Mills College Campus in Oakland, CA. None of these arrangements are addressed in the LRDP or the DEIR. That omission potentially serves to exaggerate the housing stock currently available to UCB students as described by the Lead Agency. Neither the LRDP nor the DEIR describe the number of available residential spaces at this location in Oakland or provide any details as to the duration or nature of this residency option.</p>	
	<p>The Lead Agency’s failure to incorporate information about the Mills College dorm space is particularly noteworthy as it apparently has been in discussions with the Board of Mills College to acquire the entire campus and, although those discussions have reportedly broken down, UCB has obtained permission to operate a new campus-within-a-campus for Freshmen at Mills College, thus greatly expanding classroom and housing options for incoming UCB Freshmen. Again, the details of these plans – including the number of students who can be accommodated at that location, the duration of the agreement with Mills College, et cetera – are nowhere provided in the LRDP or DEIR. Given that students currently have and will have in at least the next few years, the options to live and take classes from UCB faculty on the Mills College Campus, it was unreasonable for the Lead Agency not to include information about those plans in the LRDP or at least assess them in the DEIR.</p>	
	<p>In addition to Mills College, UCB routinely houses some students in residences in other cities. For example, UCB offers “Berkeley Global Edge” for incoming freshman. According to collateral linked to UCB’s website, UCB has offered incoming Freshmen the opportunity to spend their first semester at a UCB-affiliate campus in London since 2015. As that website explains,</p>	
	<p>In 2015 Berkeley had a good problem — more students accepted offers of admission than could be enrolled right away. Instead of making some</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>admitted freshmen wait until spring semester to begin, UC Berkeley offered them a London option. The pilot program was so successful it has become a regular offering called Berkeley Global Edge. Coursework is developed in collaboration with Berkeley academic departments and Accent London faculty, and carefully chosen to meet first-year curricular requirements while reflecting the unique cultural context and academic resources of the host-city. [footnote 80]</p>	
	<p><i>Footnote 80: http://globaledge.berkeley.edu/locations/london; https://accentglobal.com/program-samples/freshmen-get-extra-edge/</i></p>	
	<p>Likewise, UCB permits UCB students to live and study at UC Campuses in Washington, D.C. and Sacramento. Nowhere in the LRDP or the DEIR is there data provided as to how many students historically take advantage of these off-campus alternatives and what the Lead Agency projects for usage in the future.</p>	
	<p>As noted above, in recent years UCB has devoted the majority of its capital expenditures on constructing and rehabilitating academic facilities rather than student housing, preferring to allow private developers to construct student housing at off-campus locations. [footnote 81] As a consequence, there was a surge in building of large privately funded and operated student housing buildings in Berkeley together with the conversion of older multi-unit buildings to advertised off-campus options. Here is an example of how these private developments describe themselves:</p>	
	<p><i>Footnote 81: Unfortunately, the quality of some of the privately developed off-campus student housing in Berkeley has been substantially below standards (and building code), which has resulted in several unfortunate deaths. (https://www.berkeleyside.com/2017/01/25/site-fatal-balcony-collapse-rebranded-now-k-street-flats-not-library-gardens; https://www.berkeleyside.com/tag/2020-kittredge-st;</i></p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>https://www.berkeleyside.com/2015/11/13/berkeley-balcony-collapse-contractor-used-inferior-wood-and-owner-ignored-signs-of-rot-including-mushrooms-sprouting-from-the-surface-lawsuits-allege; https://www.berkeleyside.com/2016/02/10/402-berkeley-buildings-found-to-need-fixes-after-launch-of-inspection-program-spurred-by-balcony-collapse.</p>	
	<p>Our Triples are now available for the Fall semester for \$850. Sign up in advance with our Early Bird Prices and secure them at \$795!</p>	
	<p>Located just two blocks from the UC Berkeley campus in Berkeley’s vibrant Telegraph neighborhood, Telegraph Commons provides fully-furnished private or shared dorm rooms for students. The Building offers community kitchens, spacious bathrooms, washer and dryers, and study lounges on each floor. Utilities and high-speed, fiber-optical internet are included.</p>	
	<p>Triple rooms provide the best housing value near the UC Berkeley Campus. It is one of the most affordable option for students looking to find something relatively cost effect, located just minutes’ walk from UCB, all while still enjoying the many benefits a dormitory has to offer. Each person in a triple gets their own twin-sized bed, desk, desk chair and closet. The room also includes a mini-fridge and features lofted beds.</p>	
	<p>Telegraph Commons is surrounded by all of the things that make Berkeley great including a wide variety of restaurants, local parks, great shopping and, of course, the Cal campus. [footnote 82]</p>	
	<p>Footnote 82: https://sgrealestate.appfolio.com/listings/detail/7ea577a4-9ad1-43c9-8f3b-efad5d71883e</p>	
	<p>UCB also has executed ground leases for “affiliated properties” and made arrangements with third- parties such as Mills College to make dorm</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>rooms at other nearby facilities available to UCB Students. UCB advertises many of these options – including multiple large private student housing buildings -- on its “CalRents” platform. [footnote 83] UCB also offers “Berkeley Home Match,” which matches students with elderly local residents who can offer housing in exchange for assistance. [footnote 84] Presumably, UCB can provide both the current number of beds and (based on past history and future planning) how many such beds will be available during the draft LRDP period.</p> <p><i>Footnote 83: https://och.berkeley.edu</i> <i>Footnote 84: https://retirement.berkeley.edu/services/berkeley-home-match</i></p>	
	<p>By failing to include these reliable off-campus options of which it is not only aware, but eagerly promotes, UCB understates actual reliable student housing options significantly in the DEIR. The table below sets out some of these off-campus housing options that should have been discussed in the DEIR and for which it should have provided information.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Table of Dependable or Advertised Other Student Housing Options

Name	Notes
Varsity Berkeley	https://www.peakcampus.com ; https://och.berkeley.edu/property/search?uid=1253306
K Street Flats	https://www.peakcampus.com
Mills College	https://housing.berkeley.edu/undergraduate-students
Parker Apartments	https://www.parkerberkeley.com/#
Hillside Village Apartments	https://www.hillsidevillageberkeley.com/floorplans.aspx
Telegraph Commons Apartments	https://www.telegraphcommons.com
Bachenheimer Apartments	https://www.bachenheimeraptsca.com
Berkeley Central	https://www.berkeleycentral.com
The Granada	https://www.renttberkeley.com
The Cambridge	https://www.renttberkeley.com
The Highlands	https://www.renttberkeley.com
2520 College	https://www.renttberkeley.com
2552 Parker	https://www.renttberkeley.com
Sterling Addison	https://www.sterlinghousing.com/berkeley-ca
Sterling Allston	https://www.sterlinghousing.com/berkeley-ca
Sterling Haste	https://www.sterlinghousing.com/berkeley-ca
Sterling Jefferson	https://www.sterlinghousing.com/berkeley-ca
Sterling Oxford	https://www.sterlinghousing.com/berkeley-ca
Sterling University Ave.	https://www.sterlinghousing.com/berkeley-ca
1951 Shattuck	Under construction
2433 Telegraph	Under construction
Modera Acheson Commons	Under construction
Blackwell Hall	https://housing.berkeley.edu/blackwell-hall
Garden Village Apartments	https://housing.berkeley.edu/garden-village
New Sequoia Apartments	https://housing.berkeley.edu/new-sequoia-apartments
Panoramic Berkeley	https://housing.berkeley.edu/panoramic-berkeley
Shattuck Studios	https://housing.berkeley.edu/shattuck-studios
Enclave Apartments	https://housing.berkeley.edu/enclave
UCB Fraternities and Sororities	https://lead.berkeley.edu/about-calgreeks/ ; http://berkeleyheritage.com/eastbay_then-now/greeks.html
Other Cal Rents Options	https://och.berkeley.edu
2335 Warring	https://och.berkeley.edu/property/search?uid=1594288 ; https://tbgpm.com
1770 La Loma	https://tbgpm.com
2434 Piedmont	https://tbgpm.com
Other properties operated by The Berkeley Group	https://tbgpm.com ; https://och.berkeley.edu/property/search?uid=1594288 ;
International House	https://ihouse.berkeley.edu/resident-life/apply-live-here
Berkeley Student Cooperatives	https://www.bsc.coop
Bowles Hall	https://www.bowleshall.org
Berkeley Home Match	https://retirement.berkeley.edu/services/berkeley-home-match

The failure to include the available and planned-for extra-Berkeley housing options could potentially skew the calculation of need for further student housing resources and the nature of those resources. Before the final EIR is presented, the Lead Agency should provide a complete list of these student housing options and include the number of beds offered in each. It should also indicate in a comprehensive way how many beds are available in each housing category including UCB-supplied, so that the public can understand the basis for the Lead Agency’s repeated but as yet unsupported housing statistics. Absent a

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																					
B10-66	<p>true count of all student beds already dependably available to UCB students, the Lead Agency’s expected determination that construction of additional student housing, including Projects 1 and 2, must proceed despite unmitigable significant environmental impacts cannot be meaningfully discussed nor will it be supported by sufficient evidence.</p> <p>2.2.3 Impossible to Assess Proposed New Student Housing Without Understanding of Rental Price Points</p> <p>In addition, affordability is not addressed in the LRDP or DEIR. Notably, the LRDP does not include in its housing objectives or goals the construction of affordable housing. Instead, as the DEIR notes, its housing goal is: “Goal 1.2: Improve the existing housing stock and construct new student beds and faculty housing units in support of the Chancellor’s Housing Initiative.” The cost of housing is a major driver governing whether students choose to live off campus or on-campus. UC has recognized that off-campus housing options are often cheaper for students than on-campus options as the below charts below indicate. [footnote 85]</p> <p><i>Footnote 85:</i> https://regents.universityofcalifornia.edu/regmeet/nov20/s1attach.pdf Figure 4. Estimated average costs for resident UC undergraduates 2020–21</p> <table border="1" data-bbox="365 1133 898 1421"> <thead> <tr> <th></th> <th>Living on campus</th> <th>Living off campus</th> </tr> </thead> <tbody> <tr> <td>Tuition and fees</td> <td>\$14,000</td> <td>\$14,000</td> </tr> <tr> <td>Books and supplies</td> <td>1,200</td> <td>1,200</td> </tr> <tr> <td>Health insurance allowance/fee</td> <td>2,600</td> <td>2,600</td> </tr> <tr> <td>Room and board</td> <td>16,300</td> <td>12,800</td> </tr> <tr> <td>Personal/transportation</td> <td>2,000</td> <td>2,600</td> </tr> <tr> <td>TOTAL</td> <td>\$36,100</td> <td>\$33,200</td> </tr> </tbody> </table>		Living on campus	Living off campus	Tuition and fees	\$14,000	\$14,000	Books and supplies	1,200	1,200	Health insurance allowance/fee	2,600	2,600	Room and board	16,300	12,800	Personal/transportation	2,000	2,600	TOTAL	\$36,100	\$33,200	<p>The commenter introduces topics that are not germane to the analysis in the Draft EIR. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Consistent with the CEQA Guidelines Section 15131, Economic and Social Effects, the Draft EIR is not meant to address these project merits, rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the project’s potentially significant physical impacts on the environment to the extent feasible.</p>
	Living on campus	Living off campus																					
Tuition and fees	\$14,000	\$14,000																					
Books and supplies	1,200	1,200																					
Health insurance allowance/fee	2,600	2,600																					
Room and board	16,300	12,800																					
Personal/transportation	2,000	2,600																					
TOTAL	\$36,100	\$33,200																					

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>The recent survey of UCB students and faculty undertaken as part of the LRDP process found that the overwhelming number of respondents viewed cost rather than proximity to campus as the key measure of attractive housing. [footnote 86] UC has acknowledged in its recent student needs study that much of its planned on-campus housing development is not the traditional no-frills, cramped dorm rooms and consequently off-campus options will likely remain cheaper:</p>	
	<p><i>Footnote 86: https://masterplan.berkeley.edu/sites/default/files/2020-05-18_lrdp_cmp_survey_findings-housing_final_tg.pdf</i></p>	
	<p>The University is working rapidly to expand on-campus student housing options across the system. Those housing costs will likely be higher than what many students currently pay for substandard or overcrowded units in the off-campus housing market. Each campus determines its own on-campus housing rates. On-campus housing includes many amenities and utilities for which rentals would otherwise charge a premium. Furthermore, housing must pay for itself in the big picture; that includes the cost to build and sustain the units, salaries for staff who maintain the units and care for the student residents, and costs associated with future maintenance and safety standards. [footnote 87]</p>	
	<p><i>Footnote 87:</i> <i>https://regents.universityofcalifornia.edu/regmeet/nov20/s1attach.pdf</i></p>	
	<p>These “low cost” options for UCB students include various co-op housing opportunities that accept applications for first generation and low-income minority students; Rochdale Village, which is well known and offers a very affordable housing deal with rent costs as low as 250 dollars; Casa Joaquin Murrieta is an independent non-profit organization who has a long history since the 1970’s to house predominantly Chicano students. Regarding this last option, it not only offers affordable housing,</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>but also include a leadership enriched experience with workshops for students to polish their professional skills and provides basic food supplies. [footnote 88]</p> <p><i>Footnote 88: Many transfer students, for example, have demonstrated cost consciousness. Currently the sixth floor of Maximino Martinez Commons is now exclusively reserved to house transfers, including a transfer specialist RA.</i></p>	
	<p>Because they do not provide detailed schematics of the projects or estimated rental costs, it is impossible to know who will likely be using all of this newly constructed housing. The only exception is the Helen Diller Anchor House (Project 1) which is dedicated to transfer students, a majority white population, regardless of need. Further, by failing to provide information concerning the expected rents of the proposed student housing projects, it is impossible to assess exactly how luxurious and upscale these new options are. If they contain the same amenities as the high-end student rental housing, then it is fair to say that the projects violate the draft LRDP’s stated goals, including: “Goal 5.1: Ensure the highest and best use of campus land to serve UC Berkeley’s mission,” and “Goal 5.2: Plan every new project – including renovations, additions, and new construction – to support optimal investment of resources, meet space needs, address deferred maintenance, and reduce seismic risk.” Put simply, if the student housing shortage is as acute as the Lead Agency says it is, particularly amongst disadvantaged students, then the highest and best use of land would favor the construction of more dense, lower-cost housing. Because cost is the primary driver, that housing need not – as the draft LRDP contemplates – be in the most expensive and dense real estate, namely near the campus park. While we are not allowed to, as part of the CEQA process, substitute our judgement for that of the UC Regents, it is entirely appropriate to comment on the inconsistency between the LRDP goal and the LRDP plan and the disingenuousness of the proffered reason for embarking on</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-67	<p>such large-scale and impactful housing projects (namely that they are really to provide more housing, not raise more money; and to serve disadvantaged and/other diverse student populations).</p> <p>2.2.4 Need Idea of Size of New Apartment and Other Units</p> <p>So that the public can examine the reasonableness of its Projects, the Lead Agency should supply unit and room sizes and features. While not all planning is complete, UCB and/or the Lead Agency should be able to supply the estimates or size assumptions that were used to develop the total figures supplied in the tables describing the size of each project and/or (with respect to the LRDP) its component housing parts.</p>	<p>The comment asserts that room size and features are required to assess environmental impacts; however, this information is not germane to the environmental evaluation of the proposed project. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>For a description of available UC Berkeley housing please see: https://housing.berkeley.edu/overview.</p>
B10-68	<p>2.2.5 Impossible to Assess Environmental Harm to “Area” Under CEQA When New Users May Be Elsewhere</p> <p>It seems almost too obvious to mention, but when the public is informed that there will be almost 8500 students added but are not provided with information as to where those students will primarily be studying and, if they are not living within walking distance of those facilities, how they will get to and from their residences to the places of instruction, it is quite impossible to conclude that (a) Berkeley is the only “area” impacted by the increased enrollment or (b) assess the degree of impact the increased student population will have in Berkeley. By way of example, the students who will be living, taking classes and studying at Mills College under the newly announced Freshmen college-within-a-college program may have no impact at all on the environment in Berkeley but may have an impact on the Mills College area. Likewise, if the 10,000 new users of the Berkeley Global Campus will be commuting back and forth to LBL on a regular basis, they will have an environmental impact on</p>	<p>The comment expresses a concern that sites outside the EIR Study Area are not addressed in the Draft EIR. Please see Master Response 7, EIR Study Area.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-69	<p>Berkeley not captured in either the DEIR or any DEIR/EIR associated with the BGC project.</p> <p>2.2.6 Cumulative Effects Cannot Be Property Assessed by Segmented Approach</p> <p>Given the failure to provide complete and comprehensive information concerning the three projects (including specifically Projects 1 and 2), the DEIR fails to satisfy the requirements of CEQA and assorted implementing regulations, including but not limited to understating the cumulative impact of the proposed projects and mis-describing or failing to properly describe legitimate, reasonable alternatives.</p> <p>Likewise, the DEIR fails to discuss sufficiently the cumulative effects of these three projects in light of the other pending projects listed in Table 5-3 (shown above). The DEIR claims that the environmental impacts of the Projects have been considered together with the environmental effects of the projects listed in Table 5-3. DEIR at 5.14. The conclusion is hardly surprising: the cumulative impacts of the Projects and the Table 5-3 projects are likely to occur. Id. As to noise, the DEIR’s conclusion as to its “cumulative” analysis is directed only to traffic noise and are limited to the following statement: “Noise: The traffic noise levels are based on cumulative traffic conditions that take into account cumulative development in the region.” Id. There is no discussion in the DEIR of the cumulative impact of construction noise and vibrations from all of these projects (those in the draft LRDP and presented on Table 5-3) on sensitive populations. The observation as to the “cumulative” effect on housing is equally opaque and evasive: “Population and Housing: Impacts from cumulative growth are considered in the context of their consistency with regional growth projections.” Needless to say, as noted below that conclusion is hardly sufficient to satisfy the requirements of a fulsome CEQA review. The cumulative impacts of the collective projects being undertaken by UCB, namely those mentioned in the draft LRDP,</p>	<p>The commenter expresses an opinion about the cumulative impacts, yet provides no substantial evidence to support their opinion. The Draft EIR evaluates the whole of the program of the proposed LRDP 2021, which includes an analysis of the development program that includes Housing Projects #1 and #2. Chapter 3, Project Description, of the Draft EIR provided a detailed description for the whole project. With respect to cumulative impacts, please see Response A3-38. Please note that the Draft EIR analyzes both cumulative traffic noise and cumulative construction noise impacts under impact discussion NOI-3. Regarding the portion of the comment about the evaluation of cumulative vibration impacts, please see Response A3-207.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-70	Projects 1 and 2, described in Table 5-2, and described herein should be addressed in any final EIR.	
	2.2.7 Specific Sites Outside Berkeley that Should Have Been Considered in LRDP and DEIR	Please see Master Response 7, EIR Study Area.
	2.2.7.1 Moffett Field	
	The Lead Agency’s failure to include its plans for Moffett Field illuminates the degree to which the draft proposed LRDP and DEIR fail to incorporate the true geographic reach of UCB’s development plans and opportunities, thereby undermining the legitimacy of the LRDP and DEIR.	
	From September 2003 to July 2016, UC managed a contract valued at more than \$330 million to establish and operate a University Affiliated Research Center (UARC). In 2020, UCB announced that: the Berkeley campus is pursuing a possible development of a 36-acre parcel at Moffett Field, home of the NASA Ames Research Center. In the fall semester, a faculty steering group evaluated the academic opportunity for Berkeley at this Silicon Valley site and found the effort to have extraordinary potential. This spring, UC Berkeley negotiated the terms of a ground lease with NASA and built a public-private coalition that would finance construction at the site without deploying University funding. Despite substantial economic concerns from COVID-19, our development partners, with whom the campus will form a joint venture, view this project on a multi-decadal timescale and remain enthusiastic about the opportunity and their own capacity to execute the project even through an economic downturn. [footnote 89]	
	<i>Footnote 89: https://evcp.berkeley.edu/special-faculty-advisor-provost-moffett-field-director-aerospace-program-development-2020 ; and https://regents.universityofcalifornia.edu/regmeet/july19/f7.pdf</i>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

According to the Daily Cal, “The new partnership [between UCB and NASA] would grant an allotted 1.4 million square feet and 36.2 acres for development, which could be used to host [sic]



Space for new laboratories and teaching spaces in collaboration with local industry as well as additional housing units.” [footnote 90]

Footnote 90: <https://www.dailycal.org/2019/08/16/uc-berkeley-proposes-development-of-moffett-field-with-nasas-amesresearch-center/>; see also, <https://www.dailycal.org/2019/09/01/uc-berkeley-chancellor-talks-housing-diversityranking-for-upcoming-year/> (Chancellor discusses plans for Moffett Field).

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------



Further details of this project were provided by UC’s president in her 2019 summary of the plan to the Capital Strategies Committee of the UC Regents:

The project is located at the NASA Ames Research Center (NASA Ames) adjacent to the cities of Mountain View and Sunnyvale, California. UC Berkeley would take the lead role to explore and realize the potential for the sustainable and strategic development of approximately 1.4 million square feet for research and development, academic, clinical, housing, and retail uses, on up to 36.2 acres of land ground leased from NASA (Project). To accomplish this, UC Berkeley will coordinate the programming of the site and partner with a master developer, selected through a competitive process, to manage construction and secure capital investment to pay for the Project.

<https://regents.universityofcalifornia.edu/regmeet/july19/f7.pdf>.

Specifically, UC’s President described the details of this project to the Regents’ Capital Strategies Committee as follows:

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<i>Research & Development Industry Park</i>	
	Approximately 500,000 to 800,000 gross square feet (GSF) are envisioned to be dedicated to research and development and incubator uses by private industry partners with mission alignment to NASA and UC Berkeley.	
	<i>Academic Space</i>	
	100,000 to 300,000 GSF of laboratory, teaching, and research space serving multiple programs at UC Berkeley and other UC campuses, including University Extension, engineering, business, law, executive education, and live-in experiential learning.	
	<i>Housing</i>	
	Approximately 200 multi-family units programmed to service undergraduate and graduate students, faculty, staff, and industry partner employees.	
	<i>Medical Office</i>	
	Approximately 100,000 GSF of medical/clinical uses by UCSF and potentially UC Berkeley Optometry.	
	<i>Short-Term Stay and Conference Center</i>	
	Approximately 75,000 GSF of short-term lodging for visiting advisors, professors, and industry partner employees plus conference space to facilitate events, panel discussions, and presentation of research findings.	
	<i>Retail and Public Spaces</i>	
	10,000 to 50,000 GSF of ground floor retail and public space dedicated to amenities and community-serving storefronts.	
	<i>Developer Selection Process</i>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The Project will utilize a competitive developer selection process in order to identify a master developer with the highest likelihood of successfully executing the site planning, site infrastructure development, tenancing the planned spaces, and securing the capital necessary to develop the Project. The selected master developer will possess appropriate financial capacity, development capability, and historical project track record to execute an undertaking of this magnitude and complexity. UC Berkeley and the master developer may subsequently conduct competitive selection processes to identify sub-developers to construct the vertical improvements based on tenancing opportunities. The Project is subject to an accelerated timeline as NASA's lease authority expires on December 31, 2019. Following that date, barring extensions, NASA does not have the statutory authority to enter into a ground lease at the site.</p>	
	<p><i>Ownership and Financing Structure</i></p> <p>While details of the ownership and financing structure will be worked out as discussions with the master developer occur, the University will likely enter into a joint venture with the master developer in order to ground lease land owned by NASA, either as a whole development or as individual parcels. The joint venture will plan and construct site infrastructure, and potentially improvements, using developer-sourced equity and debt. Ownership of site improvements will reside with the joint venture for the duration of the ground lease or ground leases. The campus will have programmatic and/or governance controls. Following site development, the joint venture may sell or assign its leased fee interest to sub-developers, who will build and own the vertical assets for the duration of the sub-ground lease. The campus will have financial obligations limited to University- occupied space. The campus anticipates returning to the Regents for joint venture, business terms, and preliminary land use and design presentation in fall of 2019. Additional Regental approval will be sought in accordance with CEQA later in the development process.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<p><i>Anticipated Project Schedule and Future Actions</i></p>	<p>Key Milestones Master Developer Selection Process Summer 2019 Business Terms Presented to Regents Fall 2019 California Environmental Quality Act (CEQA) Completed Design Presented to Regents Spring 2022 Commencement of Construction Spring/Summer 2022 Project Completion To be Determined</p>	<p>https://regents.universityofcalifornia.edu/regmeet/july19/f7.pdf In October 2020, UCB announced that it was executing a ground lease for the project -- “36 acres of land owned by the Federal government and managed by NASA to develop up to 1.4 million sq.ft. of commercial, educational, residential, and ancillary lodging and retail.” [footnote 91] The announcement was made under the “common sense exception” to CEQA. While the signing of the ground lease itself may have been CEQA exempt, the fact that UCB had proceeded as far as executing a ground lease, hiring a project manager, creating a schedule for future development and propounding an individual DEIR, and dedicating funds to the project necessitated including it in the LRDP. After all, UCB undertook almost the exact same steps for project that are included in the LRDP!</p>
<p>Footnote 91: https://files.ceqanet.opr.ca.gov/265740-2/attachment/mHjiVCR5PjK-aMdeUFKVHYQD6qG_RFCQTh3BIBRK_2wdFOMqAy9xjPAsp_YkLu1IGCi7m-Mj4VOHUQYGo</p>	<p>The Lead Agency offers no explanation in its LRDP why it circumscribed the definition of the Project to limit the geographic reach of the LRDP in the manner proposed. Given that the Lead Agency is contemplating developing, among other things, 100,000 to 300,000 GSF of laboratory,</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>teaching, and research space serving primarily UC Berkeley together with 200 multi-family units programmed to service UCB undergraduate and graduate students, faculty, staff, it is hard to see how excluding this development project from the DEIR is reasonable. Indeed, the acuity of the need to demolish national landmarks in Berkeley to build classrooms, commercial space, and housing can only be properly assessed by evaluating the available alternatives including the very real alternative offered by Moffett Field. If, for some reason, UCB students, faculty and staff will not be permitted to utilize the planned development at Moffett Field, that decision too must be fully explained and justified given the magnitude of the proposed demolition and construction slated to occur in Berkeley under the proposed LRDP.</p> <p>By leaving out significant areas accessible to UCB for development and planning purposes, the Lead Agency improperly constrains the analysis and information provided in the DEIR. This omission must be corrected in the Final EIR.</p>	
B10-71	<p>2.2.7.2 Berkeley Global Campus (f/k/a Richmond Field Station)</p> <p>Another parcel of land owned and utilized presently by UCB that was inexplicably and wrongfully omitted by the Lead Agency in the LRDP and DEIR was the Richmond Field Station (RFS). This parcel comprises approximately 150 acres in a primarily industrial area in Richmond, CA. The property is comprised of upland areas and offshore areas. The offshore area consists of an inner and outer portion of the Western Stege Marsh. The outer portion of the Western Stege Marsh is located south of the East Bay Regional Parks District (EBRPD) Bay Trail and includes approximately 60 acres of tidal mud flat, marsh, and open water. The upland area is located north of the Western Stege Marsh and occupies approximately 90 acres. Interstate 580 bounds RFS to the north.</p>	<p>The commenter incorrectly asserts that the Richmond Field Station was wrongfully omitted from the Draft EIR. Please see Master Response 7, EIR Study Area.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------





UCB currently uses RFS to house UCB offices and research facilities. According to 2008 report prepared by the California Department of Public Health, approximately 400 people work in different departments at RFS, consisting of academics, researchers, laboratory staff, students, maintenance workers, security staff, and administrative staff. [footnote 92] Approximately 50 people work at the EPA laboratory. [footnote 93]

Footnote 92: <https://rfs-env.berkeley.edu/sites/default/files/publications/2010.3.17.rfscdphpharevisedfin.pdf>

Footnote 93" Id.

Because of past industrial and research uses, the RFS was deemed contaminated and extensive studies and remediation efforts were undertaken beginning roughly in the 1990s up to the present day.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR


Letter/ Comment #	Comment	Response
	<p>[footnote 94] The California Department of Public Health concluded in 2008 that walking on the ground at RFS would not pose a health danger. [footnote 95] UCB has continued to clean up and monitor the site for carcinogens. [footnote 96]</p>	
	<p>Footnote 94: https://rfs-env.berkeley.edu/sites/default/files/2018.07.02.rfsworkingattherichmondfieldstation.pdf (overview of history of site) Footnote 95: <i>Id.</i> Footnote 96: https://rfs-env.berkeley.edu; https://rfs-env.berkeley.edu/remediation/documents</p>	
		
	<p>In 2014, after almost 15 years of clean-up efforts had been underway and further remediation plans developed, [footnote 97] UC Berkeley Chancellor Nicholas Dirks developed plans for the Berkeley Global Campus at Richmond Bay (BGC). His vision was to create a global campus and “living laboratory” in partnership with other great</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>universities from around the world, as well as with private industry and the local Richmond community.</p>	
	<p><i>Footnote 97:</i> https://capitalstrategies.berkeley.edu/sites/default/files/pep_final_rbc_lrdp_complete.pdf (describing environmental clean-up and remediation plans)</p>	
	<p>In May 2014, the Lead Agency approved a separate LRDP for the RFS for use primarily to supplement and enhance LBL [footnote 98], and Chancellor Dirks unveiled the plan to the Academic Senate in October. As described in the 2014 LRDP: The achievement of the scientific and community visions for the Richmond Bay Campus will result in growth of research programs, population, and occupied space. The average daily population at the campus is projected to grow from 300 in 2013 to 10,000 by 2050.</p>	
	<p><i>Footnote 98:</i> https://capitalstrategies.berkeley.edu/sites/default/files/pep_final_rbc_lrdp_complete.pdf; https://rfs-env.berkeley.edu/sites/default/files/2018.07.02.rfsworkingattherichmondfieldstation.pdf; see also https://globalengagement.berkeley.edu. [sic]</p>	
	<p>This population increase of 9,700 represents an average annual growth rate of 9.9 percent over that time period. The on-site population will include research scientists, faculty, and staff from LBNL and UC Berkeley as well as other public and private entities; graduate and post-doctoral students; undergraduate students and interns; administrative staff; and operational staff.</p>	
	<p>The projected net increase in occupied building area at the Richmond Bay Campus is 4,350,000 gross square feet (gsf), from 1,050,000 gsf in</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>2013 to 5,400,000 gsf in 2050. This net growth projection accounts for the demolition of 750,000 gsf of building space that is unsafe or beyond its useful life. The projected annual space growth rate of 4.5% is lower than the projected population growth rate due to the greater amount of underutilized existing space which will be recapitalized or replaced with facilities which support a denser population. [footnote 99]</p>	
	<p>Footnote 99: https://capitalstrategies.berkeley.edu/sites/default/files/pep_final_rbc_lrdp_complete.pdf</p>	
		
	<p>UCB's planning for the site has proceeded as far as detailed designs for the site [footnote 100] and in July 2019, the UC Regents Capital Strategies Committee recommended to the Regents that they approve a sewer plan for the BGC for the RFS.</p>	
	<p>Footnote 100: https://www.integralgroup.com/projects/uc-berkeley-global-campus-richmond-bay-infrastructure-master-plan/; https://www.berkeleyside.com/2010/09/16/lawrence-berkeley-lab-seeks-second-campus; https://richmondstandard.com/beyond-richmond/2015/04/09/new-york-firm-shop-wins-design-ideas-exercise-for-the-berkeley-global-campus-at-richmond-bay/; https://afscme3299.org/media/news/uc-berkeley-envisions-global-campus-</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR




Letter/ Comment #	Comment	Response
	<p><i>in- richmond/</i> https://www.californiagoldenblogs.com/2014/11/10/7185453/uc-berkeley-aquatic-center- haas-pavilion- global-campus-richmond-bay-lower-sproul-photos; https://enviroinstitute.org/portfolio/berkeley- global-campus-at- richmond-bay/; https://richmondconfidential.org/2012/01/23/richmond-field-station-will-be- second-site-for- lawrence-berkeley-national-labs/; https://meetingoftheminds.org/the-berkeley-global-campus-vision- and-partnership-in-richmond-14077</p>	
		

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Although the 2014 LRDP for the RFS has not yet proceeded to the construction stage, plans to develop the RFS are still very much alive. As noted, the sewer plan was forwarded for approval in 2018 and the Regents added a library storage component to the RFS LRDP that year as well. [footnote 101] UCB has from time to time, issued press releases that make it clear that RFS is actively under consideration for re-development [footnote 102] although news reports also suggest that these some of these plans have been put on hold. [footnote 103] In addition, more recently, UCB’s Housing Task Force identified the RFS as a prime candidate for further development for student housing. [footnote 104]</p>	
Footnote 101:	<p>https://regents.universityofcalifornia.edu/minutes/2018/board%203.15.pdf; https://regents.universityofcalifornia.edu/regmeet/mar18/f6.pdf</p>	
Footnote 102:	<p>https://vcresearch.berkeley.edu/news/lab-picks-richmond-field-station-second-campus</p>	
Footnote 103:	<p>https://www.berkeleyside.com/2016/08/26/uc-berkeley-suspends-plans-for-richmond-global-campus</p>	
Footnote 104:	<p>https://www.dailycal.org/2017/04/17/campus-task-force-releases-potential-student-housing-survey/</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-72	<p>Not only does failure to include UCB’s complete portfolio of properties render the LRDP incomplete, but failure also to include this property in particular is unreasonable as it represents a reasonable alternative to constructing a 17-story tower on People’s park and a large commercial and mixed-use project (Project 1) that will displace multiple families living in rent-controlled units and demolish three landmarked or landmarked qualified properties.</p> <p>2.2.7.3 Albany-Gill Tract (f/k/a University Village)</p> <p>For a considerable period, UCB has housed married students and faculty at a facility originally called University Village and now is known as the Albany-Gill Tract. This Tract has been the subject of multiple development plans over the past 20 or so years and was identified recently by UCB’s Housing Task Force as a prime location for future housing development. The Lead Agency propounded a “master plan” for the Tract in 2004; and issued a separate EIR for that “plan.” Despite these significant planning steps, the tract is not mentioned or described in the draft LRDP.</p> <p>Notwithstanding its size, relation to UCB (i.e., it houses current faculty and students), and the repeated plans to develop it, the Lead Agency does not include it in the LRDP or the DEIR pertaining to the Projects. The failure to include the Albany- Gill Tract from the DEIR is unreasonable given the proximity of that plot to UCB, its current use for student and faculty housing, and the fact that UCB’s own Housing Task Force identified it as a good location for future housing development. Among other things, its omissions make it appear (wrongly) that the Lead Agency has fewer alternate locations for housing than it in fact has and that its need for housing at the locations of Projects 1 and 2 is more acute than it in fact is.</p>	<p>The commenter incorrectly asserts that the University Village should be evaluated in the Draft EIR. Please see Master Response 7, EIR Study Area.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-73	<p>2.2.7.4 UC Berkeley Changemaker -Oakland New Freshman Campus in Oakland</p> <p>UCB has long offered UCB students the option to rent dorm space at Mills College. In April 2021 UCB and Mills College’s president announced that UCB was opening a new Freshman campus at Mills College, which earlier this year announced that it was going to cease operations. [footnote 105] This program is dubbed “UC Berkeley Changemaker - Oakland.” [footnote 106] According to its website, this new program, which effectively creates a UCB satellite campus- with-a- campus at Mills College, will be available to 200 UCB freshmen in the Fall.</p> <p><i>Footnote 105: https://www.mills.edu/news/news-stories/uc-berkeley-changemaker-oakland-program.php</i> <i>Footnote 106: https://changemaker.berkeley.edu/oakland</i></p>	<p>The commenter incorrectly asserts that the Mills College site should be evaluated in the Draft EIR. Please see Master Response 7, EIR Study Area.</p>



5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR


Letter/ Comment #	Comment	Response
	<p>According to this website, this new campus/program will allow UCB freshmen participants to:</p> <ul style="list-style-type: none"> ● Enroll in a focused set of courses in Oakland with an option to take an additional course on the main UC Berkeley campus. ● Live in a comfortable single-occupancy room on the pastoral campus of Mills College in Oakland; most students will not have a roommate. ● Take advantage of full board on the Mills College campus, plus receive additional meal points on the Berkeley campus. ● Fulfill breadth requirements for the College of Letters and Science and Rausser College of Natural Resources. ● Take classes with smaller groups of students and develop strong relationships with your instructors. ● Join a close-knit and diverse community of only 200 students—think of this as a small liberal-arts college experience within a larger UC campus. ● Receive dedicated academic advising. ● Participate in co-curricular events that highlight arts, culture, activism, history and innovation in the City of Oakland. ● Choose an internship that brings your changemaker project to life. <p>UCB is promoting this option to freshman via its website: This innovative residential program takes place on the Mills College campus, located in the heart of Oakland. You’ll live and learn there.</p>	<p>Situated on 135 beautiful acres—one of the country’s largest liberal-arts campuses in an urban setting—you can pass eucalyptus-lined streams and lush greenery as you head to class or grab a coffee with a new friend.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Imagine what your first year can look like!



Mills Campus comprises 135 acres. Housing is guaranteed. Its student housing options, which as noted have been available to UCB students for quite some time, include traditional residence hall dorms, student apartments, and cooperative housing. Below are photographs of some of the on- campus student housing:



5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The UCB classes will be small: “In our smaller classes, you’ll develop closer relationships with instructors and faculty. You’ll gain the confidence to succeed at Berkeley. Finally, the Berkeley Changemaker theme is woven throughout the curriculum, and you’ll have plenty of opportunities to explore the links between the classroom and the world beyond.” Notably, the draft proposed LRDP and DEIR discuss the need for increased housing as driven by the need to offer incoming freshmen the opportunity to live in UCB campus housing for two years. The Lead Agency even cites studies to suggest that freshmen receive greater benefits living off campus than on. This argument rings hollow given the new Oakland satellite program and campus (and its London Freshman option discussed elsewhere in these comments).</p> <p>Because the recent announcement of the creation of a satellite campus in Oakland at the Mills College campus site has apparently been in the works for a significant period, the Lead Agency should have included information about it in both the LRDP and the DEIR. Indeed, it is entirely possible that the housing needs addressed by both Projects 1 and 2 are now unnecessary or comparatively less acute, such that the plans for these projects can be materially altered so as to protect the Cultural and historic resources that otherwise would be destroyed. This new campus/program should be discussed in the final EIR and use of Mills College dorms examined to see if the size of Projects 1 and 2 can be reduced in such a way as to minimize the impact on historic and cultural resources.</p>	
B10-74	<p>2.2.7.5 Emeryville Developments</p> <p>The DEIR Table T [sic] 5-3 show two current projects underway in Emeryville, one a housing project the other not. In April 2020, it was reported that two housing developments (called the “Intersection”) in Emeryville were being donated to UCB for student housing. [footnote</p>	<p>The commenter incorrectly asserts that UC Berkeley sites in the City of Emeryville should be evaluated in the Draft EIR. Please see Master Response 7, EIR Study Area.</p>


TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>107] These buildings are approximately 3.6 miles from Campus Park. According to the Daily Cal, UCB has decided to use the new housing (depicted below) for graduate students. [footnote 108] This would seem at odds with DEIR Table 5-3, which reflects the opposite uses for these two sites.</p>	
	<p>Footnote 107: https://www.mercurynews.com/2020/04/27/emeryville-105-unit-apartment-twice-torched-by-arsonists-to-be-donated-to-uc-berkeley-for-student-housing/</p>	
	<p>Footnote 108: https://www.dailycal.org/2020/02/11/graduate-student-housing-on-border-of-emeryville-oakland-to-be-donated-to-uc-berkeley-upon-completion/</p>	
		
	<p>According to recently released UCB documents, UCB plans to lease and build out property located in Emeryville, CA, for its school of optometry. This plan includes approximately 104 housing units with accommodation for 149 students and apartments for an unspecified number of graduate students as well as 25,000 GSF space for an Optometry Surgery Center, all within approximately 25,000 GSF. Between \$2-3.5 Million has already</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	been allocated to this project. It is unclear whether the donation of the “Intersection” property and the plans for the Optometry Center and residence are related. Either way, the Lead Agency should include this project in the final EIR.	
B10-75	<p>2.2.8 Individual College Master Plans</p> <p>Adding to the public’s confusion as to exactly what UCB is planning, now individual colleges have gotten on the planning bandwagon. These individual college masterplans are not discussed in the DEIR. For example, in 2020, UCB’s College of Engineering issued its own “Master Plan,” complete with land use assessments and projections. [footnote 109] As explained on that college’s website:</p> <p>After an in-depth study that included extensive feedback and discussions with community members and stakeholders, Berkeley Engineering laid out its vision for its future facilities and public spaces in an ambitious master plan. The 2020 Facilities Master Plan will guide the college in renewing and reinvigorating its physical environment to meet the needs of our growing engineering community and evolving instructional and research programs.</p> <p><i>Footnote 109: https://engineering.berkeley.edu/wp-content/uploads/2020/06/COEMasterPlan2020-1.pdf</i></p>	UC Berkeley, as the commenter notes, does in fact have several master planning documents. However, those documents are not the subject of this EIR. Please see Master Response 6, LRDP and LRDP Implementation.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
		<p data-bbox="323 703 1058 735"><i>This rendering, looking north, shows the new engineering complex.</i></p> <p data-bbox="323 776 1125 979">Included in the plan’s vision, created by architectural design firm Payette, are more welcoming and interactive spaces for learning and discovery. Research facilities will promote collaboration across disciplines. Seismic issues will be addressed. And the open architectural design will foster an inclusive culture that celebrates and leverages diversity to fully unlock our individual and collective potential to benefit society.</p> <p data-bbox="323 1024 1131 1227">The new master plan builds on the 2002 Facilities Master Plan by synthesizing the college’s strategic growth projections and programmatic space needs into a framework of flexible planning. This combines building, land-use and landscape design principles to guide capital investment and implementation, while allowing for versatility to meet future programmatic needs.</p> <p data-bbox="323 1273 1131 1469">“Our goal is to create modern spaces for discovery, creativity and innovation,” said Tsu- Jae King Liu, dean of engineering. “The master plan provides a roadmap for transforming our neighborhood Why an individual UCB college is undertaking its own examination of space and classroom needs at the same time as UCB is itself undertaking an LRDP examination is confusing. It is unclear the extent to which the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>planners involved in the LRDP were involved in and aware of the college’s research and plan and, more importantly, whether those plans are evaluated (as they should be) in the DEIR, which must address the environmental impacts of all reasonably anticipated construction projects. Further, to the extent that College planners evaluated survey responses, that data should have been considered and included with the DEIR. [footnote 110]</p> <p><i>Footnote 110: See, e.g., the survey results shown in slides at https://engineering.berkeley.edu/wp-content/uploads/files/docs/FacilitiesMasterPlanSurveyResults.pdf</i></p>	
B10-76	<p>2.2.9 The DEIR Should All Planned UCB Construction in Berkeley Including Identified Housing Opportunity Sites</p> <p>Substantial evidence suggests that UCB is undertaking a large number of construction projects that this DEIR does not consider. The Chancellor has announced UCB’s intention to build on all of the sites identified by UCB’s recent housing task force. [footnote 111] It was unreasonable for the Lead Agency not to include these planned-for projects under the circumstances, particularly because the failure to do so necessarily affected the accuracy of CEQA’s cumulative impact analysis. It will also allow the public to judge the reasonableness of the Lead Agency’s expected conclusion that the demolition of cultural resources is justified by the acute need for additional housing (despite the fact that these new buildings do not offer dense student housing), The two primary housing projects that were not discussed in the DEIR but should have been are the Oxford Tract and the Upper Hearst Development Project.</p> <p><i>Footnote 111: https://www.dailycal.org/2018/05/14/chancellor-carol-christ-announces-campus-will-build-sites-listed-housing-task-force-report/</i></p>	<p>The commenter misunderstands the purpose of the LRDP and the Draft EIR. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation. When future projects are proposed, such as those noted by the commenter, those projects will undergo separate approval and environmental review processes.</p>
B10-77	<p>2.2.9.1 Oxford Tract</p>	<p>The commenter misunderstands the purpose of the LRDP and the Draft EIR. Please see Master Response 4, Programmatic Analysis, and</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>UCB plans to develop the remaining areas of the Oxford Tract currently being used for agricultural purposes by constructing a massive 1,145,000 square foot student housing and parking complex. [footnote 112] The Housing Task Force Draft report identified the Oxford Tract as a good candidate for development for student housing. Plans to develop it for housing appear to be moving forward as Chancellor Christ issued a letter to impacted faculty announcing in no uncertain terms on that the Oxford Tract would be developed for student housing. See Appendix (letters). UCB actually provides a development timeline for that project. It is specifically listed on Figure 3 of the Heath Assessment Report (DEIR App B at 1029).</p> <p><i>Footnote 112: https://www.berkeleyside.com/2018/04/05/should-uc-berkeleys-oxford-tract-be-developed-for-student-housing</i></p>	<p>Master Response 6, LRDP and LRDP Implementation. When future projects are proposed, such as the one noted by the commenter, those projects will undergo separate approval and environmental review processes.</p>




5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The project is expected to be massive – including approximately 3000 student beds and a large underground parking facility. Notwithstanding that prior efforts to develop that parcel have met with strong University and community opposition, the Lead Agency does not present the plan to develop the site. Rather than set out the details that are underway for the site, the Lead Agency merely lists it as a “possible” site for future development, although as noted previously, plans are beyond the theoretical stage. For example, one report detailing UCB projects for 2019-2021 noted budget allocation pertaining to the Oxford Tract to “Relocate greenhouse and insectary from Oxford Tract to create housing development site.” [footnote 113]</p>	
	<p><i>Footnote 113: https://www.ucop.edu/capital-planning/resources/berkeley-project-summaries-campus-v.2.pdf</i></p>	
B10-78	<p>2.2.9.2 The Upper Hearst Development Project</p> <p>UCB has solid and developed plans to construct two buildings – a large housing complex and an Academic building – on what is now parking on the corner of LaLoma Avenue and Hearst Avenue. This project – called variously the Upper Hearst Development Project has been thusly described [footnote 114]:</p> <p>two separate buildings – an academic building and a residential building on top of a rebuilt parking structure – that would be built concurrently by the project developer. The residential building would be up to six-stories constructed on top of a three-story partially subterranean parking structure where the Upper Hearst parking structure and adjacent at-grade Ridge parking lot are now located on La Loma Avenue between Hearst Avenue and Ridge Road.</p>	<p>The commenter misunderstands the purpose of the LRDP and the Draft EIR. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation. The proposed Upper Hearst Development for the Goldman School of Public Policy is the subject of a separate environmental review process that evaluates the project-specific details of that proposal.</p>
	<p><i>Footnote 114: https://files.ceqanet.opr.ca.gov/142694-30/attachment/Eu8O4CXda3t4PjCcPK-K_01iFAHGnu_EM4nB9R_DPXDKR9EpvacTXewhltHrcI55Yso1PIZsTHMASqybo</i></p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The residential component would consist of up to 150 residential units in a mixture of studio and one- and two-bedroom apartments for campus. The project would reduce the total number of parking spaces on-site from 346 to approximately 175. The building, including the residential units and parking, would be approximately 220,000 gross square feet.</p>	
	<p>A separate academic building would be constructed immediately east of the existing GSPP building located at 2607 Hearst Avenue. The approximately 37,000 gross square feet of office, classroom, and event space in the academic building would serve several GSPP programs. The academic building would be four stories in height over one subterranean level. The fourth level would provide access to a rooftop terrace and include an event space with a seating capacity of 300 that could accommodate up to 450 people at maximum capacity. [footnote 115]</p>	
	<p><i>Footnote 115: Id.</i></p>	
	<p>This project appears on DEIR Table 5-3 as a pending project with no date of completion indicated.</p>	
		
	<p>A separate LRDP update and DEIR/EIR were prepared for the project but it has stalled due to litigation, including an action brought by the City of</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR



Letter/ Comment #	Comment	Response
	<p>Berkeley. It has, however, indicated in maps/figures/exhibits to its draft LRDP, that it has designated this plot for future construction of student housing. The latest illustration of the project released to the public is below; an earlier drawing is shown above.</p>	
		
	<p>Given that extensive planning has already occurred for this site and that future construction is planned there, it is unreasonable not to provide additional details as to the nature, scope and even scale of the proposed development.</p>	
	<p>As previously pointed out, the rationale for Projects 1 and 2 and reasonableness of the mitigation proposed for them in the DEIR is largely justified by the Lead Agency on UCB’s acute need for additional student</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-79	<p>housing. If a large number of student housing units are slated to be built during the LRDP period on other non-landmarked locations, the necessity for Projects 1 and 2 would certainly seem to be diminished and their scale – which would necessarily affect their environmental impact – could be substantially reduced as part of the proposed mitigation.</p> <p>2.2.10 DEIR Should Have Discussed All Planned Development on Clark Kerr Campus</p> <p>The DEIR discloses that the Lead Agency is planning to conduct extensive demolition and construction on the Clark Kerr Campus. At present, the Clark Kerr Campus is a lovely area characterized by mature landscaping, wide open spaces and low-slung buildings, many of which are landmarked or otherwise culturally and historically important. UCB’s past efforts to develop the property met with strong City and neighborhood resistance and ultimately resulted in a written agreement that remains in effect until 2032.</p> <p>It appears, based on the disclosures in the DEIR, that UCB intends to construct approximately 500,000 square feet of new building space on that campus. (DEIR Table T-3). This new construction will include student housing, parking, and “campus life” facilities. Id. Parking will be dramatically increased to over 45,000 sq. feet, which of course suggests increased traffic in an already notorious bad-traffic area (there are frequently bottlenecks around Clark-Kerr’s perimeter).</p> <p>The Lead Agency appears to have divided the planned work in to five mini projects (shown below). Within the Clark Kerr campus the greatest amount of new development will take place in a quadrant it refers to as the “central area,” where the current buildings amount to just under 60,000 square feet and the planned construction, when completed will come in at just under 350,000 feet. Essentially increasing the overall</p>	<p>Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation. Any project-specific development on the Clark Kerr Campus would be subject to separate project approval and an environmental review process that would consider the project-specific details of those proposals.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>building size by a factor of 6. (This central area is denoted by CK1 on the map below, which is excerpted from DEIR Figure 3.3.)</p>	
	<p>The area denoted as CK2 is reported (in the DEIR) to presently have structures just under 20,000 sq. feet; once developed, the new buildings will have 40,000 sq. feet of “campus life” space. The area denoted as CK3 currently has 1757 sq feet of built space; with the new development the total amount of space constructed will be 53,000 sq feet. CK 4 currently has 17,226 sq feet of building space; once developed according to the LRDP, it will have 200,000 sq feet. Finally, CK5 – the area where UCB presently operates a child development center for infants and small children – 42,106 sq feet of building space will be transformed into 234,000 sq feet through demolition and new construction. Although billed as a “residential” project, the total number of new student beds will be just 2,364 (or one bed for every 212 new square feet of new space).</p>	
	<p>UCB’s agreement with the City of Berkeley and others concerning construction on this property is still in place and will be so until 2032. The DEIR reports the “Horizon Year” of 2036-37 for completion of this massive demolition and construction project on the Clark Kerr Campus.</p>	
B10-80	<p>Therefore, it is reasonable to expect that all of this massive construction work will take place in a very concentrated timeframe, which will have</p>	<p>The commenter speculates about the future plans of development on the Clark Kerr Campus. Please see Master Response 4, Programmatic</p>

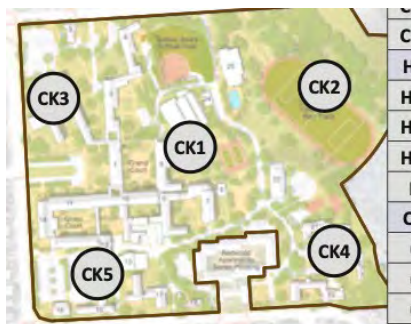


TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>the added problem of concentrating the environmental impacts of these multiple mini projects on the single campus and, assuming the child development center remains, within close proximity to a population (namely infants) that are highly sensitive to noise, vibrations, dust and other toxins that surround construction sites such as these.</p> <p>BAHA is concerned that the Lead Agency is trying to conceal its plans for converting the picturesque, bucolic campus dotted with landmarks into a characterless cluster of high-rises and parking structures. Our concerns are heightened by the fact that the within a few months of issuing the draft LRDP, the Lead Agency proposed a separate LRDP for a construction and demolition project at the Clark Kerr Campus. That earlier LRDP covered construction of a beach volleyball complex in one area of that campus and demolition of a landmarked structure in another. Significantly, neither of these LRDPs meaningfully discusses the other.</p> <p>Essentially, the Lead Agency is improperly segmenting their comprehensive plan for the Clark Kerr Campus – a plan that they know is likely to be very controversial – by presenting it in small pieces. That approach is both beneath an agency of such renown and in direct violation of the provisions of the California Education Code and CEQA, which proscribe just this sort of segmentation. It is also in direct violation of Regent’s policy. UC Regents Policy 8103 provides in pertinent part, A project cannot be divided into separate phases for independent consideration. Phased work includes, but is not limited to, using the same contractor to perform similar modifications on multiple buildings, performing multiple projects over a period of years on the same building, constructing multiple buildings in a complex or separating work into several projects.” [footnote 116]</p>	<p>Analysis, and Master Response 6, LRDP and LRDP Implementation. Any project-specific development on the Clark Kerr Campus would be subject to separate project approval and an environmental review process that would consider the project-specific details of those future proposals.</p>

Footnote 116:

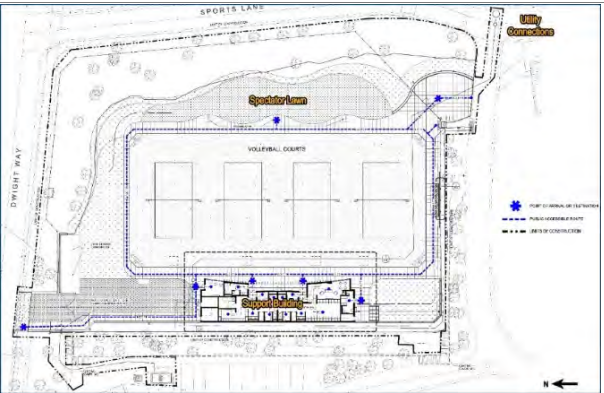
<https://regents.universityofcalifornia.edu/governance/policies/8103.html>

5. COMMENTS AND RESPONSES

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>In this case, separating a single plan into separate phases is precisely what the Lead Agency has proposed. Moreover, in the Volleyball Complex LRDP, it included the plan to demolish a landmarked structure in a completely unrelated part of the campus. The diagrams below show the planned complex and the location of it in relation to the building that the Lead Agency seeks to demolish.</p>	
		
	<p>It is clear from the annotated aerial photograph above that the proposed volleyball complex, which is at the North end of the Clark Kerr Campus, is nowhere near the historic structure (Building 21), which is almost literally the opposite end of the site. Because both the construction and the proposed demolition projects are part of a phased plan to re-develop the Clark Kerr Campus, they should have been included in the draft LRDP for UC Berkeley, not addressed piecemeal in a separate LRDP and DEIR.</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>Indeed, the approach of segmenting out the demolition of Building 21 had the inevitable effect of concealing the extent of the Lead Agency’s planned demolition of historic and cultural resources on that site and impeding the public’s ability to assess the cumulative impact of the proposed demolition of Building 21 with all of the other soon-to-be-demolished buildings. In sum, both the plan for the sports complex and the plan to demolish Building 21 should not have been presented as a separate LRDP with a separate EIR.</p>	<p>Before it finalizes the EIR for the LRDP project, the Lead Agency should discuss the sports complex plan and all the demolition plans for that campus in detail. The Lead Agency’s failure to provide details of its additional construction plans for the Clark Kerr Campus site – which is obliquely referenced in its diagrams of potential future housing development sites – renders the LRDP and the DEIR legally insufficient. Table 3.2 in the Draft LRDP indicates that the Clark Kerr campus is a “high priority” student housing site, and the map on page 40 of that document outlines the entire Clark Kerr Campus as a potential building area.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-81	<p>2.2.11 DEIR Does Not Provide Reasonable Alternatives to Proposed Projects</p> <p>BAHA’s comments about the DEIR’s lack of reasonable alternatives applies equally to the context of the massive development surge that is only partly designed to create more student beds. One option is to densify both the existing on-campus housing and to create smaller, denser student housing facilities along the lines of the traditional dorm. Smaller denser housing could yield more beds with a smaller impact on Natural and Cultural and Historic Resources than the proposed projects. Another reasonable alternative is to reduce or eliminate the proposed enrollment increase and thereby reduce the need for such a large number of big construction projects.</p> <p>The other reasonable alternative discussed throughout this set of comments is to use all available UCB property, not artificially restrict the geographic area available for “redevelopment” and new construction. Further, in discussing these alternatives, the DEIR should include a discussion of both existing, reliable off-campus student housing (such as Mills College) and future plans relating to all such off-campus in the future. For example, it makes no sense to ignore available dorm room capacity at Mills College, which has rented its dorms to UCB students in the past and clearly is prepared to do so in the future. While a Lead Agency is only required to consider “reasonable” alternatives to the proposed projects, it must those that are reasonable.</p> <p>Another entirely viable alternative is to reduce the size and thus environmental impacts of the proposed student housing is to eliminate commercial areas and luxury features such as work out areas, convenience stores, and commuter/gathering spaces in Projects 1 and 2 and to reduce room sizes in all new student housing units. By removing the extraneous non-housing uses and maximizing the number of housing units that can be built into a student residence (in a dorm room, not</p>	<p>Please see Master Response 18, Alternatives, for more discussion on a reasonable range of alternatives and responses to the alternative suggestions made by the commenter. With respect to Mills College, please see Master Response 7, EIR Study Area.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>apartment configuration), UCB could accommodate more students at a cheaper price, which ultimately is what students generally want [footnote 117] and UCB needs. UCB should consider reducing the height and changing the configuration of the Project 2 Buildings so as to reduce the significant impacts on nearby historic and cultural resources while offering the maximum number of student housing units in buildings that are, by height and mass, more suited to the area. The existing recently-constructed student residences on the Anna Head site are – from a height and massing standpoint – more appropriate to the scale of the surrounding neighborhood and would have the advantage of avoiding the deep pile driving that will harm surrounding historic and cultural resources.</p>	
	<p><i>Footnote 117: Ike, Nnenna, et al. “Tertiary Students’ Housing Priorities: Finding Home Away from Home.” Canadian Journal of Urban Research, vol. 29, no. 1, 2020, pp. 55–69 (students place a higher value on affordability than luxury amenities such as workout rooms).</i></p> <p>Likewise, the footprint of the Project 1 Anchor House should be altered. Notably, when first presented to the Lead Agency, UCB planners assumed that the Anchor House could be built without acquiring the Walnut Street Apartments. UCB should revert to the original residential design that preserved both the Walnut Street apartment building and converted the University Garage into a visitor center and/or student café and meeting area. If the luxury amenity and commercial areas are removed and the housing units made more compact, the same number of students can be housed in a smaller, less massive structure.</p>	
	<p>Ideally, vacant land, such as the parcel at the North-East Corner of Hearst and Oxford, which is now being used as a parking lot, could be used to construct additional student housing, which would alleviate the need for so many giant buildings that necessitate the destruction of historic resources and are out of scale with the surrounding neighborhoods.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>Finally, in light of UCB’s recent experience with remote learning during the COVID pandemic, the surveys of UCB students that indicate a preference in remote learning/telecommuting options, and UCBs own recent planning documents that call for expanding remote learning, the failure to consider this option in any meaningful way was unreasonable. As noted in the graphic below, the overwhelming majority of UCB survey respondents indicated an interest in telecommuting. The emphasis on telecommuting (which for students translates to remote learning) in the Master Plan was enthusiastically endorsed by the LRDP survey respondents who overwhelmingly supported increasing telecommuting: [footnote 118]</p>	
	<p>Footnote 118: https://masterplan.berkeley.edu/sites/default/files/2020-11-30_lrdp_cmp_virtual_open_house_summary.pdf</p>	
	<p>INSTRUCTION AND RESEARCH Would you choose to telecommute one day a week if it were an option?</p> <p>97% YES 3% NO</p> <p>97% of staff who took the survey said they would choose to telecommute one day a week if it were an option</p> <p><small>Question offered to website visitors who identified as staff.</small></p> <p><small>Berkeley Capital Strategies</small></p> <p><small>UC Berkeley LRDP and Campus Master Plan Final Open House #1 Summary - November 2020</small></p>	
	<p>Failure to consider alternate locations, this reasonable option, will render the Lead Agency’s decision to proceed on Projects 1 and 2 unreasonable, unsupported, and non-compliant with CEQA.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-82	<p>2.2.12 Lead Agency’s Rationale for Increasing Freshman Housing Is Unsupported</p> <p>In the LRDP and related sections of the DEIR, the Lead Agency maintains that it has concluded that all Freshmen should be provided on-campus or near-campus (that is, Berkeley campus) housing. The basis for this conclusion is not provided. Further, that conclusion would seem directly at odds with UCB’s programs to direct Freshman to the London campus and, more recently, the Mills College Campus.</p> <p>Indeed, the Lead Agency has failed to provide actual statistics as to how many incoming Freshman actually require housing – given that, historically, the second largest segment of incoming students live in Alameda County, which suggests that at least some of them may have the option of living at home and some historically have chosen to do so for financial or other reasons.</p> <p>BAHA finds it odd that, rather than focus on economically challenged students, the Lead Agency has focused on supplying Freshman housing regardless of need and securing comparatively high- end, expensive housing via ground leases and public-private partnerships rather than devote its resources to supporting the neediest students, regardless of their class year.</p>	<p>The commenter incorrectly asserts that the Draft EIR analysis is based on Freshman being located on the UC Berkeley campus or near the UC Berkeley campus. No impact conclusions are based on this premise.</p>
B10-83	<p>2.3 Authority for Proposition that UCB Does Not Have to Comply With Local Zoning and Other Ordinances</p> <p>In the draft Proposed LRDP and the DEIR, the Lead Agency states in most emphatic terms that UCB is empowered to make plans for its use of its real property assets – including real estate it owns and leases in the LRDP area – without regard to local development and other restrictions by virtue of UCB’s special status under the state constitution. [footnote 119] That “special status,” however, is not as unrestricted as the Lead Agency</p>	<p>Please see Master Response 2, Constitutionally Exempt, and Master Response 13, Consistency with other Policy Documents.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>claims. [footnote 120] The DEIR fails to demonstrate--through any evidence much less sufficient evidence--that UCB qualifies for these exemptions; moreover, the DEIR shows that, in respect to Projects 1 and 2, it does not.</p>	
	<p><i>Footnote 119: For example, this special status is what permits UCB, allegedly, to avoid the City’s rent control and zoning ordinances. The DEIR presumes and in some cases explicitly states that UCB does not have to abide by such City restrictions.</i></p>	
	<p><i>Footnote 120: In City of Los Angeles v. A.E.C. Los Angeles (1973) 33 Cal.App.3d 933, the Court of Appeal upheld the application of city business taxes to a state contractor, calculated on the basis of the gross receipts the contractor had obtained from the state. The court in A.E.C. Los Angeles explained that while “local ordinances may not impose a regulatory scheme upon private persons which operates to impinge upon the sovereign power of the state ... revenue measures of general application imposing a nondiscriminatory tax upon persons doing business in a state regulated activity or with the state, do not so impinge.” (Id. at p. 940, citations omitted.) This is so, the court explained, even when the economic burden can be passed on to a “higher governmental unit,” thus indirectly affecting its operations. (Ibid.) With respect to Project 1, a private entity is designing the Project 1 building and paying for its construction. Although it is donating this building to UCB (as described in its agreements with UC included in the appendix), this private entity is subject to the City’s regulatory scheme, including its zoning restrictions.</i></p>	
	<p>First, the law is well-settled that to qualify for exemption from local zoning and similar restrictions such as local taxes, fees and rent control restrictions, the state university entity must be executing a project with an academic purpose. [footnote 121] The Lead Agency apparently presumes in the DEIR that all of its Projects serve an academic purpose</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>because they are being proposed by an academic institution, and the DEIR says as much. [footnote 122]</p> <p><i>Footnote 121: City and County of San Francisco v. Regents of University of California, 7 Cal. 5th 536; [sic]</i> <i>Footnote 122: DEIR chapter 3, passim</i></p> <p>That presumption, however, is unsupported as both a matter of law and a matter of fact. As a matter of law, California courts have previously rebuffed California university efforts to avoid local restrictions in their operation of non-academic buildings such as public parking lots and other property for non-academic purposes. [footnote 123] For example, in <i>Board of Trustees v. City of Los Angeles (Board of Trustees)</i>[footnote 124] , the court upheld a municipal permitting requirement as applied to a circus held on CSU property.[footnote 125] The court noted the ordinance would affect CSU “only in whatever manner enforcement might affect the revenue production” of the property, which was insufficient to bar the tax under preemption or sovereign immunity principles. [footnote 126] In <i>Oakland Raiders v. City of Berkeley (Oakland Raiders)</i>, [footnote 127] the court upheld a city gross receipts tax on the Oakland Raiders for professional football games played in California Memorial Stadium at the University of California, Berkeley. The court acknowledged “the University of California is not subject to local regulations with regard to its use or management of the property held by the Regents in public trust.” [footnote 128] Nonetheless, the court concluded, “[a] tax upon the operation of a business by a lessee of publicly owned property constitutes a tax upon the privilege of performing the business rather than a tax upon the property.” [footnote 129] More recently in a case involving CSU and UC’s refusal to collect city parking taxes in connection with their operation of parking facilities on university property, the California Supreme Court rejected the idea that UC/CSU was entirely exempt from local regulation:</p> <p><i>Footnote 122: DEIR chapter 3, passim</i></p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Footnote 123: <i>City and County of San Francisco v. Regents of University of California</i>, 7 Cal. 5th 536; <i>Board of Trustees v. City of Los Angeles</i> (1975) 49 Cal.App.3d 45; <i>Oakland Raiders v. City of Berkeley</i> (1976) 65 Cal.App.3d 623 [137 Cal. Rptr. 648] (<i>Oakland Raiders</i>), Footnote 124: <i>Board of Trustees v. City of Los Angeles</i> (1975) 49 Cal.App.3d 45. Footnote 125: <i>The UC and CSU systems are covered by the same constitutional and legal provisions relevant here.</i> Footnote 126: <i>Id.</i> at p. 49. Footnote 127: <i>Oakland Raiders v. City of Berkeley</i> (1976) 65 Cal.App.3d 623 [137 Cal. Rptr. 648] (<i>Oakland Raiders</i>) Footnote 128: <i>Id.</i> at p. 626. Footnote 129: <i>Id.</i> at p. 627.</p>	
	<p>To the extent CSU or the other universities argue San Francisco’s parking tax is impliedly preempted because it imposes an economic burden that threatens interference with the universities’ performance of their assigned duties, we have already explained that the law is to the contrary; indirect economic consequences alone are insufficient to invalidate a nondiscriminatory municipal tax on third parties doing business with the state or its agencies. [footnote 130]</p>	
	<p>Footnote 130: <i>City and County of San Francisco v. Regents of University of California</i>, 7 Cal. 5th 536, 550. In that case, <i>City and County of San Francisco v. Regents of the University of California</i>, the Supreme Court reasoned that the UC Regents’ power is not unlimited: “Here, too, we conclude that the constitutional task before us calls for a sensitive balancing of constitutional interests, rather than a simple invocation of constitutional rank.” [footnote 131] The Court explained that situations like the presented in the DEIR call for a “pragmatic balancing and factual context in the preemption analysis. [footnote 132] Ultimately, the Court held that UC and CSU did not have a blanket exemption by virtue of the state</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>constitution from following local laws and had to follow the local tax collection requirements:</p>	
	<p>For these reasons, we conclude that San Francisco’s parking tax collection requirement, as applied to the state universities, does not violate principles of state sovereignty embodied in the California Constitution. The universities maintain the autonomy to manage their property as they wish, and the universities have failed to demonstrate that the minimal burden associated with collecting and remitting the parking tax poses a risk of substantial interference with their ability to carry out their governmental functions. We must, in any event, recall that it is ultimately the people of the State of California who are its “highest sovereign power.” (<i>Oakland Paving Co. v. Hilton</i> (1886) 69 Cal. 479, 514 [11 P. 3].) The universities exercise those powers granted to them by the people of this state, just as the charter cities exercise those powers granted to them by the people. [footnote 133]</p>	
	<p><i>Footnote 131: Id.</i></p>	
	<p><i>Footnote 132: Id.</i></p>	
	<p><i>Footnote 133: Id. At 559. See also, Regents of the University of California v. Superior Court, 17 Cal. 3d 533, 537 (1976) (“investment decisions are not so closely related to its educational decisions as to cloak the former with immunity even if the latter are immune.”)</i></p>	
	<p>These decisions have coincided, not surprisingly, with the UC system’s attempts to mine its real estate assets by turning them into money making operations in competition with the private sector. [footnote 134]</p>	
	<p>From them, has arisen the litmus test of whether the university has an academic purpose for a given action, project, or refusal to abide by a local requirement. [footnote 135] If it does, then the action/project has constitutional exemption; if not, it does not. Thus, to the extent, the proposed project is not for an academic purpose, UCB is not exempt as a matter of law.</p>	
	<p><i>Footnote 134: Note, “Autonomy and Accountability: The University of</i></p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>California and the State Constitution,” 38 Hastings L. J. 927, 928 (1987) Footnote 135: See Regents of the University of California v. City of Santa Monica, 77 Cal.App. 3d 130 (1978) (no need to follow local zoning requirements as planned building was for educational purpose); 72 Ops. Cal. Atty. Gen. 119 (1989) (university pharmacy must follow state pharmacy regulations); 56 Ops. Cal. Atty. Gen. 210, 121 (1985) (University not exempt from zoning when transfer property to private developer). Cf. City of Malibu v. Santa Monica Mountains Conservancy, 98 Cal. App. 4th 1379 (2002) (state entity not exempt from local ordinances even though activity and use was to raise money to maintain state property); See authorities cited in https://opr.ca.gov/docs/complete_pzd_2011.pdf; An excellent explanation of the history of the conflict and relevant case law is set forth in, Caitlin M. Scully, “Autonomy and Accountability: The University of California and the State Constitution,” 38 Hastings L. J. 5 (1987); [sic]</i></p>	
	<p>As a matter of “fact,” the DEIR is clear that neither the structures planned in Project 1 nor those in Project 2 have any academic function. Among other things, the Lead Agency repeatedly and explicitly described these projects as “student housing” projects. The tables in the DEIR list their uses as “residential.” The “fine print” in the DEIR for these projects – which are really, in common real estate parlance, real estate “deals” – show that in fact both projects contain sizable commercial components that are intended to be let to the public and, in the case of Project 2, to serve a public purpose to house members of the public and provide space for them to receive special services. Further, in these comments we have demonstrated that by erecting Projects 1 and 2, UCB is essentially joining the fray of commercial developers that have flooded the City of Berkeley to make money serving the increased demand (a demand UCB has caused) for student housing replete with luxury and other amenities. Indeed, even a quick perusal of the websites listed above in the table for the private student housing buildings in Berkeley shows that the schematics and descriptions of Projects 1 and 2 are close in</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>nature and kind to these private developments. Make no mistake, the student housing in these Projects is not the low-cost, no frills dorms of old. Project 1 contains substantial commercial space – space that UCB has indicated may/will be rented for a public health club, mini mall or mart, and commercial office use. The project also contains a demonstration kitchen and scullery (!!) and a large event space, which may be open to public use and/or attendance.</p> <p>The paperwork for Project 1, which is provided in the Appendix to this letter, clearly shows that it is framed as a typical real estate deal. These agreements even specify the name of the agent and real estate brokerage company who is to let the commercial space in the building! Project 2 likewise contains commercial space dedicated to a grocery or similar commercial retail operation and other non-academic uses. In sum, the Lead Agency cannot cloak Projects 1 and 2 as academic projects merely because they are being undertaken by an academic institution, when the specifics set forth in the DEIR and other documents clearly show that they are not primarily (or even incidentally) going to be used for an academic purpose. [footnote 136] BAHA consequently comments that the Projects, particularly both Projects 1 and 2, fail to conform to applicable local and state restrictions including, but not limited to, zoning ordinances, height restrictions, building codes, and City’s rent control ordinance.</p>	
	<p><i>Footnote 136: That UCB is mining its real estate assets should not be in doubt. In addition to the numerous items included in the appendix, the minutes of the meetings of the UC Regents, the UC and campus budgets, and various public and private studies concerning the funding of UC’s operations demonstrate this. Due to the restrictions on this process and the difficulty accessing original source materials during COVID-19 closures and restrictions, BAHA has not been able to provide all of the evidence supporting its legal and factual positions herewith, but is prepared to do so when these restrictions are lifted (if the Lead Agency dispute them).</i></p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Second, UCB (and the UC System on behalf of UCB) acquired many of the Project sites through eminent domain, the Morrill Act, other similar statutes and acts, and expenditure of state resources. It has also received state monies in connection with its operation, which it has expended on these properties. Each type of acquisition and expenditure carries with it some restrictions on use even if that restriction is merely that the use will be by the state entity that is acquiring the property within the scope of its state mandate. The sheer scope of the projects proposed in the draft LRDP and the lack of clarity in the DEIR [footnote 137] make it difficult to assess UCB’s compliance with the numerous restrictions applicable to each individual “redevelopment” site and the funding that it has earmarked for each construction project.</p>	
	<p><i>Footnote 137: For example, it is unclear if UCB is planning to “redevelop” (i.e., demolish) Anna Head School for student housing (as proposed by UCB’s Housing Task Force and UCB planners describing the LRDP draft to the public and City officials) or as set out in the DEIR for a combination of academic, campus life and parking.</i></p> <p>Nevertheless, two examples are illustrative. The Oxford Tract is the last area within the draft LRDP area – as described in the DEIR – that we understand is associated with UCB’s status as a land grant university. As noted elsewhere in this letter, the draft LRDP, the DEIR and multiple public statements by UC administrators make clear that UCB intends to convert the tract’s current agricultural use to build student housing and parking. As part of the CEQA EIR process, the public has a right to know – and the Lead Agency should explain – whether UCB legally can convert the use of this tract in this way given the relevant history of this parcel, UCB’s acceptance of land grant funds and property, and UCB’s acceptance of state funding in connection with its operations. Among other things, how can the public be expected to provide intelligent comments under CEQA on Project 1, which is within a block of the Oxford Tract, if it does not know the likelihood that upwards of 3000</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>more students will be living in the nearby, soon-to-be-constructed Oxford Tract housing, clogging the roads with cars and contributing to noise, foot traffic and pollution in the already dense area? Because the projects are necessarily tied together by purpose, location and timing, the Lead Agency had an obligation to discuss in the DEIR the likelihood that it legally can convert the Oxford Tract to a non-agricultural use. [footnote 138]</p>	
	<p><i>Footnote 138: Notably, when a BAHA member sought access to UCB archives to research the restrictions on this and other parcels, she was informed that the archives (including those normally available to the public at Bancroft Library) were not accessible due to COVID-19 related restrictions. That member is prepared to executed a sworn declaration to this effect and provide documentation if necessary to prove this fact.</i></p>	
	<p>Similarly, the Anna Head School and Edwards Stadium sites were apparently acquired (as indicated in the DEIR and these comments) at least in part by the state’s exercise of eminent domain and related expenditure of funds. [footnote 139] These legal processes happened so many years ago that the specifics are buried in UCB archives and public records made inaccessible due to pandemic and other restrictions. BAHA assumes, however, that by proceeding in condemnation (or through the threat of exercising its powers of condemnation) the Lead Agency, UCB or other relevant state actor made representations as to the future uses of those properties. Without access to these materials BAHA cannot now definitively prove (with court-filed documents or other documentary evidence) that these stated uses were not luxury student accommodations with commercial real estate components, but believes that such can be presumed based on both the circumstances at the time, the acquisitions themselves, and the decades of subsequent use of the sites, which was for athletic (in the case of Edwards Stadium) and academic (in the case of the Anna Head School). Whether UCB can now convert both sites to student housing and commercial/retail uses</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>[footnote 140] will depend on those long-ago representations. The DEIR does not discuss much less demonstrate by sufficient evidence [footnote 141] that the contemplated future uses set forth in the DEIR for these sites are consistent with the legal restrictions imposed by the manner of their original acquisition.</p>	
	<p><i>Footnote 139: Id. To the extent the Anna Head School was acquired through another means such as a forced sale upon threat of eminent domain or out-right purchase through expenditure of state (UCB or UC) funds, restrictions would still apply to use of the property. It could not, for example, have been made available to a non-UCB affiliated third-party for their own exclusive use and enjoyment. As to the Edwards Stadium site and nearby UCB-owned parcels, existing private residences and businesses were demolished to make way for the new sports complex and related structures.</i></p>	
	<p><i>Footnote 140: UCB Alumni have been led to believe that Edwards Stadium is slated to be converted to student housing with a large commercial retail component. Such a plan would be consistent with both Projects 1 and 2, and UCB's stated plans to make student housing "pay for itself."</i></p>	
	<p><i>Footnote 141: In the DEIR the Lead Agency makes only the breezy statement (without citation or explanation) that it has the absolute unrestricted right to do what it wants with its property.</i></p>	
	<p>Likewise, the DEIR does not discuss or explain the basis upon which UCB recently acquired the 1921 Walnut property, moved to evict its existing tenants, and effectively gave a non-public entity rights to demolish, construct and operate new buildings on that UCB property in conjunction with Project 1 without complying first with CEQA and other applicable state and local laws, the Lead Agency's own procedures, and the scope of powers to expend UC funds and enter agreements delegated to the relevant parties. Put simply, as described by the DEIR, UCB put the proverbial cart-before-the-horse. Its acquisition of the 1921 Walnut property, eviction of its tenants and execution of the agreements</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>contained in our Appendices each constitute substantial steps that required that the CEQA EIR process be complete, which it was not. The cost of the acquisition likely also triggered other policies and procedures of the UC Regents, including monetary caps on its delegation of authority to UC administrators. [footnote 142] Insofar as the DEIR documents this sequence of events, it demonstrates that the Lead Agency failed to comply with CEQA in connection with Project 1.</p>	
	<p><i>Footnote 142: This is where UCB’s pandemic-related failure to produce requested documents is so pernicious. The propriety of expenditure of UC funds for the acquisition of property – such as the 1921 Apartments for Project 1 – can only be examined for compliance with (and conformity to) UC Regent’s policies relating to real estate acquisitions and operations and the scope of delegation of powers and duties (i.e., level of purchasing authority) if those documents are produced. They were asked for but not produced, thereby limiting our (and other members of the public’s) ability to comment fully on the proposed Projects.</i></p>	
	<p>BAHA, therefore, comments that the DEIR has failed to satisfy the requirements of CEQA. It further respectfully requests that (a) the Lead Agency provide additional evidence to support its statements in the DEIR that the Projects are entitled to the claimed exemptions, including exemptions from City’s zoning, building, and rent control ordinances as to the Projects (particularly Projects 1 and 2); (b) discuss the specifics as to how UCB or other relevant state educational institution obtained the sites now sought to be developed or redeveloped, including any affirmative representations made by UCB or other state actor as to the use planned for that site; and (c) UCB provide BAHA and other members of the public access to the relevant materials concerning these sites and the circumstances of their acquisition and subsequent use. Finally, we ask that the Lead Agency’s response to the BAHA’s comments be made specific to the individual comments made in this section and address as to each proposed redevelopment/development encompassed by the</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	Projects and DEIR, the specifics as to any purported academic use, including evidence thereof.	
B10-84	<p>2.4 BAHA’s Questions</p> <p>In conjunction with issuing its final EIR, the Lead Agency should answer the following questions (Note: UCB as referred to herein includes all properties and sites owned or leased by UCB or a UC entity for the use of UCB students or to which UCB students, faculty, staff or researchers have access by virtue of an agreement between the property owner or operator and the Lead Agency or one of its constituent parts such as UCB; “you” and “your” refers to the Lead Agency and any of their agents or designees including UCB planning staff):</p>	The comment serves as an introduction to the comments that follow. Please see Responses B10-85 through B10-128.
B10-85	Question 2.1: How many student housing units are currently available to UCB students at each UCB provided housing locations? Please identify each residence location by address and number of units.	<p>The comment presents a question that is not germane to the environmental evaluation of the proposed project. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>For a description of available UC Berkeley housing please see: https://housing.berkeley.edu/overview.</p>
B10-86	Question 2.2: To the extent not provided in response to the previous question, please provide data identifying how many UCB students presently live-in student housing for which UCB has secured ground leases. Please identify each residence location by address and number of units.	Please see Response B10-85.
B10-87	Question 2.3: To the extent not provided in response to the prior question, please provide data identifying how many UCB students are expected to live in additional student housing for which UCB either has a lease presently, is in negotiations to obtain a lease, or has plans to lease and where no students are living presently.	Please see Response B10-85. The commenter is also directed to see where the housing master leases and P3 or “Public Private Partnerships” projects are listed under Affiliated properties at UC Berkeley’s Housing website: https://housing.berkeley.edu/ . UC Berkeley

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-88	For each such property, please provide the name, expected move in date(s), number of housing units, and location.	use of master leases is intended as an interim approach to meet the housing need before UC Berkeley-owned housing is delivered. Please see Response B10-85.
B10-89	Question 2.4: To the extent not provided in response to the prior questions, please provide data identifying how many Mills College dorm rooms are available presently to UCB students and please also provide data as to how many UCB students presently live-in dorms at Mills College.	Please see Response B10-85. and Master Response 7, EIR Study Area, with respect to Mills College.
B10-90	Question 2.5: To the extent not provided in response to prior questions, please provide data identifying how many Mills College dorm rooms will be available to UCB students (either by students' direct arrangement with Mills College or under the auspices of any agreements between Mills College and UCB) during the term of the proposed LRDP.	Please see Response B10-85, and Master Response 7, EIR Study Area., with respect to Mills College.
B10-91	Question: 2.6 If the number of UCB students projected to reside in dorms on the Mills College campus during the term of the LRDP is not identical to the number(s) provided in response to Question 2.5, please provide projected figures and explain why they are different from those in response to that prior question.	Please see Response B10-85, and Master Response 7, EIR Study Area., with respect to Mills College.
B10-92	Question 2.7: Please describe and provide all relevant documentation of any agreements with Mills College concerning the use of Mills College facilities (including classrooms and/or dorm facilities).	Please see Response B10-85, and Master Response 7, EIR Study Area., with respect to Mills College.
B10-93	Question 2.8: Where are currently available UCB student housing facilities located? Please include the property address and number of total units and beds, the maximum number of students who can be housed at that location, the size of the units, and the cost (if any) for accommodation in that building?	Please see Response B10-85. Also, for a description of available UC Berkeley housing please see: https://housing.berkeley.edu/overview .
B10-94	Question 2.9: For each location identified in response to the prior question, please provide the nature of the arrangement (i.e., ownership, master lease etc.) and, for properties not owned outright, what is the expected duration of the lease or other arrangement, and	Please see Response B10-85 and B10-87.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	the renewal period provided for in any written agreement pertaining thereto.	
B10-95	Question 2.9.1: How many master leases have been entered to secure housing for UCB undergraduate students and/or graduate students?	Please see Response B10-85 and B10-87. Note, UC Berkeley use of master leases is intended as an interim approach to meet the housing need before University-owned housing is delivered.
B10-96	Question 2.9.2: How many master leases have been entered to secure housing for UCB faculty or staff?	Please see Response B10-85 and B10-87.
B10-97	Question 2.9.3: How many master leases for student housing are currently in the process of being negotiated?	Please see Response B10-85 and B10-87.
B10-98	Question 2.9.3: How many master leases for faculty and/or staff housing are currently in the process of being negotiated?	Please see Response B10-85 and B10-87.
B10-99	Question 2.9.4: Does UCB have plans to secure more student housing via the master leasing process other than what has already been identified in response to the prior questions?	Please see Response B10-85.
B10-100	Question 2.10: What is the current census of students living in UCB housing in the LRDP area as defined in the LRDP and DEIR?	Please see Response B10-85. As shown on Table 3-5, Proposed LRDP Update Housing Program, in Chapter 3, Project Description, of the Draft EIR, the number of campus housing units is shown by zone and totals 9,020 beds; this bed count does not include UC Berkeley housing outside of the EIR Study Area (including University Village) or affiliate or master leased properties.
B10-101	Question: 2.11: What is the current census of students living in UCB housing outside the LRDP area as it is presently defined in the LRDP and DEIR?	Please see Response B10-85. Housing outside of the LRDP Planning Area/EIR Study Area is not required to be defined in the LRDP Update or the EIR. Please note that the University Village Albany (UVA) is a housing community for UC Berkeley students with families located in the city of Albany in Alameda County, California. University Village, which is outside of the LRDP Planning Area/EIR Study Area, contains 918 student beds. The physical development of UVA is guided by the amended 2004 University Village Master Plan, and by the 1998 University Village & Albany/Northwest Berkeley Properties Draft Master Plan EIR and 2004 Subsequent EIR.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-102	Question 2.12: What steps, if any, have been taken to evaluate the properties identified as CE 1 through 15 on LRDP figure 3.3 for future development? What is the nature of that planned development?	In general, sites identified as potential areas of new development and redevelopment were determined based on site conditions, deferred maintenance, seismic context, and programmatic relationships with adjacent or nearby UC Berkeley properties. The proposed LRDP Update section on Potential Future Building Areas describes types of sites that may be redeveloped. The proposed LRDP Update is a program-level document; as individual projects are implemented, they will undergo feasibility, planning, and design studies beyond the scope of the LRDP Update. The capacity of each site reflected in the Draft EIR, Table 3-2, Potential Areas of New Development and Redevelopment, in Chapter 3, Project Description, of the Draft EIR. Table 3-2 also lists the potential program types for each site. Any further detail regarding these sites, including potential future funding is inappropriate for identification and consideration in the Draft EIR. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation. Also, please see Response B10-85.
B10-103	Question 2.13: For each property identified in response to the prior question, what steps have been taken, what consultants, if any, have been engaged to evaluate the property, any buildings thereon, or potential development of the site? Please provide contractor(s) name(s) and dates of service and any draft or final work product prepared by any such consultants.	Please see Responses B10-85 and B10-102.
B10-104	Question 2.14: For each site identified on LRDP Figure 3.3 with a CE prefix (i.e., CE 1-16), how many student housing units currently exist on the site and how many housing units are anticipated to be added or developed on that site?	Please see Response B10-102.
B10-105	Question 2.15: For each site identified on the LRDP Figure 3.3 with a CE prefix, what is the primary use of the site presently and what UCB departments, units, or other groups occupy space there?	Please see Responses B10-85 and B10-102.

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
B10-106	Question 2.16: What steps, if any, have been taken to evaluate the properties identified with a CK preface on LRDP figure 3.3 for future development?	Please see Responses B10-85 and B10-102.
B10-107	Question 2.17: For each property identified in response to the prior question, what steps have been taken, what consultants, if any, have been engaged to evaluate the property, any buildings thereon, or potential development of the site? Please provide contractor(s) name(s) and dates of service and any draft or final work product prepared by any such consultants.	Please see Response B10-102.
B10-108	Question 2.18: For each site identified on LRDP Figure 3.3 with a CK prefix (i.e., CK1), how many student housing units currently exist on the site and how many housing units are anticipated to be added or developed on that site?	As shown on Table 3-5, Proposed LRDP Update Housing Program, in Chapter 3, Project Description, of the Draft EIR, the existing number of student beds is 972 and the proposed number of new student beds is 2,367 for the Clark Kerr Campus. Please see Response B10-85.
B10-109	Question 2.19: For each site identified on the LRDP Figure 3.3 with a CK prefix, what is the primary use of the site presently and what UCB departments, units, or other groups occupy space there?	Please see Response B10-85.
B10-110	Question 2.20: What are the total number of anticipated housing units that UCB plans for the Clark Kerr Campus?	As shown on Table 3-5, Proposed LRDP Update Housing Program, in Chapter 3, Project Description, of the Draft EIR, a total of 3,364 beds (3,339 undergraduate beds and 25 faculty/staff beds) could be located at the Clark Kerr Campus, reflecting a net increase of 2,367 student beds and a net loss of three faculty/staff beds.
B10-111	Question 2.21: What is the current status of planning for the leased Moffett Field property? Question 2.21: What, if any, UCB activity is conducted or located at Moffett Field currently? Question 2.22: What is the planning timeline for the Moffett Field site?	Please see Response B10-85 and Master Response 7, EIR Study Area.
B10-112	Question 2.23: How many housing units is UCB considering or does UCB anticipate developing at Moffett Field and for what categories of UCB affiliates (i.e., graduate students, faculty etc.)?	Please see Response B10-85 and Master Response 7, EIR Study Area.
B10-113	Question 2.24: What is the current status of the Berkeley Global Campus Project?	Please see Response B10-85 and Master Response 7, EIR Study Area.
B10-114	Question 2.25: What is the timeline for the development at the Berkeley Global Complex (a/k/a the Richmond Field Station)?	Please see Response B10-85 and Master Response 7, EIR Study Area.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-115	Question 2.26: Does UCB anticipate housing any of the estimated 10,000 new users of the Berkeley Global Campus and, if so, where will they house them?	Please see Response B10-85 and Master Response 7, EIR Study Area.
B10-116	Question 2.27: Will any of the faculty or staff that are anticipated being hired as part of the proposed Draft LRDP work primarily at the Berkeley Global Campus?	Please see Response B10-85 and Master Response 7, EIR Study Area.
B10-117	Question 2.28: Does UCB expect that any of the faculty, staff, or students affiliated with the Berkeley Global Campus will commute on a regular basis to Berkeley? If so, how many and how often?	Please see Response B10-85 and Master Response 7, EIR Study Area.
B10-118	Question 2.29: What is the current status of the University Village (a/k/a Albany Gill Tract) project?	Please see Response B10-85 and Master Response 7, EIR Study Area. For more project information on Albany Village please see: https://capitalstrategies.berkeley.edu/resources-notices/public-notices#march182021 and details on the project, https://capitalstrategies.berkeley.edu/albany-village .
B10-119	Question 2.30: What is the timeline for the planned development at University Village?	Please see Response B10-85 and Master Response 7, EIR Study Area.
B10-120	Question 2.31: Is the current plan for additional housing at University Village still in line with the number of housing units provided for in the LRDP (or amended LRDP) previously propounded for that project?	Please see Response B10-85 and Master Response 7, EIR Study Area.
B10-121	Question 2.32: What is the current status of the Upper Hearst Development Project?	Please see Response B10-85 and B10-102. The timeline for the Upper Hearst Development for the Goldman School of Public Policy project is currently unknown.
B10-122	Question 2.33: What is the timeline for developing and/or executing on the Upper Hearst Developing Project?	Please see Response B10-85. The timeline for the Upper Hearst Development for the Goldman School of Public Policy project is currently unknown.
B10-123	Question 2.34: if the Upper Hearst Development Project is proceeding, how many housing units (by student beds and separate) will be created?	Please see Response B10-85. The timeline for the Upper Hearst Development for the Goldman School of Public Policy project is currently unknown.
B10-124	Question 2.35: What is the current status of the Oxford Tract Project? Question 2.36: What is the timeline for developing the Oxford Tract?	Please see Response B10-85, Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
B10-125	Question 2.37: What steps to date have been taken towards developing the Oxford Tract?	Please see Response B10-85 and B10-102. Also, please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.
B10-126	Question 2.38: How many students will be housed in that new project and what will the anticipated room size be?	As shown on Table 3-2, Potential Areas of New Development and Redevelopment, up to 1,640 beds could be accommodated on the Oxford Tract site. As described in Chapter 3, Project Description, of the Draft EIR, the purpose of the potential development assumptions is to illustrate a land use program that would accommodate the proposed LRDP Update buildout projections. The potential areas identified in this section provide a menu of possible options that UC Berkeley has to accommodate potential growth and changes. Please see Response B10-85 and B10-102.
B10-127	Question 2.39: What monies has UCB received from the state that supports its purported continued exemption from local zoning and other laws as asserted in DEIR Section 3? Please provide an accounting or details concerning the last 5 years of such payment or monie.	Please see Response B10-85. Please see Master Response 2, Constitutional Exemption from Local Regulations.
B10-128	Question 2.40: What reports, memos or other documents support your contention that UCB is exempt from local zoning and other regulations and ordinances? If you have such materials, please provide them.	Please see Response B10-85. Please see Master Response 2, Constitutional Exemption from Local Regulations.
B10-129	<p><u>IMPACTS ON CULTURAL, TRIBAL, AND HISTORIC RESOURCES</u></p> <p>3 DEIR Omits Impacted Cultural & Historic Resources, Misdescribes Resources It Does Identify, Improperly Minimizes Impacts on Cultural Resources, and Provides Legally Insufficient Alternatives and Minimization Proposals</p> <p>3.1 DEIR Discussion</p> <p>The DEIR discusses that collectively the proposed “redevelopment” set out in the Projects will result in the demolition of over 45 buildings that</p>	<p>The commenter incorrectly states that the proposed LRDP Update would demolish more than 45 buildings that are landmarked or could be landmarked, along with several other misleading claims about the project description and the intent behind disclosing to the public the potential areas that UC Berkeley has considered as potential sites for additional growth. This intent behind disclosing these sites is clearly stated in Chapter 3, Project Description, of the Draft EIR, on page 3-26. Here the Draft EIR describes that the potential areas identified in this section (see Section 3.5.1.8, Development Program, of the Draft EIR) provide a menu of possible options that UC Berkeley has to accommodate potential growth and changes. As described in Section</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>have been landmarked or could be landmarked as well as potentially severe damage to other landmarked structures such as Bernard Maybeck’s First Church of Christ Scientist due to the scope and nature of planned nearby construction.</p> <div data-bbox="321 500 1102 665"> </div>	<p>3.5.1.3, Land Use Element, of the Draft EIR, potential future development would be primarily focused on intensive and strategic use of existing UC Berkeley-owned land through determinations of where UC Berkeley can remodel, relocate, densify, or expand current facilities. UC Berkeley may acquire and/or develop additional properties during the EIR buildout horizon that implements the proposed LRDP Update to meet UC Berkeley’s physical space needs. While such additional acquisition and/or development would be focused on adjacency or proximity to existing UC Berkeley properties like those shown in Tables 3-2, 3-3, and 3-4, some sites could potentially be located further away.</p>
	<p>Some of these cultural and historic resources will be destroyed or possibly severely damaged in executing Projects 1 and 2, including (to be demolished) Walter Ratcliff’s UC Garage and the Walnut Street Apartments (1921 Walnut) [footnote 143] and (possibly severely damaged) Maybeck’s First Church of Christ Scientist. Of course, when Project 2 is completed People’s Park will be severely impacted insofar as it will no longer exist. As part of its discussion of the draft proposed LRDP, the DEIR provides a map (Figure 3.3) and tables (Table 3-2, 5.4-8, 5.4-9) showing the existing buildings that the university has selected for “redevelopment.” According to the notes accompanying Table 3-2, ““Redevelopment” projects would involve the demolition of existing structure and construction of new structures.” The list is lengthy and includes such iconic (and landmarked) UCB structures as the Hearst Mining Building, the Greek Theater, and Edwards Stadium; and recognizable ones such as the Cesar Chavez Center and Cory Hall. Two UCB properties associated with early female UCB graduates, the Anna Head School and Smyth- Fernwald house, are also on that list.</p> <p><i>Footnote 143: To learn more about this building and the people UCB has evicted from their rent controlled apartments visit https://www.save1921walnut.org/about</i></p>	<p>Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.</p> <p>Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p> <p>Please also see Master Response 18, Alternatives.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
----------------------	---------	----------





OTHER BUILDINGS ON THE LRDP DEMOLITION LIST



Edwards Stadium: Named for Colonel George C. Edwards, one of the “Twelve Apostles” from Cal’s first graduating class of 1873, who became a math professor the following year and remained at Berkeley for the next four decades. The 22,000-seat stadium is home field for Cal’s soccer and track and field teams, and has witnessed dozens of world and American records, including history’s first 15 foot pole vault. Added to the National Register of Historic Places in 1993.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Hearst Mining Memorial Building: Designed by John Galen Howard and financed by Phoebe Apperson Hearst as a memorial to her husband George, “a plain honest man and good miner,” silver tycoon, and U.S. senator. The building underwent a massive restoration, completed in 2002, that included cutting-edge seismic retrofitting to protect the building in the event of a major earthquake. In addition to its meticulously restored vaulted entrance gallery, elegant, sculptured windows, and grand marble staircase, the building houses new laboratories for advanced experiments in computation, ceramics, metals, and polymers, as well as facilities to develop nanoscale and superconducting materials. Added to the National Register of Historic Places in 1982.</p>	
	<p>The Cesar E. Chavez Student Center: Named in honor of the charismatic founding president of the farm</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**


Letter/ Comment #	Comment	Response
	<p>workers' union. The building was once mainly a dining commons and lounge, but in 1990 it was renovated to house various student services.</p>	
	<p>Cory Hall: Named for Clarence L. Cory, dean of the College of Mechanics and a faculty member for almost 40 years, Cory had a fifth floor added in 1985, the exterior of which features a computer chip-inspired design motif. The building houses a state-of-the-art electronic micro-fabrication facility and labs devoted to integrated circuits, lasers, and robotics. Cory has the dubious distinction of being the only site bombed twice by "Unabomber" Theodore Kaczynski in the 1980s.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
TABLE 5-4-8 DESIGNATED HISTORIC RESOURCES IDENTIFIED AS POTENTIAL AREAS OF REDEVELOPMENT OR RENOVATION		
Site ID ^a	Name	Project Type
CP15	Edwards Stadium	Redevelopment
CP17	Haas Pavilion Addition ^b	Redevelopment
CP19	Hearst Mining Memorial Building ^b	Redevelopment
CP31	Wellman Courtyard	Redevelopment
HW3	Greek Theatre ^b	Redevelopment
CK1	Clark Kerr - Central	Redevelopment
CK2	Clark Kerr - Hillside	Redevelopment
CK3	Clark Kerr - NW	Redevelopment
CK4	Clark Kerr - SE	Redevelopment
CK5	Clark Kerr - SW	Redevelopment
CE5	Anna Head Complex ^b	Redevelopment
CE13	Housing Project #1	Redevelopment
CE14	Housing Project #2	Redevelopment
CP-a	Durant Hall	Renovation
CP-c	Hearst Memorial Gym	Renovation
CP-d	Hilgard Hall	Renovation
CP-g	North Gate Hall	Renovation
CP-h	Sather Tower	Renovation
CP-j	Senior Hall	Renovation
CP-k	South Hall	Renovation
CP-m	University House	Renovation
CP-n	Wellman Hall	Renovation
CE-c	Unit 1 High-Rises/Residence Hall 1	Renovation
CE-d	Unit 2 High-Rises/Residence Hall 2	Renovation
<p>NOTES: a. Site IDs are shown on Figure 3-3, Potential Areas of New Development and Redevelopment, and Figure 3-4, Potential Areas of Renovation, in Chapter 3, Project Description, of this Draft EIR. b. These potential areas of redevelopment could also include additions and/or renovations. Source: Architectural Resources Group, November 2020. Historical Resources Technical Report, Long Range Development Plan Update, University of California, Berkeley</p>		

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

TABLE 5.4-9 ELIGIBLE RESOURCES IDENTIFIED AS POTENTIAL REDEVELOPMENT OR RENOVATION PROJECTS

Site ID ^a	Name	Project Type	Historic Status
CP6	Alumni House	Redevelopment	National Register eligible
CP8	Cesar E. Chavez Student Center	Redevelopment	National Register eligible
CP13	Donner Lab	Redevelopment	National Register eligible
CP27	Piedmont Site ^b	Redevelopment	All five buildings found National Register eligible
CP30	Stephens Hall ^b	Redevelopment	National Register eligible
CE13	Unit 3	Redevelopment	Local Landmark eligible
CP-h	Old Art Gallery	Renovation	National Register eligible
CP-o	Zellerbach Hall	Renovation	National Register eligible
HW-c	Stern Hall	Renovation	National Register eligible
CE-1	Smyth-Fernwald (includes Batchelder/Smyth House)	Renovation	California Register eligible

Notes.

a. Site IDs are shown on Figure 3-3, Potential Areas of New Development and Redevelopment, and Figure 3-4, Potential Areas of Renovation, in Chapter 3, Project Description, of this Draft EIR.

b. These potential areas of redevelopment could also include additions and/or renovations.

Sources: Architectural Resources Group, November 2020. Historical Resources Technical Report, Long Range Development Plan Update, University of California, Berkeley, Page & Turnbull, 2020, Old Art Gallery, University of California, Berkeley, Historic Resource Evaluation.

TABLE 5.4-10 POTENTIALLY ELIGIBLE RESOURCES IDENTIFIED AS POTENTIAL REDEVELOPMENT OR RENOVATION PROJECTS

Site ID ^a	Name	Project Type	Historic Status
CP7	Bechtel Addition ^b	Redevelopment	Likely eligible
CP12	Davis Hall	Redevelopment	Likely eligible
CP20	Hesse/O'Brien Halls	Redevelopment	Hesse: Potentially eligible O'Brien: Not eligible
CP22	Anthropology and Art Practice	Redevelopment	Potentially eligible
CP23	Lewis Hall ^b	Redevelopment	Likely eligible
CP26	Morgan Hall	Redevelopment	Potentially eligible
CP32	Barker Hall	Redevelopment	Potentially eligible
CE4	2111 Bancroft Way	Redevelopment	Potentially eligible
CE8	Channing/Bowditch	Redevelopment	2334 Bowditch: Not eligible 2515 Channing Way: City of Berkeley Structure of Merit Other addresses: Not evaluated
CP-I	Sproul Hall	Renovation	Likely eligible
CE-a	Etcheverry Hall	Renovation	Likely eligible
HW-a	Haas Clubhouse	Renovation	Likely eligible

Notes.

a. Site IDs are shown on Figure 3-3, Potential Areas of New Development and Redevelopment, and Figure 3-4, Potential Areas of Renovation, in Chapter 3, Project Description, of this Draft EIR.

b. These potential areas of redevelopment could also include additions and/or renovations.

Source: Architectural Resources Group, November 2020. Historical Resources Technical Report, Long Range Development Plan Update, University of California, Berkeley

If you tally all of the resources listed above, the total comes to 45 structures; however, these lists are not complete as some entries such as “Housing Project #1” (CE 13) will actually result in the demolition of at least two possibly three landmarked or landmark eligible structures. Project #2 and the Clark Kerr Campus entries similarly cover multiple landmarked structures. BAHA estimates that at least 50 landmarked or

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-130	<p>landmarked eligible properties have been selected for demolition as part of the Projects.</p> <p>Not surprisingly, the DEIR concludes as to the LRDP project that it will have significant impacts on cultural and historic resources: CUL-1.1: Future development under the proposed LRDP Update S has the potential to permanently impact historic resources by demolishing or renovating historic buildings in a manner that is not in conformance with the Secretary of the Interior’s Standards for Rehabilitation.</p> <p>The first proposed mitigation measure (CUL 1.1a) is the preparation of a report: “[E]ngage the services of a professional meeting the Secretary of the Interior’s Professional Qualification Standards in Architectural History to complete a historic resource assessment, overseen by the UC Berkeley Physical & Environmental Planning Office,” and if the plans are not in conformance with the Secretary of the Interior’s Standards for Rehabilitation, the professional shall make recommendations on how to modify the project to bring it into conformity. Significantly, the DEIR does not commit UCB to follow the professional architectural historian’s recommendations.</p>	<p>The comment asserts that UC Berkeley is not bound to implement the mitigation measures presented in the Draft EIR. This is simply not true. The mitigation example illustrated by the commenter does not give UC Berkeley the option to ignore recommendations of a professional meeting the Secretary of the Interior’s Professional Qualification Standards in Architectural History. On the contrary, the mitigation measure clearly states that the Campus Architect shall verify compliance with this measure prior to the initiation of any site or building demolition or construction activities. The complete mitigation is shown below.</p> <p>Mitigation Measure CUL-1.1a: If a project could cause a substantial adverse change in features that convey the significance of a historical resource that is designated or has been found eligible or potentially eligible for designation, or has not been evaluated but is more than 45 years of age, UC Berkeley shall engage the services of a professional meeting the Secretary of the Interior’s Professional Qualification Standards in Architectural History to complete a historic resource assessment, overseen by the UC Berkeley Office of Physical & Environmental Planning. The assessment shall provide background information on the history and development of the resource and, in particular, shall evaluate whether the resource appears to be eligible for National Register, California Register, or local landmark listing. The assessment shall also evaluate whether the proposed treatment of the historical resource is in conformance with the Secretary of the Interior’s Standards for Rehabilitation (the Standards). If the proposed project is found to not be in conformance with the Standards, this assessment shall include recommendations for how to modify the project design so as to bring it into conformance. The Campus Architect shall verify compliance with this measure prior to the initiation of any site or building demolition or construction activities.</p>

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
B10-131	The second proposed mitigation measure (CUL 1.1b) is to prepare another report, namely a Historic American Building Survey Level II documentation, but only in cases of substantial adverse changes.	The comment describes Mitigation Measure CUL-1.1b and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No response is required.
B10-132	The third proposed mitigation measure (CUL 1.1c) is to offer BAHA and organizations like it scavenging and salvage rights for a period of 30 days in cases where “character defining features” will be removed (which is a nice way of saying the historic building will be demolished). No explanation is provided as to why only 30 days is provided to accomplish potentially planning for and moving a historic building.	The comment describes Mitigation Measure CUL-1.1c and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No response is required. With respect to 30 days, please see Response A3-127.
B10-133	The fourth proposed mitigation measure (CUL 1.1d) is to create a pretty picture, namely a “memorial” to the demolished structure or landscape. This measure appears to be a nod to appeasing protesters of the People’s Park project. As discussed below in the comments section, the DEIR also provides mitigation measures in connection with Projects #1 and #2.	The comment describes Mitigation Measure CUL-1.1d and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No response is required.
B10-134	Tribal cultural resources, which according to the DEIR may also be impacted, are at least accorded a few more steps in the process of removing and/or destroying them. As the DEIR provides scant information about the likelihood of any such tribal cultural resources being found anywhere within the project areas, it is impossible to assess the adequacy of the mitigation measures, which again are merely procedural protections that offer stakeholders the limited ability to “claim” the physical resources before they are destroyed but offer no protection to sacred sites themselves.	Please see Responses A3-130 and A3-131.
B10-135	3.2 BAHA Comments Pursuant to CEQA the Lead Agency must identify all potentially impacted Cultural and Historic Resources. Although it admits that several historic landmarked structures will be significantly impacted by the Projects – including through outright demolition --the Lead Agency (a) fails to	The commenter makes misleading and incorrect statements about the Draft EIR that are not supported by substantial evidence. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Instead, the commenter repeats

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>identify all impacted cultural and historic resources; (b) mis-categorizes or mis-describes others; (c) offers conflicting information, data and proposed mitigation measures; (d) fails to consider minor alterations to the Projects that would preserve 100% of the resource without reducing the desired number of student housing units; and (e) proposes ludicrously inadequate mitigation measures. These failures must be corrected before the final EIR is issued.</p> <p>It is worth noting at the outset that there is some inconsistency with terminology in the UCB materials. In the DEIR, “Cultural Resources” is the section used to describe structures and areas of historic as well as cultural significance and “archeological resources” is the phrase used to refer to historic Native American sites; however, in the Appendices of the DEIR, the phrase “cultural resources” appears to stand in for archeological or Native American resources, and “historic resources” is the phrase that is applied to structures and landscapes of architectural, historic, artistic or other cultural importance.</p>	<p>many of the claims they have made in comments B10-2 through B10-134. The commenter is directed to see Responses B10-2 through B10-134.</p>
B10-136	<p>3.2.1 What Does “Redevelopment” Mean</p> <p>According to the DEIR, the “redevelopment” as used in the LRDP (and the DEIR) means demolishing existing structures and building new ones in their place: “potential areas of redevelopment are identified on sites where the existing structure would be demolished and a new structure(s) would be constructed in its place.” The structures identified for redevelopment are shown on this map:</p>	<p>The comment speculates about how the proposed 2021 LRDP will be implemented and how future projects could be constructed. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Note, neither the proposed LRDP Update nor the Draft EIR provide project-level of detail for future development under the proposed 2021 LRDP other than for the proposed Housing Projects #1 and #2. Instead, the proposed 2021 LRDP presents CBPs and the Draft EIR recommends Mitigation Measures to reduce environmental impacts over the course of implementing the proposed 2021 LRDP. It would be purely speculative to estimate project-level details for each future project at this time. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.</p>

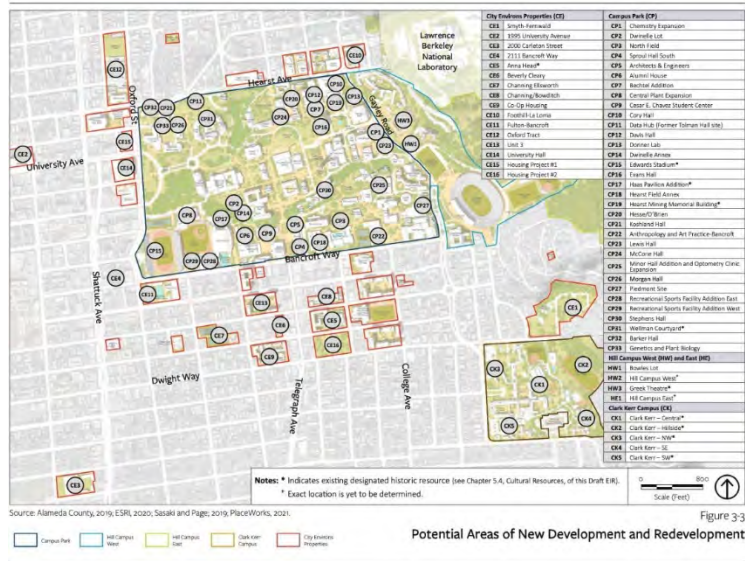
5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/
Comment #

Comment



Response



The accompanying table (Table 3-2) showing the “redevelopment” properties lists their current size (in square feet) and the estimated size of the replacement structure. There is something strange about these “redevelopment” plans.

Three of the buildings identified as being candidates for redevelopment are particularly iconic UCB structures-- the Hearst Mining Building, Edwards Stadium, and the Greek Theater—and a fourth, the Anna Head School, is a unique Berkeley Landmark that is owned by UCB and is in the so-called City Environs. What exactly is planned for these “redevelopment” candidates is unclear.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>According to DEIR Table 3-2, the current size of the Hearst Mining Building (shown above left) is 141,461 sq. feet, and it is to be replaced by a building of 144,461. This makes no sense. UCB spent \$90 million retrofitting the building in 2002. [footnote 144] It is hard to believe that the Lead Agency is really contemplating demolishing a building that was just seismically retrofitted and constructing another in its stead for a mere gain of 3000 feet. This suggests that perhaps UCB is going to create an addition of some kind to the building, not really tear it down. The Greek Theater likewise is slated for “redevelopment” (a/k/a demolition) for a similarly small square foot gain: from its current 11,910 sq. feet to 15,000. Again, such a small increase in space suggests an addition, rather than a full-scale demolition. The proposed new uses for these two sites are identical to the old.</p> <p><i>Footnote 144:</i> https://www.berkeley.edu/news/media/releases/2002/09/hearstfacts.html; https://www.berkeley.edu/news/berkeleyan/2002/01/16_herst.html Edwards Stadium and the Anna Head School are similarly designated as “redevelopment” sites, but Table 3-2 seems to tell a different tale. Edwards Stadium is listed as currently 59,326 sq. feet with the replacement structure listed at 281,000 sq. feet. The current use is “campus life, parking”; the future use is “academic life, campus life.” This different use and size suggest that complete demolition may well be the fate of Edwards Stadium. Anna Head School seems to have a similar fate. Although the site’s present and future uses are identical (“academic life,</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>campus life, and parking” according to Table 3-2), the size differential is considerable: from the present 27,531 to 210,000. [footnote 145]</p> <p><i>Footnote 145: Notably when the “redevelopment” map was shown to the City of Berkeley, see DEIR App. P. 220, it reflected that student housing was going to be the future use of the Anna Head site (likely to make demolition seem more palatable).</i></p> <p>It seems clear that, although “redevelopment” is defined in the LRDP and DEIR as involving the complete demolition of the existing building, that may not be true in some cases (e.g., the Hearst Mining Building and the Greek Theater), but is true in others (Edward Stadium and the Anna Head School). The Lead Agency should clear up this apparent discrepancy. If the Lead Agency indeed does plan to demolish all four of these landmarked and iconic structures, it should state that plainly so that the cumulative impact of losing these cultural and historic resources can be adequately assessed.</p>	
B10-137	<p>3.2.2 The DEIR Contains No Comprehensive Historic, Tribal or Cultural Resource Survey</p> <p>Although the DEIR contains a map and list of many of the historic structures in the LRDP area, it does not provide a complete listing or a true resource survey. The last comprehensive campus survey of historic resources that UCB has made publicly available was completed in 1978 [footnote 146] and did not address UCB properties outside the “core campus.” The Lead Agency apparently engaged Page & Turnbull to create a new survey, which they issued in September 2020 [footnote 147]; however, that survey has apparently not been made publicly available given that it is not accessible via the UCB website nor is it part of the appendices to the DEIR.</p> <p><i>Footnote 146:</i></p>	<p>There is no requirement under CEQA for UC Berkeley to prepare a “comprehensive historic, tribal, or cultural resources survey.” Nonetheless, as clearly described on pages 5.4-1, Chapter 5.4, Cultural Resources, of the Draft EIR, is based on the following reports prepared for the proposed LRDP Update and Housing Projects #1 and #2, which are included in Appendix F, Cultural Resources Data, of this Draft EIR:</p> <ul style="list-style-type: none"> ▪ Appendix F1, LRDP Cultural Resources Data, which includes the Historical Resources Technical Report, Long Range Development Plan Update, University of California, Berkeley, prepared in November 2020 by Architectural Resources Group, Inc. ▪ Appendix F2, Housing Project #1 Cultural Resources Data, which includes the Historical Resources Technical Report Housing Project #1 (Helen Diller Anchor House) prepared in November 2020 by Architectural Resources Group, Inc.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>https://capitalstrategies.berkeley.edu/sites/default/files/campushistoricresourcesurvey_1978.pdf Footnote 147: Page & Turnbull, Inc. "University of California, Berkeley Long Range Development Plan and Campus Master Plan, Physical Campus Analysis: Historic Resource Assessment." Prepared for the University of California, Berkeley, September 18, 2020. This resource is referenced in the Architectural Group Inc.'s HRTRs, but a google search and UCB website search did not produce the report. The report should have previously been produced to BAHA pursuant to its prior document requests in connection with these Projects.</p> <p>In addition, there is no map, table or survey showing likely potential locations of Tribal Resources or potentially sacred sites. This is important information in assessing the adequacy of the DEIR's discussion of them and proposed mitigation measures.</p> <p>There are also other historic resources that may be of historic and archeological importance. For example, the DEIR does not address the historic resources that may be under People's Park. According to some information in the DEIR, namely 19th Century surveys and maps, such as those for People's Park, there will be relics from Berkeley in the 1870s and possibly earlier on that site. Likewise the site of Edwards Stadium was erected in an area where other early Berkeley buildings stood before being demolished to make way for the stadium. A survey of potentially impacted historic (archeology) resources should be undertaken as well as a discussion of them and a mitigation plan proposed. The DEIR should correct these deficiencies before issuing the final EIR.</p>	<ul style="list-style-type: none"> ■ Appendix F3, Housing Project #2 Cultural Resources Data, which includes the Historical Resources Technical Report Housing Project #2 (People's Park) prepared in November 2020 by Architectural Resources Group, Inc. ■ Archaeological Resources Evaluation for the University of California Berkeley Long Range Development Program (LRDP) Draft Environmental Impact Report 2020, prepared in July 2020 by Archeo-Tec <p>As described in Chapter 5.4, Cultural Resources, of the Draft EIR, the Archaeological Resources Evaluation contains sensitive and confidential information and will not be made available to the public, which is standard procedure. Under existing law, environmental documents must not include information about the location of an archaeological site or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act. (California Code Regulations Section 15120(d)). Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects are also exempt from disclosure. (Public Resources Code, Section 5097.9 and Section 5097.993.) The Public Records Act contains an exemption from disclosure for the items listed in these sections. Lead agencies under CEQA are required to maintain the confidentiality of cultural resource inventories or reports generated for environmental documents. The fact that this will not be made publicly available is clearly stated on page 5.4-1 of the Draft EIR. The UC Berkeley staff have full access to this report and map and the use of those materials is required pursuant to Mitigation Measure CUL-2.</p> <p>In addition to the work presented in these reports, additional reports were prepared by Page & Turnbull as part of the LRDP Update and the findings of those reports are presented in Chapter 5.4.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-138	<p>3.2.3 The DEIR and Historic Resources Technical Report For the Draft LRDP Are Based Upon Incomplete and Incorrect Information.</p> <p>Architectural Resources Inc. drafted a Historic Resources Technical Report (HRTR) (DEIR Appendix F1) for the LRDP Project based upon only a partial review of the draft LRDP (namely, only chapter 3) and separate HRTR reports for the other two projects, Projects #1 and #2. See DEIR App. F1 at 1 (describing scope and methodology). Unfortunately, Architectural Resources Inc. never examined records in any of the other local repositories of relevant collections concerning the impacted historic structures and landscapes (including, strangely, UCB’s own College of Environmental Design Archives). It apparently relied heavily on an earlier assessment prepared by Page & Turnbull [footnote 148] dating from September 2020, which (although reference and relied on) has not been made available to BAHA or apparently to the public.</p> <p><i>Footnote 148: BAHA often encounters assessments prepared by Page & Turnbull, as that firm is often engaged by developers and property owners who wish to demolish or substantially alter historic or landmarked properties in the City of Berkeley. On occasion and when deserved, BAHA has mentioned Page & Turnbull’s work favorably. As Page & Turnbull Principal Tom Duferrena stated, Page & Turnbull “wasn’t necessarily seen as a preservation firm, but people ... saw it as a solid design firm ” https://page-turnbull.com/wp-content/uploads/PageTurnbullOralHistory_small.pdf</i></p>	<p>As stated in the HRTR for the LRDP Update, the purposes of the report are to clarify which resources within the LRDP Planning Area should be considered historical resources for purposes of CEQA and to identify potential impacts to historical resources posed by the LRDP Update (see page 1, Appendix F.1 of the Draft EIR). Accordingly, the following was undertaken to prepare the report:</p> <ul style="list-style-type: none"> ▪ Multiple site visits during the spring and summer of 2020 were conducted to examine and photograph the University of California, Berkeley campus and surroundings. ▪ An architectural records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) at Sonoma State University was conducted. ▪ Extensive historical documentation and multiple prior evaluations pertaining to the campus and/or vicinity provided by UC Berkeley, including National Register of Historic Places nominations, historic structure reports, historic landscape reports, historic resource evaluations, and historic resource surveys were reviewed. (An inventory of these materials is included in Appendix C of the report.) ▪ Supplemental research using primary and secondary source materials was conducted as needed. Sources consulted included books and other published materials regarding the history and development of the University and the adjacent community; historic photos, finding aids, and other online research materials from the Bancroft Library, the Berkeley Public Library, Calisphere, and the Online Archive of California. (A complete list of cited sources is included in the bibliography of the report.) <p>The holdings of the Environmental Design Archives (referred to by the commenter as the College of Environmental Design Archives) were reviewed, and it was determined that they did not provide information necessary to complete the HRTR.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-139	<p>The DEIR does reach the conclusion that multiple cultural and historic resources will be seriously impacted if the plans in the draft LRDP are accomplished:</p> <p>CUL-1.1: Future development under the proposed LRDP Update S [sic] has the potential to permanently impact historic resources by demolishing or renovating historic buildings in a manner that is not in conformance with the Secretary of the Interior’s Standards for Rehabilitation.</p>	<p>The comment describes Mitigation Measure CUL-1.1 and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The commenter is again directed to Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation. Please also see Response B10-18.</p>
	<p>As stated above, the DEIR and LRDP are less than clear on exactly what is planned for such sites as the Greek Theater and the Hearst Mining Building. Without further specifics, it is impossible to discuss the proposed LRDP’s individual and cumulative impacts on historic resources or evaluate in any meaningful way the DEIR’s proposed mitigation measures.</p>	
B10-140	<p>In addition, the HRTR for the LRDP Project does not address the impact of the increased enrollment on UCB’s historic and cultural resources. In particular, the proposed increased UCB population and construction and operation of multiple new, large buildings could contribute to GHG and other increased pollution that could impact these resources. [footnote 149] Further, the noise and vibration analyses are meaningfully deficient as noted below. [footnote 150] Those omissions should be cured before the final EIR is published.</p>	<p>With respect to evaluating increased enrollment, please see Master Response 8, Population Projections.</p>
	<p><i>Footnote 149: See, Park, Sharon C. “Sustaining Historic Properties in an Era of Climate Change.” APT Bulletin: The Journal of Preservation Technology, vol. 49, no. 2-3, 2018, pp. 35-44; Brandt, Mark Thompson, and Cory Rouillard. “Climate Chaos and Heritage-Conservation Values: The Urgency for Action.” APT Bulletin: The Journal of Preservation Technology, vol. 51, no. 1, 2020, pp. 37-48</i></p> <p><i>Footnote 150: Town of Atherton v. Cal. High-Speed Rail Auth., 2015 Cal. Super. LEXIS 22985; May v. City of Milpitas, 217 Cal. App. 4th 1307, 159 Cal.</i></p>	<p>With respect to the purpose of the HRTR, please see Response B10-138.</p> <p>Potential impacts associated with the historic significance of the Housing Project #2 site are evaluated on pages 5.4-39 to 5.4-40 in Chapter 5.4, Cultural Resources, of the Draft EIR. See specific responses to specific comments made by the commenter on this topic in Responses B10-141 through B10-151.</p> <p>The effects of air quality and greenhouse gas emissions are evaluated in Chapter 5-2, Air Quality, and Chapter 5-7, Greenhouse Gas Emissions, of the Draft EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																																																												
B10-141	<p><i>Rptr. 3d 310, 2013 Cal. App. LEXIS 557, 2013 WL 3725156 (discussing vibration analysis in CEQA EIR context).</i></p> <p>3.2.4 Impacted Resources Omitted or Misdescribed</p> <p>The DEIR fails to provide a complete and accurate list of the historic and/or cultural resources that will be impacted by the projects. Regarding accuracy and completeness, the DIER and related HRTRs fail to recognize all of the City of Berkeley’s Landmark Designations and omit impacted resources on the City’s list of landmarks. There are other misdescriptions and errors. In addition, the DEIR’s discussions concerning historic and cultural resources fails to include Building 21 on the Clark Kerr campus and other historic and cultural resources that UC’s chancellor has made clear will be demolished. [footnote 151]</p> <p><i>Footnote 151: https://www.dailycal.org/2018/05/14/chancellor-carol-christ-announces-campus-will-build-sites-listed-housing-task-force-report/</i></p> <p>By way of example, the following resources are within the vicinity of Project 1 but are not mentioned in the HRTR:</p> <table border="1" data-bbox="321 1027 1083 1268"> <thead> <tr> <th><u>ARCHITECT</u></th> <th><u>TYPE OF LNDMK</u></th> <th><u>NO.</u></th> <th><u>STREET</u></th> <th><u>YR.</u></th> <th><u>NAME</u></th> </tr> </thead> <tbody> <tr> <td>Bertz_ Earle</td> <td>SHRI AND COB Landmark</td> <td>1987</td> <td>Shattuck Avenue</td> <td>1925</td> <td>U.S. Realty Company Building</td> </tr> <tr> <td>Plachek_ James W.</td> <td>SHRI AND COB Landmark</td> <td>2125</td> <td>University Avenue</td> <td>1921</td> <td>Acheson Building</td> </tr> <tr> <td>Mohr_ George L.</td> <td>SHRI AND COB Landmark</td> <td>2131</td> <td>University Avenue</td> <td>1908</td> <td>Acheson Physicians’ Building</td> </tr> <tr> <td>Plachek_ James W.</td> <td>SHRI AND COB Landmark</td> <td>2139</td> <td>University Avenue</td> <td>1915</td> <td>Sill’s Grocery</td> </tr> <tr> <td>Anderson_ George</td> <td>SHRI AND COB Landmark</td> <td>2154</td> <td>University Avenue</td> <td>1911</td> <td>stores</td> </tr> <tr> <td>Ratcliff Jr_ Walter</td> <td>SHRI AND COB Landmark</td> <td>1952</td> <td>Oxford Street</td> <td>1930</td> <td>Richfield Oil station</td> </tr> <tr> <td>Mohr_ George L.</td> <td>SHRI AND COB Landmark</td> <td>1907</td> <td>Walnut Street</td> <td>1909</td> <td>Heywood Apartment Building</td> </tr> <tr> <td>Thomas_ John_ Hudson</td> <td>COB Landmark</td> <td>1925</td> <td>Walnut Street</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>2136</td> <td>University Ave</td> <td>1915</td> <td>stores</td> </tr> </tbody> </table> <p>The DEIR also lacks a comprehensive cultural, tribal and historic resource survey, although one was apparently completed last year by Page & Turnbull. That survey should be provided to the public together with any other similar surveys. As it stands, the DEIR not only fails to identify all</p>	<u>ARCHITECT</u>	<u>TYPE OF LNDMK</u>	<u>NO.</u>	<u>STREET</u>	<u>YR.</u>	<u>NAME</u>	Bertz_ Earle	SHRI AND COB Landmark	1987	Shattuck Avenue	1925	U.S. Realty Company Building	Plachek_ James W.	SHRI AND COB Landmark	2125	University Avenue	1921	Acheson Building	Mohr_ George L.	SHRI AND COB Landmark	2131	University Avenue	1908	Acheson Physicians’ Building	Plachek_ James W.	SHRI AND COB Landmark	2139	University Avenue	1915	Sill’s Grocery	Anderson_ George	SHRI AND COB Landmark	2154	University Avenue	1911	stores	Ratcliff Jr_ Walter	SHRI AND COB Landmark	1952	Oxford Street	1930	Richfield Oil station	Mohr_ George L.	SHRI AND COB Landmark	1907	Walnut Street	1909	Heywood Apartment Building	Thomas_ John_ Hudson	COB Landmark	1925	Walnut Street					2136	University Ave	1915	stores	<p>The effects of noise and vibration are evaluated in Chapter 5.11, Noise, of the Draft EIR. See specific responses to specific comments made by the commenter on this topic in Responses B10-152 through B10-158.</p>
<u>ARCHITECT</u>	<u>TYPE OF LNDMK</u>	<u>NO.</u>	<u>STREET</u>	<u>YR.</u>	<u>NAME</u>																																																									
Bertz_ Earle	SHRI AND COB Landmark	1987	Shattuck Avenue	1925	U.S. Realty Company Building																																																									
Plachek_ James W.	SHRI AND COB Landmark	2125	University Avenue	1921	Acheson Building																																																									
Mohr_ George L.	SHRI AND COB Landmark	2131	University Avenue	1908	Acheson Physicians’ Building																																																									
Plachek_ James W.	SHRI AND COB Landmark	2139	University Avenue	1915	Sill’s Grocery																																																									
Anderson_ George	SHRI AND COB Landmark	2154	University Avenue	1911	stores																																																									
Ratcliff Jr_ Walter	SHRI AND COB Landmark	1952	Oxford Street	1930	Richfield Oil station																																																									
Mohr_ George L.	SHRI AND COB Landmark	1907	Walnut Street	1909	Heywood Apartment Building																																																									
Thomas_ John_ Hudson	COB Landmark	1925	Walnut Street																																																											
		2136	University Ave	1915	stores																																																									
		<p>As stated in Section 4, “Identified Historical Resources” (page 11) in the HRTR for the LRDP Update (Appendix F.3 of the Draft EIR), the purpose of the report is to provide a summary of all previously identified historical resources within the LRDP Update area. This includes designated resources that are listed on federal and state registers including the National Register of Historic Places, California Register of Historical Resources, and National Historic Landmark (NHL) programs; resources that have been formally determined eligible for the National Register of Historic Places by consensus through a consultation process conducted to comply with Section 106 of the National Historic Preservation Act; designated resources that are locally listed as City of Berkeley Landmarks or Structures of Merit; and resources that have previously been identified as eligible for listing through survey evaluation. Identified resources are listed in pages 11-16 and in Appendix A of the report.</p> <p>As stated in Section 5, “Post-WWII Assessment” of the report (page 16), a preliminary assessment of resources that date from 1945 to 1987, corresponding with UC Berkeley’s expansion after World War II, and that have not previously been evaluated for historic significance was completed to supplement available historical data regarding historical resources on the UC Berkeley campus. The horizon of the post-war evaluation was extended to 1987 to capture the full breadth of resources dating to this period and to ensure that the document remains useful over the full life of the LRDP Update. This effort entailed (1) surveying the campus to note and photograph any such resources, (2) compiling basic survey data regarding each resource, and (3) developing a historic context statement regarding postwar construction at the UC Berkeley campus that provides a context within which the significance of individual buildings or features can be</p>																																																												

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

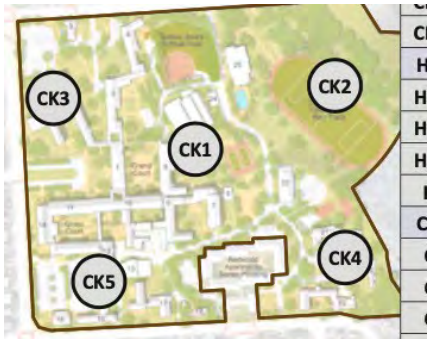
Letter/ Comment #	Comment	Response
	<p>impacted cultural, tribal, and historic resources, it provides little to no information on the existing conditions at these buildings. Such assessments can now be made not only by visual inspection or costly studies, but through the use of computer technology and modeling. [footnote 152]</p>	<p>evaluated. The list of buildings selected for the preliminary assessment and the historic context are provided on pages 16-31 and in Appendix B of the report.</p>
	<p><i>Footnote 152: See, generally, Pearce, Bill. "Taking Technology to the Past." The Military Engineer, vol. 109, no. 711, 2017, pp. 56– 58 (discussing new, cost effective assessment methods for historic resources).</i></p>	<p>As stated in Section 6, "Post-WWII Assessment" of the report (page 31), a preliminary assessment of five buildings that were constructed prior to World War II was completed. The preliminary assessment of these buildings is provided on pages 31-32 and in Appendix B of the report.</p>
	<p>These errors and omissions, which are evident on even a cursory review of original source materials cited herein and, in these comments, should be corrected before the final EIR is completed. BAHA has numerous relevant files as does UCB in its archives and libraries. In addition, there are numerous websites that can be used to correct the DEIR's errors and omissions. [footnote 153]</p>	<p>Building 21 is the Wilkinson Lodge (1928/1950), which is among the contributing buildings identified in the State Asylum for the Deaf, Dumb and Blind National Register nomination. The National Register-listed property is identified as a historical resource in the HRTR and Draft EIR.</p>
	<p><i>Footnote 153: UC Campus Historic Resources that have been designated as City of Berkeley Landmarks can be found here: http://berkeleyheritage.com/berkeley_landmarks/campus.html Off Campus UC Historic Resources that have been designated as City of Berkeley Landmarks can be found here: http://berkeleyheritage.com/berkeley_landmarks/off-campus.html Local landmarks can be found here: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_LPC/COB_Landmarks_updated%20April%202015.pdf A map may be found here: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_LPC/COB_LM_update_20160927.pdf</i></p>	<p>The HRTR for Housing Project #1 (Appendix F.2 of the Draft EIR) identifies the buildings in the table provided by the commenter:</p> <ul style="list-style-type: none"> ▪ The buildings at 1921 Walnut Street, 1925 Walnut Street, and 1952 Oxford Street are located within the project site for Housing Project #1 and are thoroughly documented and evaluated in the report. (The address referenced by the commenter, 1907 Walnut Street, is not a valid Berkeley address.) ▪ The proposed Shattuck Avenue Downtown Historic District is identified and described in the report on pages 13-14. A map showing the boundary and proximity of the historic district to the Housing Project #1 site is provided on page 14. The historic district boundary encompasses the remaining six properties listed by the commenter: <ul style="list-style-type: none"> ▪ 1987 Shattuck Avenue ▪ 2125 University Avenue ▪ 2131 University Avenue

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-142	<p>3.2.5 No Discussion of Impacted Landscapes</p> <p>The DEIR provides no analysis or data whatsoever as to impacts on historic landscapes other than People’s Park (Project #2). Given the number and size of the buildings proposed in the draft LRDP the impact on historic landscape resources should be addressed. Among other things, walking patterns and foot traffic may increase or decrease in the landscapes depending on the placements of these new structures and their relationship to other new structures.</p>	<ul style="list-style-type: none"> ▪ 2139 University Avenue ▪ 2154 University Avenue ▪ 2136 University Avenue <p>Of these six properties, the four buildings at 2131 University Avenue, 2136-2140 University Avenue (identified as 2136 University Avenue by the commenter), 2145 University Avenue (identified as 2139 University Avenue by the commenter), and 2154-2160 University Avenue (identified as 2154 University Avenue by the commenter) were noted as being located immediately adjacent to the project site (page 13). These four buildings are specifically addressed under “Design-related Impacts to Nearby Historical Resources” (pages 47).</p> <p>As stated in all three HRTRs (Appendices F.1, F.2, and F.3 of the Draft EIR), the Berkeley Architectural Heritage Association was consulted, and staff provided relevant documents in its archival collection.</p> <p>With respect to tribal cultural resources, please see Response B10-137.</p>
B10-143	<p>3.2.6 Cumulative Impact on Clark Kerr Campus Ignored</p> <p>Clark Kerr Campus is home to many landmarked and landmark eligible</p>	<p>For future projects implemented under the LRDP Update, potential impacts to landscape features that are identified as historical resources will be assessed and, if impacts are present, will be mitigated as per the cultural mitigation measures identified in the EIR. Specifically, such projects will be subject to Mitigation Measures CUL-1.1a (documentation via completion of a historic resource assessment and analysis of compliance with the Secretary of the Interior’s Standards), CUL-1.1b (completion of HABS-level documentation), CUL-1.1c (salvage), CUL-1.1d (on-site interpretation), and CUL-1.1e (construction-related mitigations). (See pages 5.4-35 to 5.4-37 of the Draft EIR.)</p> <p>Building 21 is the Wilkinson Lodge (1928/1950), which is among the contributing buildings identified in the State Asylum for the Deaf, Dumb and Blind National Register nomination. The National Register-</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>structures and landscapes. For example, Building 21, which UCB plans to demolish and the DEIR does not discuss, is identified as a contributor to the National Register of Historic Places-listed California School for the Deaf and Blind Historic District, the recordation and designation of which dates to 1982. [footnote 154] As the resource is listed on the National Register, it is also listed on the California Register of Historical Resources. Additionally, the CKC campus is a designated City of Berkeley Landmark (Asylum for the Deaf, Dumb and Blind, Landmark #42, 1981).</p> <p><i>Footnote 154: Support for this section can be found at: https://files.ceqanet.opr.ca.gov/263738-2/attachment/WG93bQleuVr7wwikF6SsCWP_d57OMRr7YO8hVs52IMtP3hkcwy84IM7e5fmg3_IWUkvDFMaLJy dUfAoTo</i></p>	<p>listed property is identified as a historical resource in the HRTR and Draft EIR.</p> <p>Please see Master Response 4, Programmatic Analysis, regarding the commenters concern about future development at the site of Building 21. As stated in this master response, as well as the Draft EIR, future projects under the LRDP Update, with the exception of Housing Projects #1 and #2, would be subject to separate project review and environmental evaluation as required. Please also see Master Response 6, LRDP and LRDP Implementation.</p>
		
	<p>The DEIR discusses that, pursuant to the draft LRDP additional buildings on that campus will be demolished; however, it does not list the individual buildings. See DEIR Table 5.4-8 (shown above). Instead, as discussed elsewhere in these comments, the DEIR refers only generally to sections of the Campus (reflected in the sector map above). Without more precise information such as building number or name, it is impossible to assess properly the cumulative impact of the planned demolitions on Cultural and Historic Resources.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The DEIR also fails to discuss the proposed demolition that is already underway on that campus. The Lead Agency proposed in August 2020 to demolish a portion of Building 21 rather than retrofit it. This proposal was made in connection with an LRDP issued concerning the construction of a sports complex that is to be used primarily by students of one gender only. By issuing a separate notice of preparation of DEIR in regard to this project and not including the proposed demolition and construction in the draft LRDP or this DEIR, the Lead Agency failed to provide complete information as to the cultural resources designated for demolition during the LRDP period; that failure was unreasonable and impacted the reliability of any assessment of cumulative effect set forth in the DEIR. (Another impact not discussed in the DEIR is the impact on land use planning – loss of open space --and Natural Resources of the totality of the plans for the Clark Kerr campus.)</p> <p>Any final EIR for these Projects should discuss, in a focused and comprehensive manner, the Lead Agency’s vision for the Clark Kerr Campus and specifically identify the structures it intends to or may demolish, the open spaces and natural habitats that will be built upon, and the expected total population (not just those in new buildings) that it expects will be housed on this campus.</p>	
B10-144	<p>3.2.7 The loss of unique resources important to Women’s History (Smyth- Fernwald House & Anna Head School)</p> <p>One of the significant cumulative impacts of the draft LRDP is the impact it will have on historic and cultural resources concerning women’s fight for equality, particularly in education. The Smyth-Fernwald is not only the oldest house in Berkeley it features interiors designed by the pioneering female architect (and UCB graduate) Julia Morgan. This interior is the only known remaining residential interior by Julia Morgan done in this</p>	<p>The Smyth-Fernwald House and Anna Head School are identified as historical resources in the HRTs in Appendices F.1 and F.3 of the Draft EIR. Additional analysis regarding the buildings’ roles in women’s history is not required, as they are already established as historical resources for purposes of CEQA.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	Oriental style. More information about Smyth-Fernwald House is provided in the appendix.	



Figure 41: Smyth House living room mantle detail, 2010.



Figure 42: Smyth House living room interior, looking east, 2010.

Julia Morgan was certainly one of the earliest UCB female architecture graduates. Her work and career are legendary.

Less well-known but possibly more directly impactful on women's rights, was Anna Head. Also a graduate of UCB, Anna Head established a school for girls (as it was then called) that broke barriers for women. Not only did her school have the largest women's gymnasium of any school on the West Coast, it was an early feeder school for UCB and one of its earliest sources of diversity. The website savingplaces.org (part of the National Trust for Historic Preservation) [footnote 155] stated this:

Footnote 155: <https://savingplaces.org/stories/anna-head-school-for-girls-influenced-generations-of-women-and-american-architecture#.YHzh1hodU>

Berkeley, home to several universities, is known worldwide as an educational hub. However, many tourists and California natives alike have forgotten the influential history of one institution: The Anna Head School

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>for Girls. The original campus for the Anna Head School, now owned by the University of California, was built from 1892 to 1927, and during that period the school broke barriers in American architecture and girls' education. Anna Head was born in 1857, the daughter of a lawyer and a school headmistress. After Anna's mother retired, Anna created her own school run from a private home in 1888. A news report from the Berkeley Daily Herald featured Head's school on August 4, 1892:</p> <p>"Four years ago, Miss Anna Head opened in Berkeley a small school located at Channing Way and Dana Streets in Berkeley for girls. The work was begun under difficulties, because the aim of its founders was to conduct it on principles that were in advance of the methods then in common use, and parents were shy of new experiments. The effort was to establish a school that would do away with the useless routine work that cumbered so much of the ordinary teaching and replace it with what was best in the German and Eastern systems."</p> <p>Anna Head's approach to teaching and building was anything but ordinary. One particularly remarkable aspect of her curriculum was its connection to nature. The campus was built in a rural, sprawling environment to offer students everyday interactions with countryside flora and fauna—unusual for an era when girls most often learned domestic skills and scripture in school.</p> <p>The young women at the academy studied natural science and engaged in physical activities such as horseback riding. In the same Daily Herald news report referenced above, journalists describe the main school building, Channing Hall, as "rather a quaint old English county house or private mansion" than a typical schoolhouse. The article notes that the entire third floor was devoted to the most complete "gymnasium of any other girl's school on the [West] Coast." Channing Hall's interior had a natural wooden finish, and classrooms faced the south to receive</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p data-bbox="323 321 512 347">plentiful sunlight.</p> <p data-bbox="323 393 1121 591">Nearly as old as Berkeley itself, the first campus building was finished a mere fourteen years after the town was incorporated, and while the school began as a private institution for wealthy white women, it evolved over time to serve all students. To this day, this institution remains a valuable landmark for the Bay Area’s history and culture, even as several of the buildings face an uncertain future. . . .</p> <p data-bbox="323 636 1121 1013">The school’s impressive preservation and social development demonstrates how schools play an important role in their community’s history. This Shingle-style campus blended into the landscape and encouraged Bay Area architects to move from a Victorian to the American, nature-influenced buildings now iconic in California. The Anna Head School for Girls influenced thousands of female scholars and designers to question the norm. These Berkeley buildings, forgotten by many, still stand as a testament to the shifting history of girl’s education and architecture in the United States. And behind this campus, Anna Head reminds us that one woman can have a resounding impact on history. [footnote 156]</p>	
	<p data-bbox="323 1058 512 1084"><i>Footnote 156: Id.</i></p>	
	<p data-bbox="323 1130 1121 1364">The DEIR makes no mention of the fact that multiple unique cultural and historic resources evidencing women’s progress towards equal rights and particularly equal education would be lost if the draft LRDP is adopted. Before the final EIR is issued, an HRTR should be prepared considering the cumulative impact of demolishing these two buildings particularly as to other remaining structures associated with female pioneers of that generation and associated with UCB.</p>	
B10-145	<p data-bbox="323 1377 617 1403">3.2.8 Project 1 Comments</p> <p data-bbox="323 1448 1121 1477">3.2.8.1 Both the DEIR and the HRTR for Project 1 do not fully or fairly</p>	<p data-bbox="1159 1377 1940 1477">The University Garage at 1952 Oxford Street is identified as a historical resource under CEQA in the HRTR for Housing Project #1 (Appendix F.2 of the Draft EIR). No additional analysis is required. Please see</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>describe the Historic Status and significance of the Buildings Slated for Demolition</p>	<p>pages 5.4-24 and 5.4-25 of Chapter 5.4, Cultural Resources, of the Draft EIR, for a description of the character defining features of the University Garage at 1952 Oxford Street. Please also see Response B11-5.</p>
	<p>Full information about the cultural and historic resources on the Project 1 site is available on the BAHA website. [footnote 157] On page 36 of Appendix F2 of the DEIR, the authors note the building’s original service station and garage functions are relatively commonplace. That conclusion could not be more ill-informed. The UC Garage is one of the few remaining service stations from the early 20th Century in Berkeley. Moreover, it was a station built by and for the University. We would also consider its active development, ownership and use by the University (even having University as part of its name), over its entire existence, a clear association with an institution important to local and California history, at least.</p>	<p>The apartment building at 1921 Walnut Street was evaluated in a 2020 report prepared by Knapp Architects, which concluded that the building lacks association with important historical events or persons and is not sufficiently archetypal or distinctive in type and style to warrant inclusion on the California Register of Historical Resources (see page 12 of the HRTR for Housing Project #1 in Appendix F.2 of the Draft EIR). Subsequent evaluation detailed on pages 37-38 of the HRTR for Housing Project #1 concurred with these findings.</p>
	<p><i>Footnote 157:</i> http://berkeleyheritage.com/berkeley_landmarks/university_garage.html</p>	<p>With regard to the comment, “the authors state the building is not directly associated with a person or persons of historical significance, despite quoting numerous articles and sources pointing to the significance of owner Heywood and builder Mohr,” the following supplemental information is provided:</p>
	<p>Although it claims that the UC Garage is “common place,” the DEIR does not provide any examples of other such structures from the same period, much less structures designed by Walter Ratcliff and containing the unique characteristics of this building, such as the window frames and placement. These unique characteristics are not featured on the commonplace service station, now or then.</p> <p>While the UC Garage does not speak to larger trends in service station proliferation in Berkeley, California (or the United States during the interwar period), it does reflect something else of more import: the overarching development patterns of the University of California in the first part of the twentieth century. In fact, UCB developed the garage as part of an effort to cooperate with the City of Berkeley and local businesses by creating an unusually handsome and well-designed structure to serve an important, if mundane, function. This cooperation with the City and architectural leadership was an admirable tradition that</p>	<p>National Register of Historic Places Criterion B and California Register of Historical Resources Criterion 2 apply “to properties associated with individuals whose specific contributions to history can be identified and documented.” (National Park Service, <i>How to Apply the National Register Criteria for Evaluation</i>, National Register Bulletin, revised 1995, 14.) Criterion B/2 identifies properties associated with individuals “whose activities are demonstrably important within a local, State, or national historic context,” and is typically limited to those properties that have the ability to illustrate a person’s important achievements. (National Park Service, <i>How to Apply the National Register Criteria for Evaluation</i>, 14.) Additionally, “The persons associated with the property must be individually significant within a historic context. A property is not eligible if its only justification for significance is that it was owned</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>UCB started in the last century that has, unfortunately, been broken by more recent UCB leadership including the one that proposed Project 1.</p> <p>On page 37, the authors state The University Garage’s period of significance is 1930, the year it was constructed. To settle on that single original year, rather than its many decades of active service to the University is beyond inadequate and fails to address the significance of design, designer and owner/user.</p> <p>On page 38, the authors state the building is not directly associated with a person or persons of historical significance, despite quoting numerous articles and sources pointing to the significance of owner Heywood and builder Mohr. George Mohr is associate with a number of landmarks. They were and are significant persons in the history and development of the City of Berkeley.</p> <p>Further, the authors state that “city directories and census data from the early twentieth century indicate that most of the building’s inhabitants were short-term residents, none of whom are known to have made any significant contributions to local, California, or national history during their period of residence,” yet you list none and do not show how you made any meaningful effort to support this statement. Such persons were an essential and necessary part of the development of the City of Berkeley and significance cannot be reserved only for owners and the famous.</p> <p>The authors state that “the former dwelling exhibits a few elements characteristic to the Classical Revival style.” We would ask you to define how many elements are required to make them significant and argue that those that are present are meaningful and intact and sufficiently significant. We also STRONGLY criticize your statement that the building is a “former dwelling” as it has been an occupied and active development</p>	<p>or used by a person who is a member of an identifiable profession, class, or social or ethnic group. It must be shown that the person gained importance within his or her profession or group.” (National Park Service, <i>How to Apply the National Register Criteria for Evaluation</i>, 15.)</p> <p>As detailed in pages 22-23 of the report in Appendix F.2 of the Draft EIR, William B. Heywood, the original owner of the apartment building at 1921 Walnut Street, was a wealthy lumber baron and a locally prominent individual in early twentieth-century Berkeley; however, he developed a small number of other buildings in Berkeley and is not primarily or particularly associated with the building at 1921 Walnut Street (see page 38 of the report). Further analysis suggests that Heywood’s first endeavor, the Heywood Apartments at 2119 Addison Street (Berkeley Landmark #254), constructed in 1906, may be more illustrative of Heywood’s development efforts in Berkeley as it represents the initiation of his involvement with post-1906 earthquake development in the city.</p> <p>As addressed in the 2020 Knapp Architects report and in pages 25-26 and 38 of the HRTR for Housing Project #1, George L. Mohr, the architect of the apartment building at 1921 Walnut Street, designed several Berkeley buildings in the early twentieth century but was overall a minor architect about whom little is known. To supplement the analysis provided on page 38 of the report, the 1921 Walnut Street apartment building is not eligible for consideration for the National Register of Historic Places under Criterion B or the California Register Historical Resources under Criterion 2 for its association with Mohr because 1) he does not appear to be a figure of particular significance within a local, state, or national historic context, and 2) the building is not personally associated with Mohr. The National Park Service’s guidelines for applying the National Register Criterion for Evaluation states that, “Architects, artisans, artists, and engineers are often</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>for its entire 111 year existence. Regarding your evaluation of 1925 Walnut Street, you apply an unfair standard of First Bay Tradition in its highest sense, a standard this building never set out to meet and does not need to. It is the last survivor of many such structures here and this must be acknowledged.</p>	<p>represented by their works, which are eligible under Criterion C. Their homes and studios, however, can be eligible for consideration under Criterion B, because these usually are the properties with which they are most personally associated.” (Source: National Park Service, How to Apply the National Register Criteria for Evaluation, 16.) As the 1921 Walnut Street apartment building was neither Mohr’s home nor his office, it is not eligible for the National or California Registers under Criterion B/2.</p>
	<p>Finally, the authors state “While the 1978 California HRI form completed for the property identified the building as one of ‘the last vestiges of Berkeley’s residential character in the downtown environment,’ a large concentration of residential development may be found along Hearst Avenue, two blocks northwest of the property.” The authors fail to support this in the document in any way and to provide that mixed and not so close block as their example indicates just how decimated the residential character downtown has become.</p>	<p>With regard to the comment “the authors state that ‘city directories and census data from the early twentieth century indicate that most of the building’s inhabitants were short-term residents’ [...] yet you list none and do not show how you made any meaningful effort to support this statement,” please see the third full paragraph on page 23 of the HRTR for Housing Project #1 in Appendix F.2 of the Draft EIR. A review of available city directories and census records does indicate that most of the inhabitants of the apartments at 1921 Walnut Street were short-term residents. (Although access to physical records was precluded by COVID-19 restrictions, digitized versions of these sources available through the San Francisco Public Library and Ancestry.com were consulted. These sources are cited in the report in Appendix F.2 of the Draft EIR.) As detailed on page 23 of the report, known residents of 1921 Walnut Street include Frank M. Marsh and engineer Fred W. Huntly in the 1910s; Kathy D. Bottger, jeweler Albert Handel, and optometrist Marie Handel in the 1920s; and J.C. Roach, J. Vaughn, and Mrs. E. Litsinger in the 1940s. In response to the comment, “Such persons were an essential and necessary part of the development of the City of Berkeley and significance cannot be reserved only for owners and the famous,” the report notes that research did not indicate that any known residents of the apartment building were “individually significant within a historic context” or “demonstrably important within a local, State, or national historic context,” and their brief periods of residence within the building therefore do not support</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>an argument for the apartment building’s eligibility for the National or California Registers under Criterion B/2 (page 38).</p> <p>With regard to comments concerning the significance of its architectural style, pages 25 and 38 of the HRTR for Housing Project #1 note that the apartment building at 1921 Walnut Street exhibits a limited range of elements characteristic to the Classical Revival style, including a symmetrical façade and elaborate entryway with dentilated molding and Corinthian columns. However, as stated on page 38 of the report, these elements are minor and the building is overall a simplified, vernacular iteration of the normally monumental style, as it lacks distinctive Classical Revival features like a portico, attic story, stone construction, or triangular pediment.</p> <p>In response to this comment, additional research conducted by ARG shows the potential Criterion C/3 eligibility of the apartment building at 1921 Walnut Street is provided below:</p> <p>To be considered eligible under National Register of Historic Places Criterion C and California Register of Historical Resources Criterion 3, the National Park Service’s guidelines for applying the National Register Criterion for Evaluation states that a property should “embody distinctive characteristics of a type, period, or method of construction,” “represent the work of a master,” “possess high artistic value,” or “represent a significant and distinguishable entity whose components may lack individual distinction.” (National Park Service, <i>How to Apply the National Register Criteria for Evaluation</i>, 17.) The latter requirement applies solely to historic districts. (National Park Service, <i>How to Apply the National Register Criteria for Evaluation</i>, 17 and 20.) As a vernacular iteration of the Classical Revival Style, the apartment building does not embody the pattern and range of features common to this style or type, and it does not express aesthetic ideals or design concepts more fully than other properties of its type. It is</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>not a district and therefore does not qualify for eligibility under Criterion C/3 as a “significant and distinguishable entity whose components may lack individual distinction.” (National Park Service, <i>How to Apply the National Register Criteria for Evaluation</i>, 17 and 20.)</p> <p>Additionally, as stated in the 2020 Knapp Architects report (summarized on page 12 and reiterated in the evaluation on page 38 of the HRTR for Housing Project #1), the apartment building at 1921 Walnut Street does not represent the work of a master. A master “is a figure of generally recognized greatness in a field,” and a property eligible under this aspect of Criterion C/3 “must express a particular phase in the development of the master’s career, an aspect of his or her work, or a particular idea or theme in his or her craft. A property is not eligible as the work of a master, however, simply because it was designed by a prominent architect.” (National Park Service, <i>How to Apply the National Register Criteria for Evaluation</i>, 20.)</p> <p>George Mohr appears to have been a relatively minor figure in the development of early twentieth-century Berkeley and is not be considered a master (see pages 23 to 24 and 38 of the HRTR for Housing Project #1). Additionally, the apartment building at 1921 Walnut Street is not among the best or most representative extant examples of his work. Additional information indicates that the Bonita Apartments/University Walk Building at 1940-44 University Avenue (1905), the William T. Such Building/Oxford Hall at 2171-79 Allston Way/2140-50 Oxford Street (1906), and the Acheson Physicians’ Building at 2131 University Avenue (1908), may stand out as more architecturally elaborate examples of Mohr’s work.</p> <p>The HRTR for Housing Project #1 does not state that 1921 Walnut Street is a “former dwelling.” See page 23 of the report that states, “The building appears to have been continuously occupied through the present day.” 1921 Walnut Street is also described as an apartment</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR


Letter/ Comment #	Comment	Response
		<p>building and not a dwelling throughout the report.</p> <p>Regarding the comment that the report applies “an unfair standard of First Bay Tradition in its highest sense” to the building at 1925 Walnut Street, the National Park Service’s guidelines for applying the National Register Criterion for Evaluation state that for a property to be eligible for its distinctive characteristics (i.e., “the physical features or traits that commonly recur in individual types, periods, or methods of construction”), it “must clearly contain enough of those characteristics to be considered a true representative of a particular type, period, or method of construction.” (National Park Service, How to Apply the National Register Criteria for Evaluation, 18.) As described on page 27 of the HRTR for Housing Project #1, characteristics of the First Bay Tradition include sensitivity to surroundings and the requirements of the site and client; natural and locally sourced materials, particularly unpainted or lightly stained redwood shingles; low-pitched, end-gabled, or hipped roofs; sparse and often eclectic ornamentation; and emphasis on craftsmanship, volume, form, and asymmetry. The dwelling at 1925 Walnut Street exhibits only a few of these characteristic elements, including wood shingle siding, minimal applied ornamentation, and a limited emphasis on volume and form as displayed in the central oriel and chamfered corners of the west (primary) façade (see pages 27 and 39 of the report). It is relatively simplified and vernacular iteration as compared to other, more representative examples of the First Bay Tradition in Berkeley, and does not “clearly contain enough of those characteristics” of the style to be considered eligible for the National or California Registers under Criterion C/3.</p> <p>Additional information indicates that more representative examples of the First Bay Tradition in Berkeley include the Drawing Building (1914) on Hearst Avenue on the University of California, Berkeley Campus; the Beta Theta Pi Chapter House (1893) at 2607 Hearst Avenue; the Laura</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-146	<p>3.2.8.2 HRTR for Project 1 Is Incomplete</p> <p>On page 25 of Appendix F2, footnote 62 states “N.B., no city directories for Alameda County or Berkeley are available for the years 1893 through 1902.” However, BAHA has directories for all of those years, supporting their availability in at least one place. The authors also state in several places of not finding any significant events or persons associated, yet there is no evidence that such an effort was made.</p>	<p>Belle Marsh Kluegel House (1911) at 2667-2669 Le Conte Avenue; the Frederic and Alice Torrey House (1905-1906) at 1 Canyon Road; the Rev. Dr. Robert Irving Bentley House (1900) at 2683 Le Conte Avenue; and the Hillside Club (1924) at 2286 Cedar Street. Additionally, the dwellings at 2715 40 El Camino Real (1910) and 2802 Woolsey Street (1911), also designed by 1925 Walnut Street architect William May, both appear to be more characteristic examples of the First Bay Tradition than the 1925 Walnut Street: both buildings exhibit a more pronounced relationship to their surroundings, more distinctive historical details (such as diamond pane windows at 2715 40 El Camino Real and Craftsman-style brackets at 2802 Woolsey Street), and stronger instances of asymmetry than are apparent in the generally symmetrical building at 1925 Walnut Street.</p> <p>In response to the comment that 1925 Walnut Street is “one of the last vestiges of Berkeley’s residential character in the downtown environment,” the HRTR for Housing Project #1 notes that two blocks northwest of the property consist of a concentration of single- and multi-family residential development stretching east to west along Hearst Avenue between Shattuck Avenue and Milvia Street, and extending north for several blocks (see page 38). Additional information indicates that the dwellings at 2037 Hearst Avenue (located 0.2 mile from 1925 Walnut Street) and 2005 Hearst Avenue (located 0.3 mile from 1925 Walnut Avenue) feature shingle cladding similar to that exhibited by the dwelling at 1925 Walnut Street.</p> <p>The date range of the city directories referenced in the comment (1893-1902) pre-dates any properties evaluated in the HRTR for Housing Project #1 (Appendix F.2 of the Draft EIR), and thus review of those directories was deemed inessential for purposes of completing the report.</p> <p>As described in Section 1, “Introduction and Methodology,” in completing the HRTR for Housing Project #1, a wide variety of previous evaluations and archival documentation were reviewed (pages 2-3):</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<div style="text-align: center;"> <p><small>BERKELEY PHYSICAL DESIGN FRAMEWORK</small></p> <p>DOWNTOWN PROJECTS: GATEWAY BUILDING & UC GARAGE</p> <p><small>This project would also be a third party partnership. Gateway is planned as a flexible office building, used primarily as relocation space for campus units displaced from buildings undergoing seismic renovation. However, despite this prosaic use, Gateway occupies a prime corner at the west entrance to campus, and high quality design is imperative. The adjacent historic UC Garage, now used for bus storage, would be renovated for a public-oriented use, such as the campus visitor center now housed in the drab lobby of University Hall.</small></p>  <p><small>Figure 12. View from north of Gateway Building with renovated UC Garage in foreground.</small></p> </div>	<p>Since its landmark designation in 1981, the University has had four decades to consider solutions that did not involve destruction of the Garage, yet it seems they took the time to fail to care for or honor this unique and historic structure. The many photos provided in the document show this unfortunately common practice by the University of California and those charged with caring for it. One way that UCB could easily reduce the profile of the Project 1 building is to remove the “amenity” and non-housing related uses. The table below from the DEIR reflects proposed space use:</p>	<ul style="list-style-type: none"> ■ Reviewed historical documentation and prior evaluations pertaining to the project site and/or vicinity, including: <ul style="list-style-type: none"> ○ Katherine R. Wright, “Three Brown Shingle Houses on Walnut Street,” HRI Form (February 1978) <ul style="list-style-type: none"> ■ Katherine R. Wright, “Walnut Street Apartments,” HRI Form (March 1979) ■ Donna Dumont, “University Garage – Central,” HRI Form (January 1979) ■ Betty Marvin, “University Garage/Richfield Oil Company,” City of Berkeley Department of Housing and Development Application Requesting Designation for Landmark Status (November 1981) ■ Reviewed two recent historical assessments prepared in anticipation of the proposed project. Portions of these assessments have been excerpted or revised for the purposes of this report (see Section 5, “Historical Background”). <ul style="list-style-type: none"> ■ Knapp Architects, “1952 Oxford Street and 1925 Walnut Street, Historical Assessment,” prepared for the University of California, Berkeley (October 2018) ■ Knapp Architects, “1921 Walnut Street, Historical Assessment Letter Report,” prepared for the University of California, Berkeley (October 2020) ■ Reviewed online repositories including ProQuest’s Digital Sanborn Maps, Newspapers.com, NewsBank, Newspaper Archive, Ancestry.com’s digitized census records, and the San Francisco Public Library’s digitized copies of Alameda County city directories to gather historical information related to the properties at the project site. ■ Worked with staff at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS), the Berkeley Architectural Heritage Association (BAHA), the City

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

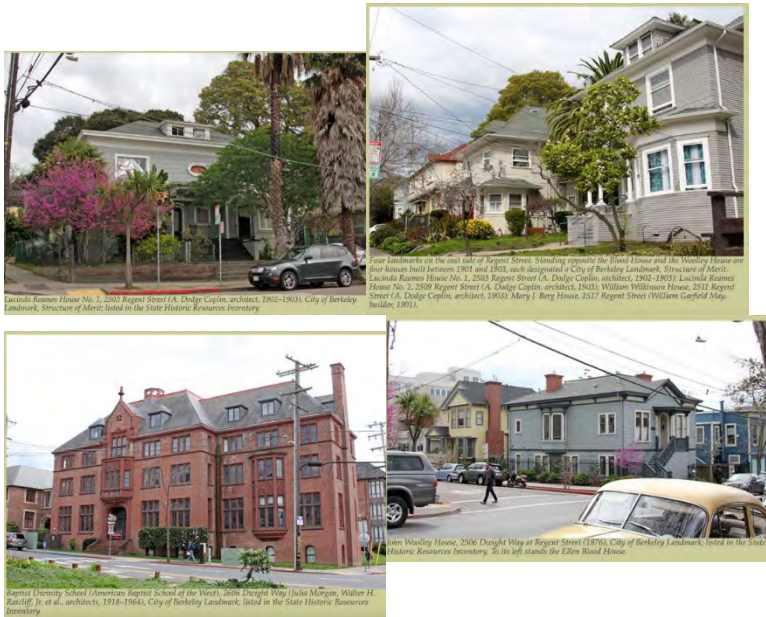
Letter/ Comment #	Comment	Response																																																																																																																																		
	<p>TABLE 3-6 HOUSING PROJECT #1 PROPOSED DEVELOPMENT</p> <table border="1"> <thead> <tr> <th>Land Use</th> <th>Number</th> <th>Population</th> <th>Employees</th> <th>Gross Square Footage</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> Apartments</td> <td>244</td> <td>770 students ^a</td> <td>-</td> <td>235,000</td> </tr> <tr> <td> Beds</td> <td>770</td> <td></td> <td></td> <td></td> </tr> <tr> <td> Amenities ^b</td> <td>-</td> <td>-</td> <td>-</td> <td>43,000</td> </tr> <tr> <td> Open Space/Rooftop Garden</td> <td>-</td> <td>-</td> <td>-</td> <td>24,000</td> </tr> <tr> <td> Housekeeping/ Maintenance/ Housing Services Offices</td> <td>-</td> <td>-</td> <td>8 ^c</td> <td>10,000</td> </tr> <tr> <td>Subtotal of Residential Gross Square Footage</td> <td></td> <td></td> <td></td> <td>312,000</td> </tr> <tr> <td>Campus Life</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> Fitness</td> <td>-</td> <td>-</td> <td>-</td> <td>8,000</td> </tr> <tr> <td> Commuter Lounge</td> <td>-</td> <td>-</td> <td>-</td> <td>1,500</td> </tr> <tr> <td> Events Center</td> <td>-</td> <td>-</td> <td>-</td> <td>6,500 ^d</td> </tr> <tr> <td> Restrooms</td> <td>-</td> <td>-</td> <td>-</td> <td>4,000</td> </tr> <tr> <td>Subtotal of Campus Life Gross Square Footage</td> <td></td> <td></td> <td></td> <td>20,000</td> </tr> <tr> <td>Public and Non-UC Berkeley</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> Commercial Suites ^e</td> <td>8</td> <td>-</td> <td>38 ^f</td> <td>17,000 ^g</td> </tr> <tr> <td>Subtotal of Public and Non-UC Berkeley Gross Square Footage</td> <td></td> <td></td> <td></td> <td>17,000</td> </tr> <tr> <td>Parking</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> Employee Parking Spaces</td> <td>21</td> <td>-</td> <td>-</td> <td>10,000</td> </tr> <tr> <td> Long-Term Bicycle Parking</td> <td>250</td> <td>-</td> <td>-</td> <td>4,200</td> </tr> <tr> <td>Subtotal of Gross Square Footage</td> <td></td> <td></td> <td></td> <td>14,200</td> </tr> <tr> <td>Miscellaneous ^h</td> <td>-</td> <td>-</td> <td>-</td> <td>162,800</td> </tr> <tr> <td>Grand Totals</td> <td></td> <td>770</td> <td>46</td> <td>526,000</td> </tr> <tr> <td>Pervious/Impervious Surfaces</td> <td></td> <td></td> <td></td> <td>Square Feet</td> </tr> <tr> <td>Pervious Surfaces (landscaped areas)</td> <td></td> <td></td> <td></td> <td>1,905</td> </tr> <tr> <td>Impervious Surfaces (building footprints and hardscapes)</td> <td></td> <td></td> <td></td> <td>38,210</td> </tr> </tbody> </table> <p>Notes: Building specifications evaluated in this Draft EIR are approximate for the purposes of evaluating the project and are subject to insignificant changes as final plans evolve (CEQA Guidelines Section 15003).</p> <p>a. Assumes one student per bed.</p> <p>b. Amenities include uses such as a library/study space, teaching kitchen and scullery, dorm lounge, a living room area, and other similar uses.</p> <p>c. Assumes 6 housekeeping/maintenance staff and 2 housing services staff on-site daily.</p> <p>d. 5,800 gross-square-foot (GSF) event center space + 700 GSF event center back of house = 6,500 GSF.</p> <p>e. The commercial space that could be used for UC Berkeley or leased to non-UC Berkeley vendors for a variety of uses depending on the tenant and what the market will bear, including, but not limited to, office, research, maker space, retail, cultural institution, education, or medical.</p> <p>f. 12,000 GSF commercial/450 square feet per employee = 37.8 employees.</p> <p>g. 15,500 GSF commercial space + 1,500 square feet commercial back of house = 17,000 GSF total commercial space.</p> <p>h. Miscellaneous uses account for circulation, heating, ventilation, and air conditioning, loading docks, flexible basement storage, and other utility infrastructure.</p> <p>Source: BDE Architecture (project applicant), December 2020.</p>	Land Use	Number	Population	Employees	Gross Square Footage	Residential					Apartments	244	770 students ^a	-	235,000	Beds	770				Amenities ^b	-	-	-	43,000	Open Space/Rooftop Garden	-	-	-	24,000	Housekeeping/ Maintenance/ Housing Services Offices	-	-	8 ^c	10,000	Subtotal of Residential Gross Square Footage				312,000	Campus Life					Fitness	-	-	-	8,000	Commuter Lounge	-	-	-	1,500	Events Center	-	-	-	6,500 ^d	Restrooms	-	-	-	4,000	Subtotal of Campus Life Gross Square Footage				20,000	Public and Non-UC Berkeley					Commercial Suites ^e	8	-	38 ^f	17,000 ^g	Subtotal of Public and Non-UC Berkeley Gross Square Footage				17,000	Parking					Employee Parking Spaces	21	-	-	10,000	Long-Term Bicycle Parking	250	-	-	4,200	Subtotal of Gross Square Footage				14,200	Miscellaneous ^h	-	-	-	162,800	Grand Totals		770	46	526,000	Pervious/Impervious Surfaces				Square Feet	Pervious Surfaces (landscaped areas)				1,905	Impervious Surfaces (building footprints and hardscapes)				38,210	<p>of Berkeley, and the University of California, Berkeley to collect primary source documents and other archival materials to inform the significance and impact assessments of the HRTR. In-person research at these repositories was precluded by state, local, and private safety protocols enacted in response to the 2020 COVID-19 pandemic.</p> <p>Please see Master Response 18, Alternatives.</p>
Land Use	Number	Population	Employees	Gross Square Footage																																																																																																																																
Residential																																																																																																																																				
Apartments	244	770 students ^a	-	235,000																																																																																																																																
Beds	770																																																																																																																																			
Amenities ^b	-	-	-	43,000																																																																																																																																
Open Space/Rooftop Garden	-	-	-	24,000																																																																																																																																
Housekeeping/ Maintenance/ Housing Services Offices	-	-	8 ^c	10,000																																																																																																																																
Subtotal of Residential Gross Square Footage				312,000																																																																																																																																
Campus Life																																																																																																																																				
Fitness	-	-	-	8,000																																																																																																																																
Commuter Lounge	-	-	-	1,500																																																																																																																																
Events Center	-	-	-	6,500 ^d																																																																																																																																
Restrooms	-	-	-	4,000																																																																																																																																
Subtotal of Campus Life Gross Square Footage				20,000																																																																																																																																
Public and Non-UC Berkeley																																																																																																																																				
Commercial Suites ^e	8	-	38 ^f	17,000 ^g																																																																																																																																
Subtotal of Public and Non-UC Berkeley Gross Square Footage				17,000																																																																																																																																
Parking																																																																																																																																				
Employee Parking Spaces	21	-	-	10,000																																																																																																																																
Long-Term Bicycle Parking	250	-	-	4,200																																																																																																																																
Subtotal of Gross Square Footage				14,200																																																																																																																																
Miscellaneous ^h	-	-	-	162,800																																																																																																																																
Grand Totals		770	46	526,000																																																																																																																																
Pervious/Impervious Surfaces				Square Feet																																																																																																																																
Pervious Surfaces (landscaped areas)				1,905																																																																																																																																
Impervious Surfaces (building footprints and hardscapes)				38,210																																																																																																																																
	<p>The fine print for note (b) states “Amenities include uses such as library/study space, teaching kitchen and scullery, dorm lounge, living room area, and other similar uses.” According to this chart the building will include an 8,000 sq foot student gym (which presumably is different than the 22,000 sq feet referenced elsewhere in the DEIR for a public health club), a 6,500 sq. foot event space (which is in addition to the 6000 sq foot Mezzanine described elsewhere in the DEIR that can also be used for events), almost 15,000 sq feet of parking, a 1500 sq foot “commuter lounge” (which is apparently different from the dorm lounge and living room area listed under amenities), 162,800 sq feet for building</p>																																																																																																																																			

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>operations (duct work etc.) and 17,000 sq feet of commercial office/retail space. (As the descriptions in this table are inconsistent with other descriptions of Project 1, the final EIR should reconcile these differences.)</p> <p>What leaps off the page is that Anchor house will only have 244 student “apartments.” That makes it comparable to any number of smaller, lower apartment-style student dorms and privately owned student housing buildings. By removing the extraneous amenities, commercial space, extra lounges, demonstration kitchen (with scullery) and event space, the area required for operational features could likewise be reduced significantly. In sum, the structure could be made significantly smaller while accommodating the same number of students in what will be comparatively large (almost 1000 foot dorm rooms). A smaller structure in turn could obviate the need for demolishing the historic and cultural resources. Moreover, removing all or some of the amenities would not alter the LRDP’s stated objective of increasing housing. This alternative is reasonable and should be considered in the Final EIR.</p>	
B10-147	<p>3.2.8.4 The Recommended Mitigation Measures for Project 1 are Insufficient</p> <p>The Lead Agency’s mitigation measure is to take photographs of the land marked structures and give organizations such as BAHA 30 days to haul away whatever relics they can from the Project 1 structures. There is no suggestion that the distinctive windows and stonework be incorporated into the new structure (either on the exterior or interior or even on the 22,000 square foot roof deck). While the mitigation measures proposed may be sufficient for projects with no realistic or viable alternatives, we see this project having multiple realistic, viable and sufficient alternatives for which few, if any, mitigation measures would even need consideration.</p>	Please see Responses B10-145 and B10-146.
B10-148	<p>3.2.9 Project 2 Comments</p>	The HRTR prepared for Housing Project #2 (Appendix F.3 of the Draft EIR) identifies adjacent historical resources that are sufficiently near the project site that they could conceivably be impacted by the

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Project 2 is planned for the People’s Park site, which is a historic and cultural resource recognized in the DEIR. The surrounding area primarily residential with several notable academic buildings and houses of worship. These resources are typified by those in the photos below. [footnote 158] Further information about the neighborhood can be found on the BAHA website.</p>	<p>project. These adjacent resources are already historical resources under CEQA. Additional analysis is not required. With respect to impacts to historic resources adjacent to Housing Project #2, these are discussed in Chapter 5.4, Cultural Resources, and Chapter 5.11, Noise, of the Draft EIR. Please also see Responses A3-112, A4-4, B4-61, B7-11, and B10-10, B10-11, B10-18, B10-38, B10-129, B10-144, B10-145, B10-148, B10-151, B10-156, B10-158, B10-160, B10-184, and B10-201.</p>
	<p><i>Footnote 158: Photos courtesy of Daniella Thompson and BAHA.</i></p>	
	<p><i>Four landmarks to the west side of Regent Street. Standing opposite the Bond House and the Woodley House are four houses built between 1901 and 1903, each designated a City of Berkeley Landmark, Structure of Merit: Lucinda Reeves House No. 1, 2503 Regent Street (A. Dodge Coplin, architect, 1902-1903); Lucinda Reeves House No. 2, 2509 Regent Street (A. Dodge Coplin, architect, 1903); William Williamson House, 2511 Regent Street (A. Dodge Coplin, architect, 1903); Mary J. Berg House, 2517 Regent Street (William Gayfield May, builder, 1901).</i></p> <p><i>Baptist University School (American Baptist School of the West), 2606 Doughty Way (Julia Morgan, Walter H. Rauschig, Jr. et al., architects, 1918-1964), City of Berkeley Landmark, listed in the State Historic Resources Inventory.</i></p> <p><i>Edwin Woodley House, 2506 Doughty Way at Regent Street (1876), City of Berkeley Landmark, listed in the State Historic Resources Inventory. To its left stands the Eldre Blood House.</i></p>	
	<p>Ten resources in all are identified as impacted adjacent historic resources in the HRTR prepared by the Architectural Resources Group. [footnote 159]</p>	

Footnote 159: DEIR 5.4.30.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>Architectural Resources Group (ARG) did a moderately good job of researching and documenting the history of People’s Park but a woefully inadequate job of researching and assessing the adjacent historic and cultural resources. None of the items listed in the bibliography, for example, include any materials on Bernard Maybeck, Maybeck’s First Church of Christ Scientist, or the Anna Head School Complex. The ready accessibility of both these structures and the documentation detailing their original construction make the failure to examine these sources particularly disappointing. The inadequacies of research, analysis, and documentation concerning the CEQA-related Cultural and Historic Impacts of Project #2 are particularly severe and troubling; each must be addressed before the plans for People’s Park are finalized and certainly before any subsequent EIR is issued.</p>	
	<p>Because People’s Park will be obliterated, it is no surprise that ARG found that “Impact 1” of Project 2 will be to “severely impact” People’s Park. ARG’s “Impact 2” concerns the impacts on adjacent historic structures including Bernard Maybeck’s First Church of Christ Scientist (FCCS). HRTR Proj. 2 at 51. Because the potential harm to these adjacent structures is less obvious and their condition is virtually unknown, ARG waffles.</p>	
	<p>With respect to the ten potentially impacted cultural and historic resources near the Project 2 site. ARG concludes that all ten “may be” significantly impacted by Project 2 once completed, but ARG hesitates to make a definitive determination as to the nature or degree of impact, apparently on the grounds that Project 2 plans have not yet been finalized. This attempt to kick the can down the road is unavailing in the CEQA context, particularly where, as here, the proposed Project 2 structures will clearly dwarf all of the surrounding historic structures.</p>	
	<p>Given the data provided in the DEIR, some of which is excerpted below,</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>ARG should, in connection with the issuance of the final EIR provide a more solid prediction of the potential for sever damages to the adjacent resources. The final EIR should also include drawings or diagrams showing the scale and context of Project 2 in the neighborhood so the EIR's discussion of aesthetics (and the Lead Agency's presumptive decision to disregard these impacts) can be fully evaluated.</p>	
	<p>B10-149 3.2.9.1 Missing Shadow Study</p> <p>When initially previewed to the community, UCB planners represented that Project 2 would not have any building over 12 stories and that it would be designed to avoid shadowing adjacent buildings. When unveiled, the project was 17-stories. While the DEIR claims that the building was designed to minimize shadows, it provides no support such as a shadow study. Given the size of the Project 2 buildings (including one that is 17 stories tall) shading is a serious concern.</p> <p>The effects of shading by one building upon another can be either positive or negative depending upon the site-specific circumstances of the properties involved. A potential benefit of shading for adjacent structures may be a cooling effect gained during warm weather. Negative</p>	<p>Please see Response B3-3 regarding the fact that the effects of shade/shadow are not a CEQA topic. With respect to the shading of the wisteria plant on the Bernard Maybeck's First Church of Christ, Scientist, based on orientation of the proposed student housing building and the orientation of the sun during the summer and winter solstices, it is anticipated that shadows would be cast on the wisteria plant in the evening hours before sunset during the summer solstice and could potentially reach the wisteria plant in the evening hours before sunset during the winter solstice. According to PlaceWorks licensed Landscape Architect, based upon the times of year and duration of shading of the wisteria plant in the evening hours, and given the current existing shadows, the proposed Housing Project #2 would allow the wisteria plant to receive ample (about four to six hours) sunlight throughout the day for proper plant growth. The</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>consequences of shading include the loss of natural light for passive or active solar energy applications or the loss of warming influences during cool weather. Factors influencing the relative impact of shadow effects are site-specific and include differences in terrain elevation between involved properties, the height and bulk of structures, the time of year, the duration of shading in a day, and the sensitivity of adjacent land uses to loss of sunlight.</p> <p>Shadows cast by structures vary in length and direction throughout the day and from season to season. Shadow lengths increase during the “low sun” or winter season and are longest on December 21-22, the winter solstice. The winter solstice, therefore, represents the worst-case shadow condition and the potential for loss of access to sunlight that a project could cause is greatest. Shadow lengths are shortest on June 21-22, the summer solstice. Shadow lengths on the spring and fall equinoxes, March 20-21 and September 22-23 respectively, would fall midway between the summer and winter extremes.</p> <p>Shadows are cast to the west by objects during the morning hours when the sun is coming up on the horizon in the east. During late morning and early afternoon the shadows of objects move northerly and by late afternoon they are cast easterly in response to the apparent movement of the sun across the sky from east to west. Shadows cast in winter are longer, and those at the winter solstice the longest. It is instructive, therefore, to map the daily shadow pattern cast by a proposed building on December 21st because it is illustrative of the “worst case” impacts a proposed structure may have upon nearby sensitive land uses.</p> <p>The diagram below (excerpted from the City of Berkeley’s shade study guidance document [footnote 160]) illustrates how shade from a tall building can cast shadows beyond the perimeter of the developed property.</p>	<p>partial seasonal shading of the First Church of Christ, Scientist building would not destroy the wisteria plant or the special wavy industrial glass as incorrectly asserted by the commenter.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

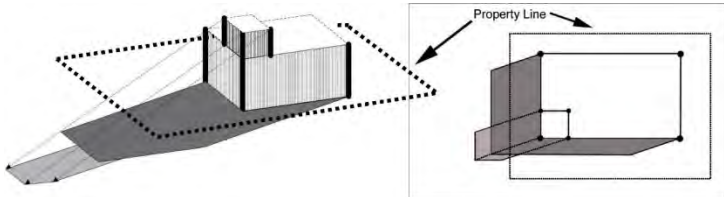
Letter/ Comment #	Comment	Response
<p>Footnote 160: https://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Guideline%20III.A.7%20Shadow%20Study%20Instructions.pdf</p>		<p>Of the total amount of the sun’s energy available during a daylight period, approximately 85% of it reaches the earth between 9:00 a.m. and 3:00 p.m. The California Energy Commission defines this time period as the useable solar sky-space. [footnote 15 (<i>Editor’s note: no footnote provided</i>)] Useable sky-space, at the winter solstice, is that portion of the sky lying between the position of the sun (i.e., sun angle or azimuth) when it is 45 degrees to either side of true south—the portion of the sky covered or traversed by the sun between 9:00 a.m. and 3:00 p.m. For either an active or passive solar energy system to work it is not necessary for it to be exposed to sunlight from sunrise to sunset.</p>
		<p>Land uses are considered sensitive when sunlight is important to function, physical comfort, or the conduct of commerce. Facilities and operations identified as potentially sensitive to the loss of sunlight include routinely usable outdoor spaces associated with residential, recreational, or institutional (e.g., schools or convalescent homes) land uses; commercial uses such as pedestrian- oriented outdoor spaces or restaurants with outdoor eating areas; nurseries; and existing solar energy collectors.</p>
		<p>In this case, the DEIR does not provide or evaluate any specifics regarding the impact of the proposed construction and landscaping on</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>the Project 2 site with regards to shading on adjacent buildings including historic and cultural resources. The materials do not include a baseline shade study or an as-built shade study reflecting shade pattering from planned buildings and landscaping, which we understand will include numerous trees and presumably light fixtures and similar hardscape features. Notably several of the nearby structures contain shadow sensitive features and have shadow sensitive uses.</p>	
	<div data-bbox="321 597 982 995" data-label="Image"> </div> <p>For example, Maybeck’s First Church of Christ Scientist (photo above) features on its West and South exterior a magnificent old wisteria that is one of its most well-known characteristics. The special wavy industrial glass that Maybeck used for the Church’s windows that sit behind the wisteria currently appear as if purple stained glass during daylight when the wisteria is in bloom (see photo below). Cutting off daylight to the wisteria and the windows behind it would significantly impact that structure.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR


Letter/ Comment #	Comment	Response
	<p>BAHA is particularly concerned about the impact of shading on the FCCS wisteria and the wisteria on other nearby buildings. Wisteria is a long-lived vining plant with cascades of blue to purple flowers that look spectacular hanging from a pergola or archway in spring and early summer. As wisteria is a sun-loving vine [footnote 161], a suitably qualified arborist familiar with wisteria should be provided the shadow study so that their opinion can be added to the EIR discussion. The final EIR should include a shadow study that examines whether the new construction will cast shadows over adjacent historic and cultural resources. [footnote 162]</p>	<p><i>Footnote 161: See, e.g., https://www.almanac.com/plant/wisteria. If this fact is disputed, BAHA is happy to provide further reference materials and sources for its statement.</i></p> <p><i>Footnote 162: https://capitalstrategies.berkeley.edu/peoples-park-housing-open-house-3#part3</i></p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-150	<p data-bbox="321 326 863 352">3.2.9.2 Aesthetic Impact & Proposed Mitigation</p> <p data-bbox="321 399 1121 915">As Architectural Resources Group acknowledges, design-related impacts can arise where, as here, the new project design is “sufficiently incompatible with one or more nearby historic resources that the new project would compromise those resources’ integrity of setting.” Id. At 50. Specifically, the consultants note that the adjacent buildings, including historic and cultural resources, are all two to four stories in height whereas Project #2 as proposed consists of massive buildings including one that, as currently conceived, is 16 stories tall. Id. 51. As such, the current design would not be in keeping with the Secretary of the Interior’s Rehabilitation Standard No. 9, which specifies in pertinent part, “The new work . . . shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.” [footnote 163] Put in simple terms: the structures as proposed in Project 2 would dwarf and shadow those historic properties adjacent to them; the Project 2 Towers are just too tall.</p> <p data-bbox="321 963 1083 1127"><i>Footnote 163: W.B. Morton, Anne E. Grimmer, and Kay D. Weeks, The Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings (Washington, D.C.: U.S. Department of the Interior, National Park Service, Cultural Resources, Preservation Assistance Division, 1992)</i></p> <p data-bbox="321 1174 1121 1477">Notably, Architectural Resources gives absolutely no consideration to the other aspect of Interior Secretary’s Standard No. 9, namely that “new construction shall not destroy historic materials that characterize the [historic] property.” Here, as described further below, the tall towers that will comprise Project 2 will invariably shadow the FCCS and other of the adjacent 10 historic resources thereby necessarily impacting the materials – including imported textured Belgian glass and historic landscape features (such as the wisteria covered arbor at the FCCS) that characterize these properties. The HRTR’s failure to address these</p>	<p data-bbox="1157 326 1934 456">Please see Response B10-149. The partial seasonal shading of the First Church of Christ, Scientist building would not “destroy” the wisteria plant or the imported textured Belgian glass as incorrectly asserted by the commenter.</p> <p data-bbox="1157 503 1934 743">With respect to the commenter’s concern of wind tunnel effects, Mitigation Measure TRAN-3 requires that prior to final exterior design approval of new buildings or structures that are 100 feet or more in height, the building or structure shall be analyzed for potential wind hazards at the pedestrian level in the public right-of-way around the project site. Please see pages 5.15-61 and 5.15-62 in Chapter 5.15, Transportation, of the Draft EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>additional significant impacts is a material failure that must be addressed before the EIR is finalized as noted above.</p>	
	<p>The two mitigation measures proposed by Architectural Resources Inc. are woefully inadequate. In full, they read as follows: Mitigation Measure 2a. UC Berkeley will make informational presentations regarding Housing Project #2 to the Berkeley Planning Commission and, if relevant, the Berkeley Landmarks Preservation Commission for comment prior to design development review by the UC Berkeley Design Review Committee.</p>	
	<p>Mitigation Measure 2b. Prior to approval of final design plans for Housing Project #2, the university shall retain an architect meeting the National Park Service Professional Qualifications Standards for historic architecture to review plans for the proposed student housing and supportive housing buildings. The historic architect shall provide input and refinements to the design team regarding fenestration patterns, entry design, and the palette of exterior materials to improve compatibility with neighboring historical resources, and to enhance compliance with the Secretary of the Interior’s Standards and the City of Berkeley Southside Design Guidelines.</p>	
	<p>Although implementation of Mitigation Measures 2a and 2b could improve the compatibility of the proposed project with neighboring historic buildings, Housing Project #2 would still have significant impact on historical resources, due to the demolition of People’s Park. [footnote 164]</p>	
	<p><i>Footnote 164: HRTR Proj. 2 at 52-53.</i></p>	
	<p>Needless to say, meeting with the City will not overcome the design aspects of Project #2 that will dwarf, shadow, and destroy important</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>materials and aspects of the adjacent historic properties. Likewise, adding “fenestration patterns” and “improving entry design” will have no impact whatsoever on those significant and negative impacts.</p>	
	<p>The mitigation for the completed buildings that should have been proposed is (a) buildings of a lower height, possibly of the same square footage, but spread out over the entire lot; and (b) staggering or varying the heights such that shadows are not cast on adjacent properties. [footnote 165] While there is necessarily sentiment favoring keeping some open space in this historic area, the trade-off between removing some of the preserved open space and not destroying the Maybeck’s iconic First Church of Christ Scientist is clear and should have been proposed.</p> <p><i>Footnote 165: For a more detailed discussion of the evaluation of how a new building can be integrated into a historic setting, see Hu, Yun, et al. “USING QUANTITATIVE ANALYSIS TO ASSESS THE APPROPRIATENESS OF INFILL BUILDINGS IN HISTORIC SETTINGS.” Journal of Architectural and Planning Research, vol. 34, no. 2, 2017, pp. 91– 113.</i></p>	
	<p>Nowhere in the DEIR or the HRTR does anyone address the likelihood that nothing will grow underneath the proposed elevated tower along Bowditch and that creation of a one or two story elevation facing West to East will in all likelihood create a wind-tunnel effect directed right to Maybeck’s masterpiece. BAHA believes it likely that trash will be blown onto the façade of that church as a result of the present design. BAHA respectfully requests that the final EIR address each of these concerns.</p>	
B10-151	<p>3.2.9.3 Physical Damage & Proposed Mitigation</p> <p>According to the DEIR and the HRTR prepared by ARG, construction at the Project 2 site will be disruptive and potentially harmful to the physical</p>	<p>Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

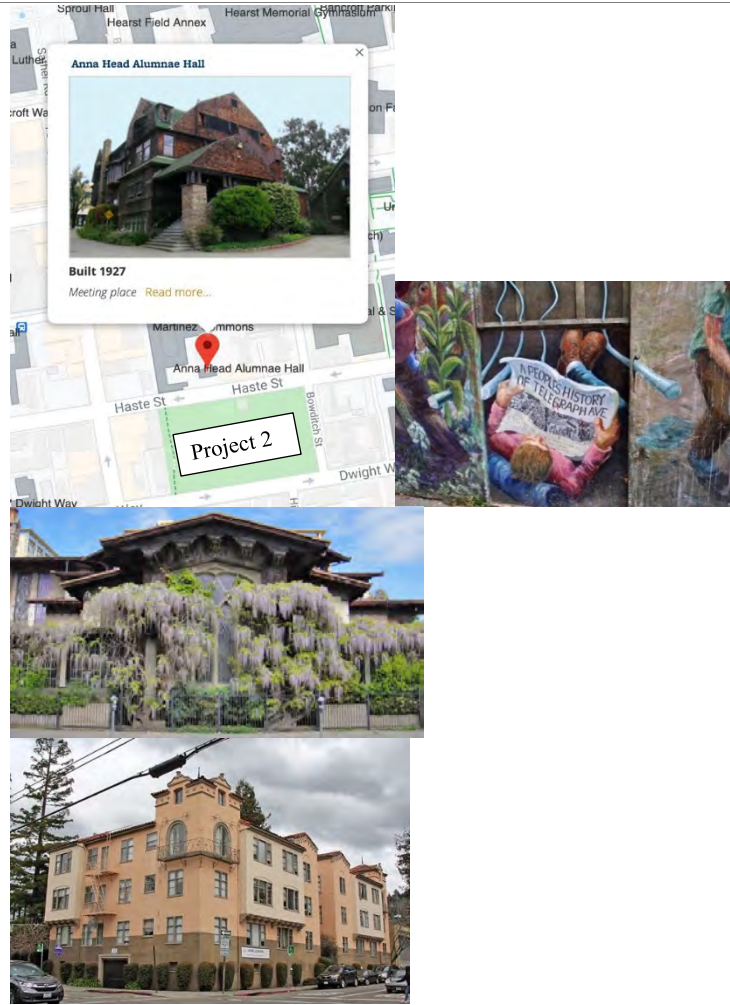
Letter/ Comment #	Comment	Response
	<p>structures surrounding the project. The maps below illustrate the close proximity of numerous landmarked structures. Four structures -- the Anna Head School, Maybeck's FCCS, the Casa Bonita Apartments and the People's Bicentennial Mural – are identified as being within 200 feet of the proposed pile driving. [footnote 166]</p>	

Footnote 166: See HRTR Table 10-1.



Figure 6. Aerial photograph showing historical properties in the immediate vicinity of People's Park (Google Earth 2019, amended by ARG).

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		

Although not apparently made available to ARG, other DEIR data indicates that this pile driving will take place on site for at least 20 days. [footnote 167]

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<i>Footnote 167: DEIR App. at 881</i>	<p>ARG’s discussion of the degree to which this pile driving and other planned construction at the Project 2 site is incomplete and does not take into consideration the data provided in the DEIR. As to the impact of construction work at People’s Park on the 10 adjacent historic resources, Architectural Resources Group concludes that pile driving the 70 to 100 feet necessary to construct such tall buildings “could compromise the structural stability” of “several nearby resources.” But they wrap up with the strange conclusion that, but for the pile-driving, the adjacent properties will not be impacted.</p>	<p>[P]ile driving is proposed in constructing the student housing building, which has the potential to create ground borne vibrations beneath multiple historical resources in the vicinity. The proposed project entails demolition of the existing structures on the site as well as excavation to a maximum depth of approximately 4 feet below grade to accommodate building foundations and between 70 to 100 feet below grade for the required piles. Because no historical resources immediately abut either the buildings to be demolished or the buildings to be constructed, no construction-related impacts to nearby historic buildings, <u>beyond those associated with the use of pile driving</u>, are anticipated. [footnote 168]</p>
<i>Footnote 168: HRTR Proj 2 at 53.</i>	<p>Needless to say, that is a significant qualification on the no-impact assessment! As noted below, nothing is mentioned by ARG about potential impacts to the constituent parts of these buildings – including stone fireplaces, brick chimneys, brick foundations, glass, and other particularly fragile constituent – and historically important – parts. One soils engineer consulted who was consulted in connection with providing DEIR comments opined that, if a historic building had brick foundations</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	and/or stone fireplace/chimney and is within 60' of pile driving he would be concerned. [footnote 169]	
	<i>Footnote 169: As noted above, BAHA was not able to engage relevant experts and obtain written reports before the due date of these comments to support its positions due to the COVID-19 Pandemic and related disruptions and shut-downs. However, we expect to provide them as soon as we are able.</i>	

B10-152	<u>DEIR Information on Pile Driving Vibrations</u> In the DEIR materials, the Lead Agency provides some estimates as to the vibrations caused by typical equipment at a presumably typical site:	Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.
---------	--	---

TABLE 5-11-19 REFERENCE VIBRATION LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	Approximate Vibration Level at 25 feet, PPV in/sec. ^a	Approximate Vibration Level at 25 feet, VdB re 1 micro-in/sec. ^b
Pile Driver, Impact (Upper Range)	0.518	112
Pile Driver, Impact (Typical)	0.644	104
Pile Driver, Sonic (Upper Range)	0.734	105
Pile Driver, Sonic (Typical)	0.170	93
Vibratory Roller	0.210	94
Large Bulldozer	0.089	87
Caisson Drilling	0.089	87
Loaded Trucks	0.076	86
Jackhammer	0.055	79
Small Bulldozer	0.053	58

Notes:
a. Peak Particle Velocity (PPV) = The peak rate of speed at which soil particles move (e.g., inches per second) due to ground vibration.
b. Vibration Decibel (VdB) = A unitless measure of vibration, expressed on a logarithmic scale and with respect to a defined reference vibration velocity. In the U.S., the standard reference velocity is one microninch per second (1x10⁻⁶ in/sec).
Source: Federal Transit Administration, 2018, Transit Noise and Vibration Impact Assessment.

As noted previously, it provides at least one estimate that pile driving at the site will take place over a period of 20 days. It does not, however, discuss how vibrations of this magnitude over a 20 day period for 8 hours per day (a figure based on estimated emissions from the pile driving equipment) will impact the individual historic and cultural resources in close proximity to this construction work.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The effect of vibrations from pile driving on nearby structures has been the study of numerous academic papers and research studies, so the necessary information is not hard to come by. [footnote 170]</p>	
	<p><i>Footnote 170: See, e.g., https://scholarsmine.mst.edu/cgi/viewcontent.cgi?article=3215&context=icchge; Abdel-Rahman, SM, “Vibration associated with pile driving and its effects on nearby historical structures” (Jan. 2011) available at: https://www.researchgate.net/publication/259800514_Vibration_associated_with_pile_driving_and_its_effects_on_nearby_historical_structures; http://www.diva-portal.org/smash/get/diva2:1300262/FULLTEXT01.pdf;</i></p>	
	<p>One publication explained the phenomenon thusly: It is convenient to visualize the wave motion at the surface of the earth as being similar to the ripples produced on a smooth surface of water when a stone is thrown in. The wavelength of the earth waves from pile driving is approximately 200 ft; this is the distance from the crest of one wave to the crest of the succeeding wave. Structures supported on the surface ride such waves in the same manner as a cork or box floating on the ripples of the water. Deeply embedded structures respond to a lesser degree in proportion to the orbital diameter of the earth particle motion which decreases exponentially with depth. For example, a structure embedded 200 ft below the surface would receive virtually no vibration. One at 100 ft would receive 1/32nd of the vibration experienced by a point on the surface. Regardless of depth, the magnitude of vibration intensity varies with the amount of energy transmitted to the soil, the physical properties of the soil, and the distance that the wave has traveled from the source. [footnote 171]</p>	
	<p><i>Footnote 171: See John F. Wiss, “Damage Effects of Pile Driving.”</i></p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

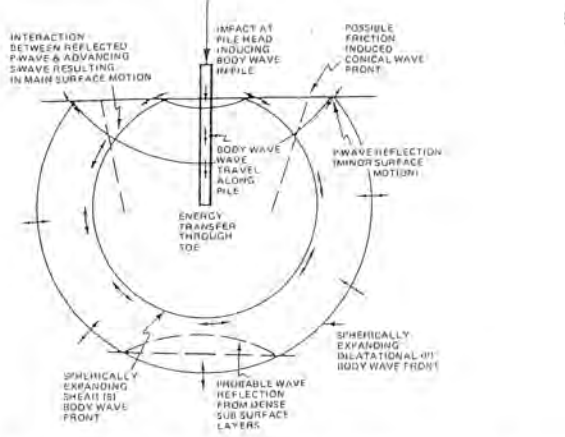
Letter/ Comment #	Comment	Response
B10-153	<p>Another scholar also explained the phenomenon well: Dynamic loads force piles to vibrate and penetrate into the ground and trigger elastic waves which propagate in the soil medium and induce elastic soil displacements and vibrations at various levels depending on the intensity of propagated waves. The structural responses to ground vibrations depend on soil-structure interaction. Ground vibrations can produce direct vibration effects on structures and trigger resonant structural vibrations of adjacent and remote structures. [footnote 172]</p> <p><i>Footnote 172: https://vulcanhammernet.files.wordpress.com/2017/01/the-necessity-of-condition-surveys.pdf</i></p> <p>These authorities and many others make clear that the depth (and condition) of a given structure’s underground support (i.e., foundation) is a necessary data point as are the structure’s distance from the pile driver (i.e., wave source) and the type of soil in and around the pile-driver and the historic structure.</p> <p><u>Depth of Foundations</u></p> <p>Because the impact of vibrations on a structure depends on how far the structure is imbedded in the earth (see illustration above), that information should have been provided (and examined and discussed) by ARG, but it was not. BAHA has also not been able to locate in the thousands of pages of the appendix or the over 900 page DEIR.</p> <p>Given closures due to the COVID-19 Pandemic, BAHA had no access to plans for the school (or those of other impacted structures) due to the closing of reference facilities (including BAHA’s own archive). Presumably, as Page & Turnbull was able to complete a historic survey of campus properties, UCB granted access to some for purposes of the CEQA EIR process. Information about foundation conditions and depth</p>	<p>Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-154	<p>of those foundations should have been provided because, absent that information, providing an expert report is challenging.</p> <p><u>Distance from pile driving</u></p> <p>As one academic researcher on the impact of vibrations on historic structures explained, When driving a pile into the soil, compression (P-waves) and shear waves (S- waves) are generated at the pile tip expanding spherically through the soil, as shown in Fig. 1.3. As the body waves expand outward from the pile they are reflected and/or refracted at the soil surface. The initial wave motions at the surface consist of P and S waves followed somewhat later by surface Rayleigh waves. Close to the pile, ground motions from the body waves are significant in comparison to the Rayleigh waves. However, they decay rapidly and at larger distances from the pile, the Rayleigh waves become dominant. As structures are located at some distance from the point of piling Rayleigh waves are of primary concern. [footnote 173]</p> <p><i>Footnote 173: http://www.diva-portal.org/smash/get/diva2:1300262/FULLTEXT01.pdf</i></p> <p>This concept is illustrated in the diagram below:</p>	<p>Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		
Fig. 1.5.	Wave propagation near to a driven pile; arrows indicate the direction of particle motion (from Attewell and Farmer, 1973).	
	<p>According to ARG, the only historic and cultural resources in the zone of harm from the pile driving are those 200 feet away from the site where the pile driving is taking place: “This 200-foot radius is the threshold typically used for monitoring vibration impacts from pile-driving.” [footnote 174] ARG provides no authority that important proposition. [footnote 175] Also because no survey of the relevant properties have been provided to the public (although at least one was shown ARG), it impossible to determine the condition of the nearby historic and cultural resources to determine if the 200- foot radius “rule of thumb” that applies to average buildings, would apply to the older and likely more fragile resources here.</p>	
	<p>Notably, neither ARG nor the DEIR indicate on a map or graph where on the Project 2 property the pile driving is expected to take place. Moreover, it is unclear why ARG reached the conclusion that the pile driving would take place in only one particular place on the site rather than several. Their single-site assumption is evident in the fact that they</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>provide only a single distance measure in their charts and discussions as to the historic and cultural resources' proximity to the energy/vibration source (i.e., pile driving).</p> <p><i>Footnote 174: HRTR Proj. 2 at 53.</i> <i>Footnote 175: While some sources agree that the wavelength of earth waves from pile driving is approximately 200 feet, the DEIR should provide more definite authority for its proposition and evidence that the conditions at the site are such that the 200 foot figure is supported in light of the unique site conditions.</i></p>	
B10-155	<p><u>Soil and Soil Condition</u></p> <p>In addition to depth of a structure's foundation and distance from pile-driving site, to perform a proper analysis of potential severity of impact, the soil must be considered. The following table illustrates the different wave propagation (described as material damping) of common soil types.</p>	<p>With respect to pile driving, please see Response A3-112 concerning Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p> <p>With respect to reference by the commenter to the description of creeks on the site of Housing Project #2, please see Response B10-7.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Table 2.1. Coefficient of Material Damping (Theissen & Wood, 1982)

Investigator	Soil type	Material Damping Coef (meter ⁻¹)
Forssblad (1965)	Silty gravelly sand.....	0.1812
Richart (1962)	Compact granular fill.....	0.0197
Woods (1967)	Silty fine sand.....	0.2624
Barkan (1962)	Saturated fine grain sand.....	0.0984
	Saturated fine grain sand in frozen state.....	0.0590
	Saturated sand with laminae of peat and organic silt.....	0.0394
	Clayey sand, clay with some sand and silt above water level.....	0.0394
	Marly chalk.....	0.0984
	Saturated clay with sand.....	0.0394-0.1181
Dalmatov et al (1980)	Sand and silts.....	0.02624-0.361
Clough & Chameau (1980)	Sand fill over bay mud.....	0.0492-0.1970
	Dune sand.....	0.0264-0.0656
Peng (1972)	Soft Bangkok clay.....	0.2591-0.4395

As this table illustrates and other academic research makes clear, geologic and soil condition at the relevant site influence the degree to which vibrations carry to nearby structures. Bedrock for example conducts vibrations less readily than water or water-logged soil. Moist soil and areas containing creeks are conditions that enhance vibration's passage through an area and can potentially amplify the transmission and impact the nature of harm to adjacent structures.

The nature of the soil and geology does not appear to have been considered by Architectural Resources Group. According to their stated scope of review and list of materials considered, ARG did not review or consider the geological and seismic data other DEIR contractors collected much less request such data relevant to the proposed projects.

Perhaps even more important, ARG and these other appears to have been unaware that Potters Creek runs through the impacted Project 2

5. COMMENTS AND RESPONSES

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**


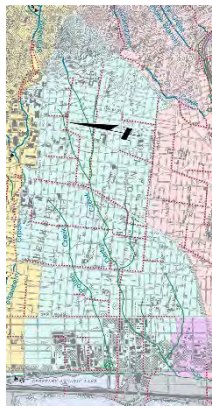
Letter/ Comment #	Comment	Response
	<p>area as these maps clearly show. Indeed a term search of both the DEIR and its appendices turned up no references to Potters Creek.</p>	
	 <p data-bbox="472 771 598 787"><i>Map of Berkeley creeks (3).</i></p>	
		
	<p>Data provided in other areas of the DEIR suggests that at least the drafters of the DEIR were aware of the presence of water in the area. See for example the projections set out in Table 5.11-18 as to noise and Table 5.11-19. In addition the DEIR includes the cryptic comment: Jurisdictional wetlands and unvegetated other waters on the Campus Park are limited to the North and South Forks of Strawberry Creek (see Figure 5.3-4, National Wetlands Inventory Map). Most of these creek segments lack emergent wetland vegetation, although some wetland indicator species</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>occur in the channel bottom along some reaches. Modifications at or below the ordinary high water along the creeks is regulated by the USACE, and any alternation to the bed or banks of the channels requires authorization from the CDFW and RWQCB. No seeps, springs, or seasonal wetlands occur within the remainder of the Campus Park.</p> <p>DEIR 5.3.16. Elsewhere it notes, “The sites for Housing Projects #1 and #2 are currently developed with urban uses and regulated waters are absent.” Id. at 5.3.31. Of course, “regulated waters” does not encompass all water features such as culverted creeks and the like.</p> <p>Notably UCB’s current construction best practices provide, “CBP GEO-1-b: Site-specific geotechnical studies will be conducted under the supervision of a California Registered Engineering Geologist or licensed geotechnical engineer and UC Berkeley will incorporate recommendations for geotechnical hazard prevention and abatement into project design.” BAHA can find no evidence that this was done and, if it was done, the results were shared with ARG. As noted below, the limited vibration data that is provided has not source, date or context.</p>	
B10-156	<p><u>DEIR Impact Data and Discussion are Inconsistent and Unsupported</u></p> <p>The Lead Agency’s conclusions concerning the Project 2’s impacts on adjacent historic and cultural resources –namely that only a few buildings were in the zone of harm and that the effects could be sufficiently mitigation by the proposed mitigation measures -- were unsupported and in fact contradicted by other of its own reports and data. As stated elsewhere in the DEIR:</p> <p>Vibration Damage</p> <p>As shown in Table 5.11-19, Reference Vibration Levels for Construction Equipment, vibration generated by construction equipment has the</p>	<p>Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>potential to be significant because it can exceed the thresholds of significance for architectural damage (e.g., 0.12 in/sec PPV for fragile or historical resources, 0.2 in/sec PPV for nonengineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry).¹⁶ Construction details and specific equipment for future projects that implement the proposed LRDP Update, other than Housing Projects #1 and #2 . . . , are not known at this time, but may cause vibration impacts if equipment is close enough to sensitive receptors. As such, this would be a potentially significant impact.</p>	
	<p>Notably the DEIR’s vibration assessment as to Project 2 – which finds significant impact – contains different data -- as to distance from vibration source etc., number of resources impacted etc.—than the ARG reports.</p>	
	<p>Housing Project #2</p>	
	<p>Vibration Damage As described under impact discussion NOI-1, preliminary construction estimates for Housing Project #2 were prepared for the purpose of evaluating the project under CEQA. While the site plans are preliminary for the purposes of CEQA, this analysis conservatively assumes that pile driving would be required for Housing Project #2 because it has the greatest potential for vibration damage, as demonstrated in Table 5.11-19, Reference Vibration Levels for Construction Equipment. In addition, Housing Project #2 would include a larger area for grading and surface paving. Therefore, this discussion is organized by pile driving, paving, and grading activities since they have the greatest potential to cause vibration impacts.</p>	
	<p>Pile Driving</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Housing Project #2 may require pile driving for the building support columns of the student housing and, affordable and supportive housing buildings; however, pile driving at the affordable and supportive housing is less likely given this building is proposed to be five stories above ground. This analysis assumes that piles would be driven at the foundation columns of these two buildings. The upper range of vibration levels generated by impact pile drivers is 1.518 in/sec PPV at a distance of 25 feet.

The nearest nonhistorical structure to the foundation columns is 55 feet to the west (residences) of the affordable and supportive housing building, and the nearest historic building to the foundation columns is 75 feet to the north (Anna Head Alumnae Hall) of the student housing building. Table 5.11-22, Vibration Levels for Impact Pile Driving Activity: Housing Project #2, shows the estimated vibration levels at the nearest receptors. As shown in Table 5.11-22, construction vibration would exceed the construction vibration 0.2 in/sec PPV threshold for nearby non-historical and exceed the 0.12 in/sec PPV threshold for nearby historical structures. Accordingly, building damage from construction vibration is considered potentially significant, if pile driving is required.

TABLE 5.11-22 VIBRATION LEVELS FOR IMPACT PILE DRIVING ACTIVITY: HOUSING PROJECT #2

Reference Levels	Distance in feet	PPV (in/sec)	Greater Than 0.20 in/sec PPV and Potentially Significant?	Greater Than 0.12 in/sec PPV and Potentially Significant?
FTA Reference	25	1.518	NA	NA
Nearest Sensitive Receptors^a				
Anna Head Alumnae Hall and residences to the north ^{b,c}	75	0.292	Yes	Yes
Vedanta Society to the east ^b	93	0.212	NA	Yes
First Church of Christ, Scientist to the east ^b	100	0.190	NA	Yes
Residential structures to the south	225	0.056	No	NA
First Baptist Church to the south ^b	250	0.048	NA	No
Residential structure to the west	55	0.465	Yes	NA

Notes: NA = not applicable, PPV (in/sec) = inches per second peak particle velocity. See Appendix J, Noise Data, of this Draft EIR.
^a Distance measured from the nearest proposed foundation column to sensitive receptor (structure).
^b Nearest sensitive receptors in this direction are historical buildings and a vibration threshold of 0.12 in/sec is applicable.
^c The distance to Anna Head Alumnae Hall is approximately the same or less than the nearest nonhistorical structure where 0.20 in/sec PPV threshold applies.
 Source: Federal Transit Administration (FTA), 2018, Transit Noise and Vibration Impact Assessment.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																																																																																																																																																																																																																														
	<p>This chart indicates that the Anna Head School is 75 feet from the point of reference, versus ARG’s 60 feet. The supporting authority for this chart appears in the DEIR appendices under the title, “Construction Noise and Vibration Calculations.” No identifying information is provided as to the name, qualifications or source for the data or the dates and basis for the information. The data as to the impact of vibrations at the Project 2 site is particularly barebones, and we are provided no key or explanation:</p>																																																																																																																																																																																																																															
	<p>Project: People's Park Architectural Damage</p> <table border="1"> <thead> <tr> <th></th> <th>FTA Reference PPV</th> <th>SR to North, ft</th> <th>SR to East, ft</th> <th>SR to East, ft</th> <th>SR to South, ft</th> <th>SR to South, ft</th> <th>SR to West, ft</th> </tr> </thead> <tbody> <tr> <td>Pile Driving Analysis</td> <td>25</td> <td>75</td> <td>83</td> <td>100</td> <td>225</td> <td>250</td> <td>55</td> </tr> <tr> <td>Pile Driving (Impact upp)</td> <td>1.518</td> <td>0.292</td> <td>0.212</td> <td>0.190</td> <td>0.056</td> <td>0.0480</td> <td>0.465</td> </tr> <tr> <th></th> <th>FTA Reference PPV</th> <th>SR to North, ft</th> <th>SR to East, ft</th> <th>SR to South, ft</th> <th>SR to South, ft</th> <th>SR to West, ft</th> <th></th> </tr> <tr> <td>Grading</td> <td>25</td> <td>50</td> <td>95</td> <td>50</td> <td>10</td> <td></td> <td></td> </tr> <tr> <td>Large Bulldozer</td> <td>0.089</td> <td>0.031</td> <td>0.012</td> <td>0.031</td> <td>0.352</td> <td></td> <td></td> </tr> <tr> <td>Small Bulldozer</td> <td>0.003</td> <td>0.001</td> <td>0.000</td> <td>0.001</td> <td>0.012</td> <td></td> <td></td> </tr> </tbody> </table> <p>Screening Distances</p> <table border="1"> <thead> <tr> <th>Equipment Type</th> <th>FTA Reference PPV</th> <th>Distance at which 0.20 in/sec PPC</th> <th>PPV Output per Equipment</th> <th>Distance at which 0.12 in/sec PPC</th> <th>PPV Output per Equipment</th> </tr> </thead> <tbody> <tr> <td>Vibratory Roller</td> <td>1.52</td> <td>97</td> <td>0.20</td> <td>136</td> <td>0.12</td> </tr> <tr> <td>Hoe Ram</td> <td>0.202</td> <td>25</td> <td>0.20</td> <td>25</td> <td>0.20</td> </tr> <tr> <td>Large Bulldozer</td> <td>0.21</td> <td>26</td> <td>0.20</td> <td>37</td> <td>0.12</td> </tr> <tr> <td>Loaded Trucks</td> <td>0.089</td> <td>15</td> <td>0.19</td> <td>15</td> <td>0.19</td> </tr> <tr> <td>Large Bulldozer</td> <td>0.089</td> <td>15</td> <td>0.19</td> <td>21</td> <td>0.12</td> </tr> </tbody> </table> <p>Project: People's Park Vibration Annoyance Calcs</p> <table border="1"> <thead> <tr> <th rowspan="2">Pile Driving</th> <th colspan="6">FTA Reference</th> <th rowspan="2">Screening distances</th> </tr> <tr> <th>VdB</th> <th>VdB N</th> <th>VdB E</th> <th>VdB S</th> <th>VdB W</th> <th></th> </tr> </thead> <tbody> <tr> <td>feet</td> <td>25</td> <td>67</td> <td>85</td> <td>230</td> <td>55</td> <td>520</td> </tr> <tr> <td>Impact Pile Driver</td> <td>112</td> <td>99</td> <td>96</td> <td>83</td> <td>102</td> <td>72</td> </tr> <tr> <th rowspan="2">Paving</th> <th colspan="6">FTA Reference</th> <th rowspan="2">Screening distances</th> </tr> <tr> <th>VdB</th> <th>VdB N</th> <th>VdB E</th> <th>VdB S</th> <th>VdB W</th> <th></th> </tr> <tr> <td>feet</td> <td>25</td> <td>160</td> <td>500</td> <td>230</td> <td>10</td> <td>240</td> </tr> <tr> <td>Vibratory Roller</td> <td>94</td> <td>70</td> <td>55</td> <td>65</td> <td>106</td> <td>65</td> </tr> <tr> <th rowspan="2">Grading</th> <th colspan="6">FTA Reference</th> <th rowspan="2">Screening distances</th> </tr> <tr> <th>VdB</th> <th>VdB N</th> <th>VdB E</th> <th>VdB S</th> <th>VdB W</th> <th></th> </tr> <tr> <td>feet</td> <td>25</td> <td>180</td> <td>270</td> <td>180</td> <td>230</td> <td>140</td> </tr> <tr> <td>Large Bulldozer</td> <td>87</td> <td>61</td> <td>56</td> <td>61</td> <td>58</td> <td>65</td> </tr> <tr> <td>Small Bulldozer</td> <td>58</td> <td>32</td> <td>27</td> <td>32</td> <td>29</td> <td>36</td> </tr> </tbody> </table> <p>Screening Distances</p> <table border="1"> <thead> <tr> <th rowspan="2">Pile Driving</th> <th>FTA Reference</th> <th>Screening</th> <th rowspan="2">VdB</th> <th>Screening</th> <th rowspan="2">VdB</th> </tr> <tr> <th>VdB, ft</th> <th>Distance, ft</th> <th>Distance, ft</th> </tr> </thead> <tbody> <tr> <td></td> <td>25</td> <td>--</td> <td>for 72 VdB</td> <td>for 65 VdB</td> <td>--</td> </tr> <tr> <td>Pile Driving</td> <td>112</td> <td>520</td> <td>72</td> <td>890</td> <td>65</td> </tr> <tr> <td>Vibratory Roller</td> <td>94</td> <td>140</td> <td>72</td> <td>240</td> <td>65</td> </tr> <tr> <td>Caisson Drilling</td> <td>87</td> <td>80</td> <td>72</td> <td>140</td> <td>65</td> </tr> <tr> <td>Large Bulldozer</td> <td>87</td> <td>80</td> <td>72</td> <td>140</td> <td>65</td> </tr> </tbody> </table>		FTA Reference PPV	SR to North, ft	SR to East, ft	SR to East, ft	SR to South, ft	SR to South, ft	SR to West, ft	Pile Driving Analysis	25	75	83	100	225	250	55	Pile Driving (Impact upp)	1.518	0.292	0.212	0.190	0.056	0.0480	0.465		FTA Reference PPV	SR to North, ft	SR to East, ft	SR to South, ft	SR to South, ft	SR to West, ft		Grading	25	50	95	50	10			Large Bulldozer	0.089	0.031	0.012	0.031	0.352			Small Bulldozer	0.003	0.001	0.000	0.001	0.012			Equipment Type	FTA Reference PPV	Distance at which 0.20 in/sec PPC	PPV Output per Equipment	Distance at which 0.12 in/sec PPC	PPV Output per Equipment	Vibratory Roller	1.52	97	0.20	136	0.12	Hoe Ram	0.202	25	0.20	25	0.20	Large Bulldozer	0.21	26	0.20	37	0.12	Loaded Trucks	0.089	15	0.19	15	0.19	Large Bulldozer	0.089	15	0.19	21	0.12	Pile Driving	FTA Reference						Screening distances	VdB	VdB N	VdB E	VdB S	VdB W		feet	25	67	85	230	55	520	Impact Pile Driver	112	99	96	83	102	72	Paving	FTA Reference						Screening distances	VdB	VdB N	VdB E	VdB S	VdB W		feet	25	160	500	230	10	240	Vibratory Roller	94	70	55	65	106	65	Grading	FTA Reference						Screening distances	VdB	VdB N	VdB E	VdB S	VdB W		feet	25	180	270	180	230	140	Large Bulldozer	87	61	56	61	58	65	Small Bulldozer	58	32	27	32	29	36	Pile Driving	FTA Reference	Screening	VdB	Screening	VdB	VdB, ft	Distance, ft	Distance, ft		25	--	for 72 VdB	for 65 VdB	--	Pile Driving	112	520	72	890	65	Vibratory Roller	94	140	72	240	65	Caisson Drilling	87	80	72	140	65	Large Bulldozer	87	80	72	140	65	
	FTA Reference PPV	SR to North, ft	SR to East, ft	SR to East, ft	SR to South, ft	SR to South, ft	SR to West, ft																																																																																																																																																																																																																									
Pile Driving Analysis	25	75	83	100	225	250	55																																																																																																																																																																																																																									
Pile Driving (Impact upp)	1.518	0.292	0.212	0.190	0.056	0.0480	0.465																																																																																																																																																																																																																									
	FTA Reference PPV	SR to North, ft	SR to East, ft	SR to South, ft	SR to South, ft	SR to West, ft																																																																																																																																																																																																																										
Grading	25	50	95	50	10																																																																																																																																																																																																																											
Large Bulldozer	0.089	0.031	0.012	0.031	0.352																																																																																																																																																																																																																											
Small Bulldozer	0.003	0.001	0.000	0.001	0.012																																																																																																																																																																																																																											
Equipment Type	FTA Reference PPV	Distance at which 0.20 in/sec PPC	PPV Output per Equipment	Distance at which 0.12 in/sec PPC	PPV Output per Equipment																																																																																																																																																																																																																											
Vibratory Roller	1.52	97	0.20	136	0.12																																																																																																																																																																																																																											
Hoe Ram	0.202	25	0.20	25	0.20																																																																																																																																																																																																																											
Large Bulldozer	0.21	26	0.20	37	0.12																																																																																																																																																																																																																											
Loaded Trucks	0.089	15	0.19	15	0.19																																																																																																																																																																																																																											
Large Bulldozer	0.089	15	0.19	21	0.12																																																																																																																																																																																																																											
Pile Driving	FTA Reference						Screening distances																																																																																																																																																																																																																									
	VdB	VdB N	VdB E	VdB S	VdB W																																																																																																																																																																																																																											
feet	25	67	85	230	55	520																																																																																																																																																																																																																										
Impact Pile Driver	112	99	96	83	102	72																																																																																																																																																																																																																										
Paving	FTA Reference						Screening distances																																																																																																																																																																																																																									
	VdB	VdB N	VdB E	VdB S	VdB W																																																																																																																																																																																																																											
feet	25	160	500	230	10	240																																																																																																																																																																																																																										
Vibratory Roller	94	70	55	65	106	65																																																																																																																																																																																																																										
Grading	FTA Reference						Screening distances																																																																																																																																																																																																																									
	VdB	VdB N	VdB E	VdB S	VdB W																																																																																																																																																																																																																											
feet	25	180	270	180	230	140																																																																																																																																																																																																																										
Large Bulldozer	87	61	56	61	58	65																																																																																																																																																																																																																										
Small Bulldozer	58	32	27	32	29	36																																																																																																																																																																																																																										
Pile Driving	FTA Reference	Screening	VdB	Screening	VdB																																																																																																																																																																																																																											
	VdB, ft	Distance, ft		Distance, ft																																																																																																																																																																																																																												
	25	--	for 72 VdB	for 65 VdB	--																																																																																																																																																																																																																											
Pile Driving	112	520	72	890	65																																																																																																																																																																																																																											
Vibratory Roller	94	140	72	240	65																																																																																																																																																																																																																											
Caisson Drilling	87	80	72	140	65																																																																																																																																																																																																																											
Large Bulldozer	87	80	72	140	65																																																																																																																																																																																																																											

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment						Response	
Project: People's Park Construction Noise Calcs								
Pile Driving	RCNM						Screening	Screening
	Reference	dBA Lmax N	dBA Lmax E	dBA Lmax S	dBA Lmax W	distances	distances	
	feet	50	67	85	230	55	1000	3000
Impact Pile Driver	101	98	96	88	100	75	65	
Paving	RCNM						Screening	Screening
	Reference	dBA Lmax N	dBA Lmax E	dBA Lmax S	dBA Lmax W	distances	distances	
	feet	50	160	300	230	50	150	480
Vibratory Roller	85	75	65	72	85	75	65	
Grading	RCNM						Screening	Screening
	Reference	dBA Lmax N	dBA Lmax E	dBA Lmax S	dBA Lmax W	distances	distances	
	feet	50	180	270	180	230	230	480
Grader	85	74	70	74	72	72	65	

Because the DEIR also did not contain a full site analysis of the four cultural resources identified by ARG as potentially significantly impacted by these vibrations--although the proximity of them to the pile driving would seem to trigger the requirement that they do so—we are provided no information about the foundation of each building and condition of each building’s constituent parts. As noted above, the depth of structures is a key element in analyzing the degree to which they will be impacted by the pile driving (and other) vibrations. The fact that UCB controls the relevant areas and has unique access to potentially impacted buildings such as the Anna Head School makes this lack of information all the more striking and disappointing.

Based on these sources, more information about the conditions at the proposed site (soil make up etc.) and the surrounding historic resources is necessary to make any supported conclusion about potential damage and assess appropriate mitigation measures. As this data is readily available to the Lead Agency, the failure to provide it and consider it is unreasonable. Neither the DEIR nor any of the reports appended to it contain the necessary information to make the proper risk/damage assessments -- such as depth of nearby structures, the physical properties of the soil at the site, and the exact locations where all of the pile driving will occur, and the type of construction equipment expected

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>to be used (i.e., the amount of energy/force expected to be generated by the exact equipment to be used).</p> <p>Before the EIR is finalized, these omissions should be rectified. BAHA is in the process of having the limited available data in the DEIR evaluated by qualified professionals, but as noted above, have not been able to do so given the difficulties of conducting research and communications during the COVID-19 Pandemic.</p>	
B10-157	<p><u>Mitigation Measures for Vibration Are Inadequate</u></p> <p>The “mitigation measures” proposed by Architectural Resources Group are essentially nothing more than monitoring existing cracks and paying owners money for any damages sustained if they file a timely claim. These mitigation measures are facially inadequate. It is quite clear that neither American Resource Group nor the Lead Agency has conducted any complete and meaningful assessment of the potentially impacted features at each resource [footnote 176] or the location and degree of likely vibrations that will be caused by the expected pile driving.</p> <p><i>Footnote 176: An approach to such an assessment can be viewed at https://www.apti.org/assets/Committees/technicalcommittees/documenta tion/2019/Issue%201_APT%20BIM%20Ne wsletter.pdf</i></p> <p>More mitigation measures relating to vibrations are also proposed in connection with construction “noise” impacts in the DEIR, but those too are insufficient to mitigation potential damage to the unique historic and cultural resources involved here. The DEIR proposes, as to noise impacts, first screening for potential damage “to see if activity/equipment is within the vibration screening distances that could cause building damage/human annoyance or sensitive equipment disturbance.” (From the Architectural Resource Group reports, it is already evident this potential for damage exists.) Second, if the activity/equipment is within</p>	<p>The comment expresses an opinion about the mitigation measures required for vibration and speculates about the qualifications for ARG, the behavior of contractors that are hired by UC Berkeley, and how UC Berkeley monitors and implements required mitigation. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>With respect to the use of pile driving at the sites of Housing Projects #1 and #2, please see please see Response A3-112 concerning Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p> <p>With respect to the commenters reference to the public review period for the Draft EIR, please see Response A3-2.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>the vibration screening distance such that it could cause damage, “UC Berkeley shall consider whether alternative methods/equipment are available and shall verify that the alternative method/equipment is shown on the construction plans prior to the beginning of construction.” The DEIR presents a menu of potential available construction altering mitigation measures and requires UCB to consider them but does not commit UCB to implement any of them or set a standard to by which the measures should be evaluated (i.e., cost, delay, degree of mitigation etc.).</p>	
	<p>Even where UCB decides that the construction contractor should use alternate methods or equipment, the only thing they are required to do is note this on the plans; UCB is not required to ensure that the contractors follow the “alternate method/equipment,” determine whether the contractor can perform the alternate method or use the alternate equipment (or even that such alternate equipment is available). UCB is also free to pay the contractor who fails to use the mitigation measures and has no requirement to verify compliance with the alternate method/equipment requirement. The DEIR also makes clear that UCB may, if after considering alternate methods/equipment, decide that such mitigation measures are “not feasible,” in which case, and only in which case, UCB will implement a construction vibration monitoring program. (NB: The DEIR does not provide any way to evaluate what “feasibility” means in these circumstances.) Notably, the mitigation measures that the DEIR proposes fall below those set forth in UCB’s existing construction-related “Continuing Best Practices.” [footnote 177]</p>	
	<p><i>Footnote 177: See DEIR appendices at page 367 (CBP NOI-4-a).</i></p> <p>There appears to be an unresolved inconsistency between the DEIR’s monitoring mitigation recommendations in the Architectural Resources Group (ARG) reports and the vibration monitoring program described in relation to noise impacts. [footnote 178] Specifically, ARG’s recommendation is limited to only a few buildings that are identified as</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>being within 200 feet of the pile driving. As noted above, ARG’s report does not make clear where it anticipates that pile driving to occur and that it apparently mistakenly believes that it would occur at only one location - hence the single measurement from the single “pile driving site” to the individual historic and cultural resources. Further ARG’s vibration mitigation program proposal is not the same as that set forth as to noise. Among other things, ARG indicates recommends this mitigation program be conducted only as to a limited number of sites without first performing the Step 1 and Step 2 assessments contained in the vibration-related noise mitigation measure proposal. (Certainly ARG’s report does not meet the noise mitigation section’s description of Steps 1 and 2 for vibration-related noise mitigation evaluation and recommendations.). With respect to vibration- related noise mitigation, the monitoring is not to take place unless the Step 2 evaluation results in a finding of lack of feasibility.</p> <p><i>Footnote 178: They also appear to use a different distance to pile driving measure (200 feet in one case; 50 in the other).</i></p> <p>The bottom line to all of this is (a) ARG did not know enough or do enough to evaluate the condition of the historic resources, where the pile driving would occur relative to the various cultural and historic resources, and the potential for damage to occur to them; (b) these failings are not cured by the mitigation measures proposed as to noise, because these mitigation measures are worthless and would permit UCB to recommend “other equipment” or “other methods” for example but not require them to ensure that these recommendations are followed on site or monitor vibration impacts on historic and cultural resources. BAHA is particularly concerned about the impact of so much deep pile driving (70-100 feet conducted over a period of 20 days) insofar as it has the potential to cause severe irreversible damage to not only each resource’s foundation of nearby buildings, but also on their unique t component parts such as original glass windows (including the FCC’s</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>unique imported wavy glass), [footnote 179] exterior shingling, and original wooden arbors that characterize at least two of these nearby structures. [footnote 180] Again, BAHA is in the process of obtaining professional opinions to respond to the cursory analysis put forward in the DEIR but has been impeded by the difficulty of gathering relevant data and obtaining the services of relevant professionals during COVID-19 and the refusal of UCB to accord it a short extension. BAHA will provide this expert opinion as soon as it can under these unique and challenging circumstances. [footnote 181]</p>	
	<p><i>Footnote 179: For resources specifically addressing the vulnerability and mitigation measures relating to glass, see Koga, Dean, et al. "Protecting Stained-Glass Windows from Vibrations Caused by Construction Operations." APT Bulletin: The Journal of Preservation Technology, vol. 51, no. 4, 2020, pp. 6–12. JSTOR, www.jstor.org/stable/26970187. Accessed 8 Apr. 2021; Fisher, Charles E., III, ed. The Window Handbook: Successful Strategies for Rehabilitating Windows in Historic Buildings. Washington, D.C.: National Park Service and Georgia Institute of Technology. 1986. Rev. 1990; Fisher, Charles E., III, Deborah Slaton, and Rebecca A. Shiffer, eds. Window Rehabilitation Guide for Historic Buildings. Washington, D.C.: Historic Preservation Education Foundation/National Park Service, 1997; Heinz, Thomas A. Lloyd Wright Glass Art. Academy Editions, Ernst & Sohn, 1994; Heinz, Thomas A. "Use & Repair of Zinc Comes in Art-Glass Windows." Old House Journal, (September/October 1989), pp. 35-38; Lee, Lawrence, George Seddon and Francis Stephans. Stained Glass. New York: Crown Publishers, 1976; Lloyd, John Gilbert. Stained Glass in America. Jenkintown, PA: Foundation Books, 1963; Stained Glass Association of America. SGAA Reference & Technical Manual, Second Edition Lee's Summit, MO: The Stained Glass Association of America, 1992; Wilson, H. Weber. Great Glass in American Architecture: Decorative Windows and Doors Before 1920. New York: E. P. Dutton, 1986; https://www.nps.gov/tps/how-to-preserve/preservedocs/preservation-briefs/33Preserve-Brief-</i></p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>StainedGlass.pdf</i>; Moazami, Kamran, and Ron Slade. “Structural Engineering: Engineering Tall in Historic Cities: The Shard.” <i>CTBUH Journal</i>, no. 2, 2013, pp. 44–49. JSTOR, www.jstor.org/stable/24192602. Accessed 8 Apr. 2021.</p> <p>Footnote 180: For information and resources concerning vibrations on glass and other historic materials, see Rainer, J. H. “Effect of Vibrations on Historic Buildings: An Overview.” <i>Bulletin of the Association for Preservation Technology</i>, vol. 14, no. 1, 1982, pp. 2–10. JSTOR, www.jstor.org/stable/1494019. Accessed 8 Apr. 2021; Sedovic, Walter. “Assessing the Effect of Vibration on Historic Buildings.” <i>Bulletin of the Association for Preservation Technology</i>, vol. 16, no. 3/4, 1984, pp. 53–61. JSTOR, www.jstor.org/stable/1494039. Accessed 8 Apr. 2021; Johnson, Arne P., and W. Robert Hannen. “Vibration Limits for Historic Buildings and Art Collections.” <i>APT Bulletin: The Journal of Preservation Technology</i>, vol. 46, no. 2/3, 2015, pp. 66–74. JSTOR, www.jstor.org/stable/43556454. Accessed 8 Apr. 2021; Searls, Carolyn L., et al. “A Mausoleum on Shaky Ground: De La Montanya Mausoleum, Cypress Lawn, Colma, California.” <i>APT Bulletin: The Journal of Preservation Technology</i>, vol. 36, no. 2/3, 2005, pp. 13–19. JSTOR, www.jstor.org/stable/40004700. Accessed 8 Apr. 2021; Rudenko, Douglas, et al. “A Blueprint for Managing Construction-Vibration Risk at Museums.” <i>APT Bulletin: The Journal of Preservation Technology</i>, vol. 51, no. 4, 2020, pp. 37–44. JSTOR, www.jstor.org/stable/26970191. Accessed 8 Apr. 2021; Wei, W. (Bill), and Esther Dondorp. “Testing to Determine Allowable Vibration Limits at a Natural-History Museum in the Netherlands.” <i>APT Bulletin: The Journal of Preservation Technology</i>, vol. 51, no. 4, 2020, pp. 19–26. JSTOR, www.jstor.org/stable/26970189. Accessed 8 Apr. 2021.</p> <p>Footnote 181: BAHA’s own records were effectively unavailable to it for long periods due to City mandatory closures and similar county and state orders to shelter in place.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Based on the data provided in the DEIR alone, BAHA's comment is that the analysis in the Noise Impact section should have been provided to ARG and a more detailed and sites specific vibration analysis performed as to all project sites particularly the Project 2 site. The information contained in the DEIR is more than sufficient to require the Step 1 assessment required as to noise impacts (NO-1) be performed before the EIR is issued so that the adequacy of any further proposed mitigation measures can be assessed by the public.</p>	
B10-158	<p>3.2.9.4 The Anna Head School Is Worth Saving</p> <p>Put in stark form, if UC Berkeley chooses to do so, it will drive piles close to the landmarked Anna Head School in such a way as to permanently and unalterably damage that property such that its subsequent demolition is all but a foregone conclusion. UCB has already sought to remove the current occupant of the main Anna Head School building, deferred all maintenance and restoration, and proposed a replacement 200,000 sq. foot building for the property is a clear indication that this outcome is a virtual expectation.</p> <p>Indeed in light of the fact that the Lead Agency proposes replacing the Anna Head School with a mixed-use non-housing building, the UCB planners may well have decided that making demolition a foregone conclusion was a wise course of action. Pile driving near the unwanted (but landmarked) building would effectively kill two birds with one stone: it would permit the construction of the tallest building in Berkeley and all but guarantee that the Anna Head School will not survive because its foundation or structure would become so damaged that it could not be salvaged. This course avoids having the Lead Agency make an uncomfortable finding under CEQA, namely that the benefits of constructing a new 200,000 square foot academic building [footnote 182] outweigh preserving this unique and important landmark, which is so significant to architectural history, UCB's early diversity, the development of progressive education, and women's fight for equality.</p>	<p>Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>Footnote 182: The DEIR shows the future use in Table 3-2 clearly as Academic Life and Campus Life, not residential. Disappointingly UCB planners, when making presentations to the City of Berkeley and the public, provided a map showing the property’s future use would be residential. DEIR App. at 220 (BAHA letter).</i></p>	
	<p>That Anna Head School Complex (AHS Complex) is an important national landmark and a beloved Berkeley structure cannot be in doubt. [footnote 183] Channing Hall, part of the complex, is the first Shingle Style building in a city that soon became known for innovative architecture in this mode. According to one source, the Anna Head School’s “Shingle-style campus blended into the landscape and encouraged Bay Area architects to move from a Victorian to the American, nature- influenced buildings now iconic in California.” That same writer went onto describe the structure:</p>	
	<p>The Anna Head School incorporated the Queen Anne style, yet each building was covered in unfinished redwood shingles to create the illusion that the structures blended into the landscape. Known as Shingle style, this uniquely American architecture was built completely from wood, which creates a sense that the building was carved from a tree or belongs in nature. Channing Hall was the very first shingle structure in Berkeley.</p>	
	<p>To execute this impressive school complex, Miss Head hired her second cousin, Soule Edgar Fisher. Fisher died of tuberculosis after working for five years as an architect, but Channing Hall established him as a prodigy. After Fisher’s death, the famous architect Walter H. Ratcliff Jr. took over designing the Anna Head School for Girls. He approached the school with his signature style—eclectic, comfortable, and an appreciation for the outdoors. The campus became one of the largest collections of</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>Shingle-style architecture in the area, and the school marked the end of Victorian design in Berkeley as Bay Area architects adopted other styles.</p>	
	<p>Paul Chapman, a local historian and a previous principal of what is now known as the Head-Royce school, says that the architecture “helped start the arts and crafts movement in the Bay Area. The campus is beautiful. The shingles evoke the redwood groves that were common here.”</p>	
	<p><i>Footnote 183: https://annaheadschoool.org (providing background on the institution).</i></p>	
	<p>In addition, as described in one of the previous comments, the creation and operation of the Anna Head School in and of itself and in terms of its close proximity to UCB represented a watershed moment in the movement to provide equal education to women and diversify UCB’s student body. Thus, the Anna Head School is not just important to the women who attended on that campus; instead, it is one of the last remaining symbols of how women’s fight for an equal right to education was lived and how UCB came to be the diverse institution that it is today.</p>	
	<p>As that same writer for the National Historic Preservation Trust wrote: The school’s impressive preservation and social development demonstrates how schools play an important role in their community’s history. The Anna Head School for Girls influenced thousands of female scholars and designers to question the norm. These Berkeley buildings, forgotten by many, still stand as a testament to the shifting history of girl’s education and architecture in the United States. And behind this campus, Anna Head reminds us that one woman can have a resounding impact on history.</p>	
	<p>CEQA gives the public a right to know and assess the choices UCB and the Lead Agency are making with respect to the Anna Head School. Even</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>though the Lead Agency [footnote 184] may be prepared to sacrifice that school and other resources to this project, it should explain its calculus in an open and honest way – CEQA requires this. This honest discussion should be added to the final EIR.</p> <p><i>Footnote 184: BAHA further submits that the Lead Agency’s failure to provide a more fulsome analysis and the September 2020 Page & Turnbull Survey are acts of affirmative concealment. As a consequence, any court considering this matter in some subsequent proceeding is entitled to presume that significant damage and irreversible damage will occur at Anna Head School.</i></p>	
<p>B10-159</p>	<p>3.2.10 Tribal Cultural Resources</p> <p>The land upon which UCB is situated was previously occupied by Native Americans. Unfortunately, the reports relating to whatever work the Lead Agency did to survey potentially impacted resources and discuss impacts and mitigation measures are not being released to the public. The unavailability of the relevant reports and dearth of discussion of these resources and potential impacts to them makes public comment almost impossible. The degree of concealment also seems excessive under the circumstance as it includes a 2020 survey of historic resources by Page and Turnbull, which necessarily encompasses more than Tribal Cultural Resources, that although relied upon by the contractors who evaluated Projects 1 and 2, was not made available (even in partially redacted form) to the public. [footnote 185]</p> <p><i>Footnote 185: Notably UCB has made public other Page & Turnbull reports and similar reports by other entities. Many of these reports are available on the UC Capital Strategies website.</i></p> <p>Based on what is set out in the DEIR, it appears that the Lead Agency is only paying lip-service the existence of Tribal Cultural Resources and has</p>	<p>See Response B10-137.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>not performed a meaningful archeological assessment of the sites most likely to contain these artifacts or develop appropriate mitigation measures to ensure their protection during construction of the 500,000 sq feet of new building that is planned to occur in the LRDP area. Indeed, the DEIR does not provide any assurance that the Lead Agency’s mitigation measures are sufficient. Having an archeologist “on hand” as deep pile driving occurs on sites such as People’s Park or the Clark Kerr Campus to be on the lookout for tribal artifacts seems hardly sufficient to constitute true realistic mitigation measures.</p> <p>Based on what is set out in the DEIR, it appears that the Lead Agency is only paying lip-service the existence of Tribal Cultural Resources and has not performed a meaningful archeological assessment of the sites most likely to contain these artifacts or develop appropriate mitigation measures to ensure their protection during construction of the 500,000 sq feet of new building that is planned to occur in the LRDP area. Indeed, the DEIR does not provide any assurance that the Lead Agency’s mitigation measures are sufficient. Having an archeologist “on hand” as deep pile driving occurs on sites such as People’s Park or the Clark Kerr Campus to be on the lookout for tribal artifacts seems hardly sufficient to constitute true realistic mitigation measures.</p>	
B10-160	<p>3.2.11 DEIR Does Not Adequately Assess Cumulative Impacts of the LRDP Projects on Historic and Cultural Resources</p> <p>Although the DEIR does not explicitly identify historic resources such as Anna Head School and the FCC as being permanently and irreversibly damaged, the thin information provided indicates clearly that these two resources will be impacted in addition to the specific sites and structures identified in Projects 1 and 2. In addition, UCB has announced plans to demolish a structure on Clark Kerr Campus and apparently slated the Smyth-Fernwald house to fall into disrepair. At a minimum, the DEIR concerning these Projects should address the cumulative impacts of the</p>	<p>The commenter speculates about impacts to historic resources adjacent to Housing Project #2. The commenter provides no substantial evidence to support their assertions. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	destruction of the entire cohort of historic and cultural resources, not just cherry-pick a few.	
B10-161	<p>3.2.12 Lead Agency Fails to Provide Reasonable Alternatives to Projects</p> <p>As discussed elsewhere, the DEIR provides no meaningful alternatives to the massive enrollment increases and large scale development proposed in the draft LRDP in part due to the fact that the Lead Agency limited the geographic scope to only a few UCB properties. Regardless of whether the Lead Agency chooses to enlarge the geographic scope of the LRDP, the Lead Agency is obligated to consider alternate locations on UCB property for the new buildings that the draft LRDP proposes to be constructed. In the Final EIR, the Lead Agency should examine building some or all of the proposed new buildings on these alternate sites.</p> <p>Capping student enrollment at current enrollment levels would likewise reduce the need to build more and bigger buildings. If student housing demands persist even at current enrollment levels, then the Lead Agency should consider building smaller denser residence halls rather than large mixed use buildings that require demolition of historic resources. In the past there have been plans to integrate historic resources such as the UC Garage into new developments. Similar options should be explored.</p>	Please see Master Response 18, Alternatives.
B10-162	<p>3.3 The Lead Agency Fails to Follow the NHPA Despite Receiving Federal Funding and Certification of NHPA Compliance</p> <p>The Lead Agency is obligated to follow federal laws and regulations relating to historic and natural resources given the amount and nature of its federal funding; the DEIR fails to demonstrate compliance with those authorities; hence it must be substantially revised. These applicable laws – including the National Historic Preservation Act (NHPA) as well as other federal requirements such as the National Environmental Protection Act – are triggered if the proposed project is funded with or</p>	The University of California is a State agency. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The federal agency first determines whether the proposed federal action meets the definition of an undertaking and if it is a type of activity that has the potential to cause effects on historic properties (36 CFR Part 800.16(a)). If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>will be operated or maintained through federal funding. With respect to operational funding, the rule is essentially a but for test (i.e., but for the federal funding, the project would not be undertaken). The materials BAHA has obtained from UCB [footnote 186] and other public materials show that, as to Project 1 (the Helen Diller Anchor House), student rents are budgeted to cover (in whole or in part) operation of that building once constructed. The fact that a large portion of these rental housing payments will come directly or indirectly from the federal government is likewise clear.</p> <p><i>Footnote 186: The documents include various agreements and MOUs provided herewith in the Appendix to this Letter.</i></p> <p>Federal Pell Grants and other federal grant and loan programs are used by a large proportion of UCB students to pay their housing expenses. Reportedly 27% of UCB undergraduates receive Pell Grants, which cover payments for their housing. [footnote 187] This Pell Grant funding is important because both Projects 1 and 2 and many of the developments outlined in the LRDP, DEIR and associated materials, evidence the Lead Agency’s intent to construct significantly more student housing as part of these projects. Because the operation and maintenance of these projects will be funded (at least in part) using Pell Grant funds, federal requirements are triggered. Perhaps not surprisingly UCB is currently aggressively lobbying Congress to increase Pell Grant monies so that it will receive even more student housing money from the federal government. [footnote 188]</p> <p><i>Footnote 187: https://edsource.org/2021/california-educators-want-congress-to-double-the-maximum-pell-grant-award/650710; https://www.ucop.edu/federal-governmental-relations/_files/Advocacy/Federal-Research/Fact_Sheet_Federal_Financial_Aid.pdf; see also https://www.kqed.org/news/11849485/were-fragile-uc-berkeley-officials-</i></p>	<p>historic properties were present, the agency official has no further obligations under Section 106 or this part (36 CFR Part 800.16(a)(1)).</p> <p>Examples of projects that may meet the definition of an undertaking and have the potential to cause effects on historic properties include: “1) all new construction and facility expansion projects; 2) alteration and renovation projects where exterior changes to the building façade or surroundings may be made (including roof, windows, and parking lots); 3) projects where interior renovations may be made to a building that is over fifty (50) years old, or is historically, architecturally, or culturally significant; and 4) ground disturbances (such as grading, other site preparation or archeology).” (National Endowment for the Humanities, “Frequently Asked Questions about Section 106 of the National Historic Preservation Act,” accessed May 21, 2021, https://www.neh.gov/grants/manage/frequently-asked-questions-about-section-106-the-national-historic-preservation-act.)</p> <p>If the types of federal funding identified by the commenter would not have the potential to cause effects on historic properties, such as demolition or physical alteration, then review under Section 106 of the National Historic Preservation Act (and 36 CFR Part 800) is not required. The following examples of federal funding identified by the commenter would not require Section 106 review: students receiving federal Pell Grants or other financial assistance and subsequently renting rooms in Housing Project #1; federal funding for research, including “basic and applied research, graduate student fellowships, and contributes to operations and maintenance of facilities;” and federal funding for operational expenses and rental payments.</p> <p>Please also see Master Response 19, Evaluation of the Use of Federal Funds.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>battle-budget-woes (UCB CFO describes housing as revenue generating and self-sustaining). Notably a more recent UCB blog post sets the percentage as 30%. https://blogs.berkeley.edu/2020/03/12/why-does-uc-berkeley-need-6-billion/</i></p> <p><i>Footnote 188: https://edsources.org/2021/california-educators-want-congress-to-double-the-maximum-pell-grant-award/650710</i></p>	
	<p>There is, of course, some irony in the fact that UCB is marketing their Projects as housing projects, given that their student housing operations are partially funded by federal Pell Grants and other federal student financial aid. UCB cannot, however, argue that these projects are exempt from Federal EIR and related requirements because UCB also receives significant federal funding for research, to operate and maintain its academic and research facilities, and through rental payments (i.e., for LBL facilities). By way of example, in March 2020, UCB was allocated over \$30 million under the Higher Education Emergency Relief Fund, part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act.</p> <p>[footnote 189]</p>	
	<p><i>Footnote 189: https://www.berkeley.edu/about/cares-act-report. UCB has also received significant FEMA funding to retrofit various buildings. https://www.berkeley.edu/news/media/releases/98legacy/10-20-1998a.html</i></p>	
	<p>According to UCB’s CARES Act Report, “Of the funding we received, 50% will be directed to emergency financial aid grants for student cost of attendance, food, housing, course materials, technology, health care, and childcare. The other 50% will be directed to the institution to defray operational expenses related to the impact of COVID-19.” UCB explained the use of its portion of the allocation thusly:</p>	
	<p>Of the \$30,440,627 allocated to UC Berkeley as part of the CARES Act, \$15,220,313 was awarded to the institution to defray operational expenses</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>related to the impact of COVID-19. From the \$15,220,313 of the institutional portion, on a cash basis of accounting, \$15,220,313 was spent through the period ending December 31, 2020. Previously, UC’s Office of the President acknowledged to a committee of the UC Regents in 2017 the significance of federal funding for research:</p> <p>Federal funds are the University’s single most important source of support for its research, accounting for nearly 50 percent of all University research funding and totaling nearly \$2.9 billion in fiscal year 2016. UC attracts nearly ten percent of all federal funds spent on research at American universities Federal agency research funding supports basic and applied research, graduate student fellowships, and contributes to operations and maintenance of facilities. [footnote 190]</p> <p>Footnote 190: https://regents.universityofcalifornia.edu/regmeet/may17/p4.pdf</p>	

The two tables from this report summarize the basic historic facts well:

Table 1. External awards by sponsor, FY 2015-16 (\$ millions)

SPONSOR	2015-16
Federal	3,326
State	448
Other gov’t*	154
Business	800
Non-profit	762
Academia**	528
TOTAL	6,017

* Other government includes local governments, agricultural market order boards and foreign governments.
 **Academia includes the categories of higher education, DOE labs, campuses and UCOP.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
----------------------	---------	----------

Table 2. Federal agency funding, FY 2015-16 (\$ millions)

AGENCY	2015-16
NIH	1,946
Other HHS	122
NSF	472
Defense	279
Energy	108
Education	41
Commerce (incl. NOAA)	46
Agriculture	52
NASA	77
Interior	18
Other Agencies	165
Total	3,326

These statistics are in line with the findings of the so-called UC Tipping Point Report, which found that “The University of California received more funding from the federal government for scientific research—not including other sources of federal funding such as Pell Grants and funding for non-scientific research—than it received in California educational appropriations in every year since 2010.” [footnote 191] In addition, UCB used FEMA funding to conduct a review of seismic readiness that resulted in some of the projects covered in the draft proposed LRDP and DEIR. [footnote 192] Presumably federal grants and other funding will be used to fund at least some of the proposed new faculty, staff and graduate student positions that are covered by the draft LRDP population increase proposal.

Footnote 191:

https://cshe.berkeley.edu/sites/default/files/publications/douglassbleemer.tipping_point_report.updated_2.19.19.pdf

https://cshe.berkeley.edu/sites/default/files/publications/douglassbleemer.tipping_point_report.updated_2.19.19.pdf

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p data-bbox="321 326 1121 384"><i>Footnote 192:</i> https://www.berkeley.edu/administration/facilities/safer/findings.html</p> <p data-bbox="321 431 1121 769">Given that several of the landmarked properties identified for demolition appear on the National Registry of Historic Properties and that UCB receives significant federal funding upon which the proposed projects depend, the Lead Agency is required to follow the National Historic Preservation Act (NHPA) as well as other federal requirements such as the National Environmental Protection Act, including in connection with the preparation of this DEIR. UCB receives federal funding in many different ways, including via research grants, lease payments, operational funding (such as CARES Act funding), and student financial aid that is paid over to UCB for tuition and housing.</p> <p data-bbox="321 816 1121 1089">Pursuant to the NHPA, any major federal action, including those that could impact structures or landscapes on the National Historic Registry, is subject to review under the NHPA and compliance with its related enabling regulations. 42 USC 4332. Any federal project that could have significant effect on quality of human environment must be considered “major” for purposes of 42 USCS § 4332, so that no independent consideration is required for question of whether project is “major.” [footnote 193]</p>	
	<p data-bbox="321 1133 1121 1300"><i>Footnote 193: Citizens for Responsible Area Growth (CRAG) v. Adams, 477 F. Supp. 994, 15 Av. Cas. (CCH) ¶18022, 14 Env't Rep. Cas. (BNA) 1562, 10 Env'tl. L. Rep. 20143, 1979 U.S. Dist. LEXIS 10220 (D.N.H. 1979), vacated, 680 F.2d 835, 12 Env'tl. L. Rep. 21025, 1982 U.S. App. LEXIS 18953 (1st Cir. 1982).</i></p>	
	<p data-bbox="321 1344 1121 1477">The phrase “major federal action” and “federal project” includes federal funding under certain circumstances. Id. It is irrelevant that particular project may be neither federally financed nor constructed under auspices of federal agency since key factor is that without federal</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>approval project could not commence; thus, federal action has as much effect upon environment as federal funding would have had. [footnote 194]</p>	
	<p><i>Footnote 194: Sierra Club v. Morton, 400 F. Supp. 610, 7 Env't Rep. Cas. (BNA) 2153, 6 Env'tl. L. Rep. 20047, 1975 U.S. Dist. LEXIS 11258 (N.D. Cal. 1975), aff'd in part and rev'd in part, 610 F.2d 581, 13 Env't Rep. Cas. (BNA) 1984, 9 Env'tl. L. Rep. 20772, 1979 U.S. App. LEXIS 10827 (9th Cir. 1979). Statutory term "major federal actions" must be assessed with view to overall, cumulative impact of action proposed, related federal actions and projects in area, and further actions contemplated; minor federal actions can be "cumulatively considerable" when one or more agencies over period of years puts into project individually minor but collectively major resources, when one decision involving limited amount of money is precedent for action in much larger cases or represents decision in principle about future courses of action, or when several government agencies individually make decisions about partial aspects of major action; also, "federal action" includes not only action undertaken by agency itself, but also any action permitted or approved by agency. Sierra Club v. Morton, 514 F.2d 856, 169 U.S. App. D.C. 20, 7 Env't Rep. Cas. (BNA) 1977, 5 Env'tl. L. Rep. 20463, 1975 U.S. App. LEXIS 14205 (D.C. Cir. 1975), rev'd, 427 U.S. 390, 96 S. Ct. 2718, 49 L. Ed. 2d 576, 8 Env't Rep. Cas. (BNA) 2169, 6 Env'tl. L. Rep. 20532, 1976 U.S. LEXIS 131 (1976).</i></p>	
	<p>To determine whether action is or is not "major federal action" within meaning of 42 USCS § 4332(C), courts consider the following factors: (1) whether project is federal or non-federal; (2) whether project receives significant federal funding; and (3) when project is undertaken by non-federal actor, whether federal agency must undertake "affirmative conduct" before non-federal actor may act; no single factor of these three is dispositive. [footnote 195] Typically, a project is considered major federal action under 42 USCS § 4332(C) when it is funded with federal money. [footnote 196] Given that the student housing buildings proposed in the Projects will be maintained and operated through</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>federal funding and some of the academic and research buildings (particularly those on Moffett Field, which was leased from NASA) may also be, it is BAHA's position that a rebuttable presumption exists that these Projects constitute federal and major federal actions. If the Lead Agency wants to avoid compliance with these federal requirements, it must demonstrate in the Final EIR that federal funding will not be used or relied on in their operation and maintenance (or, of course, construction).</p>	
	<p><i>Footnote 195: Mineral Policy Ctr. v. Norton, 292 F. Supp. 2d 30, 2003 U.S. Dist. LEXIS 21011 (D.D.C. 2003); see also, Friends of Earth, Inc. v. Coleman, 518 F.2d 323, 8 Env't Rep. Cas. (BNA) 1617, 5 Env'tl. L. Rep. 20428, 1975 U.S. App. LEXIS 14506 (9th Cir. 1975).</i></p>	
	<p><i>Footnote 196: Mineral Policy Ctr. v. Norton, 292 F. Supp. 2d 30, 2003 U.S. Dist. LEXIS 21011 (D.D.C. 2003).</i></p>	
	<p>Absent such a showing, the final EIR will need to conform to all applicable federal requirements including those of the National Historic Preservation Act (NHPA). Section 106 of the NHPA provides that the head of any federal agency having jurisdiction over a federally assisted undertaking, shall, prior to approval of the expenditure of funds or issuance of a license, take into account the effect of the undertaking on any site or object included in or eligible for inclusion in the National Register and shall provide the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to the undertaking. See 16 U.S.C. § 470f. The Advisory Council has established regulations for federal agencies in regard to compliance with Section 106. See 36 CFR Part 800 (1987). The process established by the regulations is designed to accommodate historic preservation concerns and the needs of federal undertakings, principally through consultation among the Agency Official, the State Historic Preservation Officer (SHPO), the Advisory Council and other interested persons, to provide efficient identification and adequate consideration of historic properties. § 800.1(b) [footnote</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	<p>197]. Compliance with these steps will need to be documented in the Final EIR.</p> <p><i>Footnote 197: Attakai v. United States, 746 F. Supp. 1395, 1405, 1990 U.S. Dist. LEXIS 11775, *24-25, 21 ELR 20433</i></p> <p>Moreover, the Lead Agency should not try to evade its legal responsibilities by rejecting federal funding or segmenting its projects such as was done in relation to UCB’s recent LRDP pertaining to vegetation removal on the Hill Campus. Courts have taken a dim view of such activities. Likewise, segmentation is not a way to avoid federal compliance. <i>Preserve Endangered Areas of Cobb’s History v. United States Army Corps of Eng’rs</i>, 87 F.3d 1242, 10 Fla. L. Weekly Fed. C 105, 43 Env’t (Agency cannot evade its responsibilities under NEPA by artificially dividing major federal action into smaller components, each without significant impact.)</p>	
B10-163	<p>3.4 Cultural, Tribal and Historic Resource Impact Questions</p> <p>In conjunction with issuing its final EIR, the Lead Agency should answer the following questions (Note: UCB as referred to herein includes all properties and sites owned or leased by UCB or a UC entity for the use of UCB students or to which UCB students, faculty, staff or researchers have access by virtue of an agreement between the property owner or operator and the Lead Agency or one of its constituent parts such as UCB):</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses B10-164 through B10-223.</p>
B10-164	<p>Question 3.1: Have any resource Surveys or assessments been performed relative to any of the Historic and Cultural Resources in the draft Proposed LRDP Update Project since 2000? If so, please provide.</p>	<p>Chapter 5.4, Cultural Resources, of the Draft EIR, details the historic resources in the LRDP EIR study area and provides an analysis of the potential cultural resource impacts. Since UC Berkeley’s founding in 1868, many UC Berkeley–owned properties and buildings in the EIR Study Area have been identified as historic resources, typically due to architectural significance and age. The existing designated historic resources are detailed within Chapter 5.4. Table 5.4-1, National Historic</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>Resource Listings, of the Draft EIR lists the national historic resources. Resources that are listed on the National Register are automatically listed in the California Register. Therefore, all of the National Register resources previously listed in Table 5.4-1 are also on the California Register. Table 5.4-2, California Historic Resource Listings, shows the State historical resources that are not also on the National Register. Within the EIR Study Area, 41 UC Berkeley-owned resources are locally listed as City of Berkeley Landmarks. Of these, 28 are concurrently listed on the National Register. Additionally, the chapter describes historic resources that were found eligible for listing through previous survey evaluations (Table 5.4-4, Resources Found Eligible Through Previous Survey Evaluation). As a part of the proposed LRDP Update, a preliminary assessment was conducted for historic resources that were developed prior to World War II and resources that date from 1945 to 1987 that correspond with UC Berkeley's expansion after World War II. The post-World War II resources were evaluated because these will become at least 50 years old within the 2036–37 academic year buildout horizon of the Draft EIR. The results of this assessment are shown in Table 5.4-5, Pre-World War II Evaluated Resources, and Table 5.4-6, Post-World War II Evaluated Resources. Table 5.4-5 and 5.4-6 provide a detailed list of pre-and post-World War II-evaluated resources. These assessments were conducted during the course of preparation of the LRDP Update. Chapter 5.4 is based on the reports prepared for the proposed project, which are included in the Draft EIR as Appendix F, Cultural Resources Data, and listed on page 5.4-1 of the Draft EIR; all of these reports were prepared since 2000.</p>
B10-165	<p>Question 3:2: Does any master survey, list, or document containing a list of all Historic and Cultural Resources for structures the draft proposed LRDP Update Area exist? If so, please provide it.</p>	<p>Please see Response B10-164. Also, please see Master Response 4, Programmatic Analysis.</p>
B10-166	<p>Question 3:3: What if any federal funding has been used to maintain any of the Cultural and Historic Resources listed for “Redevelopment” in the DEIR and accompanying materials including but not limited to ?</p>	<p>Please see Response B10-85 and Master Response 19, Evaluation of the Use of Federal Funds.</p>

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
B10-167	Question 3.4: What if any federal funding has been accessed or used by UCB’s planning department and/or staff during the last 5 years?	Please see Response B10-85 and Master Response 19, Evaluation of the Use of Federal Funds.
B10-168	Question 3.5: Has the UCB planning department received federal funding of any kind in connection with the Projects, whether directly or indirectly or relating to any site identified in the DEIR as a potential for new development, redevelopment, or renovation?	Please see Responses B10-85 and B10-102.
B10-169	Question 3.6: What is your best projection of the number of students who will be resident in Project 1 (Helen Diller Anchor House) who will be recipients of federal student financial aid, including but not limited to Pell Grants?	Please see Response B10-85 and Master Response 19, Evaluation of the Use of Federal Funds.
B10-170	Question 3.7: Do the budgets or budget assumptions for the operation and maintenance of the Project 1 Helen Diller Anchor House include revenue from income associated with rents, housing payments for the student housing?	Please see Response B10-85 and Master Response 19, Evaluation of the Use of Federal Funds.
B10-171	Question 3.8: If the answer to Question 3.7 is yes, how much (by absolute number or percentage) do you anticipate will come directly or indirectly from the federal government?	Please see Response B10-85 and Master Response 19, Evaluation of the Use of Federal Funds. Housing Project #1 will not use federal funding to operate and maintain the building.
B10-172	Question 3.9: If the answer to Question is no, please provide details as to the alternate source of operating and maintenance revenues?	Please see Response B10-85 and Master Response 19, Evaluation of the Use of Federal Funds.
B10-173	Question 3.10: Are any of the lenders in connection with Projects 1 and 2 federally insured? If so, which ones.	Please see Response B10-85 and Master Response 19, Evaluation of the Use of Federal Funds.
B10-174	Question 3.11: What is the purpose of the demonstration kitchen in the Helen Diller Anchor House?	It is anticipated that the demonstration kitchen associated with Housing Project #1 will be used by the Rausser College of Natural Resources as a classroom and teaching kitchen in support of its undergraduate and graduate programs. It will replace an outdated teaching kitchen that is now used by the programs at Morgan Hall which will be decommissioned.
B10-175	Question 3.12: How many events are expected to be hosted in the Helen Diller Anchor House over the period of a year?	The number of events that could be held at the event space on the 13th floor is unknown. It is expected that the events space will be used primarily for UC Berkeley events and to the extent there is additional

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
		availability, the space could be made available to the community for conferences, seminars, and special events. As described in Chapter 5.11, Noise, of the Draft EIR, all events would be required to comply with the City of Berkeley Municipal Code exterior noise standards to the degree feasible.
B10-176	Question 3.13: How is the event space in the Helen Diller Anchor house going to be operated and what types of events do you anticipate being held there?	Please see Response B10-175.
B10-177	Question 3.14: Please clarify as to each Project 1 and Project 2 the exact dimensions of the student living units.	Please see Response B10-85.
B10-178	Question 3.15: Please clarify as to Project 1 and Project 2 how much space has been allocated for UC Offices or other administrative use?	As described in Chapter 3, Project Description, and shown in Table 3-6, Housing Project #1 Proposed Development, commercial space, which could be used for UC Berkeley or leased to non-UC Berkeley vendors for a variety of uses depending on the tenant and what the market will bear, including, but not limited to, office, research, maker space, retail, cultural institution, education, or medical, up to 17,000 square feet is proposed. Approximately 2,050 square feet is allocated for UC administrative use and approximately 6,400 square feet is allocated for a maintenance shop, laundry, staff break room and staff lockers and restrooms. As show on Table 3-7, Housing Project #2 Proposed Development, no UC Berkeley office space is proposed; however, up to 7,000 square feet is proposed for a clinic . Space for housekeeping and maintenance up to 4,500 square feet is proposed in the student housing building, and approximately 2,380 square feet is proposed in the supportive housing building. Further, the supportive housing building would also include approximately 2,270 square feet for services and property offices. The commenter is directed to Chapter 3, Project Description, for additional details on the two proposed housing projects.
B10-179	Question 3.16: Please clarify as to Project 1 and Project 2 how much space has been allocated to commercial or third-party rental?	Please see Response B10-178.

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
B10-180	Question 3.17: Please clarify as to Project 1 and Project 2 the anticipated or proposed uses of the space referenced in Question 3.16.	Please see Response B10-178.
B10-181	Question 3.18: Please clarify as to Project 1 and Project 2 the exact location that pile driving is expected to occur and for each of those locations, please provide the distance to the historic and/or cultural resources identified by the Architectural Resource Group Inc.?	Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.
B10-182	Question 3.19: Please clarify as to Projects 1 and 2 what type of pile driving equipment is expected to be used on each site, the number of days pile driving will occur at each site, and the maximum vibrations expected from each site of the pile driving to the nearest two identified cultural or historic resources?	Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.
B10-183	Question 3.20: Please clarify at to Project 2, whether any examination or survey has been done at or of any of the historic and cultural resources identified in the DEIR?	<p>The HRTR for Housing Project #2 in Appendix F.3 of the Draft EIR documents the methods used to prepare the report. As summarized in Section 1, “Introduction and Methodology” (page 2), the following was undertaken:</p> <ul style="list-style-type: none"> ▪ A site visit to examine and photograph the project site and surroundings on June 24, 2020. ▪ A review of proposed project drawings prepared by Leddy Maytum Stacy Architects (LMSA) and dated June 1, 2020, as well as other relevant project materials provided by the applicant. ▪ A review of historical documentation and prior evaluations pertaining to the project site and/or vicinity, including the State of California Department of Parks and Recreation (DPR) Historic Resources Inventory (HRI) form completed for the property in 1977, the City of Berkeley Landmark Application completed in 1984, and the draft People’s Park National Register nomination. (Gray Allen Brechin, “People’s Park,” State of California Department of Parks and Recreation (DPR) Historic Resources Inventory (HRI) Form (September 1977); David Axelrod, “People’s Park,” City of Berkeley Department of Housing and Development Application

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
		<p>Requesting Designation for Landmark Status (June 1984); People’s Park Historic District Advisory Group, “People’s Park,” draft National Register of Historic Places Registration Form, September 21, 2020.)</p> <ul style="list-style-type: none"> ▪ A review of online repositories including ProQuest’s Digital Sanborn Maps, Newspapers.com, Newspaper Archive, California Historical Newspapers (NewsBank), the California Digital Newspaper Collection, the Los Angeles Times digital archive, the San Francisco Chronicle digital archives, the New York Times digital archive, the Berkeley Barb digital archive, and the JSTOR digital library to gather primary and secondary source information related to the development and use of People’s Park. ▪ Consultation with staff at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS), the Berkeley Architectural Heritage Association (BAHA), the City of Berkeley, and the University of California, Berkeley (UC Berkeley) to collect primary source documents and other archival materials to inform the significance and impact assessments of the HRTR. In-person research at these repositories was precluded by state, local, and private safety protocols enacted in response to the COVID-19 pandemic.
B10-184	Question 3.21: Have any inspections or surveys been performed as to the Anna Head school, particularly with regard to the foundation?	Anna Head school is the location of a potentially future project and no site-specific examination of this site or its facilities is appropriate at the program level. Please see Master Response 4, Programmatic Analysis.
B10-185	Question 3.22: Have any inspections or surveys been performed as to the Anna Head school other than the Architectural Resource Group, Inc. HRTR? If so, please provide it/them.	Please see Response B10-184.
B10-186	Question 3.23: Has any assessment been made with regard to the Anna Head School’s ability to withstand the vibrations that are anticipated to be caused by the pile driving to be conducted in connection with the Project 2?	Please see Responses A3-112 and B10-184.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-187	Question 3.24: What stone and masonry elements are present in, on or under the Anna Head school?	Please see Response B10-85.
B10-188	Question 3.25: Please describe the 200,000 sq foot building that you anticipate will (or may) be built on the Anna Head School site per the DEIR and provide any schematics or possible designs that have been made.	Please see Responses B10-85 and B10-102.
B10-189	Question 3.26: As to the new building referenced in Question 3.25 (to potentially be constructed on the Anna Head School property), where on the site will that building be located and what structures, if any, would need to be demolished?	Please see Responses B10-85 and B10-102.
B10-190	Question 3.27: What is the current status of plans for the original Anna Head School?	Please see Responses B10-85 and B10-102.
B10-191	Question 3.28: Have any estimates been obtained to renovate (or studies made on the cost to renovate) the Anna Head school? If so, please provide all such estimates/studies?	Please see Responses B10-85 and B10-102.
B10-192	Question 3.29: What monies have been allocated over the past 10 years to repairing and preserving the Anna Head School in general and Channing Hall in particular ?	Please see Responses B10-85 and B10-102.
B10-193	Question 3.30: What monies have been expended over the past 10 years to repair and preserve the Anna Head School in general and the Channing Hall in particular?	Please see Responses B10-85 and B10-102.
B10-194	Question 3.31: What is the present condition of Channing Hall (Building C) on the Anna Head campus? What is the basis for your assessment?	Please see Responses B10-85 and B10-102.
B10-195	Question 3.32: What is the present condition of the Gables (Building B) on the Anna Head campus? What is the basis for your assessment?	Please see Responses B10-85 and B10-102.
B10-196	Question 3.33: What is the present condition of the Cottage (Building E) on the Anna Head campus? What is the basis for your assessment?	Please see Responses B10-85 and B10-102.
B10-197	Question 3.34: What is the present condition of the Pool/Gymnasium (Building F) on the Anna Head campus? What is the basis for your assessment?	Please see Responses B10-85 and B10-102.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-198	Question 3.35: What is the present condition of the Study Hall (Building D) on the Anna Head campus? What is the basis for your assessment?	Please see Responses B10-85 and B10-102.
B10-199	Question 3.36: What is the present condition of Alumnae Hall (Building A) on the Anna Head campus? What is the basis for your assessment?	Please see Responses B10-85 and B10-102.
B10-200	Question 3.37: What, if any, fundraising efforts have been undertaken by You or anyone connected with or employed by UCB to any affiliated entity or institute to raise money to preserve any part of the Anna Head school or to bring any of its buildings into ADA compliance? If these fund raising efforts ceased, why did they cease?	Please see Responses B10-85 and B10-102.
B10-201	Question 3.38: Have any inspections or surveys been performed by You or any of your contractors as to Bernard Maybeck's the First Church of Christ Scientist, particularly with regard to the foundation? If so, please provide them.	As described in the Draft EIR, Mitigation Measure NOI-2 would require future development projects to incorporate alternative methods to vibration-intensive construction activities and, where such alternatives are not feasible, to conduct surveys and vibration monitoring to ensure that construction vibration levels do not exceed established thresholds. Surveys shall be performed prior to, in regular intervals during, and after completion of all vibration-generating activity.
B10-202	Question 3.39: Have any inspections or surveys been performed by You or any of your contractors as to those features of Bernard Maybeck's the First Church of Christ Scientist that may be vulnerable to damage from the pile driving associated with the construction of Project 2? If so, please provide them.	Please see Response B10-201.
B10-203	Question 3.40: What mitigation measures, if any, do you propose to take to protect that the glass windows and related features of Bernard Maybeck's the First Church of Christ Scientist during the construction of Project 2?	Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2. Prior to this change, Mitigation Measure NOI-2 would reduce any potential damage to nearby historic buildings, including Bernard Maybeck's the First Church of Christ, Scientist.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-204	Question 3.41: What if any shadow study or other evaluation have Your or your contractors made on the impact of shade and shadowing to Bernard Maybeck’s the First Church of Christ Scientist?	Please see Response B3-3 regarding shade not being a CEQA topic of concern and Responses B10-149 and B10-150 regarding shading of the First Church of Christ, Scientist. No mitigation for shade is warranted as there is no nexus to a CEQA impact. Please see Master Response 5, Mitigation.
B10-205	Question 3.42: What mitigation measures, if any, do you propose to take to mitigate any shade or shadowing on Bernard Maybeck’s the First Church of Christ Scientist during the construction?	No mitigation for shade is warranted. Please see Response B10-204.
B10-206	Question 3.43: What if any assessments have you made as to the effectiveness of the proposed mitigation measures identified in response to Question 3.43?	This comment is question 3.43. So while no response can be provided to this comment, please see Response B3-3 regarding shade not being a CEQA topic of concern and Responses B10-149 and B10-150 concerning shading of the First Church of Christ, Scientist building.
B10-207	Question 3.44: Please provide answers to questions 3.38 through 3.43 as to each Anna Head School Building, the Casa Bonita Apartments, and People’s Bicentennial Mural.	Please see Responses B10-85 and B10-102.
B10-208	Question 3.45: As to each of the cultural and/or historic resources identified in the DEIR for redevelopment, (a) what are the current plans for redevelopment? (b) will the entire existing structure be demolished?; (c) what new construction (or addition, if any) will be made to that site?; (d) what is the estimated decision and planning timeline?	Please see Responses B10-85 and B10-102. As described in the Draft EIR, UC Berkeley identified potential areas for new development, redevelopment, and renovation that could accommodate the proposed buildout projections shown in Table 3-1 of the Draft EIR. Draft EIR Table 3-2 lists and Figure 3-3 shows potential areas of new development and redevelopment; university properties that are also historic resources are marked with an asterisk. Of these properties, those marked with the “e” superscript could include a combination of addition and renovation work, while those not marked with the “e” superscript could be demolished and replaced with new structures. Potential areas of renovation are listed in Table 3-3 and shown in Figure 3-4; these include existing structures that could be remodeled, and of those structures, those marked with an asterisk in the table and figure are also historic resources. Because the proposed LRDP Update is a program-level document, more specifics for each site are currently unknown, and would be developed if and when a given project moves forward. Please see Master Response 4, Programmatic Analysis, Master

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
		Response 5, Mitigation, and Master Response 6, LRDP and LRDP Implementation.
B10-209	Question 3.46: Was any federal funding used to retrofit, repair, maintain or operate the Hearst Mining Building? If so, please describe.	Please see Responses B10-85 and B10-102. Also, please see Master Response 19, Evaluation of the Use of Federal Funds.
B10-210	Question 3.47: Has any federal funding been used to retrofit, repair, maintain or operate the Greek Theater? If so, please describe.	Please see Responses B10-85 and B10-102. Also, please see Master Response 19, Evaluation of the Use of Federal Funds.
B10-211	Question 3.48: As the cultural and/or historic resources identified in the DEIR for redevelopment, which if any were originally constructed with private donations, gifts or grants?	Please see Responses B10-85 and B10-102.
B10-212	Question 3.49: As to each resource identified in response to Question 3.48, do the terms of that gift, donation or funding restrict in any way Your or UCB's rights or ability to alter or demolish that structure? If the answer is yes as to any resource, please provide further details about the nature and enforceability of the restriction.	Please see Responses B10-85 and B10-102.
B10-213	Question 3.50: Do You have any opinion from any expert in any field the pile driving that will be conducted as part of the Project 2 construction will not harm the Anna Head School? If so, please provide.	Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.
B10-214	Question 3.51: Do You have any opinion from any expert in any field the pile driving that will be conducted as part of the Project 2 construction will not harm the First Church of Christ Scientist or any of its constituent parts? If so, please provide.	Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.
B10-215	Question 3.52: Do You have any opinion from any expert in any field the pile driving that will be conducted as part of the Project 2 construction will not harm the Casa Bonita apartments? If so, please provide.	Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.
B10-216	Question 3.53: Do You have any opinion from any expert in any field the pile driving that will be conducted as part of the Project 2	Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
	construction will not harm the People’s Bicentennial Mural? If so, please provide.	in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.
B10-217	Question 3.54: Have you ever obtained an estimate for or explored the feasibility of moving any of the historic or cultural resources identified in the DEIR as designated for “Redevelopment,” including but not limited to the UC Garage, the Smyth-Fernwald House, and the Anna Head School? If so, please provide.	Please see Master Response 18, Alternatives.
B10-218	Question 3.55: Which buildings specifically, other than Building 21, on the Clark Kerr Campus have been identified as potential redevelopment sites (i.e., to be demolished or substantially altered)?	Please see Table 3-2, Potential Areas of New Development and Redevelopment, on page 3-28 of the Draft EIR, for a listing of areas of the Clark Kerr Campus that could be redevelopment sites. Specific buildings would be determined as part of future projects. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.
B10-219	Question 3.56: What is the status of development plans for the Clark Kerr Campus? Have any drawings or schematics been prepared (other than for the volleyball sports complex)?	Please see Responses B10-85 and B10-102.
B10-220	Question 3.57: What is the status of the redevelopment of the Smyth-Fernwald house and property?	Please see Responses B10-85 and B10-102.
B10-221	Question 3.58: Have you explored the possibility of moving UCB administrative staff and/or administrative offices or departments to commercial office structures outside of Berkeley either to lower costs and/or to free up space that could be converted to other uses such as student housing?	Please see Responses B10-85 and B10-102. Please see Chapter 6, Alternatives to the Proposed Project, for a complete discussion of alternatives to the proposed project. Please also see Master Response 18, Alternatives.
B10-222	Question 3.59: Have you considered converting University Hall into student housing? If not, why not? If so, what was the nature of the discussion and decision?	Please see Responses B10-85 and B10-102. Please see Master Response 18, Alternatives.
B10-223	Question 3.60: Have you considered converting any existing UCB property in Berkeley into student housing? If not, why not? If so, what was the nature of the discussion and decision?	Development proposed in the LRDP Update and evaluated in the Draft EIR would occur on existing UC Berkeley properties. As described in Chapter 3, Project Description, on page 3-26, as part of the proposed LRDP Update planning process, UC Berkeley identified potential areas for new development, redevelopment, and renovation that could accommodate the proposed buildout projections shown in Table 3-1,

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-224	<p data-bbox="323 1166 888 1192">4 ADDITIONAL BAHA COMMENTS ON THE DEIR</p> <p data-bbox="323 1235 1119 1300">4.1 The DEIR Erroneously Fails to Assess the Aesthetic Impacts of the Proposed Projects</p> <p data-bbox="323 1344 1119 1474">The Lead Agency’s DEIR did not directly and comprehensively address the projects aesthetic impacts as required by CEQA. Given that the Lead Agency has effectively conceded that its construction projects will have aesthetic impacts on the affected areas, the failure to describe these</p>	<p data-bbox="1157 321 1944 1149">Proposed LRDP Update Buildout Projections, of the Draft EIR. Potential areas of new development are identified on limited sites that are not currently developed or where a new structure would be constructed, and potential areas of redevelopment are identified on sites where the existing structure would be demolished and a new structure(s) would be constructed in its place. The proposed LRDP Update does not propose any specific development projects on any site other than Housing Projects #1 and #2. The purpose of the potential development assumptions is to illustrate a land use program that would accommodate the proposed LRDP Update buildout projections. The potential areas identified in this section provide a menu of possible options that UC Berkeley has to accommodate potential growth and changes. As described in Section 3.5.1.3, Land Use Element, potential future development would be primarily focused on intensive and strategic use of existing UC Berkeley–owned land through determinations of where UC Berkeley can remodel, relocate, densify, or expand current facilities. UC Berkeley may acquire and/or develop additional properties during the EIR buildout horizon that to implement the proposed LRDP Update to meet UC Berkeley’s physical space needs. While such additional acquisition and/or development would be focused on adjacency or proximity to existing UC Berkeley properties like those shown in Tables 3-2, 3-3, and 3-4, some sites could potentially be located further away. Please also see Responses B10-85 and B10-102.</p> <p data-bbox="1157 1166 1944 1474">The commenter incorrectly asserts that Chapter 5.1, Aesthetics, Draft EIR finds significant aesthetic impacts that warrant mitigation measures. On the contrary, the impact conclusions in Chapter 5.1, find impacts related to aesthetics to be less than significant with the exception of potential future solar arrays in the Hill Campus East. Here, implementation of Mitigation Measure AES-3 would reduce those impacts to a less-than-significant level. With respect to adding a mitigation measure to Chapter 5.1, there is no impact to mitigate. Consistent with Section 15126.4(a)(4)(A) of the CEQA Guidelines, the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	impacts in detail and provide alternatives and mitigation measures must be cured before the final EIR is issued.	mitigation measures in this Final EIR have a direct nexus (i.e., connection) between the mitigation measure and the significant impact (<i>Nollan v. California Coastal Commission</i> , 483 U.S. 825 (1987)). Please see Master Response 5, Mitigation.
	<p>4.2 DEIR’s Stated Basis for PRC 21099 Exemption is Erroneous The DEIR does not evaluate in any comprehensive way the aesthetics of the Projects or propose suitable mitigation measures. It should have done so. Addressing mitigation measures first, providing presentations and information to the City of Berkeley and the public is not a mitigation measure (as suggested by ARG in its HRTF), it is required pursuant to CEQA.</p>	As described in Chapter 5.1, the aesthetic evaluation applies to all future projects in the EIR Study Area that would not qualify for an exemption under PRC Section 21099. Regarding the commenters opinion on the application of PRC Section 21099, please see Master Response 11, Public Resources Code 21099.
	<p>The April 7, 2020 Notice for the EIR for the LRDP “Update” stated that the DEIR would evaluate all three projects’ effects on Aesthetics: “The EIR for the LRDP Update will evaluate the probable environmental effects, including cumulative effects, of the proposed project, in the following environmental issue areas . . . Aesthetics . . .” [footnote 198] Elsewhere in that April 2020 Notice, specifically Attachment B, the Lead Agency indicates that it is not required to consider the aesthetic impact because the Projects are not near a scenic highway:</p>	With respect to the commenters statements about another project they refer to as sports complex at Clark Kerr Campus, this is not the subject of this Draft EIR. Further, as indicated in the Draft EIR at page 5-7 on Figure 5-1, Priority Development Areas and Transit Priority Areas, only a portion of Clark Kerr Campus is located within a TPA so not all of the projects proposed on the Clark Kerr Campus would qualify for the PRC Section 21099 exemption unless conditions change and new transit stops are installed. No response to this portion of the comment is provided. Please see Master Response 4, Programmatic EIR, and Master Response 7, LRDP and LRDP Implementation.
	<p>The planning area is not on or within the viewshed of a State scenic highway. Regional access to UC Berkeley is provided by Interstate Highways 80 and 580, and State Routes 24 and 13. None is a designated or presently eligible scenic route. Therefore, no impact would occur under this criterion and this issue will not be discussed in the EIR. [footnote 199]</p>	The commenter is confusing two standards of significance. Chapter 5.4, Cultural Resources, impact discussion CUL-1 addresses the potential of future projects under the LRDP and Housing Projects #1 and #2 to materially and adversely alter the physical characteristics that convey the significance of one or more historical resources. One such criteria is if new construction in the vicinity of a historical resource (an off-site location) that would compromise that resource’s integrity of setting through incompatible design (see page 5.4-33). Alternatively, Chapter 5.1, Aesthetics, addresses the visual aspects of a project using the criteria established in the CEQA Guidelines Appendix G (see page 5.1-11). The analysis in each of these chapters appropriately
	<p>Footnote 198: https://files.ceqanet.opr.ca.gov/261038-2/attachment/83aRFnu5KQLoGKXuhAKdyeGIIDowqtH9mr-3la1XB25S9xPb8AbfVnMxhjF8HU5PdZK4D94cpomllHy70</p>	
	<p>Footnote 199: https://files.ceqanet.opr.ca.gov/261038-2/attachment/83aRFnu5KQLoGKXuhAKdyeGIIDowqtH9mr-3la1XB25S9xPb8AbfVnMxhjF8HU5PdZK4D94cpomllHy70</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>Interstate Highway 580 (official designation number 40) and State Route 24, however, are in fact designated scenic highways in part and eligible scenic highways in other locations. [footnote 200] Mills College, which is part of UCB’s actual long term development plan (although erroneously not included in the draft LRDP or discussed in the DEIR), is in close proximity to 580. Other UCB property likewise is either visible from those highways or accessible from them. In addition, portions of the stated LRDP area – including the Hill Campus – clearly do not qualify as an “urban” infill area or “transit priority” area.</p> <p><i>Footnote 200:</i> https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983 (accessed on April 6, 2021).</p>	<p>address the CEQA standard for impacts as they relate to each environmental topic.</p>
	<p>Further, in its DEIR Notice pertaining to the sports complex project at Clark Kerr Campus, the Lead Agency acknowledges that any EIR pertaining to that development must address its Aesthetic impacts, and in fact did address them in that project’s LRDP. Although this draft LRDP proposes more development (and more significant development) on the Clark Kerr Campus [footnote 201], the Lead Agency takes the position in the DEIR that Aesthetic impact need not be addressed. Those positions cannot be reconciled.</p> <p>Because the LRDP Project in particular includes areas outside those exempted from Aesthetic impact evaluation pursuant to Public Resources Code Section 21099 [footnote 202] -- including the Hill Campus and other areas—the DEIR should have addressed the following questions with respect to each Project, that is does the project:</p> <ol style="list-style-type: none"> 1. Have substantial adverse effect on a scenic vista? 2. Does it substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality 	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
3.	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<p><i>Footnote 201: “Additional student and faculty housing is under consideration for the Clark Kerr Campus in order to meet the university’s housing goals, along with student life facilities to support both existing and new housing facilities.” https://files.ceqanet.opr.ca.gov/261038-2/attachment/83aRFnu5KQLoGKXuhAKdyeGllDowqtH9mr-3la1XB25S9xPb8AbfVnMxhjF8HU5PdZK4D94cpomllHy70</i></p> <p><i>Footnote 202: On September 2013, the Governor signed into law Senate Bill (SB) 743, which instituted changes to the California Environmental Quality Act (CEQA) when evaluating environmental impacts to projects located in areas served by transit. While the thrust of SB 743 addressed a major overhaul on how transportation impacts are evaluated under CEQA, it also limited the extent to which aesthetics and parking are defined as impacts under CEQA. Specifically, Section 21099 (d)(1) of the Public Resources Code (PRC) states that a project’s aesthetic and parking impacts shall not be considered a significant impact on the environment if: 1. The project is a residential, mixed-use residential, or employment center project, and 2. The project is located on an infill site within a transit priority area. Section 21099 (a) of the PRC defines “Infill site” as a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban; and “Transit priority area,” as an area within one-half mile of a major transit stop that is existing or planned.</i></p> <p>BAHA suspects that the Lead Agency’s desire to avoid examination of the Aesthetic impacts of its Projects has less to do with the actual proximity of scenic highways or applicability of Public Resources Code Section 21099 than a desire to avoid confronting the severely negative aesthetic impacts of its proposed projects, including the architecturally undistinguished and massive Anchor House (Project #1) designed by a</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>firm apparently not engaged or controlled by the Lead Agency and the equally hideous and massive 17-story skyscraper on the People’s Park site, both of which dwarf neighboring properties and will cast shade over landscapes and other elements. BAHA salutes ARG for acknowledging that in its current conception, Project 2 will have a substantial impact on the aesthetics of the area.</p>	
	<p>Because the Lead Agency was correct in its position as to the sports complex, it must address the Aesthetic impacts of the three projects – as correctly and completely defined – in its final EIR. The DEIR’s failure to consider Aesthetic impacts renders it insufficient under CEQA.</p>	
	<p>4.3 Because the Lead Agency Described Some of the Aesthetic Impacts of the Projects, It Must Provide a Complete Analysis in the EIR</p>	
	<p>As described above, the DEIR does describe some potential aesthetic impacts. For example, Architectural Resources Group, Inc., discussed the aesthetic impact of placing a 17-story structure in a neighborhood where no building was over four stories. Further, the Tables 2-1 and 2.6.2 provide summaries of the DEIR’s findings and recommended mitigation measures as to the aesthetic impacts of the Projects. Therefore, the DEIR must address those impacts in a comprehensive manner and provide specific, realistic mitigation measures (something other than to provide a slide show to City officials).</p>	
	<p>4.4 The Failure to Address Aesthetic Impacts Must Be Cured in Final EIR</p>	
	<p>The Final EIR should discuss the aesthetic impacts of the projects, provide recommendations for mitigation supported by evidence.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-225	<p>4.5 In Designs of Projects 1 and 2, Lead Agency Did Not Satisfy Existing Best Practices and Improperly Rewrote Best Practices Without Demonstrating CEQA Compliance</p> <p>The DEIR fails to demonstrate that the Projects are consistent with UCB’s best practices. UCB’s continuing best practices provides: CBP AES-1-f: Each individual project built in the City Environs under the 2020 LRDP would be assessed to determine whether it could pose potential significant aesthetic impacts not anticipated in the 2020 LRDP, and if so, the project would be subject to further evaluation under CEQA.</p> <p>In conjunction with the issuance of the DEIR and LRDP, UCB proposed to change its best practices language to exempt the Projects from the applicability of this requirement: UC Berkeley will assess each individual project built in the City Environs Properties to determine whether it could pose potential significant aesthetic impacts not anticipated in the LRDP, for projects that are not exempt from aesthetics analysis pursuant to Public Resources Code Section 21099. If the project could pose potential significant aesthetic impacts as noted above, the project would be subject to further evaluation under the California Environmental Quality Act.</p> <p>The revised language is characterized in the Appendix B attachment as “proposed.” It remains unclear whether the relevant approvals were given for this dramatic change of course. This proposed language notably removes reference to a particular LRDP and inserts an exemption under 21099, without reference how applicability of that exemption will be determined. As here, the proposed 2021 LRDP plan area – as articulated by the Lead Agency -- includes areas that are not exempt under PRC 21099.</p>	<p>The commenter incorrectly asserts that the changes to the CBPs did not demonstrate CEQA compliance. The CBPs are part of the proposed project and therefore are currently undergoing CEQA review as part of the Draft EIR. The CBPs are subject to the approval of the Regents as part of the whole project. As with all other parts of the project, the CBPs are in draft form until they are formally approved (i.e., “proposed”). As described in Chapter 3, Project Description, on pages 3-23 to 3-24, UC Berkeley currently implements CBPs to ensure environmental impacts from development and ongoing UC Berkeley operations would be reduced and/or avoided to the greatest extent feasible. CBPs are imposed against both future projects and as part of UC Berkeley’s standard, ongoing operations. In some cases, CBPs reference existing regulatory requirements that have been determined to be the most effective and practical means of preventing or reducing environmental impacts. The current CBPs were last updated as part of the 2005 LRDP EIR. The proposed project includes updates to the existing CBPs to reflect evolving standards, practices, and current regulations. Like the existing CBPs, the updated CBPs would be applied to future development and ongoing operations through implementation of the proposed LRDP Update. As described in further detail in Chapter 5, Environmental Analysis, updated CBPs have been reviewed for their adequacy in reducing and/or avoiding impacts to the environment. In general, the proposed updated CBPs aim to reduce the physical effects of construction and operation of future development on the UC Berkeley campus. The CBPs are listed where relevant in the impact discussions of Chapters 5.1 through 5.18 of this Draft EIR to illustrate how they would help to reduce and/or avoid environmental impacts from potential future development within the scope of the proposed LRDP Update. A comprehensive list of proposed updated CBPs is provided in Appendix B, Revised UC Berkeley 2021 LRDP Continuing Best Practices, of this Final EIR. Please see Master Response 11, Public Resources Code Section 21099. The commenter is correct that the proposed CBP language removes</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-226	<p>Likewise, UCB unilaterally changed its stated policy to abide by the City of Berkeley’s building height restriction. The existing continuing best practices states as follows:</p> <p>CBP AES-1-g: To the extent feasible, university housing projects in the 2020 LRDP Housing Zone would not have a greater number of stories nor have setback dimensions less than could be permitted for a project under the relevant city zoning ordinance as of July 2003. [footnote 203]</p> <p><i>Footnote 203: 179 DEIR Appendix B.</i></p> <p>In conjunction with the issuance of the DEIR, UCB proposed to remove this requirement with the following explanation: [Removed. The proposed LRDP Update does not establish a Housing Zone. For coordination purposes, UC Berkeley may consider aspects of local policies and regulations for the communities surrounding the UC Berkeley campus when it is appropriate and feasible.] [footnote 204]</p> <p><i>Footnote 204: 180 Id.</i></p> <p>The Lead Agency should provide further information an analysis to satisfy its obligations relating to Aesthetic Impacts under CEQA and its Best Practices, or a more credible and substantiated basis as to why all aspects of the Projects are deserving of an exemption under 21099.</p>	<p>reference to the 2020 LRDP because the LRDP Update, if approved by the Regents, will supersede the 2020 LRDP, and that it inserts an exemption under PRC Section 21099 because Section 21099 was added to CEQA in 2013.</p> <p>The commenter incorrectly asserts that the Draft EIR exempts all future projects from aesthetics evaluation pursuant to CEQA. As stated in Chapter 5, Environmental Analysis, on page 5-8, with respect to aesthetics and parking, Public Resources Code Section 21099(d)(1), states, “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a TPA shall not be considered significant impacts on the environment.” Accordingly, these topics are no longer to be considered in determining significant environmental effects for a project that meets all three of the following criteria:</p> <ul style="list-style-type: none"> ▪ Is located on an infill site which is defined as “a lot located within an urban area that has been previously developed or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.” ▪ Is a residential, mixed-use residential, or an employment-center project. ▪ Is in a TPA, which is defined as “an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or Section 450.322 of Title 23 of the Code of Federal Regulations.” <p>This is also repeated several times in Chapter 5.1, Aesthetics, of the Draft EIR. Please see pages 5.1-1, 5.1-4, 5.1-11, and 5.1-13, and 5.1-15. Specifically, on page 5.1-15 the updated CBP AES-5 is listed and states that UC Berkeley will assess each individual project built in the City</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-227	<p data-bbox="323 605 926 630"><u>IMPACTS ON NATURAL (BIOLOGICAL) RESOURCES</u></p> <p data-bbox="323 678 1035 703">4.6 General Comments Relating to Natural Resources Impacts</p> <p data-bbox="323 751 1123 1060">UCB properties include a myriad of natural resources and significant geographic features that together form an important habitat for flora and fauna, many of which are on the endangered species list. The so-called Hill Campus alone is replete with these resources as prior EIRs concerning the area have documented extensively. Notwithstanding this prior work, the DEIR is devoid of any meaningful discussion of the existing conditions in that area, which has recently undergone a radical wildfire management vegetation program that included removal of many trees and considerable amounts of brush and other vegetation.</p> <p data-bbox="323 1109 1123 1442">Indeed, the Natural Resources data provided in connection with the DEIR is a scant 12 pages long. (DEIR Appendix E). Notably neither the DEIR nor its appendices include a complete or accurate tree survey or a nesting bird survey, or detailed assessment of trees and other natural features that will be removed or disrupted by the planned construction. For example, Appendix E provides a list “special-status species known or suspected from the nine United States Geological Survey (USGS) quadrangles encompassing and surrounding the LRDP EIR Study Area.” (DEIR App. 1365). However, from Tables E-1, it is clear that no actual plant surveying was performed, and the drafters were merely relying on what</p>	<p data-bbox="1157 321 1923 597">Environs Properties to determine whether it could pose potential significant aesthetic impacts not anticipated in the LRDP, for projects that are not exempt from aesthetics analysis pursuant to Public Resources Code Section 21099. If the project could pose potential significant aesthetic impacts as noted above, the project would be subject to further evaluation under the California Environmental Quality Act. Also, please see Master Response 11, Public Resources Code Section 21099.</p> <p data-bbox="1157 605 1923 1052">The commenter’s concerns regarding potential impacts on natural resources is noted. Contrary to the assertion by the commenter, Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources in the EIR Study Area and a detailed assessment of the potential impacts of implementing the LRDP Update. As explained on page 5.3-13 of the Draft EIR, Tables E-1, Special-Status Plant Species Known or Suspected to Occur in Berkeley Hills Vicinity and Potential for Occurrence in EIR Study Area, and E-2, Special-Status Wildlife Species Known to Occur in Berkeley Hills Vicinity and Potential for Occurrence in EIR Study Area, in Appendix E of the Draft EIR provide information on the 54 special-status plant species and 51 special-status animal species known or considered to possibly occur in the EIR Study Area, respectively.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR


Letter/ Comment #	Comment	Response
	<p>species <i>might</i> be present in select LRDP areas based on the aforementioned geological survey (which apparently, they relied on to assess soil and other suitability for the various species). Table E-2 at least appears to detail species “known” historically to have been present at locations within the LRDP-impacted areas, but again no live assessment or survey of wildlife was undertaken. Further, the historic data cited in Appendix E does not include (among other things) recent reliable surveys of wildlife and birds at UCB, such as the report prepared by then UCB student Allison Shultz [footnote 205] in 2007. Likewise, there is no discussion of the CDFW’s recommended bird-related mitigation measures such as hooded lighting or nest buffers.</p> <p><i>Footnote 205: https://news.berkeley.edu/2012/07/23/campus-still-a-great-place-for-birds-despite-century-of-changes/; and https://doi.org/10.1525/cond.2012.110029</i></p>	
B10-228	<p>4.7 DEIR Should Provide Additional Baseline Information Regarding Trees</p> <p>UCB is well-known for its growth live oaks and redwoods. Campus Park, the Hill Campuses, and Clark Kerr are among the UCB sites where these and other species of trees are visible and understandably beloved. The Lead Agency previously adopted two planning documents – the UCB Master Landscape Plan and the UC Berkeley Historic Landscape Plan [footnote 206]-- that were designed to enhance and protect the campus landscaped and environments of which these trees are a part.</p> <p><i>Footnote 206: Both documents and related materials are available on the UC Capital Strategies website. https://capitalstrategies.berkeley.edu/sites/default/files/2004_-_landscape_master_plan.pdf</i></p> <p>The draft LDRP and Projects #1 and #2 will (if executed) result many</p>	<p>The commenter’s concerns regarding potential impacts of implementing the proposed LRDP Update on existing vegetation and tree resources is noted. Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources in the EIR Study Area and a detailed assessment of the potential impacts of implementing the LRDP Update. Where specific plans have been evaluated as part of the Draft EIR, such as the proposed Housing Project #2 site, detailed review of the potential impacts on tree resources has been provided. Figure 5.3-5, Housing Project #2 Tree Map, on page 5.3-22 of the Draft EIR includes a map of existing trees on the Housing Project #2 site and whether they are to be retained, transplanted or removed. Please see Responses A3-226 and B5-11. Please also see Master Response 4, Programmatic Analysis and Master Response 12, Biological Resources on the Housing Project #2 Site.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>existing trees being removed, significantly shaded, or otherwise negatively impacted. Such proposed projects include the construction of a parking structure under the UCB’s iconic crescent driveway at Oxford and University (the true gateway to the Campus Park), the creation of a solar field in the Hill Campuses, the removal of existing trees on the Project #2 site (People’s Park), and the removal of specimen trees adjacent to many of the historic structures on campus designated for demolition including the Anna Head School, the Smyth-Fernwald House, the Hearst Mining Building, and Edwards Field, to name only a few.</p>	
	<p>Notwithstanding the clear plan to remove large numbers of trees within the project areas, the DEIR contains no comprehensive baseline data on the number of trees in that area. This data is commonly compiled in a so-called Tree Survey. There is none and that lack must be rectified before the final EIR is propounded. The nature and scale of the proposed projects alone require that such a survey must be undertaken. The trees shown below at the Smyth-Fernwald House Property are examples of trees that and plants that likely would be removed if the house is demolished as anticipated in DEIR Table 3-2.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Information must be provided, and a discussion presented, as to how many trees the Lead Agency will expect to be removed and/or damaged by the projects. To comply with CEQA, the Lead Agency is required to make a reasonable and good faith effort to identify natural resources likely to be impacted by the projects and discuss the likely impacts to them from the proposed projects.</p>	<p>Anticipating that the Lead Agency will respond that such details will be addressed in future DEIR “updates” or LRDP “amendments,” we note two salient facts: (1) the Lead Agency has already designated specific sites for construction and (2) identified the amount of square footage and at least in some cases (including Projects 1 and 2), where the footprint of the new buildings likely will be on the site. As a consequence, the Lead Agency knows and must disclose which trees on the project sites likely will need to be removed and/or will be shaded if the contemplated projects proceed.</p>
<p>The law is clear that, in a CEQA review, a lead agency cannot avoid</p>		

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>discussing the reasonably predictable impacts of its proposed projects by staggering the release of its plan into separate, staged LRDPs and DEIRs. Not only would such actions violate CEQA and other laws, but it would also violate the UC Regents CEQA compliance policies. Among other things the cumulative impacts of the loss of trees must be studied as part of the CEQA review and as part of UCB planning documents. [footnote 207] Absent these basic reports including tree surveys, any decision by the Lead Agency to proceed with the projects would necessarily not comply with CEQA and not be supported by substantive evidence.</p> <p><i>Footnote 207: Notably, the Lead Agency acted to avoid compliance with the National Environmental Protection Act when it rejected federal funding in connection with its proposed last proposed LRDP amendment for the Hill Campus. That action was unlawful. Waiver of federal aid by state is not ground for disclaiming federal nature of project where it appears that purpose is to avoid compliance with federal statutory environmental requirements. Sierra Club v. Volpe, 351 F. Supp. 1002, 4 Env't Rep. Cas. (BNA) 1802, 4 Env't Rep. Cas. (BNA) 1804, 2 Env'tl. L. Rep. 20760, 1972 U.S. Dist. LEXIS 10813 (N.D. Cal. 1972).</i></p>	
B10-229	<p>4.8 No Habitat Survey as Recommended by California Department of Fish and Wildlife and as Required by CEQA</p> <p>In response to the Lead Agency's April 7, 2020 notice, the California Department of Fish and Wildlife (CDFW) made the following initial comments:</p> <p>CDFW recommends that the draft EIR analyze all potential impacts to sensitive habitat types (e.g., grassland, riparian, wetland, forested and brush) and special-status species that could be present at each Project location. The 2020 draft LRDP EIR identified several special-status species that are known to or suspected to occur at Hill Campus</p>	<p>The commenter expresses an opinion regarding potential impacts of implementing the proposed LRDP Update on existing vegetation and wildlife resources. However, contrary to the assertion by the commenter that no habitat assessment was conducted in accordance with CEQA, Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources in the EIR Study Area and a detailed assessment of the potential impacts of implementing the LRDP Update, including the potential for occurrence of special-status species, sensitive natural communities, jurisdictional waters, wildlife habitat and other characteristics in the EIR Study Area. This included a review of the potential for occurrence of Alameda whipsnake and California red-legged frog in the EIR Study Area. Mountain lion is included in the list of special-status wildlife species</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>including, but not limited to, the state and federally threatened Alameda whipsnake (<i>Masticophis lateralis euryxanthus</i>) and the federally threatened and state species of special concern California red-legged frog (<i>Rana draytonii</i>). Please be advised the Fish and Game Commission recently accepted the mountain lion (<i>Felis concolor</i>) Central Coast North Evolutionarily Significant Unit as a state candidate for listing as threatened. CDFW recommends avoiding impacts to areas that provide habitat for sensitive species.</p> <p>Trees are present within the Project boundary and in adjacent residential areas. Both native and non-native trees provide nesting habitat for birds. CDFW recommends that the following measures be included in the draft EIR:</p> <ol style="list-style-type: none"> 1. Nesting Bird Surveys: If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), CDFW recommends that a qualified biologist conduct two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area are typically, the following but may differ even within species: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys should be conducted at the appropriate times of day and during appropriate nesting times. 2. Active Nest Buffers: If the qualified biologist documents active nests within the Project area or in nearby surrounding areas, an appropriate buffer between the nest and active construction should be established. The buffer should be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist should conduct baseline monitoring of the nest to characterize “normal” bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist should 	<p>known or suspected to occur in the EIR Study Area, contained in Table E-2 in Appendix E of the Draft EIR. The Hill Campus East contains potentially suitable habitat for mountain lion, which is known to occur in the East Bay Hills. The State Candidate status of mountain lion is acknowledged in Table E-2.</p> <p>The CDFW’s comments provided in response to the Notice of Preparation are noted and were considered during preparation of Chapter 5.3, Biological Resources, of the Draft EIR. As listed on page 5.3-25 of the Draft EIR, CBP BIO-1 would serve to address the potential for bird nesting and ensure compliance with the federal Migratory Bird Treaty Act and California Department of Fish and Game Code when in active use. Implementation of this and other CBPs would serve to address any potentially significant impacts on nesting birds or other special-status species and anticipated impacts would be less than significant.</p> <p>A discussion of methods that would be used under the proposed LRDP Update to eliminate or minimize potential effects of future development on sensitive biological resources is provided on pages 5.3-28 and 5.3-29 of the Draft EIR. This would be accomplished by carefully guiding the location, scale, form, and design of new projects. The Landscape and Open Space Element in the proposed LRDP Update includes a number of objectives that provide important guidance to preserve and enhance the campus landscape and open space systems, continue efforts to restore Strawberry Creek, and protect and enhance natural areas:</p> <ul style="list-style-type: none"> ▪ Preserve and strengthen campus landscape and open space systems, in coordination with new development and major renovations, and with mobility and infrastructure systems. Continue to invest in the maintenance, restoration, and renewal of landscape and open space features, and consider opportunities to

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman should have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.</p> <p>3. Hooded Lighting: Project lighting to be installed should be hooded or shielded to direct light downwards and to minimize the spillage of light outwards into adjacent areas where trees are present</p> <p>The CDFW also recommended that the following measures be included in the draft EIR:</p> <p>1. Habitat Assessment: A qualified biologist should conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its immediate vicinity supports freshwater stream, wetland, and/or riparian communities. This survey should include, but not be limited to, Strawberry Creek or streams, and drainages. The assessment should include recommended stream buffers and setbacks.</p> <p>2. Wetland Delineation: CDFW recommends a formal wetland delineation be conducted by a qualified biologist prior to Project construction to determine the location and extent of wetlands and riparian habitat present. Please note that, while there is overlap, State and Federal definitions of wetlands, as well as which activities require Notification pursuant to Fish and Game Code § 1602, differ. Therefore, CDFW further recommends that the delineation identify both State and Federal wetlands as well as which activities may require Notification to comply with Fish and Game Code.</p> <p>3. Notification of Lake or Streambed Alteration: Fish and Game Code §1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; (c) deposit</p>	<p>reinforce and expand areas that contribute to interaction, recreation, and research.</p> <ul style="list-style-type: none"> ▪ Preserve the balance between open space and built areas. Reinforce the open space armature of the campus and support new capital projects with complementary landscape and open space features that serve building occupants and the campus as a whole. ▪ Improve the sustainability and resilience of landscape and open space systems by prioritizing improvements that provide integrated sustainability, resilience, and ecological benefits. ▪ Continue to steward Strawberry Creek as a defining element of the Campus Park and Hill Campus (East and West), and as a sustainable and resilient natural resource. ▪ Maintain and enhance the image and experience of the Campus Park as a welcoming and inclusive environment. Enhance key gateways and wayfinding, and reinforce and expand areas that facilitate interaction, recreation, and research in the outdoor environment. ▪ Continue to preserve, maintain, and reinterpret the Campus Park's landscape heritage, including the Classical Core, campus glades, natural areas, and Strawberry Creek. Respect views towards <p>In addition, implementation of CBP BIO-4 and CBP BIO-5 would serve to identify any sensitive resources and provide adequate avoidance or mitigation to protect sensitive natural communities associated with Strawberry Creek in the Hill Campus East and Campus Park areas. The ongoing implementation of CBP BIO-4 and CBP BIO-5, and the other CBPs discussed throughout the Draft EIR would serve to identify natural areas with higher habitat values to be addressed as part of future development.</p> <p>A discussion of the potential impacts of implementing the proposed</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>debris, waste or other materials that could pass into any river, stream, or lake. CDFW is required to comply with CEQA in the issuance of an LSA Agreement [sic]</p> <p>It does not appear that the Lead Agency undertook this evaluation as to the entire area covered by the LRDP as proposed (i.e., as geographically constrained by the Lead Agency, not to include all UCB property or projects), and it certainly did not do so for all of the property owned, leased or controlled by UCB upon which the Lead Agency plans construction and development. The Richmond Field Station, for example, is one area that contains wetland, as does the Hill Campus. Likewise, the failure to provide details as to the other contemplated development on the Clark Kerr Campus, the Hill Campus, and the so-called Campus Park makes it impossible to determine what if any trees, landscapes or natural habitats will be impacted.</p> <p>The CDFW also noted in its initial comments that, “CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)].” It is not evident if this information was provided as required.</p>	<p>LRDP Update on jurisdictional waters is provided under impact discussion BIO-3 beginning on page 5-3-30 of the Draft EIR. As noted in that discussion, CBP BIO-6 requires that proposed projects on the Campus Park and the Hill Campus East be designed to avoid designated jurisdictional wetlands and waters along the Strawberry Creek channel. When a project has the potential to affect jurisdictional waters, wetlands are to be mapped and the extent of jurisdictional waters verified by the U.S. Army Corps of Engineers during planning and feasibility studies prior to development of specific projects or implementation of management plans in the Hill Campus East. Any modifications to Strawberry Creek and other jurisdictional waters must be coordinated with jurisdictional agencies, including the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Regional Water Quality Control Board, as necessary, with any necessary authorizations secured in advance. Where avoidance of designated jurisdictional wetlands and waters is infeasible, appropriate mitigation would be developed and implemented in accordance with applicable State and federal regulations. Continuing implementation of CBP BIO-4 and CBP BIO-6 would serve to identify any sensitive resources and provide adequate avoidance or mitigation and would ensure that jurisdictional wetlands and waters are adequately identified and protected.</p>
B10-230	<p>4.9 Provide Updated Surveys for Plants, Animals and Birds</p> <p>The Lead Agency recently propounded an LRDP and EIR for the Hill Campus directed at vegetation Management. Neither the draft proposed LRDP nor the DEIR describe the status of that vegetation management project. Further, there is no information provided as to the actual impacts on the remaining Natural Resources. Among other things, the failure to identify a project of this magnitude impacting Natural Resources within the same LRDP area renders any evaluation of</p>	<p>The commenter’s concerns regarding potential impacts of the LRDP Update on plants, animals and birds is noted. Please see Response B10-229. As discussed on page 5-3-18 of the Draft EIR, the Wildland Vegetative Fuel Management Plan for the Hill Campus East provides a management program for addressing fire risks and fuel reduction methods. Resources associated with the Hill Campus East were thoroughly documented and potential impacts assessed as part of the Draft EIR on the Wildland Vegetative Fuel Management Plan. (UC Berkeley Hill Campus, Wildlife Vegetative Fuel Management Plan, 2021, State Clearinghouse No 2019110389, prepared for University of California, Berkeley, Capital Strategies – Physical & Environmental</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<p>cumulative effect erroneous (in fact, no such assessment was provided). Those omissions must be cured before the Final EIR is promulgated.</p> <p>The Final DEIR should include updated surveys of plants, animals, birds and wildlife habitats, particularly as to the Hill Campus East and other areas where UCB’s wildfire mitigation efforts have been underway. These activities were so extensive that they may have significantly altered existing natural conditions in the Project Area.</p>	<p>Planning. The WVFMP and EIR were approved and certified by the UC Berkeley Chancellor on February 10, 2021.)</p>	
<p>B10-231</p>	<p>4.10 Creation of Solar Fields</p> <p>According to the DEIR, UCB may be planning to install a solar farm (called a solar array) on the Hill Campus:</p> <p>“Solar Array in the Hill Campus: As a result of recent annual PG&E PSPS program events that limit electrical supply to the Campus Park for several hours or even days, UC Berkeley could develop a large PV solar installation on the Hill Campus East to increase electrical power resilience to the Campus Park. The solar PV project would be a battery energy storage system to control how and when PV-generated electricity is used.”</p> <p>This statement is quite difficult to interpret. First, the LRDP map contains essentially three Hill Campuses: Hill Campus West (where the Greek Theater is); Hill Campus East (where the Botanical Gardens are); and LBL. This statement does not indicate where in that over 800 acre area the solar panels would be placed. Secondly, it is unclear how far along these plans may be. More information is needed so that there can be an assessment as to the potential environmental impact of placing these panels in the last remaining wild area of the campus, which is home to many mammals and reptiles as well as, of course, many trees and species of plants.</p>	<p>As discussed in Chapter 3, Project Description, of the Draft EIR on page 3-23, UC Berkeley could develop a large PV solar installation on the Hill Campus East, as also noted by the text cited in the comment. This is a future project that could potentially occur. The precise details and location are unknown. Once, and if, a project materializes, the precise details, as well as subsequent environmental review will be prepared as necessary under CEQA. Mitigation Measures and CBPs as presented in Chapter 5.3, Biological Resources, will be required to be implemented as needed depending on the proposal. Please see Master Response 4, Programmatic Analysis.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-232	<p>4.11 Planned Parking Facility at Oxford-University Crescent Should be Discussed</p> <p>In addition to other planned housing and academic facility construction, the LRDP Project definition and DEIR fail to include contemplated construction of additional parking facilities. The most stunning example of this under-inclusiveness is the Lead Agency’s failure to discuss and describe its plans to develop a large underground parking structure at the “West Crescent,” which quite literally forms the entrance of the UCB Campus Park at the Northside of the Intersection of University Avenue and Oxford.</p>	<p>The commenter expresses an opinion regarding potential impacts of planned parking facilities at the West Crescent. The commenter is correct that numerous landscape plantings grow in the vicinity of the West Crescent, characteristic of the Campus Park, as described on pages 5.3-11 of the Draft EIR. No detailed plans have yet been prepared for any planned parking facilities at the West Crescent and were therefore not evaluated in detail in the Draft EIR. But if this project were to move forward in the future, it would undergo CEQA review and any potential impacts on tree resources and the historic character of the area would be assessed.</p>
<p>Graphic 9: Existing and Potential Parking Locations</p> <p>Legend: ■ Existing parking (major lots not detailed) ■ Existing parking under consideration for future removal (major lots not detailed) ■ Sites under consideration for future parking ■ Sites under consideration for future parking occupied by existing parking</p> <p>Locations: DOWNTOWN 1. Oxford Tract 2. University Hall 3. West Crescent (underground) SOUTHSIDE 4. Channing Ellsworth 5. Unit 3 CAMPUS PARK 6. Clark Kerr 7. Bancroft Garage 8. Redmont Site (underground) NORTHSIDE 9. Upper Hearst</p> <p>LRDP Update Development Program 7,538 total spaces at full build out 1,240 net new spaces</p> <p><small>Berkeley Capital Strategies Long Range Development Plan Update and Review Project #1 and #2 Berkeley City Council, October 26, 2010/Policy Adjustment Item # October 22, 2010 21</small></p>		
B10-233	<p>4.12 Final EIR should clarify pipe replacement and other digging projects</p>	<p>The commenter’s concerns regarding the potential impacts of digging on tree roots and health are noted. As discussed on page 5.3-35 of the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<p>The DEIR describes several different projects that will involve significant digging in and around the Campus Park and other areas. These projects include the laying of pipes and other conduits in connection with a new energy system to replace the existing system; significant upgrades to existing pipes some of which have been disturbed by tree roots or otherwise deteriorated, and the undergrounding of electric and other cables and wires. The impact of these construction activities on the natural resources should be addressed in the Final EIR.</p>	<p>Draft EIR, potential future development from implementation of the proposed LRDP Update would comply with the Campus Specimen Tree Program and the Campus Design Standards, which protect biological resources, including sensitive habitat, trees, and waterways in the LRDP Planning Area. Furthermore, UC Berkeley would implement CBP BIO-1 through CBP BIO-9 that, as described in impact discussions BIO-1 through BIO-4 of Chapter 5.3, Biological Resources, of the Draft EIR, would ensure the protection of special-status species, waterways and riparian habitat, and sensitive habitat, similar to the intent of the policies and ordinances for the City of Berkeley and the City of Oakland.</p> <p>To protect trees and other sensitive landscape that could be affected as a result of implementation of the LRDP Update, UC Berkeley and future development projects would implement relevant CBPs, including the following</p> <ul style="list-style-type: none"> ▪ CBP BIO-9: Adverse effects to specimen trees and plants will be avoided. UC Berkeley will continue to implement the Campus Specimen Tree Program to reduce effects to specimen trees and flora. Replacement landscaping will be provided where specimen resources are adversely affected, either through transplanting of existing trees and shrubs or through new horticulturally appropriate replacement plantings, as directed by the Campus Landscape Architect. ▪ CBP BIO-10: Implementation of the recommendations of the Landscape Master Plan and subsequent updates, and project-specific design guidelines, will provide for stewardship of existing landscaping, and use of replacement and expanded tree and shrub plantings to improve the important open space characteristics and resilience of the Campus Park. Native plantings and horticulturally appropriate species will continue to be used in future landscaping, serving to partially replace any trees lost as a result of development. 	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-234	<p>4.13 Final EIR should address Potter’s Creek and nature of any underground culvert.</p> <p>The only creek mentioned in the DEIR is Strawberry Creek. The final EIR should identify all creeks in the Projects areas and discuss what if any impact the projects will have on them.</p>	<ul style="list-style-type: none"> ▪ CBP BIO-11: Trees and other vegetation require routine maintenance. As trees age and become senescent, UC Berkeley will continue to undertake trimming, thinning, or removal, particularly if trees become a safety hazard. Vegetation in the Hill Campus East requires continuing management for fire safety, emergency evacuation, habitat enhancement, and other objectives. This may include removal of mature trees such as native live oaks and non-native plantings of eucalyptus and pine. The Landscape Master Plan, Landscape Heritage Plan and their subsequent updates will provide guidance on potential species to replace trees that are removed, where appropriate. <p>Implementation of CBP BIO-9 through CBP BIO-11 would prevent adverse effects to trees and plants. As described in CBP BIO-9, future construction projects would avoid removal of larger trees and plants to the extent possible. CBP BIO-10 and CBP BIO-11 would provide for protection and maintenance of existing tree resources.</p> <p>Please see Response B10-7.</p>
B10-235	<p>4.14 Shade studies should be conducted for both Projects 1 and 2</p> <p>As mentioned above, the DEIR is bereft of any shade and shadow studies. This lack is particularly problematic for Projects 1 and 2 given the proposed height of their buildings. Notably the Project 2 site has numerous existing tall trees. According to some planning documents, the intention is to leave at least some of these trees in place. Likewise, Project 1 is directly across the street from mature trees that sit to its East and South. Without providing a shade survey, the Lead Agency cannot</p>	<p>The commenter’s concerns regarding the potential effects of shade from new buildings, including those proposed by Housing Projects #1 and #2, are noted. Please see Response B3-3, which explains that shade is not a CEQA topic of concern. No mitigation for shade is warranted as there is no nexus to a CEQA impact.</p> <p>The new buildings proposed for the Housing Projects #1 and #2 would be bordered by existing streets and located in an urban setting. The proposed tower building in Housing Project #2 would be located on</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>conclude – as it apparently has – that the natural resources on or near the Project 1 and 2 sites that will remain after construction of the proposed buildings will not be significantly impacted by the shade and shadows caused by this new construction.</p> <p>That conclusion is wholly unsupported. Moreover, it is likely never to be supported by any future shade study. Where a proposed building will cast shadow on the tops of the trees in the summer, it will reduce the trees’ capacity for the vital function of photosynthesis. Further, numerous research studies on the impact of tall buildings on nearby trees illustrate the negative impact they have on both the trees and the quality of life in adjacent neighborhoods. [footnote 208]</p> <p><i>Footnote 208: See, e.g., Forest and Field Landscape Architecture Inc. (2018) On Shade and Shadow: a case study on the impacts of overshadowing by tall buildings on Toronto’s greenspaces / A report prepared for the Shade Policy Committee / Ultraviolet Radiation Working Group of the Toronto Cancer Prevention Coalition, Toronto, Ontario.</i></p> <p><i>Tall building shade is unyielding and indiscriminate by its nature, with an impact that is both longer lasting, and spread over a larger area. Unlike trees that allow the sun’s heat into a greenspace in the winter and cooler shoulder seasons, tall building shade will block the sun year-round. Overshadowed portions of greenspaces become undesirable to users during colder seasons, decreasing the overall amenity of these spaces. Unlike the fixed shadows of tall building shade, the human scale shade created by trees is seasonally variable and is critical to create comfortable urban greenspaces affording UVR protection. Thus, shading from these buildings will likely have long-term negative impact on the health of nearby trees and likewise impact people’s use of and enjoyment of adjacent buildings and open spaces.</i></p>	<p>the northern edge of the site along Haste Street, where street trees on the south side are currently absent. As indicated in Figure 5.3-5, Housing Project #2 Tree Map, on page 5.3-22 of the Draft EIR, most of the trees to be retained on the Housing Project #2 site would be located on the south side of the tower building, where available sunlight would remain largely available throughout the year. Street trees and landscape plantings continue to grow in and around the other student housing towers just a few blocks east of the site, and no substantial adverse impacts are anticipated on tree growth as a result of changes in available sunlight for those trees to be retained or landscape plantings installed as part of the project.</p> <p>Similarly, few street trees occur around the perimeter of the Housing Project #1 site. As discussed on page 5.3-36 of the Draft EIR, the Housing Project #1 site is currently developed with urban uses and sensitive resources, and special-status species, sensitive natural communities, and regulated wetlands, are absent. Two trees would be removed as part of the project and would be replaced with up to 18 proposed tree plantings along the frontages of the site. Where new trees are to be planted in the City of Berkeley right-of-way, the trees would be selected and planted consistent with street tree requirements in Chapter 8, Street Trees and Landscaping, of the City of Berkeley Downtown Area Plan and in cooperation with the City of Berkeley Urban Forestry staff. A building of similar scale to what is proposed on this site is located on the opposite side of University Avenue, which has not resulted in any discernable issues with tree growth in the surrounding area, and no adverse effects are anticipated as a result of shading by the new building at Housing Project #1.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-236	<p>The final EIR should discuss the shade cast by the buildings to be constructed in Projects 1 and 2 and recommend mitigation measures.</p> <p>4.15 Impact of new construction on Bird Nesting Not Examined</p> <p>The projects are going to result in the cutting down of numerous trees and demolition of existing structures, consequently areas used by birds for nesting will be destroyed. The final EIR should discuss the bird nesting that may be impacted by these Projects.</p>	<p>The commenter’s concerns regarding tree removal and possible loss of bird nests in active use are noted. As discussed on page 5.3-24 of the Draft EIR, tree removal or construction in the immediate vicinity of a nest in active use could result in its abandonment, which would be a violation of the Migratory Bird Treaty Act and California Fish and Game Code. However, preconstruction surveys would typically be necessary to confirm whether proposed development or vegetation management activities would adversely affect nesting birds where suitable habitat is present as called for in CBP BIO-1 listed on page 5.3-25 of the Draft EIR. Implementation of CBP BIO-1 ensures that bird nests in active use are avoided, preventing their possible loss, and thereby preventing the theoretical interruption of bird nesting and young production. Please also see Response B10-229.</p>
B10-237	<p>4.16 Solar Field Needs to be further described</p> <p>As noted above, the DEIR mentions that one energy option in the draft LRDP is the construction of a solar field in the Hill Campus area. Although we understand those plans are in the conceptual stage, the final EIR should consider the proposed Projects’ impact on the natural environment in light of the cumulative effect of the on-going vegetation management program in the Hill Campus East area and the potential solar field. Specifically, the final EIR should identify areas where not impacts on natural resources are planned (such as, we believe, the areas of the Hill Campus East in Contra Costa County). This information would assist the public on assessing the overall impact of the Projects on Natural Resources.</p>	<p>The commenter’s concerns regarding a possible new solar array on the Hill Campus is noted. No specific plans have been prepared for this project, but further detailed assessment would be conducted as called for in CBPs BIO-3, BIO-5, BIO-6, and BIO-8. These CBPs require that a habitat assessment and, as necessary, detailed surveys be conducted during planning and feasibility studies in the Hill Campus East. Where required to avoid a substantial adverse effect on sensitive biological resources and wildlife movement opportunities, feasible changes to schedule, siting, and design, or other measures developed in consultation with the California Department of Fish or Wildlife and the United States Fish and Wildlife Service, would be developed and implemented. This further assessment, avoidance and mitigation would serve to address potential adverse impacts resulting from the possible new solar array and other projects in the Hill Campus.</p>
B10-238	<u>Energy</u>	<p>As stated in Chapter 5.17, Utilities and Service Systems, of the Draft EIR, on page 5.17-66, the City of Berkeley passed the Natural Gas</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<p>4.17 Planned Construction of Alternate Energy Not Adequately Discussed</p>	<p>The DEIR and its appendices present multiple potential options for replacing UCB’s existing energy plant. Each scenario would require the laying of pipes or other features underground throughout the Campus Park as noted above. One of these options involves natural gas (which will also be used in Project 2). The final EIR should discuss the natural gas-option and its viability if the City of Berkeley decides, as it is expected to do, to cease natural gas delivery in the City.</p>	<p>Prohibition and Reach Code for Electrification (see Chapter 12.80 of the City of Berkeley Municipal Code). While this code only generally prohibits installation of natural gas infrastructure in new buildings, it does not prohibit the delivery of natural gas into the City of Berkeley. The commenter asserts that the City of Berkeley is expected to take action to prohibit delivery of natural gas into the city, yet provides no specifics regarding this action. Regardless, whether the City of Berkeley may or may not take action prohibiting delivery of natural gas, and whether such act would be enforceable is unknown as this time. Therefore, the type of analysis requested by the commenter is speculative. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, regarding speculation.</p> <p>In addition, as also stated in page 5.17-66, UC Berkeley has its own utility infrastructure that includes an interconnected system with natural gas provided Pacific Gas and Electric Company. Furthermore, as discussed in Section 3.3.2, Regulatory Setting, in Chapter 3, Project Description, of the Draft EIR, UC Berkeley in a constitutionally created State educational institution with “full powers of organization and government” and is not subject to regulations of local governments when using property under the UC’s control in furtherance of its educational mission pursuant to California Constitution Article IX, Section 9. Please see Master Response 2, Constitutional Exemption from Local Regulation, regarding UC Berkeley being constitutionally exempt from local governments’ regulations. Thus, irrespective of any future actions taken by the City of Berkeley regarding natural gas, UC Berkeley can operate independently regarding its natural gas needs and there is existing infrastructure to serve the needs of UC Berkeley and either Option 1 or Option 3 of the updated cogeneration plant. The proposed Housing Project #2 site is also currently served by existing natural gas infrastructure that may be utilized as necessary. However, the commenter incorrectly asserts that proposed Housing</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-239	<p data-bbox="323 500 449 526"><u>Air Quality</u></p> <p data-bbox="323 573 1079 634">4.18 Insufficient support for “no substantial impact” conclusion in light of severe potential health risks</p> <p data-bbox="323 680 1129 917">The DEIR concludes that neither Project #1 nor Project #2 will have a substantial impact on air quality. That conclusion is erroneous and not based on substantial evidence (and is inconsistent with the evidence presented). As to the larger Draft LRDP Project, the DEIR correctly concludes that the LRDP project will have significant impact on air quality [footnote 209], but it incorrectly concludes that there are no reasonable alternatives to the project and that project’s impacts are unmitigable.</p> <p data-bbox="323 963 646 989"><i>Footnote 209: DEIR Table 2-1.</i></p> <p data-bbox="323 1034 1129 1446">Specifically, the DEIR found, among other things that (1) “Construction activities associated with potential future development projects accommodated under the proposed LRDP Update could expose nearby receptors to substantial concentrations of toxic air contaminants” and (2) “Construction activities associated with the proposed LRDP Update could generate fugitive dust and construction equipment exhaust that exceed the Bay Area Air Quality Management District average daily construction thresholds.” The Mitigation Measures that it proposes to address the projected significant increase in air toxins is to have a Health Risk Assessment (HRA) prepared in accordance with the latest standards and to implement the mitigation measures outlined in the HRA. As discussed below, the flaws in the HRA for Project #2 demonstrate the</p>	<p data-bbox="1157 323 1940 488">Project #2 would use natural gas. As described in Chapter 3, Project Description, of the Draft EIR, on page 3-64 under subheading “Sustainability” the design of the proposed Housing Project #2 would be all electric except the emergency generator, which would be diesel-fueled.</p> <p data-bbox="1157 500 1940 737">Please see Response B10-6. Although not specifically mentioned in the Draft EIR or HRA, the receptor grid used in the construction HRAs and the LRDP Update HRA included UC Berkeley Early Childhood Education (ECE) facility locations. (UC Berkeley, 2021. Early Childhood Education Program, accessed on May 11, 2021 at https://ece.berkeley.edu/locations-hours/). UC Berkeley confirmed there are no childcare facilities on the Campus Park.</p> <p data-bbox="1157 782 1940 1192">The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR (CEQA Guidelines Section 15146). As stated in Draft EIR page 5.2-66 (Impact AIR-3), despite implementation of Mitigation Measure AIR-2.1 and Mitigation Measure AIR-3 (renumbered as Mitigation Measure AIR-3.1 as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR), construction-related health risk impacts related to the LRDP Update may still exceed the applicable thresholds due to future project-specific circumstances regardless of mitigation measures applied, and that future site-specific circumstances are not known for this program-level evaluation. Therefore, this impact remains significant and unavoidable.</p> <p data-bbox="1157 1237 1940 1477">Construction health risk impacts associated with the LRDP Update are evaluated qualitatively, not quantitatively, because the specifics of these new projects are simply unknown at this time. See, e.g., CEQA Guidelines, Section 15064.7(a) (significance threshold can be qualitative or quantitative); Section 15142 (EIR shall consider “qualitative as well as quantitative factors”); <i>Ebbetts Pass Forest Watch v. California Dept. of Forestry & Fire Protection</i> (2008) 43 Cal.4th 936,</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>inadequacy of that proposed mitigation. Not only does the Project 2 HRA fail to identify key child-care sites (including ones operated by UCB!), but it also reaches entirely the wrong conclusion based on the scientific evidence it considers, namely that the expected toxins do not fall in the danger zone for the nearby population, when in fact that population includes infants at UCB’s own childcare centers that fall into the particularly sensitive class of receptors for whom the cancer risk is unacceptably high. Put bluntly, the Project #2 HRA proves the rule, “Junk in; Junk out.”</p> <p>The measure proposed to mitigate the fugitive dust and exhaust caused by construction – the other significant air quality impact – is likewise insufficient. The DEIR merely proposes that less polluting equipment be used in the construction, however, it poses no controls over implementing this measure nor does it demonstrate (through a sufficiently supported HRA) that the measure will be sufficient to eliminate health risks (or reduce them to an acceptable level). The observation as to the Project #2 HRA holds true here. Indeed, that HRA clearly concludes that toxic emissions will be produced during the course of construction, provides data demonstrating that the health risks are unacceptable for sensitive individuals (such as the infants in UCB’s care) and provides insufficient evidence that telling contractors to use less emitting equipment is sufficient to reduce the health risks or bring them into acceptable levels.</p> <p>Indeed, given that UCB has a legal and ethical obligation, by virtue of its operation of multiple child development centers in Berkeley, to comply with the strictest health standards imposed on the operators of childcare centers. The HRAs provided as part of the DEIR omit UCB’s childcare centers (and other locations of sensitive receptors such as hospitals and cancer centers), and they are nowhere mentioned in the DEIR. The parents of the children entrusted to UCB’s childcare centers have every right to appalled.</p>	<p>954 (CEQA analysis may include a general discussion where detailed, site-specific analysis would be speculative and require an analysis of specific acts that cannot reasonably be foreseen). Without these specifics, it is not possible to quantify impacts, such as what the construction emissions, and thus, construction concentrations and associated health risks would be.</p> <p>While lead agencies must use their best efforts to determine and disclose all that they reasonably can about a project’s potentially significant environmental impacts, they are not required to predict the future or foresee the unforeseeable (CEQA Guidelines Section 15144). An agency need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable effects of the proposed project, which has been done in Impact AIR-3 in the Draft EIR.</p> <p>However, as stated in the Draft EIR, identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects. To illustrate this, the construction-related health risks for both Housing Projects #1 and #2 were less than significant with implementation of Mitigation Measure AIR-2.1.</p> <p>The commenter claims the Mitigation Measure AIR-2.1, as required by the LRDP Update and application to Housing Project #2, is insufficient and does not demonstrate that the measure will be sufficient to reduce health risks to an acceptable level. For construction of Housing Project #2, Draft EIR Table 5.2-21, Housing Project #2 Construction Health Risk Results: without Mitigation, the health risks to the maximum exposed sensitive receptors (day care and school student) would be less than significant. Table 5.2-22, Housing Project #2 Construction Health Risk Results: with Mitigation provides the health risks to the maximum exposed individual resident would be less than significant with incorporation of Mitigation Measure AIR-2.1.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR




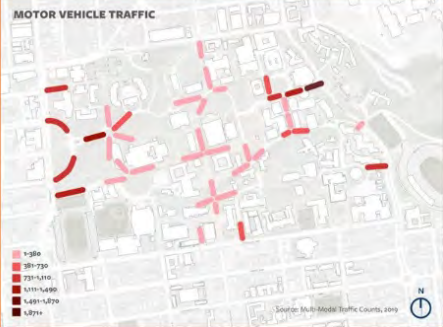
Letter/ Comment #	Comment	Response
	The final EIR should remedy these errors and present a discussion of air quality and attendant health risks based on solid data and accurate information.	Regarding the Construction Health Risk Assessment for Housing Project #2, please see Response B10-6, which describes revisions to the Draft EIR to specifically include the Dwight Way Child Development Center (CDC) at 2427 Dwight Way. As described in Response B10-6, the health risks to the maximum exposed sensitive receptor at the Dwight Way CDC would be less than significant. Therefore, the health risk determinations from construction of Housing Project #2 remain appropriate and sufficient.
B10-240	<p>4.19 “Baseline” of 2017 and 2018 For Air Quality Unexplained</p> <p>According to data provided to the California Air Resources Board in 2019 (the last year for which data was available as of the drafting of this letter), UCB had 131,671 metric tons of CO_{2e} in detectable emissions. That data was verified by Ruby Canyon Environmental Inc. Rather than analyze the most recent environmental statistics, the Lead Agency relies on data from 2017 with no explanation. The consultants extrapolate from the 2017 a campus FTE student and faculty/staff population at 2018-19 [footnote 210] and 2036-37 levels. This disconnect is unexplained.</p> <p>As noted previously, using FTE figures rather than actual user population figures renders the studies incomplete. Further, emissions based upon populations from a different year than the baseline year would not seem reasonable under the circumstances.</p> <p><i>Footnote 210: According to the LRDP, “The LRDP Update planning assumption for the campus population is 48,200 students and 19,000 faculty and staff in the 2036-37 academic year compared to 39,300 students and 15,400 faculty and staff in the 2018-19 academic year.”</i></p>	<p>The Greenhouse Gas (GHG) emissions analysis in Chapter 5.7, Greenhouse Gas Emissions, is based on an emissions baseline of year 2018, which corresponds to the population, faculty, and staff identified in Chapter 3, Project Description. The GHG emissions data is based on data that UC Berkeley provided to The Climate Registry (see also Appendix C1 of the Draft EIR). Data reported to The Climate Registry for emissions year 2018 was third-party verified by Cameron-Cole, LLC.</p> <p>The 2019 data referenced by the commenter refers to the regulatory reporting UC Berkeley provided to the California Air Resources Board for its cap-and-trade program obligation. The CARB reporting only includes scope 1 stationary sources within a boundary that differs from the Climate Registry reporting that includes the Campus Park and the City Environs Properties. The 2017 Climate Registry includes all emissions from UC Berkeley properties including Richmond Field Station and University Village Albany, even though these properties are outside of the EIR Study Area. There may be instances where the verified 2017 Climate Registry report is more accurate versus the CARB report, which only includes Scope 1 emissions. Overall, the GHG emissions analysis included in the Draft EIR is conservative and the numbers for the Climate Registry and CARB report are not consistent.</p>
B10-241	<p>4.20 VMT and Alameda County Data are Incomplete Measures and Data Sets Under the Circumstances</p>	The commenter expresses an opinion that VMT is an inadequate measure for estimating air quality impacts. The commenter provides

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>While Vehicle Miles Traveled (VMT) is a common method of estimating potential impacts on air quality, the unique population at UCB and changes in modern travel patterns makes reliance on this measure inadequate under the circumstances. Likewise, the reliance on VMT data for Alameda County to conclude that impacts on transportation and air quality will not be significant is unjustifiable, particularly as UCB’s own faculty has studied the impact of modern modes of transportation extensively.</p>	<p>no substantial evidence to support their opinion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue.</p>
B10-242	<p>4.21 Increased Use of Shared Ride Services by Larger Population Not Considered</p>	<p>The comment requests that the Draft EIR analysis should consider an increased usage of Transportation Network Companies (TNC, i.e., Uber or Lyft) by future populations. As described on pages 5.15-44 and 5.15-45 of the Draft EIR, the analysis assumes the same mode shares as existing conditions for both commuters to UC Berkeley and residents of UC Berkeley provided housing. Considering the continuous changes to regulations and operating conditions, including costs, for TNCs, it is not possible to forecast any changes in their long-term usage. Therefore, the Draft EIR’s assumption of the same TNC mode share as existing conditions is reasonable. It would be speculative to assume any short-term or long-term changes in TNC use by either commuters to UC Berkeley or the residents of UC Berkeley-provided housing, and CEQA does not condone speculation (CEQA Guidelines Section 15145). Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
 <p>Faculty</p>		
 <p>Staff</p>		
 <p>Students</p>		
<ul style="list-style-type: none"> ■ Walk ■ Drive Alone ■ Bicycle ■ Bus or Shuttle ■ BART ■ Carpool ■ Motorcycle ■ Lyft / Uber 		
<div style="background-color: #f4a460; padding: 10px;"> <p>Where do people drive around campus?</p> <p>Vehicles entering and exiting the Campus Park are associated with parking, drop-offs, deliveries, service operations, and Uber/Lyft services.</p> <p>The University Drive & Gayley Road (East Gate) entrance is the most heavily used vehicular gateway, followed by the West Circle.</p>  </div>		
	<p>Among other things, the DEIR and reports provided in the DEIR Appendices do not address or consider the increased reliance on shared ride services (including “Transportation Network Companies” (TNC) such as Uber and Lyft) generally in the Bay Area and by UCB students in</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>particular. [footnote 211] Share ride service increases have been observed to create additional traffic [footnote 212] and are believed to increase air pollution, particularly, as Uber/Lyft drivers drive around or idle their vehicles between rides. [footnote 213] UCB is aware of the prevalence of these TNCs and have even drafted rules and regulations governing their use on campus. [footnote 214] In addition, as UCB is aware, UC students use other shared services such ZipCar and Gig, and the ubiquitous scooters that litter sidewalks and campus. [footnote 215]</p>	
	<p><i>Footnote 211:</i> https://www.reddit.com/r/berkeley/comments/8telp3/uber_vs_lyft_which_is_better_in_berkeley/ (reporting that “lots” of UCB students use TNCs. <i>Footnote 212:</i> Gregory D. Erhardt, Sneha Roy, Drew Cooper, Bhargava Sana, Mei Chen, Joe Castiglione, “Do Transportation Network Companies Decrease or Increase Congestion?” <i>Science Advances</i> 08 MAY 2019 (Transportation network companies (TNCs), such as Uber and Lyft, are the major driver of increasing traffic congestion in San Francisco), available at https://advances.sciencemag.org/content/5/5/eaau2670; Rayle, Lisa Dai, Danielle Chan, Nelson et al. , “Just A Better Taxi? A Survey-Based Comparison of Taxis, Transit, and Ridesourcing Services in San Francisco,” 2016, available at https://escholarship.org/uc/item/6ov8r346; https://steps.ucdavis.edu/new-research-ride-hailing-impacts-travel-behavior/; https://abc7.com/southern-california-traffic-socal-la-uber/5311465/ <i>Footnote 213:</i> https://www.ucsusa.org/resources/ride-hailing-climate-risks; https://its.berkeley.edu/news/ride-hailing-isn't-really-green; https://www.citylab.com/environment/2020/02/uber-lyft-pollution-data-carbon-emissions-ride-hailing-study/607063/; https://www.latimes.com/environment/story/2020-03-07/uber-lyft-ride-hailing-air-pollution-greenhouse-gas-emissions; https://mndaily.com/205400/news/nation/researchers-examine-uber-s-environmental-impact/; https://sustainability.wustl.edu/uc-berkeley-and-nrdc-begin-uber-impact-study/</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-243	<p>Footnote 214: https://pt.berkeley.edu/transportation-mobility/getting-around-campus/tnc-pick-drop-zones</p> <p>Footnote 215: https://pt.berkeley.edu/carshare</p> <p>It is not reasonable to fail to address the impact the increase in proposed UCB population will have on TNC usage and the attendant environmental effects of that increased usage.</p>	<p>The comment incorrectly states that the VMT analysis relies on VMT statistics for the average Alameda County commuter. As described starting on page 5.15-44 of the Draft EIR with additional detail provided in Appendix M, the VMT metrics for each UC Berkeley population group is calculated separately based on specific data pertaining to that group including mode share data based on the UC Berkeley 2019 Transportation Survey and trip length data based on UC Berkeley’s anonymized home residence database. The VMT analysis accounts for all the VMT generated by UC Berkeley commuters including those that commute from outside of Alameda County.</p>
	<p>4.22 Survey Shows Many Students & Faculty Commute from Outside Alameda County</p> <p>The DEIR relies on VMT statistics for the average Alameda County commuter; however, the Lead Agency provides no evidence to support the reasonableness of using these statistics. Indeed, given that the Lead Agency admits that many students, faculty and staff are required to live far from Berkeley, often outside Alameda County, Alameda County statistics would not seem particularly reliable. As this diagram released by UCB as part of its LRDP related student and faculty housing survey shows, a large number of UC commuters live and commute from outside Alameda county.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

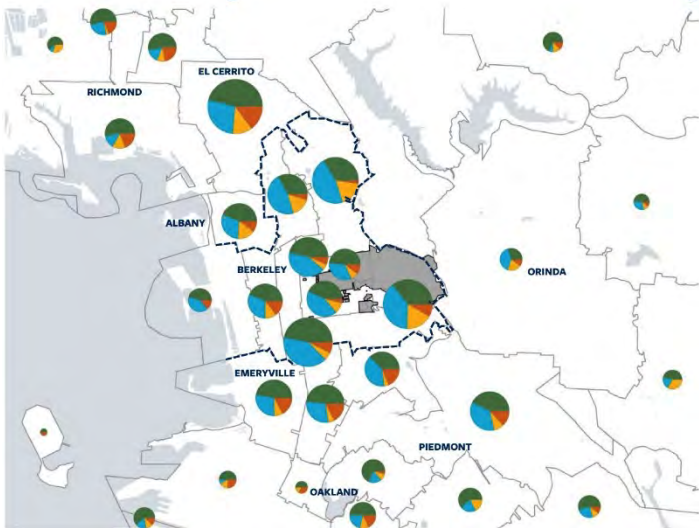
Letter/ Comment #	Comment	Response
	<p>Not only does UCB’s own survey support the proposition that existing UCB commuters are not limited to Alameda County, several news stories and other reports substantiate that increasing numbers of UCB students, faculty and staff commute to Berkeley from farther distances than ever before. [footnote 216]</p> <p><i>Footnote 216: See, e.g., https://www.dailycal.org/2019/02/28/why-im-commuting-instead-of-living-on-campus/; https://www.reddit.com/r/berkeley/comments/1wak95/commuting_to_berkeley/ (anecdotal accounts of commuting to UCB); https://www.universityofcalifornia.edu/news/5458/uc-among-best-public-commuter-colleges-new-rankings (UCB touts ranking as top commuter school); https://www.mercurynews.com/2016/12/12/uc-berkeley-squeezes-in-more-students-shifts-some-off-campus-to-meet-surg-ing-enrollment/</i></p>	
B10-244	<p>4.23 Previous Public Transport Data No Longer Reliable; Should Be Updated</p>	<p>The commenter expresses an opinion that the transportation and air quality analyses presented in the Draft EIR should be re-evaluated due</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>Likewise, the pandemic has negatively impacted commuters' willingness to use public transportation. [footnote 217] One media source reported an 80% decline in the public's use of public transport. [footnote 218] While it is too soon to tell if this anti-public transit trend will continue once the Pandemic is under control, the consultant reports and other information that the Lead Agency presented in the DEIR concerning transportation and attendant air quality should be re-evaluated in light of more up to date traffic and commute patterning.</p> <p><i>Footnote 217: See, e.g., https://abc7news.com/public-transit-coronavirus-san-francisco-financial-district-how-bad-is-commute-in-sf-post-pandemic/10441948/; https://www.bart.gov/schedules/crowding-charts (reporting on BART usage – historic); https://www.kqed.org/news/11824758/how-coronavirus-is-affecting-public-transit-and-what-that-means-for-you; https://www.kqed.org/news/11824758/how-coronavirus-is-affecting-public-transit-and-what-that-means-for-you; https://www.sanjoseinside.com/news/bay-area-public-transit-agencies-struggle-to-survive-the-economic-toll-of-the-covid-19-pandemic/.</i></p> <p><i>Footnote 218: https://www.wbur.org/hereandnow/2020/08/28/san-franciscos-public-transit-coronavirus</i></p>	<p>to the decrease in the use of public transportation caused by the COVID-19 pandemic. However, as stated in the comment, it is too soon to determine if the trend in reduced use of public transportation would continue after the pandemic is over. As described on pages 5-4 and 5-5 of the Draft EIR, the analysis presented in the Draft EIR, including the transportation and air quality analyses, is generally based on the assumption that overall behavior would be similar to conditions prior to the start of the pandemic, because, at present, the medium- or long-term effects of the pandemic are uncertain, and it would be speculative to estimate any potential long-term or permanent changes, and CEQA does not condone speculation (CEQA Guidelines Section 15145). Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 3, COVID-19.</p>
B10-245	<p>4.24 Other Evidence Undermines Accuracy of DEIR Assessment and Data Measure</p> <p>A survey conducted by UCB's College of Engineering provides some real-world data into how UCB faculty and staff commute to UCB (or at least the Engineering college). [footnote 219] campus-wide survey [footnote 220] showed the following:</p>	<p>The comment references a mode share survey conducted for the College of Engineering. Since the Draft EIR evaluates the impacts of the LRDP Update, which affects the entire university, the analysis is based on the results of the campus-wide 2019 Transportation Survey, which includes all various population groups at various locations throughout UC Berkeley, and not just at the College of Engineering.</p> <p>The comment correctly states that 44 percent of staff commute by single passenger automobile, which is consistent with Table 5.15-4 on page 5.15-19 of the Draft EIR. However, the comment incorrectly states</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

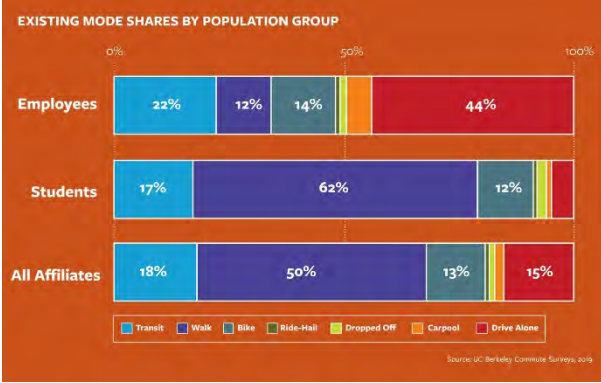
Letter/ Comment #	Comment	Response																																
 <p>EXISTING MODE SHARES BY POPULATION GROUP</p> <table border="1"> <thead> <tr> <th>Population Group</th> <th>Transit</th> <th>Walk</th> <th>Bike</th> <th>Ride-Hail</th> <th>Dropped Off</th> <th>Carpool</th> <th>Drive Alone</th> </tr> </thead> <tbody> <tr> <td>Employees</td> <td>22%</td> <td>12%</td> <td>14%</td> <td>1%</td> <td>1%</td> <td>1%</td> <td>44%</td> </tr> <tr> <td>Students</td> <td>17%</td> <td>62%</td> <td>12%</td> <td>1%</td> <td>1%</td> <td>1%</td> <td>1%</td> </tr> <tr> <td>All Affiliates</td> <td>18%</td> <td>50%</td> <td>13%</td> <td>1%</td> <td>1%</td> <td>1%</td> <td>15%</td> </tr> </tbody> </table> <p>Source: UC Berkeley Commute Survey, 2019</p>	Population Group	Transit	Walk	Bike	Ride-Hail	Dropped Off	Carpool	Drive Alone	Employees	22%	12%	14%	1%	1%	1%	44%	Students	17%	62%	12%	1%	1%	1%	1%	All Affiliates	18%	50%	13%	1%	1%	1%	15%	<p>Footnote 219: https://engineering.berkeley.edu/wp-content/uploads/files/docs/FacilitiesMasterPlanSurveyResults.pdf</p> <p>Footnote 220: http://projects.sasaki.com/uc-berkeley-virtual/#CP_header</p> <p>Significantly this survey showed 44% of employees commuting to UCB as a single passenger in a car. Given that employees are more likely than students to live farther away from campus, this single occupancy vehicle statistic suggests that the largest number of long-distance commuters are using the dirtiest mode of transport. Because actual data of actual UCB users was available to the Lead Agency, it should have relied on that data rather than substitute dated statistics for Alameda County residents generally.</p> <p>Unlike other regular-business commuters, UCB commuters can seldom rely on nearby parking and so often have to drive around to find available parking. These elevated parking-searching emissions will certainly increase with UCB’s intentional and planned removal of campus parking options. Indeed, the DEIR seems to assume that with fewer parking spaces, commuters will stop using cars to commute. They fail, however, to present any supporting data. The final EIR should rectify this omission.</p>	<p>that the analysis uses statistics for Alameda County residents. As described in Response B10-241, the VMT analysis is based on the specific characteristics of the various UC Berkeley population groups, and not Alameda County. As described on page 5.15-45 of the Draft EIR, the VMT analysis estimates the trip length for staff using the UC Berkeley’s anonymized home residence database.</p> <p>The comment incorrectly states that the LRDP Update would reduce the parking supply at UC Berkeley, which would reduce the number of people driving to and from UC Berkeley. As described on page 5.15-50 of the Draft EIR, the analysis assumes that the ratio of parking supply-to-commuters would remain the same as current conditions, which could result in an increase in the parking supply provided at UC Berkeley as the population increases. As a result, the Draft EIR assumes that the employees and students who do not live at university provided housing would drive to and from UC Berkeley at similar rates as current conditions.</p>
Population Group	Transit	Walk	Bike	Ride-Hail	Dropped Off	Carpool	Drive Alone																											
Employees	22%	12%	14%	1%	1%	1%	44%																											
Students	17%	62%	12%	1%	1%	1%	1%																											
All Affiliates	18%	50%	13%	1%	1%	1%	15%																											
B10-246	<p>4.25 Impact of the Total Actual Projected Population Increase on Air Quality Not Discussed</p>	<p>The Draft EIR applied actual users and not FTE. The comment incorrectly states that Draft EIR analyses are incorrect because the</p>																																

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-247	<p>Because the projected population increase has not been accurately captured by using FTE figures rather than actual users and actual data on how actual campus users commute to and use UCB sites has not been presented or considered, the DEIR fails to document the reasonably foreseeable environmental impact of the true population increase contemplated by the LRDP Project.</p> <p>4.26 DEIR's Findings as to GHG and Alternatives Should be Reconsidered</p> <p>More people, means more GHG emissions. It is quite simple. By increasing UCB's population, the Lead Agency will be increasing GHG emissions notwithstanding its climate friendly policies and aspirational goals (none of which it has been able to meet to date). Increases in staff – of whom 40% presently commute to UCB in single passenger vehicles – invariably means more GHG. In addition to increased local commutes, an increased number of non-resident students will invariably mean more long-haul airplane flights if the future non-resident student makeup follows the trends of the least 10 or so years.</p> <p>Based on cross-fingers, the DEIR concludes that neither Project #1 nor Project #2 will have a substantial impact on GHG emissions. The DEIR concludes as to the LRDP project, that it will have an impact, but that impact will not be significant if the proposed mitigation measures are implemented. Specifically, the DEIR notes in a section entitled “Areas of Controversy,” that “Pollution from construction activities and operation of future development and increased GHG emissions.” It also concludes, “GHG-2: GHG emissions resulting from the proposed LRDP Update could exceed the UCOP and UC Berkeley carbon neutrality goals derived from</p>	<p>population increases assumed in the Draft EIR are based on FTEs and not actual users. The comment also incorrectly states that the Draft EIR analysis is not based on actual commutes to the UC Berkeley campus. As described in Response B10-241, the analysis is based on the specific commute characteristics of the various UC Berkeley population groups based on collected data. Chapter 5.2, Air Quality, adequately evaluates air quality impacts associated with the projected increase in students, faculty, and staff at UC Berkeley.</p> <p>Please see Responses A3-189 and B10-249. Please see Master Response 18, Alternatives.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>the State’s long- term climate change goals under EO B-55-18.” The proposed mitigation measures are to purchase carbon offsets, to monitor emissions, and to take some steps to reduce GHG emissions. Notably reliable data and estimates of the impact of the proposed GHG emission reduction steps are not provided.</p> <p>The DEIR’s conclusions need to be substantially supported, and they are not with respect to GHG. Further, the Lead Agency and UCB’s separately stated goals of reducing GHG are not well-served by the DEIR not discussing remote learning options for students and increased telecommuting for faculty and administrative staff as alternatives to the massive building initiative proposed. The overall increase of parking will increase vehicle traffic in and around the Campus Park. The additional new parking on the Clark Kerr Campus and under the Campus Park crescent at the top of University Avenue will not only increase traffic in those high traffic areas they will result in slower commutes and bottlenecks, which contribute to increased GHG emissions.</p>	
B10-248	<p>4.27 DEIR Should Use UCB’s Superior GHG Data</p> <p>Because UCB has unique access to various GHG indicator data – by virtue of its expansive research and testing in and around campus such as the BEACON program—it is not reasonable for it to rely on generalized regional data. BEACO₂N (the Berkeley Atmospheric CO₂ Observation Network) is an ever-growing network of two dozen air quality monitoring “nodes” deployed on school rooftops and other sites of interest around the Oakland metropolitan area. Each “node” contains low-cost commercial instruments that sense CO₂, CO, NO_x, O₃, particulate matter, and various meteorological variables and beams the data wirelessly to a free, publicly accessible website. By monitoring these species at a wide variety of closely spaced locations, BEACO₂N gathers information about pollution patterns, sources, and sinks in higher spatial resolution than ever before, helping to improve global atmospheric models and air quality management policies alike. BAHA respectfully</p>	<p>Please see Response B10-240. The Berkeley Environmental Air-quality & CO₂ Network (BEACO₂N). is a recently developed approach/tool that is in the research and development stage and has not yet been made available to the public. Additionally, the UC Berkeley GHG emissions inventory utilizes protocols aimed to identify and disclose community-wide GHG emissions that are within the jurisdictional authority of UC Berkeley. BEACO₂N provides atmospheric measurements of CO₂ emissions in an urban area (concentrations not mass emissions, and not separated into jurisdictional control [i.e., Scope 1, 2, and 3]). Therefore, there are fundamental differences in the methods used to disclose GHG emissions for CEQA documents and third-party verified reporting protocols used to estimate community-wide Scope 1, Scope 2, and Scope 3 GHG emissions sources. Chapter 5.2, Greenhouse Gas Emissions, provides an accounting of GHG emissions for emissions year 2018 based on established protocols that focus on capturing annual emissions generated from ‘activities’ at the</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	suggest that this data (and others like it) should be examined as part of the CEQA process to establish baseline information about current GHG indicator levels and make better projections as to the impact of the proposed population increase and large scale construction.	UC Berkeley campus, and not just the emissions generated ‘on’ the UC Berkeley campus (See also Appendix Q, GHG Accounting Methodology Memorandum, to the Final EIR). UC Berkeley will consider supplementing and validating existing protocol methodology with the BEACO ₂ N data, as it becomes publicly available.
B10-249	<p>4.28 DEIR Should Propose More Realistic Mitigation Measures than Unrealized Aspirational Goals</p> <p>Trusting future technologies that may (or not) be adopted is not a mitigation measure. Neither is purchasing carbon offset credits. The residents of Berkeley will be breathing dirtier air, including more particulate matter, if the city undergoes the surge of new residents the draft LRDP proposes. The final EIR should consider more realistic GHG impact mitigation proposals and should discuss the slowing increased enrollment and hiring until the mitigation measures are fully adopted.</p>	<p>To achieve the carbon neutrality goals under Executive Order B-55-18, UC Berkeley can purchase voluntary GHG offsets or implement on-site improvements, such as those outlined in the UC Berkeley Sustainability Plan. For emissions reductions that cannot be achieved on-site, Mitigation Measure GHG-2 identifies use of voluntary carbon credits. CEQA Guidelines Section 15126.4 clearly cites that use of carbon offsets is valid-mitigation under CEQA (see also CEQA Guidelines Section 151370(e) and 15364, and Public Resources Code Section 21168.6.5(i)(1)). The California Natural Resources Agency’s Final Statement of Reasons For Regulatory Action for the CEQA Guidelines Amendments (2009) also supports the use of GHG credits. Additionally, CARB’s 2017 Scoping Plan encourages the use of GHG credits as CEQA mitigation. Mitigation Measure GHG-2 includes rigorous performance standards for carbon offsets. A discussion of the validity of carbon offsets under CEQA was included in Appendix C 1 (see “UC Berkeley LRDP Use of Carbon Offsets”). Mitigation Measure GHG-2 requires the offsets to be Real, Additional, Permanent, Quantifiable, Verified, and Enforceable, consistent with that required for offsets under the 17 California Code of Regulations Section 95802 for offsets used in the California Cap and Trade System. Voluntary offsets must be based on accepted, technically sound methods/protocols for quantifying and verifying the emission reductions. Accredited registries develop high-standard GHG reduction project protocols to provide guidelines for project development, provide transparency, and develop a platform for exchanges created through a six-step process. The registries also have a process to invalidate carbon offsets if, through third-party review, they cannot be verified; thus, further ensuring transparency in the voluntary</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>carbon market. Once voluntary offsets are issued, they are retired. Mitigation Measure GHG-2 also requires annual mitigation reporting to further ensure transparency. If carbon offsets are invalidated by the registry, UC Berkeley would need to purchase new voluntary offsets at the next annual reporting cycle to meet the criteria under Mitigation Measure GHG-2. Thus, Mitigation Measure includes the enforceable permit conditions required under <i>Golden Door Properties, LLC v. County of San Diego</i> (2020) 50 Cal.App.5th 467, 506.</p> <p>Review of accredited voluntary offset markets, including the American Carbon Registry (https://acr2.apx.com/myModule/rpt/myrpt.asp?r=111), Climate Action Reserve (CAR) (https://thereserve2.apx.com/myModule/rpt/myrpt.asp?r=111), and Verra (https://registry.verra.org/) identify that there are sufficient voluntary carbon offsets to satisfy the demand associated with the proposed project in addition to existing demand. The Gold Standard (GS) (https://registry.goldstandard.org/projects?q=&page=1) is a fourth well-established and accredited registry that also has sufficient supply to satisfy demand for voluntary carbon offsets.</p> <p>It should be noted that GHG emissions impacts of the project are the project’s contribution to world-wide GHG emissions impacts. Reducing GHG emissions locally has the same effect as reducing GHG emissions in another state, in the United States, or around the world. For example, under the 2017 Scoping Plan cap-and-trade program, cap-and-trade offsets occur outside of California. The Cap-and-Trade Regulation expressly permits the use of out-of-state offsets as compliance instruments for in-state entities. CEQA Guidelines section 15097(a) allows lead agencies to delegate mitigation monitoring: “A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.” A</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-250	<p data-bbox="323 852 390 876">Noise</p> <p data-bbox="323 922 1075 984">4.29 Noise is Going to Be a Worse Problem Than Predicted in the DEIR</p> <p data-bbox="323 1032 1129 1230">As to Noise, the DEIR makes essentially uniform conclusions for the three projects: (1) “Noise from construction equipment could expose sensitive receptors to noise that exceeds the thresholds of significance”; and (2) “Construction could result in excessive ground borne vibration to nearby sensitive receptors.” The DEIR states that all projects will have significant unmitigable noise impacts. Table 2-1.</p> <p data-bbox="323 1243 1129 1442">BAHA agrees that all of the projects will have significant noise impacts. There are measures to mitigate increased noise; however, the efficacy of those will depend on a full and reliable evaluation of the existing baseline noise and vibration levels together with a prediction of future noise levels based on an accurate estimate of the increased projected population.</p>	<p data-bbox="1157 321 1940 488">GHG credit registry serves as the delegated entity. GHG offset credits recognized by a registry represent GHG emission reductions that have already occurred in the past; therefore, by purchasing an offset credit, the reduction in GHG emissions has been completed, and the impact has been mitigated.</p> <p data-bbox="1157 532 1940 837">This comment makes a general statement but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The commenter does not specify additional mitigation measures that would reduce GHG emissions that would allow UC Berkeley to achieve the carbon neutrality goals without use of voluntary carbon offsets.</p> <p data-bbox="1157 852 1940 1122">The Draft EIR analyzes both cumulative traffic noise and cumulative construction noise impacts under impact discussion NOI-3. The cumulative traffic noise assessment does factor in increased traffic based on data provided by Fehr & Peers, including on Oxford Street and University Avenue. With respect to events at the site of Housing Project #1, please see Response B10-175. With respect to the commenter’s assertion about student population, please see Master Response 8, Population Projections.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Unfortunately, the DEIR does not provide reliable, supported baseline statistics for noise at any of the project sites. It does not address any of the ambient noise likely to be caused by the proposed increase in UCB population or the cumulative effect of the addition of people and cars together with multiple large construction projects that will take place (possibly all at once) in a densely populated area close to infant day care centers and hospitals. The significant problem with the studies and discussions in the DEIR is that they rely on inaccurate future enrollment predictions. Two part-time students talking will make more noise than one full time student talking; therefore, the noise studies should be based on a more complete projection of the actual population increase and the actual likely vehicular traffic at the noisiest times of the day. In particular, University and Oxford is a busy area. Student, faculty and staff pass by the area on their way to BART. There are peak hours. The final EIR should consider the increased traffic noise at peak travel times due to vehicles pulling in and out of the new planned parking structure under the Oxford/University UCB crescent area and combine that with noise from an event at the Pacific Film Archive and an event at the Helen Diller Anchor House. Such a scenario is entirely realistic and should be discussed.</p>	
B10-251	<p>4.30 The Health Risk Assessments As to Noise Are Insufficient</p> <p>The HRAs performed in conjunction with the EIR do not adequately address the health impacts of the significant noise/vibration impacts caused by project construction identified in the DEIR. For example, construction of Project #2 involves pile driving at the site for approximately 20 days, according to data provided in a DEIR report, and “may” harm nearby structures severely such that UCB may have to payout damage claims to their owners. Given that some of the individuals in the area of the Project #2 are infants in the care of UCB at UCB-run child development centers, the lack of a formal HRA assessment is significant and disappointing. Any subsequent finding by the Lead Agency</p>	<p>Based on community concerns related to vibration impacts from pile driving on the two project-level sites, UC Berkeley has worked closely with both applicant team structural engineers to seek out alternatives to pile driving. Both teams have determined that pile driving would not be required. For Housing Project #1, neither driven nor drilled piles are proposed and the foundation system will include a continuous mat foundation which bears directly on compacted soil. For Housing Project #2, auger-cast piles would be employed which would generate vibration levels similar to drilling. The construction noise thresholds used in the Draft EIR are based on noise level standards promulgated by the City of Berkeley (for sensitive receptors in Berkeley). As described in the City of Berkeley Municipal Code, they are acceptable</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>that the advantages of the projects outweigh their negative impacts will necessarily be based on insufficient evidence as the health risks have not been evaluated. The final EIR should cure these errors.</p> <p>Further, before a final EIR or decision to proceed with all of the projects, most notably Project #2, the baseline noise data should be collected from the sites as currently configured; the identification of sensitive receptors must be redone so as to include all sensitive receptor locations near the sites; precise projections the expected (unmitigated) noise and vibrations from the actual planned construction (including the aforementioned 20 days of pile driving at People’s Park), and a careful appropriately certified HRA directed specifically to noise and vibration health risks.</p>	<p>levels to protect public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet.</p>
B10-252	<p>4.31 Mitigation Measures for Noise Should be Revisited and Improved</p> <p>The DEIR provides only a half-hearted attempt to propose three mitigation scenarios, none of which are particularly addressed to the construction anticipated at Projects 1 and 2. The failure to consider the degree to which the various mitigation scenarios will mitigate actual expected conditions at the Project #2 site (much less establish an appropriate baseline of current conditions) renders this aspect of the DEIR inadequate and unsupported under CEQA.</p>	<p>The mitigation measures in the Draft EIR are specifically intended to address construction noise impacts from implementation of the LRDP Update and the two housing projects. The significance with mitigation is described including a quantification of noise reduction for the LRDP Update and the two housing projects.</p>
B10-253	<p>4.32 Placeline’s HRAs Contain Errors and Are Insufficient</p> <p>The Health Risk Assessment (HRA) report prepared by Placeline states that it, “considers the health impact to off-site residents (adults and children in the nearby residences), off-site workers, and sensitive receptors (i.e., day cares, schools, hospitals, senior living).” [footnote 221]</p> <p><i>Footnote 221: Placeline HRA at 1</i></p> <p>The HRA contains numerous errors and material omissions. [footnote</p>	<p>The LRDP Update Health Risk Assessment (HRA) and the construction HRAs for the housing projects evaluate toxic air contaminants (TACs) pursuant to guidance from the Office of Environmental Health Hazard Assessment (OEHHA) and BAAQMD CEQA Guidelines. Therefore, the LRDP Update HRA and the construction HRAs for the housing projects sufficiently evaluate health risks to nearby off-site residents and sensitive receptors. The Draft EIR has been prepared according to the standards set forth in CEQA and the CEQA Guidelines, which do not include standards of significance for health-related impacts associated with noise, loss of open space and natural environments.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>222] Not all health impacts are covered in the HRAs, including (for example) the health effects of increased noise, climate change generally, the loss of open space and natural environments and related topics. [footnote 223] Rather than detail each error – which is unnecessary at this juncture – a few examples are illustrative.</p> <p><i>Footnote 222: A discussion of best practices and the proper scope of health risk assessments are available from numerous sources including, for example, Scott-Samuel, Alex. “Health Impact Assessment: Theory into Practice.” Journal of Epidemiology and Community Health (1979-), vol. 52, no. 11, 1998, pp. 704–705; Fehr, Rainer, et al. “Quantitative Health Impact Assessment: Taking Stock and Moving Forward.” Journal of Epidemiology and Community Health (1979-), vol. 66, no. 12, 2012, pp. 1088–1091; and McCarthy, M., et al. “A Health Impact Assessment Model for Environmental Changes Attributable to Development Projects.” Journal of Epidemiology and Community Health (1979-), vol. 56, no. 8, 2002, pp. 611–616; see also https://www.pewtrusts.org/-/media/assets/2019/03/do-health-impact-assessments-promote-healthier-decision-making.pdf.</i></p> <p><i>Footnote 223: See Jackson R, Dannenberg A, Frumkin H. Health and the Built Environment: 10 Years After. Am J Public Health. 2013 September; 103(9):1542–44; World Health Organization. Preventing disease through healthy environments. Geneva, Switzerland: WHO, 2006; Kinney PL, Noji E, Lee CY. Disaster preparedness. In: Frumkin H, editor. Environmental health, from global to local. 1st edition. San Francisco: Jossey-Bass; 2005; Climate change, air quality, and human health. Am J Prev Med. 2008 Nov;35(5):459–67.</i></p>	
B10-254	<p>4.32.1 Sensitive Receptors Inaccurately Documented</p> <p>Among other things it is underinclusive in terms of the locations of sensitive receptors. First it ignores sensitive receptors operated on the UCB Clark Kerr Campus, notably UCB’s Early Childhood Education Program toddler program (in Clark Kerr Building 5) and the Preschool</p>	<p>Please see Response B10-6. As stated in the HRA prepared for the LRDP Update (Draft EIR Appendix D1), the LRDP HRA includes receptors placed at 20-meter increments along the Campus Park boundaries, rectangular receptor grids consisting of 50 m increments to a distance of 500 m, at 100 m increments to a distance of 2 km, and at a distance of 250 m increments to a distance of 5 km. The receptor</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Center (in Clark Kerr Building 15). Second, it fails to consider the totality of off-campus receptors. For instance, on HRA Figure 2, which purports to document all Off-Campus Sensitive Receptor Locations, the HRA fails to document several qualifying locations including (but not limited to) Herrick Hospital at 2001 Dwight Way, which (among other things) operates the Summit Cancer Center at that location, UCB’s own CDCs at 2339 Haste Street and 2427 Dwight Way (which is approximately one block from Project 2), the King Child Development Center (at 1939 Ward Street). No explanation is given for these material omissions, the totality of which understates the nature and degree of the sensitive population.</p> <p>Given the magnitude of the planned construction on People’s park and Clark Kerr Campus – including demolition of Building 20 (which given its age could contain asbestos and other carcinogens) -- it is unreasonable not to evaluate the health risk posed to the children enrolled at UCB’s childcare centers, both during and after construction. As operator of these CDC facilities, UCB is certainly legally obligated to ensure the health and safety of the children in their care by, among other things, fully and fairly estimating the impact of toxins in the air released or otherwise reasonably caused by their construction activities. If UCB has separately studied the impact on this vulnerable population, that documentation is no included here; moreover, it is not unreasonable to expect that the Lead Agency would provide it as part of the EIR process.</p>	<p>locations, which include the Clark Kerr Campus, are depicted in Figure 4 of the LRDP Update HRA. Additionally, the construction HRA receptor locations for Housing Projects #1 and #2 are depicted in Draft EIR Figure 5.2-7 and 5.2-8, respectively. Although not specifically mentioned in the Draft EIR or HRA, the receptor grid used in the construction HRAs included UC Berkeley Early Childhood Education (ECE) facility locations and the LRDP Update HRA included hospital locations, the Clark Kerr Campus, and UC Berkeley ECE locations. (UC Berkeley, 2021. Early Childhood Education Program, accessed on May 11, 2021 at https://ece.berkeley.edu/locations-hours/.) UC Berkeley confirmed there are no childcare facilities on the Campus Park. At the request of the commenter, HRA Figure 2 has been revised to show the locations of Herrick Hospital and UC Berkeley’s ECE locations, as shown in Appendix D1 of this Final EIR.</p> <p>The commenter claims health risks to children at UC Berkeley’s ECEs should be evaluated for construction of Housing Project #2. Please see Response B10-6, which describes revisions to the Draft EIR to specifically include the Dwight Way Child Development Center (CDC) at 2427 Dwight Way. As described in Response B10-6, the health risks to the maximum exposed sensitive receptor at the Dwight Way CDC would be less than significant. Therefore, the health risk determinations from construction of Housing Project #2 remain sufficient.</p> <p>The commenter also claims health risks to children at UC Berkeley’s ECEs should be evaluated for construction at the Clark Kerr Campus as part of the LRDP Update. Please see Response B10-239 in regard to the program-level significant and unavoidable impact finding for construction-related health risk pertaining to the LRDP Update.</p>
		<p>The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>described in the EIR (CEQA Guidelines Section 15146). As stated in Draft EIR page 5.2-66 (Impact AIR-3), despite implementation of Mitigation Measure AIR-2.1 and Mitigation Measure AIR-3 (renumbered as Mitigation Measure AIR-3.1 as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR), construction-related health risk impacts related to the LRDP Update may still exceed the applicable thresholds due to future project-specific circumstances regardless of mitigation measures applied, and that future site-specific circumstances are not known for this program-level evaluation. For instance, detailed construction information pertaining to construction at the Clark Kerr Campus associated with the LRDP Update are not known at this time. Therefore, this impact remains significant and unavoidable.</p> <p>Construction health risk impacts associated with the LRDP Update are evaluated qualitatively, not quantitatively, because the specifics of these new projects are simply unknown at this time. See, e.g., CEQA Guidelines, Section 15064.7(a) (significance threshold can be qualitative or quantitative); Section 15142 (EIR shall consider “qualitative as well as quantitative factors”); <i>Ebbetts Pass Forest Watch v. California Dept. of Forestry & Fire Protection</i> (2008) 43 Cal.4th 936, 954 (CEQA analysis may include a general discussion where detailed, site-specific analysis would be speculative and require an analysis of specific acts that cannot reasonably be foreseen). Without these specifics, it is not possible to quantify impacts, such as what the construction emissions, and thus, construction concentrations and associated health risks would be.</p> <p>While lead agencies must use their best efforts to determine and disclose all that they reasonably can about a project’s potentially significant environmental impacts, they are not required to predict the future or foresee the unforeseeable (CEQA Guidelines Section 15144). An agency need not speculate about all conceivable impacts, but it</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-255	<p>4.32.2 HRA Misses Key Emitters</p> <p>In addition to these material omissions regarding sensitive receptor locations, the HRA fails to include all of the existing and planned pollution emitters. For example, the HRA inexplicably, omits LBL from its geographic scope although then LBL sits within the area specifically described in the LRDP. While LBL may report its emission data separately, its emissions are clearly attributable to UC and should be included in the HRA analysis, particularly as to the cumulative effects of the planned-for increased enrollment and faculty/staff hiring. Moreover, LBL information is provided in the DEIR in connection with the hazardous waste discussion, therefore, it's emissions should have been considered in the HRA.</p> <p>Strangely, the HRA includes very dated (2007) LBL air quality data in Table 4 (Cumulative Health Risks) comparing it to the LRDP update as if the LRDP update area did not in fact including the LBL or was impacted by LBL emissions. Indeed, failure to consider the spread of current and projected emissions from LBL is a fundamental error in the report.</p>	<p>must evaluate the reasonably foreseeable effects of the proposed project, which has been done in Impact AIR-3 in the Draft EIR.</p> <p>However, as stated in the Draft EIR, identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects. To illustrate this, the construction-related health risks for both Housing Projects #1 and #2 were determined to be less than significant with implementation of Mitigation Measure AIR-2.1. Therefore, the health risk determinations from construction associated with the LRDP Update remain appropriate and sufficient.</p> <p>As stated in Draft EIR Chapter 3, Project Description, and shown in Figure 3-2, EIR Study Area, the Lawrence Berkeley National Laboratory (LBNL) is not a part of the UC Berkeley LRDP Update. LBNL prepares its own LRDP separate from the UC Berkeley and was last prepared in 2006 and 2007. Thus, toxic air contaminant emissions associated with LBNL were not included in the Health Risk Assessment for the UC Berkeley LRDP Update, but health risks from 2007 LBNL LRDP were included in the cumulative health risk analysis when evaluating sources within 1,000 feet of the EIR Study Area. As shown in the revised Table 5.2-24 in Chapter 3, Revisions to the Draft EIR, of this Final EIR, the cumulative operational health risks are below BAAQMD's cumulative thresholds and cumulative impacts are remain less than significant.</p>
B10-256	<p>4.32.3 CANCER RISKS ARE UNDERSTATED</p> <p>Failing to include all existing sensitive receptors (both on and off campus) and reasonably foreseeable emitters necessarily impacts the</p>	<p>Please see Responses B10-6 and B10-254. As stated in the HRA prepared for the LRDP Update (Draft EIR Appendix D1), the LRDP HRA includes receptors placed at 20-meter increments along the Campus Park boundaries, rectangular receptor grids consisting of 50 m</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>risk analysis insofar as the HRA states that:</p> <p>there are thresholds of significance for cumulative impacts defined as the aggregate total of all past, present, and foreseeable future sources within a 1,000-foot [sic] radius of a source or receptor, plus the contribution from the project, exceeds the following:</p> <p>Excess cancer risk of more than 100 in a million</p> <p>Non-cancer hazard index (chronic or acute) greater than 10 Average annual PM_{2.5} concentration of greater than 0.8 µg/m³</p> <p>HRA page 15. If receptors are omitted, then the 1000-foot radius analysis would be incomplete; this would likewise be true if existing or reasonably foreseeable emitters are omitted. The impact of missing these key locations is even clearer when you consider Figure 5 of the HRA, which identifies the areas where the excess cancer risk from existing emission sources exceeds one chance per million, and Figure 6, which identifies areas that likewise will have this risk level if the Projects proceed.</p> <p>Because several sensitive receptor locations are omitted from the study area, the apparent conclusion that the sensitive location denoted by a purple star on Figure 6 is actually the Maximum Exposed Sensitive Receptor is necessarily unreliable. Other, better modeling could easily and reasonably be performed. [footnote 224] Further, Berkeley is unusual insofar as it has its own Public Health Department, which (if it had been consulted) could have provided additional health information resources and data regarding the resident population. [footnote 225]</p> <p><i>Footnote 224: Nuckols, John R., et al. "Using Geographic Information Systems for Exposure Assessment in Environmental Epidemiology Studies." Environmental Health Perspectives, vol. 112, no. 9, 2004, pp. 1007-1015.</i></p>	<p>increments to a distance of 500 m, at 100 m increments to a distance of 2 km, and at a distance of 250 m increments to a distance of 5 km. The receptor locations, which include the Clark Kerr Campus, are depicted in Figure 4 of the LRDP Update HRA. Additionally, the construction HRA receptor locations for Housing Projects #1 and #2 are depicted in Draft EIR Figure 5.2-7 and 5.2-8, respectively. Although not specifically mentioned in the Draft EIR or HRA, the receptor grid used in the construction HRAs included UC Berkeley Early Childhood Education (ECE) facility locations and the LRDP Update HRA included hospital locations, the Clark Kerr Campus, and UC Berkeley ECE locations. (UC Berkeley, 2021. Early Childhood Education Program, accessed on May 11, 2021 at https://ece.berkeley.edu/locations-hours/.) UC Berkeley confirmed there are no childcare facilities on the Campus Park.</p> <p>In response to this comment, revisions have been made to Chapter 5.2, Air Quality, of the Draft EIR, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. In addition, the Construction HRA for Housing Project #2 was revised to specifically include the Dwight Way Child Development Center (CDC) at 2427 Dwight Way. Draft EIR Figure 5.2-8, Project Site and Off-Site Receptor Locations of Housing Project #2 Construction HRA, was revised to show the location of Dwight Way CDC. These revisions do not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification.</p> <p>As shown in the revised Table 5.2-21, Housing Project #2 Construction Health Risk Assessment Results: without Mitigation, in Chapter 3, Revisions to the Draft EIR, of this Final EIR, the health risks to the maximum exposed sensitive receptor at the Dwight Way CDC would be less than significant. Therefore, the health risk determinations from</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>Footnote 225: See examples of available City of Berkeley resident population health information and data at https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/health-status-summary-report-2018.pdf; https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/2018-health-status-report-berkeley.pdf; see also Bhatia, Rajiv, and Aaron Wernham. "Integrating Human Health into Environmental Impact Assessment: An Unrealized Opportunity for Environmental Health and Justice." <i>Environmental Health Perspectives</i>, vol. 116, no. 8, 2008, pp. 991-1000 (recommending a collaborative approach).</i></p> <p>Finally, the HRA also does not consider the emission projects contained in the DEIR-attached reports that purportedly capture expected increases in emission attributable to increased vehicle travel and construction activity.</p>	<p>construction of Housing Project #2 remain sufficient.</p> <p>Therefore, the HRA for the LRDP Update and the Construction HRAs for the housing projects sufficiently evaluated all existing sensitive receptors.</p>
B10-257	<p>4.32.4 Health Risks of Construction Noise and Vibrations Not Assessed</p> <p>The report does not address the consequences of increased noise, including construction noise [footnote 226], on nearby sensitive human receptors, namely the infants and others mentioned above adjacent to the various Project sites. That noise will be considerable as acknowledge elsewhere in the DEIR. OSHA establishes limits on duration and impact that should have been considered both as to the LRDP Project and the other two projects. The extra sensitivity of sensitive receptors should also be considered in the final EIR.</p> <p><i>Footnote 226: Because Construction noise is addressed in Placeline's HRAs, its assessments must be accurate.</i></p>	<p>Please see Response B10-253. The construction HRAs for the housing projects evaluate air toxics generated from construction, per guidance from the Office of Environmental Health Hazard Assessment (OEHHA) and BAAQMD CEQA Guidelines. Noise and Vibration from construction is addressed separately in the Noise Chapter of the Draft EIR. Therefore, the construction HRAs for the housing projects sufficiently evaluated health risks to nearby off-site residents and sensitive receptors.</p> <p>The Draft EIR has been prepared according to the standards set forth in CEQA and the CEQA Guidelines, which do not include standards of significance for health-related impacts associated with noise, loss of open space and natural environments.</p> <p>As discussed, the construction noise thresholds used in the Draft EIR</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-258	<p>4.34 AHA’s [sic] Comments on Placeline’s HRA’s for Projects #1 and #2</p> <p>Like its HRA for the LRDP discussed above in section 6.4, Placeline’s HRAs for Projects #1 and #2 (DEIR Appendix D2 and D3 respectively) are similarly flawed insofar as they fail include all relevant locations containing sensitive populations. This omission includes most strikingly as to Project #2, the failure to include UCB’s nearby CDC at 2427 Dwight Way, which is approximately one block from Project 2 and which houses infants as well as toddlers. As noted in the relevant HRA, “The calculated risk for infants from third trimester to age 2 is multiplied by a factor of 10 to account for early life exposure and uncertainty in child versus adult exposure impacts (OEHHA, 2015).” 1210 (HRA Proj. #2 at 2)</p> <p>As with the HRA discussed above, the HRA related to Project #2 contains some odd, unsupported assumptions. For example, as to the Childstone Children’s Center, which is identified in the HRA as containing sensitive receptors, the report notes that, “For student receptors at the Cornerstone Children’s Center, which is a year-round school for infants, toddlers, and preschool-aged children, an EF of 0.68 is used to represent 250 days per year for students (OEHHA, 2004).” (HRA Proj. 2 at 4)The report also notes that the length of construction is expected to be 333 workdays. Id. Given the Cornerstone Children’s Center year-round operation and days that would coincide with all 333 workdays for the project, the assumption of exposure only occurring on 250 days seems</p>	<p>are based on noise level standards promulgated by the City of Berkeley (for sensitive receptors in Berkeley), which specifies noise levels standards by receiving land use type not by the age of inhabitants. Occupational Safety and Health Administration (OSHA) regulations are specific to work environments (i.e., the construction workers themselves). The City of Berkeley standards are considerably more stringent than OSHA occupational noise and safety standards.</p> <p>Please see Response B10-6. Although not specifically mentioned in the Draft EIR or HRA, the receptor grid used in the construction HRAs and the LRDP Update HRA include UC Berkeley Early Childhood Education (ECE) facility locations. (UC Berkeley, 2021. Early Childhood Education Program, accessed on May 11, 2021 at https://ece.berkeley.edu/locations-hours/.) UC Berkeley confirmed there are no childcare facilities on the Campus Park.</p> <p>Regarding the Construction Health Risk Assessment for Housing Project #2, please see Response B10-6, which describes revisions to the Draft EIR to specifically include the Dwight Way Child Development Center (CDC) at 2427 Dwight Way. As described in Response B10-6, the health risks to the maximum exposed sensitive receptor at the Dwight Way CDC would be less than significant.</p> <p>The commenters asserts that the HRA for Housing Project #2 used incorrect exposure frequencies (EF) and age sensitivity factors when determining the incremental cancer risks to nearby day cares. As shown in Appendix C3, an age sensitivity factor of 10 was correctly applied to day care students at both Cornerstone Children’s Center and Dwight Way CDC. The exposure frequency of 250 days per year for day care students is from the 2015 OEHHA HRA Guidance for schools and places of work. Additionally, per the OEHHA guidance, the health risks from the short-term construction of Housing Projects #1 and #2 were determined using the projected construction durations as nearby residences and other receptors would only be exposed to</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>unfounded and erroneous, particularly given the young age of the children.</p> <p>Notably, Placeline found that the cancer risk posed for the MEIR created by Project 2 construction- related emissions on the vulnerable population (pregnant women and infants up to age 2) “was calculated to be 12.3 in a million, which would exceed the 10 in a million significance threshold.” Id. 7. Although the Childstone Children’s Center serves infants (as does UCB’s nearby CDC), Placeline inexplicably did not apply the required multiplier of 10, and consequently concluded that the sensitive receptors at the Childstone Children did exceed the 10 per million threshold. Id. That conclusion was unsupported and is unsupportable. As a consequence, the HRA’s evaluation of mitigation measures was incomplete and insufficient.</p> <p>Likewise, the HRAs do not consider or address the health impacts of noise generated by the contemplated construction including the deep pile driving necessary for both projects. As noted, OSHA has established exposure standards that could serve as a benchmark for such an assessment and certainly there are other easily accessible resources that could be used to aid this important evaluation.</p>	<p>construction emissions during construction hours. The construction schedule for Housing Project #2 is provided in Draft EIR Table 5.2-9, Construction Activities, Phasing and Equipment: Housing Project #2, which provides the schedule for Housing Project #2 that spans from April 2023 to October 2024, totaling 333 workdays between 2023 and 2024. Therefore, the health risks were calculated correctly and the construction HRAs for Housing Projects #1 and #2 sufficiently evaluated health risks to nearby off-site residents and sensitive receptors.</p> <p>Please see Response B10-257 in regard to construction noise.</p>
B10-259	<p>4.35 Public Safety Implications of Proposed Projects: Impeded Evacuation Routes</p> <p>The Lead Agency is tasked with ensuring the health and welfare of all of the students, faculty and staff at UCB. Among other things, they are required to ensure safe evacuation in event of a fire or other natural disaster. Although the DEIR’s wildfire assessment concluded that, once completed, the projects would not impede the safe flow of traffic such that evacuation routes would be impeded, it did note that during the construction phase of the projects, the evacuation routes would be partially blocked and thus safe evacuations could be compromised.</p>	<p>At this time, the timing for construction of the various projects under the LRDP Update are not known. It is possible that two or more construction projects may overlap. The Draft EIR includes CBPs TRAN-5 and TRAN-6, which require each major construction project to prepare a Construction Traffic Management Plan, which would include coordination with other on-going construction projects to ensure adequate access and circulation for all travel modes. Please also see Response A3-41 regarding evacuation.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Given the scope and duration of the Projects and the other construction projects not considered in the DEIR, building will be going on in the City of Berkeley for a very long time. For example, it appears that within a four block stretch of Oxford, multiple large construction projects may be going on at once or at least successively – construction of the Helen Diller Anchor House, of housing on the Oxford Tract property, a parking structure under the crescent at University and Oxford, and the demolition and construction at Edwards Stadium.</p>	
	<p>The final EIR should address the complications and dangers posed by having successive (or simultaneous) projects such as these to evacuation and other emergency planning.</p>	
B10-260	<p>4.36 Public Safety: heightened wildfire risk</p> <p>The DEIR discussion of the impact of the Projects on the wildfire risk makes this chilling statement:</p> <p>As discussed in Chapter 5, Environmental Analysis, of this Draft EIR, the cumulative setting includes growth within the EIR Study Area in combination with development in the rest of the cities of Berkeley and Oakland that are within or near lands in the SRA or in a Very High FHSZ... [T] he proposed LRDP Update would result in significant and unavoidable impacts where it would potentially expose project occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire due to slope, prevailing winds, or other factors; require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks including downslope landslides as a result of postfire slope instability, as described under impact discussions WF-2, WF-3, and</p>	<p>Chapter 5.18, Wildfire, of the Draft EIR describes the potentially significant impacts from the proposed project pertaining to wildfire, as well as any required mitigation measures. The Draft EIR includes Mitigation Measures WF-2a, WF-2b, WF-3, WF-4, and WF-5 to address significant impacts. The commenter does not state what specific information should be added to this discussion. In addition, the frequency, cause, and scale of potential future wildfires are speculative, therefore it is not feasible to quantify impacts to air quality and GHG emissions that future wildfires would have, particularly as a result of the proposed project.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>WF-4, respectively. These impacts are associated with potential future development and infrastructure projects in the Hill Campus East.</p> <p>More information and discussion should be provided in the final EIR about this heightened wildfire risk. The final EIR should also examine the impact of this heightened danger on air quality and GHG emissions.</p>	
B10-261	<p>4.37 Public Safety: Fire Department Ladders</p> <p>The DEIR’s discussion about Wildfire Impacts includes a short assessment of available fire- fighting resources. The DEIR does not discuss whether existing resources will be sufficient in light of the projects. The final EIR should address this.</p> <p>Among other things, one of the buildings on Project 2 exceeds the height of the tallest Berkeley Fire Department Ladder. Rather than abide by UCB’s historic (and written) practice of honoring the City’s building height restriction or follow the Berkeley Physical Design Framework, UCB planners have ventured into uncharted territory and not examined the consequences to life and health posed by their “bold” construction plans. Nothing in the information provided in the DEIR, its exhibits, or the few pages of documents provided to BAHA in response to its requests for records suggests that anyone (much less UCB design professionals) informed the Lead Agency that the proposed height of Project 2 could pose a hazard to student residents or that it far exceeded City building height requirements and exceeded the tallest fire truck servicing the area. Neither UCB nor the Lead Agency have prepared or proposed any sum to be paid to the city to mitigate this danger (i.e., pay for a new ladder truck). CA Pub Ed Code Sec. 67504. UCB planners should bring this matter to the attention of the Lead Agency. The final EIR should propose appropriate mitigation measures.</p>	<p>As described on page 5.13-17 of the Draft EIR, “the BFD indicated that projected population growth and development proposed by UC Berkeley over the buildout horizon of the proposed LRDP Update would require significant additional resources and facilities in order for the BFD to adequately respond to calls for service.” The impact discussion for Housing Project #2 on page 5.13-19 of the Draft EIR also states that while “the proposed building height, which would be up to 17 stories and taller than most buildings in the surrounding area, could require more firefighters to respond in the event of a high-rise fire, which would also increase demands on the BFD... the BFD would expand to meet the needs of the growing community and UC Berkeley population with or without the proposed project, and if and when the City of Berkeley decides to construct a new facility to accommodate additional resources, UC Berkeley would negotiate its proportional share of funding for the mitigation of any environmental impacts resulting from the construction of the facility.”</p> <p>As explained on page 5-5 of the Draft EIR, UC Berkeley is constitutionally exempt from local land use policies whenever using property under its control in furtherance of its educational purposes. As such, potential future development that implements the proposed LRDP Update, including Housing Projects #1 and #2, is not subject to local policies and regulations. Housing Project #2 is not required to be built according to the City of Berkeley height requirements. Housing Project #2 would still be required to be built according to the California Building Code and California Fire Code, which would ensure that necessary fire protection resources, such as adequate emergency</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
		evacuation routes, sprinklers, alarms, etc., would be included in the building design. Because of these requirements, the project design would not pose a hazard to residents.
B10-262	<p>4.38 Public Safety: Adequacy of Healthcare Resources and Facilities</p> <p>One thing that the recent pandemic has taught us is the value of having sufficient hospital beds to service a population in a crisis. The DEIR fails to examine the potential impact of the population increase on the availability of healthcare resources on the adjacent health systems. Given that the nearby Alta Bates Medical Center currently operates the only Emergency Room (ER) in the City and that ER is slated to close in the near future, consideration should be paid to the impact increasing the City population by as many new residents and workers on the availability of acute healthcare services. [footnote 227]</p> <p><i>Footnote 227: It is reasonable to assume that UCB maintains statistics on the number of its students admitted to an ER on an annual basis.</i></p>	<p>The Draft EIR analyzes public services according to the CEQA Guidelines; public services analyzed include fire protection, police, schools, libraries, and parks. Availability of healthcare resources is not typically analyzed separately; however, fire protection services often include emergency medical staff, and the impacts regarding fire protection services are included in Chapter 4.14, Public Services, Parks, and Recreation, of the Draft EIR.</p>
B10-263	<p>4.39 Public Safety: Crime</p> <p>Relying on recent crime statistics from the UCB campus police and the City of Berkeley Police department, the final EIR should discuss the impact on crime that will be posed by the projects particularly the increased UCB population and increased studentification of Berkeley neighborhoods (i.e., whether crime is expected to increase, what crimes are most prevalent et cetera).</p>	<p>The Draft EIR analyzes the potential for the proposed project to result in significant environmental impacts in accordance with the CEQA Guidelines. While crime is a concern for communities, it is not a topic that requires analysis under CEQA.</p>
B10-264	<p>4.40 DEIR's Transportation Discussion is Unrealistic</p> <p>The DEIR misses the boat entirely on traffic and transportation. The DEIR's discussion to the effect that a dramatic increase in UCB population will not yield more traffic and congestion and strain already strained public transportation systems is unrealistic. It is based on the presumption that individuals in the future will not act as selfishly and</p>	<p>Please see Response B10-245 regarding the Draft EIRs assumptions for changes in parking supply.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>expediently as they do today. The DEIR presumes that because there will be fewer parking places on campus property, fewer UCB students, staff and faculty will drive to work. While that is nice in theory, it is not how things work in the real world. If the Lead Agency wants us to accept this myth, then they should provide studies that show that reduction in parking spaces in an urban area where people commute long distances from areas not covered by public transportation is effective at reducing traffic.</p>	
B10-265	<p>4.41 Bike Safety is a big concern</p> <p>The DEIR notes under “Areas of Controversy,” that Pedestrian and bicycle safety, and impacts from motorized and nonmotorized vehicle interface will be areas of controversy. While BAHA thinks that increase traffic will be of greater controversy, the DEIR should also discuss the impact the increased population will have on bike safety.</p>	<p>The Draft EIR does not address the impacts of potential traffic increase due to additional population resulting in increased conflicts between vehicles and bicycles because increased population does not constitute a safety hazard based on the significance criteria outlined on page 5.15-40 of the Draft EIR. The applicable significance criterion, which is consistent with Appendix G of the CEQA Guidelines and further described on pages 5.15-46 and 5.15-47, is based on geometric design elements or incompatible uses that could cause new or exacerbate existing safety hazards. Since population and/or traffic increases would not include geometric design elements or incompatible uses that could cause new or exacerbate existing safety hazards, the Draft EIR is not required to discuss the impact of increased population on bicycle safety.</p>
B10-266	<p>4.42 Proposed Demolition of Structures on Minor Hall Site Must Be Carefully Studied for Potential Radioactive Waste</p> <p>UCB has long been a known producer of toxic and hazardous waste and has its share of contaminated areas within its environs. As the DEIR acknowledges:</p> <p>Due to the age of the UC Berkeley campus, LBP, ACMs, polychlorinated biphenyls (PCBs), and mercury are present in many buildings. In addition, in buildings currently or formerly used as laboratories, building materials, such as floor and wall surfaces, sink traps, and drain piping, can be contaminated by spills, aerosol releases, or drain disposal of radioactive or chemical hazardous materials. The use of radioactive material in UC</p>	<p>Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation. This EIR does not include project-specific details for any future projects other than Housing Project #1 and Housing Project #2. All future projects would be subject to individual project review and approval processes.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Berkeley buildings for many decades has created the potential for radioactive material contamination in certain UC Berkeley buildings due to legacy use. PCBs may also be present in fluorescent light ballasts and some building materials. If proper procedures are not followed, workers can be exposed through inhalation or ingestion of lead dust, asbestos particles, PCBs, mercury vapor, or other contaminants when building materials are disturbed or made friable by drilling, sanding, or other destructive processes. Such activities could also release contaminants into the natural environment.</p>	
	<p>After reviewing the DEIR, BAHA’s primary concern regarding hazardous waste concerns the possibility that radioactive waste materials could be uncovered during the extensive redevelopment program proposed by the draft LRDP. In the 1930s Lawrence was recruited to UCB, he initially occupied space in LeConte Hall. He then moved his research lab to an adjacent building that was renamed the Radiation Laboratory and later the “old” Rad Lab. In addition to the “old” Rad Lab, the Physics Department also used the Emergency Classroom Building (now Minor Hall), which was also the site of secret atomic research during World War II. That building was re-purposed after the war for the School of Optometry.</p>	
	<p>Portions of the existing Minor Hall Building have been designated for “redevelopment” a/k/a demolition. This plan would seem consistent with press reports that UCB plans to move the school of Optometry to a site in Emeryville. If indeed that is the plan under development, further study will need to take place to determine what ,if any, radioactive or otherwise hazardous materials remain at (and under) Minor Hall.</p>	
	<p>Radioactive waste produced by radiation experiments at UCB had negative health impacts on some of the people who worked on them. It does not appear, based on the discussions in the DEIR, that UCB knows where waste from Minor Hall was discarded. The final EIR should discuss</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B10-267	<p>the Lead Agency’s specific plans for Minor Hall and its overall approach to its future assessment of risks posed by performing demolition and construction on that site.</p> <p>4.43 Construction at Other Sites Also a Radiation Concern In addition to demolition at Minor Hall, the DEIR notes that the draft LRDP also proposes renovation to take place at Etcheverry Hall.</p> <p>Between 1966 and 1987, Etcheverry Hall housed the Berkeley Research Reactor, which was an active research nuclear reactor. [footnote 228] On 16 September 1985, a fuel cladding failure resulted in “unusually high concentrations of radioisotopes [...] in the reactor-room air” following the restart of the reactor after a long maintenance shutdown.[footnote 229] After the passing of the Nuclear Free Berkeley Act in 1986 by the city of Berkeley[9] which allows the city to levy fines for nuclear weapons- related activity and to boycott companies involved in the United States nuclear infrastructure. A university physics professor, Charles Shwartz, raised an official charge against the university, questioning whether specific research conducted on the reactor violated the university rules against classified nuclear research as it was done test effects of radiation on components of the Trident II missile. The research in question were titled “Radiation effect on electronic components” and “electric components testing” and were being done for a group of military contractors such as TRW, Hughes Aircraft, Lockheed and more.[footnote 230]</p> <p><i>Footnote 228: UC Berkeley College of Engineering. “Engineering buildings give up their secrets”. Archived from the original on 15 July 2010. Retrieved 27 July 2014.</i></p> <p><i>Footnote 229: Fleming, Julianna (12 June 2017). “V&A Café brings dining and collaboration to Etcheverry”. Berkeley Engineering. Retrieved 30 March 2018.</i></p> <p><i>Footnote 230: “Etcheverry Hall Renovation” (PDF). University of California, Office of the President. 2013. Retrieved 30 March 2018</i></p>	Please see Response B10-266.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>It is unclear what renovation work the draft LRDP “Update” contemplates occurring at Etcheverry Hall. A 2014 University President document shows that various mechanical upgrades were being made to the building with gift funds of over \$27 Million.[footnote 231] A 2016 report indicated that various upgrades were being made at the site including addition of a café and graduate student eating area.[footnote 232]</p> <p><i>Footnote 231: https://www.ucop.edu/capital-planning/_files/capital/201323/bk-etcheverry-hall-renovation.pdf</i> <i>Footnote 232: https://ieor.berkeley.edu/etcheverry-renovations-update/</i></p> <p>Given that money is apparently already available for this Etcheverry work, the final EIR should address the nature and scope of that work, and the approach to assessing the potential risk of human health hazards in connection with it.</p>	
B10-268	<p>4.44 Final EIR Should Address Potential For Increase In Move-Out Debris</p> <p>UCB is well aware that at the end of the school year, as they are vacating their dorms, apartments, and co-ops, UCB students leave quite a bit of debris on city curbs for the City of Berkeley garbage trucks to pick up. (BAHA is happy to provide evidence of this well-established historic fact, if the Lead Agency challenges it.) The final EIR should discuss this phenomenon, the types of solid waste that accumulates in this way annual and estimate how much it will increase with the increased enrollment proposed by the draft LRDP. Mitigation measures, particularly as to discarded mattresses and furniture, should be recommended.</p>	<p>The Draft EIR analyzes the potential for the proposed project to result in significant environmental impacts in accordance with the CEQA Guidelines. While solid waste is an issue that is addressed in Chapter 5.17, Utilities and Service Systems, of the Draft EIR, specific solid waste pertaining to debris left on curbs by individuals and its relation to the UC Berkeley population is speculative. In addition, it is not related to whether the proposed project would result in the generation of solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, impairment of solid waste reduction goals, or compliance with relevant regulations related to solid waste, as discussed in Chapter 5.17, Utilities and Service Systems.</p>
B10-269	<p>4.45 Lead Agency Needs to Show Evidence of Plan to Comply with CA Pub Ed Code 67504</p>	<p>Consistent with CEQA requirements, the Draft EIR evaluates the potential physical effects on the environment associated with development to accommodate potential population growth and</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Pursuant to CA Pub Ed Code Sec. 67504 [footnote 233], the Lead Agency is required to conduct an assessment of costs associated with increased enrollment and development as to their impact on the relevant host municipality (here, Berkeley) and then propose, pay and report fair share payments. Neither the DEIR nor the LRDP provides any assessment of the fiscal impacts on the City of Berkeley. Further, the Lead Agency has not provided a proposed fair share payment to be made to the City or assigned any valuation to the Projects' impact on the City. That failure should be addressed and corrected by the Lead Agency.</p>	<p>physical infrastructure that may be needed to support future population levels at UC Berkeley. The evaluation in the Draft EIR includes an analysis of potential impacts to the City of Berkeley's physical environment and public services. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>
	<p><i>Footnote 233: (a)(1) The Legislature finds and declares that based on academic goals and projected enrollment levels, each University of California campus and medical center periodically develops a Long Range Development Plan (LRDP) that guides its physical development, including land use designations, the location of buildings, and infrastructure systems, for an established time horizon.</i></p> <p><i>(2) In order to ensure greater legislative oversight over the process used by the University of California to prepare and implement each plan, including the accompanying Environmental Impact Report (EIR), at the time draft LRDPs and draft LRDP EIRs are submitted for public review, the university is requested to provide the Legislature with summaries of the draft LRDPs and LRDP EIRs to the Joint Legislative Budget Committee. The summaries shall also be available on the university Internet Web site.</i></p> <p><i>(b)(1) The Legislature further finds and declares that the expansion of campus enrollment and facilities may negatively affect the surrounding environment. Consistent with the requirements of the California Environmental Quality Act (CEQA), it is the intent of the Legislature that the University of California sufficiently mitigate significant off-campus impacts related to campus growth and development.</i></p> <p><i>(2) On or before March 1 of each year from 2010 to 2012, inclusive, the University of California is requested to report for each campus on the</i></p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	<i>status of implementation, including the implementation dates where applicable, of mitigation measures for significant off-campus impacts identified consistent with the requirements of CEQA, including those that require fair share payments to local agencies. The report shall identify the status of fair share mitigation agreements with and payments to local agencies for mitigation of off-campus impacts that are required in certified EIRs. The report should also list any monetary or equivalent in-kind payments to local agencies made by the campuses for the mitigation of off-campus impacts that do not involve fair share language in CEQA documents and that have been implemented under other arrangements. For those significant off-campus impacts that have been triggered but have not been sufficiently mitigated, the university shall report on the additional steps that are being taken to reach a resolution.</i>	
B10-270	<p>4.46 BAHA’s Comments on Proposed Changes to Best Practices Policy and Procedure</p> <p>The Lead Agency should discuss the context for the proposed revisions to UCB’s “Continuing Best Practices,” (CBP) and in particular which UCB entity is empowered to revise the CBP. If the proposed CBP have not yet been adopted, the Lead Agency should explain the time frame and process for doing so.</p>	As described in Chapter 3, Project Description, of the Draft EIR, the CBPs are part of the LRDP, and therefore follow the same approval timeline. Please see pages 3-23 and 3-24 of the Draft EIR.
B10-271	<p>BAHA’S REMAINING QUESTIONS</p> <p>In conjunction with issuing its final EIR, BAHA respectfully requests that the Lead Agency answer the following questions (Note: UCB as referred to herein includes all properties and sites owned or leased by UCB or a UC entity for the use of UCB students or to which UCB students, faculty, staff or researchers have access by virtue of an agreement between the property owner or operator and the Lead Agency or one of its constituent parts such as UCB; the terms “You” and “Your” are defined as noted above):</p>	The comment serves as an introduction to the comments that follow. Please see Responses B10-272 through B10-282.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
B10-272	Question 5.1: What do You estimate the costs to the City of Berkeley to be from the Projects?	Please see Response B10-85.
B10-273	Question 5.2: Will UCB's acquisition of the Walnut Apartments deprive the City of Berkeley of revenue in anyway? If so, what is the anticipated loss over the period covered by the draft LRDP?	Please see Response B10-85.
B10-274	Question 5.3: How much of the total square footage of the proposed construction (including, newly constructed buildings, redeveloped properties, and renovated structures) will be accessible to the public?	Please see Response B10-85.
B10-275	Question 5.4: How much of the total square footage of the proposed construction (including, newly constructed buildings, redeveloped properties, and renovated structures) will have limited or restricted access?	Please see Response B10-85.
B10-276	Question 5.5: Will the Projects result in the loss of open space? If so, how much.	As described on page 5.14-8 in Chapter 5.14, Parks and Recreation, of the Draft EIR, the proposed LRDP Update would result in approximately one additional acre of open space and three additional acres of formal athletic and recreational space.
B10-277	Question 5.6: Please identify the amounts that UCB has paid the City of Berkeley over the past 24 months pursuant to written agreements or statute to reimburse the City for costs associated with burdens UCB imposes on the City, including City Services. Please provide a detailed line-item or category breakdown by year for the basis of the payments including the population or enrollment figures used to calculate such payment(s).	Please see Response B10-85.
B10-278	Question 5.7: Please identify the amounts (by year) that UCB expects to pay the City of Berkeley pursuant to written agreements or statute to reimburse the City for costs associated with burdens UCB imposes on the City, including City Services for each year covered by the draft LRDP. Please provide a detailed line-item or category breakdown by year for the basis of the payments including the population or enrollment figures used to calculate such payment(s).	Please see Response B10-85.
B10-279	Question 5.8: How many draft LRDPs, EIRs, and DEIRs are there presently relating to UCB (i.e., concerning UCB property, sites where	Please see Response B10-85. Also, please see the following website that contains current UC Berkeley campus planning documents:

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	UCB faculty, staff or students will work, study or be housed)? Please provide a detailed list.	https://capitalstrategies.berkeley.edu/campus-planning/planning-documents
B10-280	Question 5.9: Please identify how many of the current population of regular contract workers commute to UCB other than by foot. Please provide detailed data including source and date of data, location, transportation modes, and estimated distances.	The comment requests the number of regular employees who commute by various travel modes. Table 5.15-4 on page 5.15-19 of the Draft EIR presents the mode share for the various population groups based on the UC Berkeley 2019 Transportation Survey.
B10-281	Question 5:10: How many UCB associated individuals (including all students regardless of enrollment status, faculty, UCB employed staff, UCB contract staff) presently commute distances of over 2 miles on a regular basis use GHG emitting vehicles (including a shared van, personal non-electric vehicles, campus provided buses or shuttles, and private ride services such as taxis, Uber or Lyft)? Please provide the source of the data used and the basis of the conclusions/estimates.	The comment requests the number of various population groups who currently commute over two miles and use GHG-emitting vehicles (i.e., internal combustion engines). Although the specific data requested by the commenter is not available, Appendix M, Transportation Data, of the Draft EIR (see pages 3 and 4) present the estimated travel mode shares and trip lengths for the various population groups. As described on page 5.15-45 of Chapter 5.14, Transportation, of the Draft EIR, the mode share data is based on the UC Berkeley 2019 Transportation Survey, and the trip length data is based on UC Berkeley’s anonymized home residence database. In addition, the VMT estimates include all passenger vehicles including electric vehicles and GHG-emitting vehicles.
B10-282	Question 5:11: Please provide answers to the same questions posed in the prior question as to the projected UCB population (all associated individuals as defined above) if the population is increased as much as projected in the draft LRDP Update?	Please see Response B10-85.
B10-283	CONCLUSION As noted previously, BAHA has prepared these comments under unusual and difficult circumstances without access to important materials or the ability to secure expert opinions in the short time allocated and in light of COVID-19 Pandemic Restrictions. These challenges include, unfortunately, UCB’s refusal to respond to legitimate document requests or otherwise make their materials (including archived materials) available for review, and the Lead Agency’s refusal to agree to our request for a short extension within which to respond to the DEIR.	The comment serves as a conclusion for the comments above. Please see Responses B10-1 through B10-282.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	For the aforementioned reasons, the Lead Agency must redraft the DEIR and re-circulate it for public comment. Thank you for considering our submission.	
Letter B10 Attachment 1	BAHA - First appendix. See Chapter 4 for list of content.	The attachment provides a series of documents related to UC activities and/or UC Berkeley sites. This appendix was attached to BAHA's initial comment letter submitted on April 21, 2021. A list of the contents is provided in Chapter 4 of this Final EIR. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B10 Attachment 2	BAHA - Second appendix submittal. See Chapter 4 for list of content.	The attachment provides a series of documents related to UC activities and/or UC Berkeley sites. This appendix was attached to BAHA's reformatted letter submitted on April 29, 2021. A list of the contents is provided in Chapter 4 of this Final EIR. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B10 Attachment 3	BAHA - Initial letter submittal.	The attachment provides a copy of the initial letter submitted by BAHA submitted on April 21, 2021. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B10 Attachment 4	BAHA - Final letter submittal.	The attachment provides a copy of the third letter submitted by BAHA on April 29, 2021, citing reformatting. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter B10 Attachment 5	BAHA - Emails	The attachment provides correspondence between BAHA and UC Berkeley regarding multiple letter submittals, and clarifies that the content of the original letter has not changed through two resubmittals. The attachment is acknowledged for the record and will

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
		be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
B11	Leila Moncharsh, Berkeley Architectural Heritage Association, April 21, 2021	
B11-1	Please find attached my comment letter for the LRDP - Projects 1 and 2. Please confirm receipt.	The comment serves as an opening remark. No response is required.
B11-2	<p>I am a Berkeley property owner, a land use attorney, and a board member of the Berkeley Architectural Heritage Association (BAHA). I am a member of the public interested in the proposed LRDP and accompanying Draft Environmental Impact Report (DEIR). Months ago, I requested various documents from UCB under the California Public Records Act. Other than a couple of minor documents, UCB failed to comply with its legal duty to produce the rest of the documents, which were relevant to the LRDP and the DEIR. UCB also refused my request for a 60-day extension of the comment period. It even refused the City of Berkeley’s request for a minimal 15-day extension. It should have granted additional time for the public to digest and comment on the DEIR given the amount of material in the DEIR and draft LRDP and due to the pandemic. Just obtaining experts to assist with commenting on the DEIR has been very difficult with the constraints related to the pandemic.</p> <p>Given UCB’s unreasonable denial of additional time to comment and its failure to comply with my public records request, I reserve the right to continue commenting on the DEIR and will expect that the FEIR will include my comments, those of my experts, and the EIR preparer’s responses to those documents. To the extent that the FEIR does not include these items, I reserve the right to argue to the court that the FEIR is legally inadequate.</p>	The comment serves as an introduction to the comments that follow. Please see Responses B11-3 through B11-9.
B11-3	<p>My preliminary comments follow:</p> <p>A. Inadequate Project Descriptions – Missing Baseline Information</p>	With respect to the baseline for solid waste, the standard of significance for measuring an impact is not based on increasing solid waste from existing conditions, but rather, as stated in Chapter 5.17,

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Throughout the DEIR, there is a complete absence of information that would provide a baseline for understanding the proposed LRDP's potential environmental impacts. BAHA references those areas of the DEIR where the baseline is missing. For example, there is missing data for the current amount of solid waste accumulated by UCB. (Ltrr [footnote 1], sec. 1.2.12.) The enrollment numbers leave out data regarding the number of part-time students, part-time faculty and part-time employees, instead providing a sort of catch all without a factual basis. (Ltrr., sec. 1.2.3., 1.2.12.) Throughout its comment letter, BAHA provides other examples of where data indicating current conditions are completely missing or obviously incomplete. The DEIR's failure to provide adequate baseline information violates CEQA's informational requirements:</p> <p>Establishing a baseline at the beginning of the CEQA process is a fundamental requirement so that changes brought about by a project can be seen in context and significant effects can be accurately identified. (<i>Save Our Peninsula, supra</i>, 87 Cal.App.4th at p. 125, 104 Cal.Rptr.2d 326 ["baseline determination is the first rather than the last step in the environmental review process"].) When an EIR omits relevant baseline environmental information, the agency cannot make an informed assessment of the project's impacts. (<i>County of Amador v. El Dorado County Water Agency</i> (1999) 76 Cal.App.4th 931, 952, 91 Cal.Rptr.2d 66.) Due to these errors, the EIR failed its informational purpose under CEQA. (<i>Communities for a Better Environment v. City of Richmond</i> (2010) 184 Cal.App.4th 70, 89; full cite for <i>Save Our Peninsula</i> case: <i>Save our Peninsula Committee v. Monterey County Board of Supervisors</i> (2001) 87 Cal.App.4th 99.)</p> <p>The DEIR must be redrafted to include the data demonstrating the current conditions of UCB, including the exact enrollment and employee</p>	<p>Utilities and Service Systems, in Section 5.17.4.2, Standards of Significance, on page 5-17-58, are:</p> <ol style="list-style-type: none"> 1. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. 2. Not comply with federal, State, and local management and reduction statutes and regulations related to solid waste. 3. In combination with past, present, and reasonably foreseeable projects, result in a cumulative impact. <p>Therefore, the current amount of solid waste generated by UC Berkeley is not germane to this impact discussion.</p> <p>With respect to the status of students that attend UC Berkeley and faculty that teach at UC Berkeley, please see Master Response 8, Population Projections.</p> <p>With respect to recirculation, please see Response A3-5.</p> <p>Further, the commenter is directed to Chapter 5, Environmental Analysis, of the Draft EIR, on pages 5-4 to 5-5 for a description of the baseline used in the Draft EIR, and Master Response 3, COVID-19.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>numbers so that the decision-makers can understand the impacts of the proposed LRDP. It must then be recirculated for public comment.</p>	
	<p><i>Footnote: "Ltr." references the comment letter from BAHA, dated April 20, 2021.</i></p>	
B11-4	<p>B. Land Use and Planning</p> <p>In BAHA’s letter, it states: BAHA “observes that UCB planners and other administrative staff appear to have failed to bring to the attention of the UC Regents – at least in the publicly available pre-meeting materials – the degree to which the proposed draft LRDP, Project 1 and Project 2 (a) deviate from the UC’s operative planning documents including the New Century Plan, the Master Landscape Plan, the Historic Landscape Plan, the Design Review and existing best practices document; and (b) repudiate years of joint planning with the City of Berkeley and written and tacit agreements with the City of Berkeley.” (Ltr., “Comments and Questions.”)</p> <p>In the DEIR, the preparer mentioned some of the plans that UC allegedly follows, but did not include in its analysis all of above listed plans, some of which are designed to avoid environmental impacts. The DEIR should have considered and analyzed the compatibility between the project and UC’s own controlling plans. Failure to do so violated CEQA. The CEQA Checklist includes this question: “X. LAND USE AND PLANNING. Would the project: b) Conflict with any 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?”</p> <p>BAHA wrote: “Over the years, previous UCB administrations and iterations of the Lead</p>	<p>Please see Master Response 13, Consistency with other Policy Documents.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Agency put in place policies and guidances designed to preserve and protect these unique resources. These include the Berkeley Physical Design Framework [footnote 2], New Century Plan [footnote 3], UCB Landscape Heritage Plan [footnote 4], UCB’s Master Landscape Plan [footnote 5] and the [design plan and best practices]. These policies and protections, which are still in effect, are in addition to applicable federal and state laws and regulations that protect the environment and historic and cultural resources. [footnote 6] Notably, as part of its federal contracts, UCB must certify its compliance with, among other things, the National Historic Preservation Act of 1966, as amended (16 USC 470), E.O. 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 USC Sec. 469a-1 et seq.)” (Ltr., sec. B Natural Historic.)</p>	
	<p><i>Footnote 2: https://www.ucop.edu/design-services/_files/phdf/bk.pdf</i></p>	
	<p><i>Footnote 3:</i></p>	
	<p><i>https://capitalstrategies.berkeley.edu/sites/default/files/pep_cpd_ncp.pdf</i></p>	
	<p><i>Footnote 4:</i></p>	
	<p><i>https://capitalstrategies.berkeley.edu/sites/default/files/landscape-heritage-plan-ucberkeley.pdf</i></p>	
	<p><i>Footnote 5: https://capitalstrategies.berkeley.edu/sites/default/files/2004_-_landscape_master_plan.pdf</i></p>	
	<p><i>Footnote 6: Failure to adhere to these policies and guidances in creating new planned development, particularly where that failure is unexplained, is (in BAHA’s view) per se unreasonable.</i></p>	
	<p>The lead agency has failed to demonstrate that the proposed project is consistent with all of these plans that the UC Regents put in place. Specifically, the plans that address preserving cultural and historic resources are at odds with the proposed project, which would have the Regents approving demolition or damage to several of Berkeley’s landmarked resources. (<i>Concerned Citizens of Calaveras County v. Board of Supervisors</i> (1985) 166 Cal.App.3d 90 [inconsistency and internal</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>conflict between circulation element and land use element of a general plan – should have been addressed in EIR] See also, <i>Napa Citizens for Honest Government v. Napa County Bd. of Supervisors</i> (2001) 191 Cal.App.4th 342, 379-380.)</p> <p>Some of UC’s plans are intended to preserve historic resources while the proposed LRDP clearly states that it intends to demolish or damage them. That conflict needs to be discussed and analyzed in the DEIR. It should be revised to include this issue and then recirculated for public comment.</p>	
B11-5	<p>C. Cumulative Impacts</p> <p>At the end of the DEIR, section 5.4 (cultural resources), it contains this information:</p> <p>Housing Projects #1 and #2</p> <p>The cumulative setting for Housing Projects #1 and #2 is buildout under the proposed LRDP Update. These impacts are incorporated into the cumulative impact analysis of the proposed LRDP Update. Housing Projects #1 and #2 would require implementation of a project-specific mitigation measures described in impact discussions CUL-1.1, CUL-1.2, and CUL-1.3 to reduce compatibility impacts with the historic resources, but this impact would remain significant and unavoidable.</p> <p>Impact: Same as Impact CUL-4.</p> <p>Mitigation Measure: Same as Mitigation Measure CUL-4.</p> <p>Significance with Mitigation: Significant and unavoidable.</p> <p>The statement makes no sense. To the extent that the DEIR is trying to incorporate some other EIR into this EIR, it is not only illegal but also confusing and misleading. The facts are that UCB has drafted or is in the process of drafting a number of EIRs impacting Berkeley cultural resources, specifically one for the Clark Kerr campus, one for upper</p>	<p>The commenter incorrectly asserts that the Draft EIR for the proposed project relies on or incorporates other EIRs. The Draft EIR presents a programmatic evaluation of potential impacts from implementation of its long-range planning document. The two housing projects are part of the proposed LRDP buildout projections and their evaluation in the Draft EIR is presented at a project level. Please see Master Response 3, Programmatic Analysis, and Response A3-38 with respect to cumulative analysis.</p> <p>With respect to the cumulative setting, as described in Chapter 5, Environmental Analysis, the separate projects identified by the commenter (Upper Hearst and Beach Volleyball) are listed in Table 5-3, Pending UC Berkeley Projects, along with the other past, present, and reasonably anticipated future projects producing related or cumulative impacts. For a complete description of the cumulative setting, the commenter is directed to please see pages 5-9 through 5-15 in Chapter 5, Environmental Analysis, of the Draft EIR.</p> <p>The commenter incorrectly states that the significant and unavoidable conclusion in Chapter 5.4, Cultural Resources, is absent of any details, analysis, or facts. On the contrary, as stated on page 5.4-37, Housing Project #1 would be required to comply with Mitigation Measure CUL-</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Hearst, and now this one. By separating out all of these EIRS and trying to incorporate one or another into this EIR, UCB has violated CEQA in two regards: 1) by peacemealing [sic] its environmental planning documents and 2) by failing to provide in this LRDP EIR, and not somewhere else, an analysis of cumulative impacts related to all of its planned projects that may impact cultural resources. Its statement at the end that cumulative impacts will be “significant and unavoidable” is without any details, analysis, or even facts. (See Ltr., sec. 2.2.1, 2.2.6, 4.1.6 for more examples of cumulative impacts that have not been discussed in the DEIR.)</p> <p>“There is no dispute that CEQA forbids ‘piecemeal’ review of the significant environmental impacts of a project.” (<i>Berkeley Jets, supra</i>, 91 Cal.App.4th at p. 1358, 111 Cal.Rptr.2d 598.) Rather, CEQA mandates “that environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.” (<i>Bozung v. Local Agency Formation Com.</i> (1975) 13 Cal.3d 263, 283–284, 118 Cal.Rptr. 249, 529 P.2d 1017.) Thus, the Guidelines define “project” broadly as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment....” (Guidelines, § 15378, subd. (a).) The question of which acts constitute the “whole of an action” for purposes of CEQA is one of law, which we review de novo based on the undisputed facts in the record. (<i>Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonoma</i> (2007) 155 Cal.App.4th 1214, 1224, 66 Cal.Rptr.3d 645 (<i>Tuolumne County</i>).) (<i>Communities for a Better Environment v. City of Richmond</i> (2010) 184 Cal.App.4th 70, 96.)</p> <p>UCB is in the business of education and all of its proposed projects where it has drafted an EIR are allegedly the result of that same business. The public is not required to go searching around for which EIR, if any, discusses cumulative impacts of all the proposed current projects on</p>	<p>1.1b, which requires the preparation and submittal of Historic American Building Survey Level II documentation, and Mitigation Measure CUL-1.1d, which requires on-site interpretation by installing an exhibit or display of the University Garage and a description of its historical significance in a publicly accessible portion of the project site. Though the 2018 joint historical assessment completed by Knapp Architects for the University Garage identified the building’s character-defining features—including its clay tile roofs, Moorish arched openings, brick construction, and skylights—it was determined that due to the type and quality of the building materials, it would not be feasible to salvage them. Accordingly, since it is not feasible to salvage these materials, compliance with Mitigation Measure CUL-1.1c requiring the salvaging of character-defining materials when feasible is not required. Though these mitigation measures would reduce impacts from the demolition of the University Garage, the proposed Housing Project #1 would still result in permanent removal of the University Garage, and therefore impacts would remain significant and unavoidable. Further, with respect to Housing Project #2, as stated on page 5.4-40, Housing Project #2 would be required to comply with Mitigation Measure CUL-1.1b, which requires the preparation and submittal of Historic American Building Survey Level II documentation, and Mitigation Measure CUL-1.1d, which requires on-site interpretation by installing an exhibit or display of People’s Park and a description of its historical significance in a publicly accessible portion of the project site. Even though the HRTR for the site found that there were character-defining features that convey the site’s historic significance, these features cannot be feasibly salvaged. Accordingly, since it is not feasible to salvage these materials, compliance with Mitigation Measure CUL-1.1c requiring the salvaging of character defining materials when feasible is not required. These mitigation measures would reduce impacts from the demolition and redevelopment of the site, but the proposed Housing Project #2 would still result in the site’s permanent and significant alteration, and</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>cultural resources, traffic, pollution, etc. Further, the discussion of the impacts from UCB’s plans into the future must be <i>in the EIR</i>, not somewhere else:</p> <p>The Regents’ view is also inconsistent with the related rule that significant cumulative effects of a project must be considered in an EIR. (§ 21083, subd. (b); Guidelines, § 15130, subd. (a); <i>Bozung, supra</i>, 13 Cal.3d at pp. 283–284, 118 Cal.Rptr. 249, 529 P.2d 1017; <i>Environmental Protection Information Center, Inc. v. Johnson</i> (1985) 170 Cal.App.3d 604, 624–625, 216 Cal.Rptr. 502.) The Guidelines explain that a discussion of cumulative effects should encompass “past, present, and reasonably anticipated future projects.” (Guidelines, § 15130, subd. (b)(1)(A), italics added.) (<i>Laurel Heights Improvement Assn. v. Regents of University of California</i> (1988) 47 Cal.3d 376, 394.)</p> <p>The Clark Kerr and Hearst projects are reasonably anticipated to occur in the future as they already are in the UC system for project approval by the UC Regents. The cumulative impacts of all UCB’s reasonably anticipated future projects need to be included <i>in the EIR</i> for the LRDP, as well. Tiering is not an excuse to sidestep analyzing all or the LRDP’s potential impacts on the environment.</p>	<p>impacts would remain significant and unavoidable. Please also see Response A3-25 with respect to significant and unavoidable impacts.</p>
<p>B11-6</p>	<p>D. Enrollment</p> <p>In BAHA’s letter, it demonstrates that the DEIR has concealed information relevant to its proposed projected number of students and employees. For example, in the executive summary, BAHA points out the DEIR’s understating of additional persons that will occupy UCB and that are not accounted for in the text. (See also Ltr., Comments and Questions, sec. 1.2.1-15.) It also fails to provide data supporting its claim that the expansion of UCB will not tax public systems including landfills. (Ltr., DEIR, sec. 5-1.) Failure of an EIR to truthfully state facts has</p>	<p>The comment incorrectly asserts and it appropriately assumes the level of detail required for an EIR. Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of the Draft EIR is based on scientific and factual data, which has been reviewed by the lead agency and reflects its independent judgment and conclusions. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>previously been deemed a reason to throw out the entire document and require a new EIR.</p> <p>In <i>Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.</i> (2001) 91 Cal.App.4th 1344, the EIR stated that there was only one way to measure noise impacts of a proposed airport expansion when, in fact, there was another way that demonstrated there would be noise impacts on adjacent residential neighbors. The court determined the EIR did not provide a meaningful analysis of, among other things, the “degree single overflights will create noise levels over and above the existing ambient noise level at a given location, and the community reaction to aircraft noise, including sleep disturbance.” (Id. at p. 1382.) It agreed with petitioners that the EIR did not provide a meaningful analysis and data, including about air contamination and ordered a new EIR:</p> <p>Much information of vital interest to the decision makers and to the public pertaining to toxic air contamination was simply omitted. In other instances, the information provided was either incomplete or misleading. The dispute in this regard goes beyond a disagreement of qualified experts over the reasoned conclusions as to what the data reveals. The EIR failed to acknowledge the opinions of responsible agencies and experts who cast substantial doubt on the adequacy of the EIR’s analysis of this subject. The conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data (Id. at 1371.)</p> <p>Here, as shown by BAHA in its comment letter, the DEIR is full of evasive information and missing data to support its conclusions. The DEIR must be revised to include the missing information and data, and then recirculated for public comment.</p>	<p>The comment references comments contained in Letter B10. Please see Responses B10-39 and B10-272.</p>
B11-7	E. Utilities and Systems	<p>The calculated amount of waste generated by UC Berkeley for the LRDP Update is based on the actual amount of waste that UC Berkeley</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The section on Utilities and Systems (DEIR, section 5.17) includes conclusionary statements that UCB will be able to handle its toxic waste, wastewater, air quality pollution, and solid waste without burdening the environment. For example, it relies on tables that show how much landfill space will be left with its handling of waste, but the statements are unsupported that it will be able to avoid causing these landfills to close earlier than projected. It also does not describe how it came to that conclusion without data as to other expected users of the landfills. The problem is not that UCB cannot, or has not, collected data concerning its waste (see Ltr, sec. C.) It just has decided to provide none of it and any specific analysis of how it will deal with waste. The same is true for the other categories of pollution that it lists.</p> <p>Further, the DEIR does not provide any data detailing the amount of solid waste generated by its students and employees and how much it will increase by enacting the proposed LRDP. For example, it does not include the waste generated by students leaving massive amounts of junk on the streets of Berkeley as they leave the campus every year. Promises to follow various goals is not a substitute for environmental analysis, necessary to demonstrate that its LRDP will not negatively impact the environment. (See Ltr, sec. C.)</p> <p>Because UCB does not provide data and analyze it to show that its waste, air quality pollution, etc. will not likely cause a significant effect on the environment, it has failed to meet its informational duty. “[A]n agency may abuse its discretion under CEQA either by failing to proceed in the manner CEQA provides or by reaching factual conclusions unsupported by substantial evidence. (PRC, § 21168.5; <i>Sierra Club v. County of Fresno</i> (2018) 6 Cal.5th 502, 512.) UCB must provide the data and analysis to support the conclusions in the DEIR that its LRDP will have a less than significant impact on the environment.</p>	<p>sent to landfill in 2018 (page 5.17-59). With a projected 22 percent increase in the population of students, staff, and faculty for the LRDP Update, the amount of waste generated was also assumed to increase by 22 percent. This is a conservative estimate because per capita waste generation on and off campus has decreased significantly over time and the UC goal is to reach a 90 percent or more landfill diversion rate in the near future. The commenter is incorrect in stating that the Draft EIR does not provide any detail regarding the amount of waste generated by its students and employees. This information is provided in Chapter 5.17, Utilities and Service Systems, on pages 5.17-59 and 5.17-60. The commenter is also incorrect in stating that the Draft EIR relies on tables that show how much landfill space will be left. There is no such table in Chapter 5.17. There is a discussion on landfill availability on page 5.17-59, but it conservatively assumes that the amount of waste generated by UC Berkeley will increase at the buildout year. The analysis shows that the landfill will have adequate capacity to accept its waste. This approach is identical to the analysis presented in the City of Berkeley’s Adeline Corridor Specific Plan in that the amount of waste generated by the project is calculated and compared to the residual landfill capacity. The amount of waste generated per capita by both the City of Berkeley and UC Berkeley is decreasing over time, as is the amount of waste generated by other municipalities that use the same landfills. Therefore, the estimated closure dates for many landfills will most likely be extended with the reduction in daily landfill tonnage.</p> <p>The commenter also states that the amount of waste generated by students leaving junk on the streets of Berkeley as they leave campus at the end of the year is not included. This number is included in the amount of solid waste sent by UC Berkeley to Keller Canyon Landfill. In addition, UC Berkeley provides extra dumpsters at the end of the year to ensure that trash is not left on the streets. The Draft EIR provides a thorough analysis of the impacts to water, wastewater, and solid waste, as discussed herein and in the previous responses in accordance with</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B11-8	<p>F. Alternatives and Mitigations</p> <p>a. The DEIR Alternatives Section Improperly Relies on a Contract with Diller and Prometheus, Thus Precluding Important Alternatives</p> <p>Project 1 involves the demolition of a landmarked garage. In section 6, the DEIR claims that no alternatives will work for this project because any possible alternatives will not meet UCB’s goals and are all infeasible. This is a particularly interesting conclusion given that unlike most other projects, UC owns many other campuses, real estate properties, and leases – all designed to house and accommodate undergraduate students. While generally the issue before courts is the infeasibility of moving a project elsewhere and the illegality of forcing developers to “pick another site,” the facts here are quite different, given all of UC’s options for housing students. For example, not everyone who wants a UCB degree can have one and UC has the alternative of accepting students at another campus in California. Another difference is that UC is both the lead agency and the decision-maker who can certify the final EIR, as opposed to other developers who have no such control. Therefore, applying the standard of rejecting alternatives that do not meet the narrow goals mirroring what UCB wants does not in reality apply.</p> <p>As a result of UC’s autonomy, it also did not need to wait for the result from the Regents before deciding that no alternative would be feasible other than destroying the historic resources that it owns, i.e., the garage, and ones that it does not own such as the historic church next to People’s Park (Project 2). However, in its rush to approve whatever it felt like approving, UC entered into contracts that among other things, sealed its intent to tear down the garage and therefore, other alternatives became infeasible or did not meet its goals. It does not</p>	<p>CEQA requirements for a programmatic EIR and no revision is required.</p> <p>This comment expresses an opinion about the project sponsor for Housing Project #1 and approval process for the project. The comment asserts that the alternatives evaluation is inadequate because an alternative location was not selected because of an agreement between UC Berkeley and the project sponsor. Please see Master Response 18, Alternatives. Chapter 6, Alternatives to the Proposed Project, of the Draft EIR, on pages 6-5 and 6-6, describes the reasons why an alternative site was not considered for the purposes of CEQA. Here the Draft EIR explains that when accounting for the combined number of beds (excluding the affordable and supportive housing beds on Housing Project #2), these two projects represent about 17 percent of the planned residential beds proposed under the LRDP Update, as shown in Table 3-1, Proposed LRDP Update Buildout Projections, in Chapter 3, Project Description of this Draft EIR.</p> <p>With respect to the commenter’s assertion that the Housing Project #1 has violated CEQA by entering into a development agreement with the project sponsor, this is not the case. UC Berkeley has not entered into any commitment to permit or approve Housing Project #1. UC Berkeley has executed a Memorandum of Understanding with the donor to govern the predevelopment process. No executed agreements or contracts presuppose CEQA compliance or any Regents action associated with the project. UC Berkeley has not committed to executing any other agreement until it completes environmental review of the project in accordance with CEQA. Until the environmental review is completed, the Regents retain the absolute discretion to approve or disapprove Housing Project #1, select other alternatives, or impose mitigation measures to avoid significant environmental impacts, balance the benefits of the project against any significant environmental impacts prior to taking action,</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>reveal in the DEIR the types of contract(s) it has entered or the impact of those contracts on its alternatives discussion.</p>	<p>request changes to any additional binding agreements associated with the Housing Project #1, or determine not to proceed with the project.</p>
	<p>In <i>Save Tara v. City of West Hollywood</i> (2008) 45 Cal.4th 116, the California Supreme Court addressed a claim that a city’s entry into a development agreement with respect to a city-owned parcel constituted approval of the development project. The court noted that the CEQA Guidelines state, “[C]hoosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and negative declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.’ (Cal. Code Regs., tit. 14, § 15004, subd. (b).)” (Save Tara, at p. 129.) The court adopted “the general principle that before conducting CEQA review, agencies must not ‘take any action’ that significantly furthers a project ‘in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.’” (Id. at p. 138; see also <i>City of Santee v. County of San Diego</i> (2010) 186 Cal.App.4th 55, 61-65.) Here, the problem is not the absence of feasible alternatives, but that it is simply too late in the planning stage to incorporate or even give them serious consideration in light of signed contracts.</p>	
B11-9	<p>b. UCB Was Required to Adopt Feasible Mitigation Measures and Not Just Issue a Statement of Overriding Considerations</p> <p>Throughout BAHA’s letter, it discusses various mitigations and alternatives that UCB is required to pursue to avoid destroying or damaging historic resources, increasing enrollment on its over-populated campus and into Berkeley, etc. The DEIR has failed to comply with that legal requirement. Generally, “the lead agency must adopt feasible mitigation measures or project alternatives to reduce the effect to insignificance.” (<i>Center for Biological Diversity v. Department of Fish & Wildlife</i> (2015) 62 Cal.4th 204, 231. If the reductions and offsets achieved</p>	<p>Please see Response A3-26 and also Master Response 5, Mitigation.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>by feasible mitigation measures are insufficient to render the environmental impact insignificant, the lead agency still may approve the project if it adopts a statement of overriding considerations. (Ibid.; § 21081, subd. (b).) However, adopting a statement of overriding considerations does not negate the statutory obligation to implement feasible mitigation measures. “Even when a project’s benefits outweigh its unmitigated effects, agencies are still required to implement all mitigation measures unless those measures are truly infeasible.” (<i>Sierra Club v. County of Fresno</i> (2018) 6 Cal.5th 502, pp. 524–525.) If UC Regents approve the proposed project, which does not include feasible mitigation measures, such approval would amount to an abuse of discretion. (Id. at p. 526.)</p> <p>I look forward to reviewing a revised and publicly circulated DEIR. Thank you for considering my comments.</p>	
B12	Sierra Club, April 21, 2021	
B12-1	<p>The Sierra Club has reviewed University of California, Berkeley (“UCB”)’s Draft Environmental Impact Report (“DEIR”) for the campus’ Long Range Development Plan (“LRDP”) and has prepared comments to be addressed by UCB in its Final Environmental Impact Report (“FEIR” or “EIR”) for the LRDP.</p> <p>Generally, the EIR lacks sufficient detail to support tiered environmental review of subsequent projects. Some impacts have been analyzed, but many impacts have not been analyzed and thereby disclosed to the public, which will require future program-level analysis at an appropriate stage to prevent piecemealing. This EIR is inadequate to fully address and mitigate overall growth-related issues and cumulative impacts.</p>	The comment serves as an introduction to the comments that follow. Please see Responses B12-2 through B12-12.
B12-2	<p>SC Comment 1 Page 2-3 Section 2.3 Summary of Proposed Project The project summary states that “[t]he proposed LRDP Update does not</p>	As discussed in Chapter 3, Project Description, of the Draft EIR, on page 3-34, the LRDP Update does not determine future enrollment or population or set a future population limit for UC Berkeley, but guides land development and physical infrastructure to support enrollment

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>determine future UC Berkeley enrollment or population or set a future population limit for UC Berkeley...”</p> <p>However, any increase in enrollment could result in potential significant effects on the environment. This statement is inconsistent with the requirement for any future enrollment to generate impacts no greater than what have been studied in the LRDP EIR.</p>	<p>projections and activities coordinated by the UCOP. The proposed LRDP Update, like the current LRDP, does not commit UC Berkeley to any specific project, but provides a strategic framework for decisions on potential future projects. For the purposes of developing this strategic framework, the development program does, however, establish a maximum amount of net new development in UC Berkeley’s space inventory through the 2036–37 school year, which the UC Berkeley campus may not substantially exceed without amending the LRDP and conducting additional environmental review as necessary. The buildout projections shown in Table 3-1, Proposed LRDP Update Buildout Projections, provide a foundation for understanding UC Berkeley’s long-term space needs. The buildout projections for the proposed development program are organized by campus uses, which include residential, academic life, campus life, and parking; UC Berkeley uses are described in detail in Section 3.5.1.3, Land Use Element. Table 3-1 also includes existing conditions and horizon-year population projections for undergraduate students, graduate students, and faculty and staff. Please see Master Response 6, LRDP and LRDP Implementation.</p>
B12-3	<p>SC Comment 2 Air Quality - 2.2 – Construction Equipment.</p> <p>The DEIR states within AIR-2.1 that <i>To the extent that equipment is available and cost-effective, contractors shall use electric, hybrid, or alternate-fueled off-road construction equipment.</i></p> <p>Electric, hybrid, or alternate-fueled off-road construction equipment is projected to be commercially available in the near-term. All feasible mitigation must be imposed by lead agencies. CEQA Guidelines, § 15041. To the extent that the term “and cost-effective” would have greater environmental impact than the term “and feasible,” mitigation measure AIR-2.1 would be inadequate. We recommend replacing the term “cost-</p>	<p>Mitigation Measure AIR-2.1 requires use of equipment that is rated by the U.S. EPA as Tier 4 Final for all equipment 50 horsepower and higher. Please see Response A3-77. Mitigation Measure AIR-2.1 specifically states, “to the extent that equipment is available and cost effective, contractors shall use electric, hybrid, or alternative fueled off-road construction equipment.” However, as such equipment is not as readily available (Tier 4 Final) or may not currently existing for all equipment types (ZE construction equipment), requiring use of this type of equipment is not always feasible at this time. Accordingly, Mitigation Measure AIR-2.1 takes a stepped approach to the selection of construction equipment, with step one being to use Tier 4 Final equipment.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B12-4	<p>effective” with “feasible” to be in compliance with CEQA and implement zero emission construction equipment as soon as possible.</p> <p>SC Comment 3 Biological Resources – Bird-safe architecture.</p> <p>We commend the DEIR authors for incorporating currently known best practices for bird-safe architecture. However, the best practices may continue to evolve over time horizon of the LRDP. The EIR should add to mitigation measure BIO-4, “The Campus Architect shall incorporate additional strategies to avoid or reduce avian collisions that are indicated by the best available science.”</p>	<p>The commenter’s concerns regarding changes in bird safe design are noted. Bird safe design is evolving in its applicability and the design review called for in Mitigation Measure BIO-4 included on page 5.3-33 of the Draft EIR assumes that the latest available science would be considered and applied where appropriate to minimize the risk of bird strikes. To ensure that the best available science is used in this review, Mitigation Measure BIO-4 on page 5.3-33 of the Draft EIR has been revised, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR. This revision does not affect any conclusions or significance determinations in the Draft EIR. Therefore, no recirculation of the Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a), Recirculation of an EIR Prior to Certification.</p>
B12-5	<p>SC Comment 4 Greenhouse Gas Emissions</p> <p>The commitments contained in mitigation measure GHG-2 to procure high quality carbon offsets and achieve carbon neutrality that are compliant with California Health and Safety Code Sections 38562(d)(1)-(2) are laudable, but this mitigation measure is ineffective and non-compliant with CEQA until the respective commitment years of 2036 and 2045, and may not be compliant depending on updated regulations and additionality. The LRDP will result in increased GHG emissions prior to those years. Offsets procured in or after 2036 will fail to offset increased emissions between 2021 – 2035. This mitigation measure should be expanded to require on-site reduction actions or carbon offset of all emission increases between 2021 – 2035, above and beyond any reductions already occurring due to federal, state, and local laws, regulations, and requirements that are independent of the LRDP.</p>	<p>GHG offset credits recognized by a registry represent GHG emission reductions that have already occurred; therefore, by purchasing an offset credit, the reduction in GHG emissions has been completed, and the impact has been mitigated. Therefore, use of voluntary GHG emissions offsets is an effective tool to ensure consistency with UC Berkeley’s Sustainability Plan and UC Sustainable Practices Policy.</p> <p>As identified in Chapter 5.7, Greenhouse Gas Emissions, GHG emissions reductions on campus are governed by the existing UC Sustainable Practices Policy and UC Berkeley Sustainability Plan (see Table 5.7-6). The quantitative thresholds used to evaluate impacts under Impact GHG-2 are based on the UC Sustainable Practice Policy goals, as expedited for Executive Order B-55-18. The UC Sustainable Practices Policy requires UC Berkeley to track and monitor the following post-2020 goals as part of annual GHG emission reporting: (1) carbon neutrality for Scope 1 and 2 sources by 2025; and (2) climate neutrality for specific Scope 3 source by 2050. There is currently no interim goals for year 2036 or 2045, for which Mitigation Measure GHG-2 covers.</p>
	<p>The DEIR fails to mitigate increased GHG emissions between 2021 – 2036,</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>and possibly thereafter. The University of California must mitigate Scope 2 and Scope 3 emissions as well as Scope 1 emissions, because the project’s objectives of increased building capacity will increase electricity usage, and the project’s objectives of increased enrollment and staffing will induce travel demand and mobile source emissions. These mitigation efforts should be compliant with California Health and Safety Code Sections 38562(d)(1)-(2).</p>	<p>Mitigation Measure GHG-2 does not require interim actions because UC Berkeley is already required to track and monitor annually to ensure compliance with the year 2025 carbon neutrality goals for Scope 1 and Scope 2 sources. For example, starting in 2025, for emissions reductions that cannot be achieved on-campus, UC Berkeley is required to purchase voluntary carbon offsets for Scope 1 and 2 sources. No other interim GHG goals for Scope 1, 2, and 3 sources have been adopted by the UC System or UC Berkeley. Therefore, the LRDP Update does not conflict with these local GHG reduction goals.</p> <p>In addition, as identified in the UC Berkeley Sustainability Plan, by 2023 UC Berkeley will prepare an updated climate action plan that considers reductions in Scope 1, 2, and 3 sources and a path to zero carbon operations. The LRDP Update exceeds the UC Sustainable Practices Policy Goal for 2050 because the EIR applies this goal to all sectors and expedites the date of compliance to align with Executive Order B-55-18. The carbon neutrality goals outlined in the UC Sustainable Practices Policy are even more stringent than the goal outlined in the 2017 Scoping Plan. Further, the analysis under GHG-1 demonstrates that GHG emissions even under the Adjusted BAU scenario would decrease from existing conditions. Therefore, there is no scenario in which GHG emissions would increase on a yearly basis.</p>
B12-6	<p>SC Comment 5 Population and Housing – POP-2 Also Applicable to Housing Project #1</p> <p>The DEIR callously states, “Future development projects could result in the displacement of existing residents,” while erroneously asserting that an unspecific and inadequate internal UC relocation assistance policy would mitigate impacts to a less than significant level.</p> <p>Displacement of existing residents, particularly residents in affordable or</p>	<p>Regarding Mitigation Measure POP-2, please see Master Response 14, Displacement. Regarding the commenter’s suggested changes to Mitigation Measure POP-2 and the commenter’s assertion that the Draft EIR did not adequately evaluate conflicts with applicable land use plans, as stated on page 5.10-3 of the Draft EIR, “UC Berkeley is constitutionally exempt from local governments’ regulations, such as city and county general plans, land use policies, and zoning regulations, when using property under its control in furtherance of its educational purposes. As such, potential future development that implements the proposed LRDP Update, including Housing Projects #1 and #2, is generally exempt from local policies and regulations.” However, the</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>rent-controlled housing, would pose a significant impact to the community’s population and housing. To mitigate to less than significant levels, the mitigation measure should (1) commit to avoiding displacement of existing residents in any projects under the LRDP, and (2) require compliance with the City of Berkeley Demolition Ordinance, BMC 23C.08.020. Under the ordinance, demolitions may still occur, but displaced residents must be provided with comparable replacement housing, and rent controlled housing units must be replaced or mitigated with a monetary payment to the City’s Housing Trust Fund according to adequate, quantifiable standards. Therefore, compliance with this ordinance is a feasible mitigation measure.</p> <p>The standard of impact is ‘a conflict with any land use plan policy, or regulation...’ The finding of a less than significant impact for both Housing Project #1 and the LRDP is flawed since this finding is relative to the University’s own land use plan, policy, and regulation, but ignores the City’s policies and ordinances.</p>	<p>commenter’s suggestion is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please also see Master Response 2, Constitutional Exemption from Local Regulations, and Master Response 5, Mitigation.</p>
B12-7	<p>SC Comment 6A Parks and Recreation</p> <p>The DEIR fails to include North Field within the list of open space resources on page 5.14-4. The elimination of this open space is a significant impact of the LRDP on recreational resources that could be mitigated by preserving this field as open space. The DEIR provides no analysis about its current uses, which involve active recreational use for informal frisbee and other recreational uses by students, and as a site for intramural sports activities. It’s one of only a couple available large natural grass fields on flat terrain.</p> <p>Removal of this field would result in substantial adverse physical impacts associated with the physical elimination of parks facilities, need for new or physically altered parks facilities, the construction of which could</p>	<p>UC Berkeley considers North Field a formal athletic and recreational facility. Therefore, it is included under formal athletics and recreational facilities listed on page 5.14-5 of the Draft EIR, and is included in the overall park and recreational space that UC Berkeley provides. While North Field is listed in Table 3-2, Potential Areas of New Development and Redevelopment in Chapter 3, Project Description, of the Draft EIR, development on North Field would not result in a decrease in overall park and recreational space that UC Berkeley provides. As described on page 5.14-8 in Chapter 5.14, Parks and Recreation, of the Draft EIR, the proposed LRDP Update would result in approximately one additional acre of open space and three additional acres of formal athletic and recreational space. In addition, as described on page 3-26 of the Draft EIR, “the proposed LRDP Update does not require any specific development projects on any site. The purpose of the potential development assumptions is to illustrate a land use program that would accommodate the proposed LRDP Update buildout</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks services. By eliminating this open space, other City parks will become more crowded and unable to accommodate the current level of activity on consolidated facilities. Removal of this field would also 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.</p> <p>In combination with past, present, and reasonably foreseeable projects, removal of this field would result in a cumulative impact. The campus removed an adjacent field to construct temporary academic buildings, and reduced the size of this field to construct Morrison Library. This is only one of a couple available large natural grass fields on flat terrain, and is the only one close to the Southside where most undergraduate students live.</p>	<p>projections. The potential areas identified in this section [including those in Table 3-2, such as North Field] provide a menu of possible options that UC Berkeley has to accommodate potential growth and changes... The location and design of future development would be informed by proximity to existing UC Berkeley campus resources and compatibility with surrounding land uses to the extent feasible and would be examined in light of the program-level EIR to determine whether subsequent project-specific environmental documentation would be required, in conformance with CEQA.”</p>
<p>B12-8</p>	<p>SC Comment 6B Parks and Recreation Applicable to Housing Project #2</p> <p>The analysis of open space and recreational impacts of Housing Project #2 does not identify sufficient information about the usability of the open space. The DEIR identifies that two thirds of People’s Park will remain open space.</p> <p>People’s Park is the only park in the City environs located in the Southside Neighborhood. The City of Berkeley Southside Plan recognizes this and identifies as an adopted Plan Policy that it should remain open space. The standard of impact under CEQA is ‘a conflict with any land use plan policy, or regulation...’ The finding of a less than significant impact for significant physical alteration of recreational space is flawed</p>	<p>As described on page 5.14-2 in Chapter 5.14, Parks and Recreation, of the Draft EIR, UC Berkeley is constitutionally exempt from local governments’ regulations, such as city and county general plans, land use policies, and zoning regulations, whenever using property under its control in furtherance of its educational purposes. As such, potential future development that implements the proposed LRDP Update, including Housing Projects #1 and #2, is generally exempt from local policies and regulations.</p> <p>Figure 3-15, Housing Project #2 Conceptual Site and Landscape Plan, provides a conceptual site plan showing the potential open space of the project. Approximately two-thirds of the site would remain as open space, including landscaping and hardscape. The proposed project design currently allows for a portion of the block to remain as open space that would still be public use.</p> <p>The development of a green space does not necessarily equate to a</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>since this finding is relative to the University's own land use plan, policy, and regulation, but ignores the City's policies in an adopted Specific Plan.</p> <p>The DEIR does not assess usability in that it is unclear what portion of the park will have solar access, and for what hours of the summer and winter day. It also does not address the user experience of utilizing open space that continues throughout the block between Haste and Dwight for at least a portion of the site, and whether this is a usable grassy portion of the site, or a portion with tree plantings that is less usable for informal recreation with solar access. These deficiencies prevent adequate assessment of impacts, mitigations, alternatives.</p> <p>The EIR should assess alternatives and mitigations such as a revised design that would maximize solar access, and allow for a meaningful stretch of the block to remain open space between Haste and Dwight so the Southside community can continue to utilize a flat, grassy park with high quality solar access.</p> <p>Removal or significant physical alteration of this park would result in substantial adverse physical impacts associated with the physical elimination of parks facilities, need for new or physically altered parks facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks services. By eliminating or significantly altering this open space, other City parks will become more crowded and unable to accommodate the current level of activity on consolidated facilities. Removal of this field would also 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. Most importantly, neighborhood residents will lose their only park within the Southside neighborhood.</p>	<p>significant impact to parks and recreation. Overall, the proposed LRDP Update would result in approximately one additional acre of open space and three additional acres of formal athletic and recreational space [page 5.14-8 of the Draft EIR]. Under Housing Project #2, two-thirds of the site would remain open space, and the student housing component would include recreational facilities for residents, including fitness and yoga studios [page 5.14-10 of the Draft EIR]. Because park and recreation space is provided by UC Berkeley elsewhere throughout the EIR Study Area, as well as included as part of Housing Project #2, as described in impact discussions REC-1 through REC-4 in the Draft EIR, the proposed project would not result in significant impacts to parks and recreation.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
B12-9	<p data-bbox="323 326 516 386">SNC Comment 7 Transportation</p> <p data-bbox="323 435 1129 878">The LRDP program measures of increased enrollment and staffing would increase vehicle miles travelled (VMT) in the campus area. It is unclear whether the baseline data properly assesses baseline conditions from the enrollment analyzed in the 2020 LRDP, as it should. If the baseline conditions are based on an enrollment that is higher than the 2020 LRDP EIR analysis, then the current DEIR analysis is inadequate. The increased VMT would be heightened during peak hours, causing vehicle delays on many arterial streets that are one or two-lane roads. This congestion would have a particularly significant impact upon bus transit services, which would be delayed with increased automobile congestion. Without adequate mitigation, delayed bus transit operations that affect several routes in Berkeley and surrounding cities would be a significant environmental impact of the LRDP.</p> <p data-bbox="323 927 1129 1336">The mitigation measure TRAN-1 presents ambitious single occupant vehicle (SOV) rates for students in 2025, but does not provide a disaggregated breakdown between employees and students for 2050. This raises questions about whether student SOV rates will actually increase by 2050, and what the comparable rates for students and employees will actually be for 2050. In order to accommodate increased campus population while mitigating impacts, the SOV rates will need to decrease substantially for both student and employee populations. Without assigning feasible reduction targets that are clearly disaggregated, the DEIR cannot adequately model delay impacts to public transportation and accurately disclose these environmental impacts to the public.</p> <p data-bbox="323 1385 1129 1477">In addition, without assigning interim planning horizon targets, implementation standards for this mitigation measure will be unclear and lead to inadequate mitigation. Construction may be just beginning in</p>	<p data-bbox="1157 326 1860 386">See Master Response 17, 2005 LRDP EIR Population Projections, regarding the use of different baseline data to estimate VMT.</p> <p data-bbox="1157 435 1950 634">Traffic congestion or measures of vehicular delay, including delay experienced by buses, may no longer be used as thresholds of significance in CEQA documents per CEQA Guidelines Section 15064.3. Therefore, vehicular delay, including delay experienced by bus riders, is not addressed in the Draft EIR and no mitigation measures can be identified. Please see Response A3-61 for additional detail.</p> <p data-bbox="1157 683 1950 1024">As stated in the comment, Mitigation Measure TRAN-1 establishes an aggregate SOV target for 2050 for students and employees combined. The Mitigation Measure does not provide a specific SOV target for students in 2050 to provide more long-term flexibility in meeting the SOV targets in the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan in lowering the overall SOV mode share for UC Berkeley. The comment incorrectly states that the Mitigation Measure does not establish interim targets; Mitigation Measure TRAN-1 establishes specific SOV mode share targets for both students and employees for the year 2025.</p> <p data-bbox="1157 1073 1950 1198">Consistent with the comment, Mitigation Measure TRAN-1 includes adjustments to the current TDM program at UC Berkeley, such as parking pricing, education and outreach, support for telecommuting, and other measures to achieve the SOV mode share goals.</p> <p data-bbox="1157 1247 1950 1446">The comment also correctly states that the LRDP Update would increase the overall parking supply by up to 20 percent, which would maintain the current ratio of parking supply to commuters as described on page 5.15-50 of the Draft EIR. As described in Mitigation Measure TRAN-1, UC Berkeley intends to meet the SOV targets through other measures as described above.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>2025, although increased enrollment and staffing may be beginning. The planning horizon year for the LRDP is 2036, yet the next quantifiable target is stated for 2050. Increased detail is required for interim planning horizons so travel demand and mode split modeling can accurately project the required SOV reduction targets to mitigate transportation impacts to a level where transportation services are enhanced rather than deteriorated.</p>	<p>Please see Response A3-15 regarding the total new parking supply that would be constructed under the LRDP Update.</p>
	<p>A robust UC Berkeley TDM program could shift increased employee trips to regional rail, bus, and shuttle service, but this requires adequate financial incentives including parking pricing, limiting parking supply, expanding University-provided shuttles and cooperative TDM strategies that synergistically mitigate non-University travel to downtown Berkeley, and providing free transit passes to all University employees in addition to students, also extending this program to BART.</p>	<p>Regarding new housing or other potential uses that may be constructed in the Hill Campus zones or other areas, the Draft EIR does not provide any details because the Draft EIR is a program-level document and no projects are currently proposed in these areas under the LRDP Update. It is expected that if and when such projects are proposed, they will have their own detailed design and environmental review process to ensure adequate multi-modal access for the project and connectivity with UC Berkeley and surrounding areas.</p>
	<p>The LRDP increase to parking represents a 20% increase in overall campus parking. At the same time, faculty/staff population is proposed to increase by 23% in the LRDP. This comparison of build-out to population strongly suggests that very little change in faculty SOV rates is intended, and that this build-out of parking spaces could have the opposite effect. Meanwhile, the additional 1,240 parking spaces will represent new peak-hour trips that will cause significant environmental impacts through transit operations delay. Any analysis of transit operations delay and needed mitigation measures must also take into account the additional projected 5% of students $((5,068 + 3,424) \times .05 = 425)$ and 36% of faculty $(3,424 \times .36 = 1,233)$ that according to current mode splits may be likely to make peak hour SOV trips.</p>	<p>Please see Response A3-55 regarding the Reduced VMT Alternative and its feasibility, as well as Master Response 18, Alternatives.</p>
	<p>The amount of square footage identified to develop parking is 1,081,080 square feet. Assuming an average of 350 gross square feet per space, this represents an increase of capacity for approximately 3,089 parking spaces. The EIR should clarify why the projected space vastly exceeds the amount of actual parking spaces planned in the build-out.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Housing and other academic and campus life uses on the hillside could have limited accessibility. The EIR does not analyze the limits on reducing SOV mode share for new housing constructed on hillside sites, nor does it assess specific shuttle service that would be necessary to achieve an acceptably mitigated SOV mode share to prevent parking demand on the Southside and Campus park from hillside residents or other hillside uses. Similarly, this presents an accuracy and adequacy problem for projecting trips and mode split associated with other housing sited further away than the Southside and downtown area.</p>	
	<p>While VMT per capita thresholds are generally met, there is still a significant impact on transportation due to impacts on local circulation due to total VMT. The improper baseline data based on enrollment beyond the 2020 LRDP EIR results in a 2036 LRDP DEIR that is inadequate to disclose significant impacts to the public. The resulting circulation impacts are significant notwithstanding UC Berkeley’s limited scope of thresholds that only look at VMT per capita. While VMT per capita is an important measure of the success of TDM programs, it fails to incorporate unique circulation conditions affecting the Southside and downtown Berkeley, particularly in the cumulative effects on the service population relying on bus transit operations. The DEIR is inadequate because it fails to analyze circulation delays that affect bus transit operations, and to consider all feasible mitigation measures that would reduce these impacts to less than significant levels. Some feasible mitigation measures may require upgrades to infrastructure, such as timed signals, dedicated bus lanes, queue jumper roadway design, and improved bus stop and bus station infrastructure. Some feasible measures involve commitments to minimum shuttle operations, and commitments to integrate shuttle operations with AC Transit and City services that benefit the entire service population to avoid duplication and inefficiencies that impact limited funds. The DEIR fails to analyze these mitigation measures, the degree to which these measures can</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>mitigate portions of the LRDP program, and the costs that UC Berkeley should contribute to these infrastructure measures.</p> <p>Some mitigation measures are cast in terms of TDM or reduced parking within the Alternatives Analysis. This demonstrates that elimination or reduction of parking is a feasible mitigation measure that should be adopted to prevent significant impacts to transportation services and the environment.</p>	
B12-10	<p>SC Comment 8 Transportation and Housing</p> <p>We commend the LRDP’s ambitious plans for increased housing for undergraduate, graduate, and faculty/staff. Generally, there would be a contribution to travel demand impacts discussed in Comment 7 if there is an imbalance between the projected housing build-out and the proposed enrollment and employment growth, because a portion of the campus population increase that is accommodated would be able to commute by walking, and a portion of the increased population that is not accommodated would commute by SOV or carpool. Impacts can be minimized if housing continues to keep pace with any campus population growth. Indeed, a feasible mitigation measure that is inappropriately omitted from the DEIR is to manage population increases by limiting campus population increases to housing beds constructed. However, the DEIR fails to analyze the baseline conditions to account for housing that the 2020 LRDP projected to build but did not, while campus population exceeded 2020 LRDP projections.</p>	<p>Regarding the commenter’s assertion that the Draft EIR does not adequately analyze baseline conditions, please see Master Response 17, 2005 LRDP EIR Population Projections, for an evaluation of population growth since 2005. Regarding the commenter’s suggested new mitigation measure to limit UC Berkeley’s population growth based on the new on-campus housing constructed, please see Master Response 8, Population Projections. As described in Master Response 8, the University of California is expected to provide adequate spaces to accommodate all eligible California resident students. In addition to its mandate to accept California resident undergraduate students, UC Berkeley includes nonresident students consistent with its role as a world class teaching and research institution. Providing opportunities to highly qualified nonresident students enables UC Berkeley to attract the most qualified candidates for its graduate programs and faculty, consistent with UC Berkeley’s role as a global leading academic institution and its objective of maintaining that position. In addition, revenue from nonresident enrollment is critical to the UC’s ability to provide a high-quality education to California students, particularly as the UC has received less State funding to support continued growth compared to historical levels. Therefore, the commenter’s suggested mitigation measure is not feasible.</p>
B12-11	<p>SC Comment 9 Wildfire Risk Assessment</p>	<p>The commenter asserts that the Draft EIR does not analyze increased risk of wildfire ignition within the EIR Study Area, but provides no substantial evidence to support their assertion. Wildfire is addressed in Chapter 5.18, Wildfire, of the Draft EIR, in accordance with the CEQA</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The DEIR does not analyze the increased risk of wildfire ignition and spread that would result from the addition of more than 800,000 feet of space, along with thousands of people in the Very High FHSZ.</p>	<p>Guidelines. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>
B12-12	<p>SC Comment 10 Alternatives Analysis – Housing</p> <p>We stated in Comment 8 that impacts can be minimized if housing continues to keep pace with any campus population growth, and that a feasible mitigation measure that is inappropriately omitted from the DEIR is to manage impacts associated with population increases by limiting campus population increases to housing beds constructed.</p> <p>The DEIR alternatives analysis should likewise consider an alternative that manages impacts associated with population increases by limiting campus population increases to housing beds constructed.</p>	<p>Please see Master Response 18, Alternatives.</p>
C. Individuals		
C1	Amanda Hill, March 29, 2021	
C1-1	<p>As a second year student and member of the Academic Programming Committee for People’s Park I am disgusted at how the LDRP emphasizes housing in order to increase class sizes, when current housing structures are not seismically safes and will result in the death of students if a severe earthquake occurs. I also believe that the prioritization of housing on certain sites is reprehensible when other sites are listed as available for housing in the plan. I believe that the current LDRP should not be approved and the alternatives outlines within it should be followed and pushed to the forefront of all planning for proposed projects. In addition I firmly believe that the numerous under developed sites and housing that can be built on main campus should be prioritized, and made available and affordable for app low income and marginalized students</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	who often go into debt due to on campus housing rates being far above market rate.	
C2	Bev Von Dohre, March 29, 2021	
C2-1	Please stop all tree killing and pesticide use. We need every tree we can get to prevent fire and protect the environment.	This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C3	Michael Fullerton, April 9, 2021	
C3-1	UC Berkeley should not exceed the current student enrollment because Berkeley is now a very dense city and there is a severe housing shortage. Also, for historical and ecological reasons, UC Berkeley should not build student housing on People's Park.	This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C4	Christine Youn, April 10, 2021	
C4-1	We need to save People's Park and stop Housing Project 2, because it represents the students' ability to apply what they have learned to societal issues directly to issues we can witness in our community we live in. The park represents the reclamation of the land for the people of Berkeley and meanings of community, unity, and equity within a brutal society. It has been the main hub of community giving, and this hub is central to the purpose of the University wanting to give back to the city and improve our society.	This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C5	Christine Youn, April 10, 2021	
C5-1	Please stop construction at Housing Project 2, because this is one of the few green spaces left in the district. We have an obligation to save the	As identified in Chapter 5.2, Air Quality, the project-specific health risk assessment for Housing Project #2 shows that the use of Tier 4 interim

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	land. This park has trees and gardens that should not be torn down, and destroying the park would release toxins from construction that will affect not only the unhoused members who have nowhere else to go, and the rest of the Berkeley community who live in the city. The park is a free land for all to use and monetizing this piece of land for the benefit of the university would also be a disrespect to the Ohlone community who truly have the right to this land. The University has no right in destroying this hub of nature and community space that should be free.	<p>construction equipment would ensure construction emissions do not exceed BAAQMD’s significance thresholds at sensitive receptors proximate to Housing Project #2 (see Table 5.2-22).</p> <p>Please see Chapter 5.16, Tribal Cultural Resources, of the Draft EIR, for a complete discussion of impacts to these resources pursuant to CEQA.</p>
C6	Sanah Basrai, April 10, 2021	
C6-1	My name is Sanah Basrai and I am a member of the Suitcase Clinic. I am writing to voice my concerns on behalf of the unhoused community about Housing Project #2. The University’s plan to build on People’s Park will displace people who have no where else to go. With Seabreeze closing the amount of space people who are unhoused have to occupy is dangerously dwindling. The university’s plan for supportive housing won’t house the people living in the park and isn’t even likely to be built as the university has only promised to land and has not offered any funding to build the property. The issue of homelessness has been exacerbated by the pandemic and we’re doing a great disservice to our community by closing off a site like people’s park where people can reside and receive resources.	Please see Master Response 14, Displacement.
C7	Sohyun Cho, April 10, 2021	
C7-1	<p>Here is my written comment for contribution to the People’s Park Long Range Development Goals meeting:</p> <p>The significance of People’s Park is not limited to the park. It is a place of historical remembrance and rich cultural heritage of all of Berkeley. We, as students of the University of California, Berkeley, believe in preserving the Park as a space accessible to all those that call the park and Berkeley their home. For the following reasons, we hope the University will rethink the People’s Park Housing Project and consider alternative spaces to build student housing.</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C8	Julie Guilfooy, April 10, 2021	
C8-1	<p>I reviewed the plan document and it was not evident what is the plan for People’s Park. As a homeowner and longtime resident of Berkeley I am amazed that the University allows such a disgraceful and dangerous situation to exist in the middle of this world class university.</p> <p>I would like to see appropriate shelter provided for people who are housing challenged but the park as it exists now is not the answer.</p> <p>Can the city and university not come up with an alternative location for the wall to wall tents and garbage currently on that site? Maybe we could move them all to Palo Alto in the middle of the Stanford campus. Just kidding, but seriously, I wonder what I am missing here that this site remains so bad for so many years.</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C9	Zahra Anwar, April 10, 2021	
C9-1	<p>I am writing to express my concerns about the LRDP and Housing Project #2 as a student and member of the Berkeley community. The housing development project is misleading on two fronts: the proposed student housing building is unlikely to be affordable or accessible to most students, demonstrated by the inaccessibility of housing in Blackwell Hall, and it will invariably do harm to the residents who have been living in People’s Park well before the pandemic. The incompleteness and ambiguity of the plan for assisting Park residents shows that the University is not fully committed to preventing further displacement of unhoused people in Berkeley.</p> <p>Furthermore, People’s Park is one of the only open, green, and community-developed spaces left in Berkeley -- there are several other sites that the University could choose for building student housing, yet the choice of People’s Park is just the latest attempt to eradicate this historic free space. I oppose and condemn the development of housing on People’s Park.</p>	<p>The comment expresses concerns regarding the proposed project and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>The effect of Housing Project #2 on open space supply are addressed under impact discussion REC-1 on page 5.14-10 in Chapter 5.14, Parks and Recreation, of the Draft EIR. Potential impacts associated with the historic significance of the Housing Project #2 site are evaluated on pages 5.4-39 to 5.4-40 in Chapter 5.4, Cultural Resources, of the Draft EIR. As identified on page 5.4-40 of the Draft EIR, the project would result in a significant and unavoidable impacts associated with the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	I give UC Berkeley permission to read my comment aloud during the online public session.	demolition and reconfiguration of People’s Park, which is a designated City of Berkeley Historical Landmark. Alternate locations for Housing Projects #1 and #2 were considered in the Draft EIR but were rejected as being infeasible, as described on pages 6-5 to 6-6 in Chapter 6, Alternatives to the Proposed Project, of the Draft EIR. Please also see Master Response 14, Displacement.
C10	Bob Sciutto, April 10, 2021	
C10-1	Please build more student housing now	This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C11	JoAnn Driscoll, April 12, 2021	
C11-1	<p>I have skimmed through the UCB draft and find that many of the same things that I think are important are addressed.</p> <p>There are three things of special concern to me. I am a 30-year resident of Berkeley.</p> <p>1. CRIME - I have observed that students are being preyed on by groups of criminals, the mentally ill, drug addicts, alcoholics, vagrants, and petty vandals who are not deterred significantly by our current law enforcement or District Attorney. The UC Berkeley police department needs to be beefed up. The City of Berkeley police department needs to be beefed up. What is being done to curtail crime in our community is not working.</p> <p>a. It is a shame that we will lose the green space of People’s Park but after decades of City of Berkeley policies, it continues to plunge into more and</p>	<p>This comment expresses an opinion about the proposed project and existing conditions but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>more crime and decay. I am afraid to get near it. Frankly when is the last time students or community members had a picnic there? It is appalling.</p>	
	<p>2. INFRASTRUCTURE/MOBILITY - Bicycles, pedestrians, scooters, and those who drive. I would encourage UC Berkeley to run a campaign every fall and winter season with the theme of "Can You See Me?" Frankly, the lighting on Berkeley streets near campus and around town sucks and I'm not sure the bad or dim bulbs in our street lights will every be fixed without a lawsuit. Students, dressed in "cool" colors - denim, black and grey are impossible to see in winter evenings, low light conditions. We also need to encourage bicycles, pedestrians and others to be responsible for themselves and not assume a driver can see them. How about some free reflectors with the Cal logo to put on bikes, backpacks, caps, etc.</p>	
	<p>3. BERKELEY RENT BOARD IS AN UNCHECKED PROBLEM - Development of Clark Kerr and other campus hillside properties is a step, yet the draconian Berkeley Rent Board's efforts to control the rental market, along with Nancy Skinner's most recent efforts to have renters buy the owner's property when sold, are just two of the many ill advised policies of our local government representatives which affect housing issues for students. These two factors will continue to severely limit what the City of Berkeley says it wants - which is more infill and student housing. The University must act on its own. Recognize that the City of Berkeley can not effectively partner with them. UC Berkeley should be encouraged in every way possible to undertake developments of its own to help students with housing other than the dorms.</p>	
C12	Mark Chekal, April 12, 2021	
C12-1	<p>I support more buildings: Housing, classrooms, labs and research buildings, support buildings. 100%. I support more students (in-state only). More concerts at the Greek Theater and Zellerbach. More events at stadium. Build Cal, build. Host more events. Go Bears.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C12-2	<p>However, I am VERY concerned with existing traffic: Speeding cars, cars using Wave/Google maps, cars cutting through residential neighborhoods. My then 14 yo was hit by an Uber that was transporting a student from campus to Oakland...driver from out of town on his phone. My son was thrown up onto hood, knocked unconscious, broke leg and in wheelchair two months.</p> <p>City of Berkeley folks: The Bayer expansion will only make this problem worse. I also support the Bayer expansion, just, again, I have traffic concerns.</p> <p>With your new acquisition of Mills College, you will only have more traffic to/from the south.</p> <p>PLEASE, do the following to increase safety, reduce congestion and reduce emissions from idling cars/trucks:</p> <p>Increase the perimeter shuttle around campus to every 5 minutes. It rarely runs so people don't use it. With more frequent shuttles (especially from BART), less people will drive. The shuttle is always empty as it only runs every 24 minutes. Also do this when you have large events on campus including the Stadium, the Greek Theater and Haas Pavilion.</p> <p>Find a large lot at Mills and in Montclair where people can park. Run shuttles every 10 minutes from there from 7:30-8:30 and back from 4:30-6:00.</p> <p>Fund AC Transit to run buses every 5 minutes from Rockridge</p>	<p>Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>The comment is concerned about existing traffic, cut-through traffic, and speeding on City of Berkeley streets.</p> <p>The comment expresses concern about additional traffic generated by the LRDP Update. As described starting on page 4.15-2 of the Draft EIR and consistent with CEQA Guidelines Section 15064.3, traffic congestion or measures of vehicular capacity or delay may no longer be used in CEQA documents as thresholds of significance, and therefore are not addressed in the Draft EIR.</p> <p>The comment makes several suggestions to increase safety, reduce congestion and reduce emissions, such as running more frequent shuttles and AC Transit buses, installing traffic calming measures in the City of Berkeley streets, and increasing parking fees. However, the commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no additional response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and the EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>BART/partner with Berkeley Lab on this. Make sure they run every 5 minutes from 7:30 am-9:00 am and back from 4:00 pm to 6:00 pm. Not just for UC affiliates, but all people including Berkeley High School students.</p>	
	<p>Work with the city of Berkeley to install traffic calming measures (speed humps, no turns, etc.) to keep people out of residential neighborhoods.</p>	
	<p>Work with city of Berkeley to have UCPD ticket people for distracted driving (on phone apps) and speeding.</p>	
	<p>Raise the fees for parking to the same price as UCSF.</p>	
	<p>Charge tax on all campus parking like UCSF and SFSU do and the state supreme court gave authority for San Francisco to do. Berkeley agree that all tax revenue SHALL be 100% dedicated to traffic calming (reduction in traffic and slowing it down) and pedestrian safety including safe bike routes.</p>	
	<p>Work with the city of Berkeley to support Nancy Skinner and Buffy Wicks carrying legislation to decrease traffic speeds within one mile of main campus and Clark Kerr campus to 15 miles an hour.</p>	
	<p>Sign an agreement with the city and state that the outdoor areas of campus (main campus, Clark Kerr track, fire trails) will ALWAYS be open, even in a pandemics, to the public for safe exercise and pedestrian/bicycle access to get through town.</p>	
	<p>Thank you for asking. Don't forget a healthy community is part of what makes Cal great. Let's keep our community healthy (our lungs and bodies).</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C13	Tom Miller, April 12, 2021	
C13-1	Building student housing on People’s Park is a poor idea, especially when alternative less contentious sites, such as Smyth Road where married student housing used to be, are available. The University and the City of Berkeley should meet and cooperate in developing People’s Park into a permanent park honoring its historic past and serving the City’s need for open space.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C14	Omowale Fowles, April 13, 2021	
C14-1	<p>We respectfully request that the space known as “Peoples’ Park” be left in tact and that it not be destroyed further neitherby the City of Berkeley nor by the University of California at Berkeley. We strongly recommend that People’s Park be designated an Historical Landmark to commemorate and preserve the legacy of Struggle for dignity and human rights by the community at large and displaced people in particular, especially the original indigenous Ohlone Huichin landowners, the impoverished poor, and people of color. After these last “several” sets of evictions from homes and bull-doziings of campsites around this city and dozens of other places throughout Alameda County, public spaces must be made available and unchallenged by private, selfish individuals and incendiary police interventions.</p> <p>Furthermore, we request that the Berkeley Police Department be relieved of duty around the park and that (y)our Berkeley Mental Health Counsellors, along with the Alameda County Street Teams from the Health Care for the Homeless unit, be assigned to that park so that there are NO FURTHER ACTION nor INCIDENT alerts or police reports of every “little” conflict which may arise--either by provacateurs or others, thus giving the false impression and negative image that People’s Park is so much more dangerous now that it could justifiably be destroyed and turned into market rate housing site for students only.</p>	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>As a UCB grad, I do not appreciate the decimation of a viable public space for the exclusive and exclusionary use of any one group, nor do I condone the criminalization of the people and the environment in the park "In My (students, grads) Name".</p>	
	<p>So, please, try to follow the Ithaca, New York model of what they are doing to help the homeless become healthy and housed again. As police positions become vacant, the City of Ithaca is replacing those slots with Social workers and Mental Health professionals. Take the hint! We in Berkeley already have those social system supports in place, available and working daily!! Let us spend OUR tax dollars and Bond measure monies to put individuals and families into the EXISTING 1500, VACANT housing units today, this week, and no later than next Monday, 18th April 2021. ¡Si Se Puede! It can be done if Planning Department and City Council persons have the will and the integrity to do it...The City of Berkeley most certainly DOES HAVE the money to do it, given the Measure A1 (2016) money that has been in the general fund since 2017; the additional dollars from Two more measures in 2018 and last year's proposition(2020) for money to H-o-u-s-e the homeless at this time, not 2 or 3 years hence; and the chunk of change that Berkeley has certainly received from Alameda County's \$3.5 million allocation in February 2021 from Gov. Newsom's \$63 million that came as part of the Biden administration's trillion dollar GIFT to all states to e-x-p-a-n-d hotel voucher programs to get ALL of the homeless off of the nation's streets as a means of flattening the CoV-2 (COVID-19 and variants) curveonce and for all. "Homelessness is the number one source for Risk Factors of CoV-2 and chronic illnesses as well." [OF2021]</p> <p>There are no more excuses left. JUST DO IT: House Everyone! Please!</p>	
C15	Priyanka Vatturi, April 13, 2021	
C15-1	I am currently sitting on the special meeting to talk about long term development, specifically about peoples park and 1921 Walnut Ave. Not	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>only has the mayor of Berkeley or anyone else not talked about the human rights impact of these developments, but they also have barred any comments from being presented at this meeting.</p> <p>The development on Peoples park is an inherently white supremacist capitalist patriarchal development that abandons the history and importance of peoples park. The development of 1921 Walnut Ave, which is rent controlled housing for people who need it, If you are displacing so many people out of historical sites and don't provide them any other option to go, the institution of the university is directly going against its own values.</p> <p>I swear to you all, if this development starts, the Berkeley campus will organize and you will have at least 10,000 students chaining themselves to any building or any tree which would be such a burden on everyone, not to mention a public relations crisis.</p>	<p>of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
<p>C16</p>	<p>Rachel Rovinsky, April 13, 2021</p>	
<p>C16-1</p>	<p>I am a Berkeley student and employee, and I urge you to NOT develop on People's Park. People's Park is one of the few green spaces left around campus, not to mention a home for much of the houseless community in Berkeley. The Longe Range Development Plan makes no real guarantee that it will provide housing for the houseless community, and on top of that, it will only exacerbate gentrification by pushing out current residents in exchange for more transient students who likely will not spend the rest of their lives in Berkeley after graduating.</p> <p>Listen to the surrounding Berkeley community that the UC has so much impact on and do not develop on People's Park. Preserve homes, livelihoods, and redirect funding towards community safety measures which will actually prevent crime instead of violently react to it, thank you.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. For the topic of gentrification, please see Master Response 14, Gentrification. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C17	Siobhan Lettow, April 13, 2021	
C17-1	<p>My name is Siobhan Lettow and I grant UC Berkeley permission to read my comment during the public hearing.</p> <p>Building on People’s Park, Oxford Tract, and Gill Tract would be criminal at this point. Money should be put towards retrofitting the 70 dangerous structures already a part of the UC landscape. The university is showing how little they care about the safety of students and staff by ignoring these things and focusing on building market rate luxury student housing. This high cost housing will be hard to fill. We do not have a lack of buildings, we have a lack of buildings with affordable units. And I mean truly affordable. The current definition of “affordable” would be laughable if it weren’t so tragic. If you must build then do so on Clark Kerr where there are many more acres available but really just fix the damn buildings that are already in place please.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C18	Pam May, April 15, 2021	
C18-1	<p>I am in support of the new construction project for people’s park property.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C19	Richard Wallace, April 15, 2021	
C19-1	<p>I write to express my support for the 2021 UC LRDP that was recently discussed by the City Council. The concerns that were expressed about the plan at the meeting seem to me overblown, for the most part. The student housing elements in the plan, for instance, are extremely important and welcome, especially at the People’s Park and University Ave. sites. These are central locations that would enable thousands of</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>students to live in walking distance to campus and to downtown amenities and public transportation.</p> <p>I happen to think it is important that the flagship campus of the University of California should grow modestly to accommodate massive student demand in a state that is significantly larger and more affluent than it was 50 years ago. Berkeley can cope with this growth, which I believe will contribute to making our community more vibrant and interesting, and better support the kinds of public amenities that require greater density in the central areas around the campus.</p> <p>We of course need to be vigilant about fire dangers throughout the state of California. But the main danger is caused by the failure of our urban areas to grow to absorb growth in a sensible way, which has pushed the population of the state to the interface with rural areas where fire dangers are most severe.</p> <p>I strongly object to the idea that the city of Berkeley should sue the university to extract concessions in connection with the LRDP. We have far more important purposes to which taxpayer funds can be put. (How about investing in a serious network of protected bicycle trails throughout the city, for instance, including paths that would enable people to commute to campus and home without putting their lives in danger?)</p>	<p>comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C2o	Diana Bohn, April 16, 2021	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the</p>
C2o-1	<p>Please!!!</p> <p>No building on People’s park!! It is a local and national treasure!! It must be preserved!</p> <p>It is also the only open space on the south side of UCB, Surely there are other choices for new student housing! - such as the parking lot at Oxford & Hearst and many empty buildings in the vicinity of UCB.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C21	Elsa Tranter, April 16, 2021	
C21-1	<p>I write as a long-time (almost 50 years) Berkeley resident and as a UC employee of 30+ years (now retired). I remember, back in the 80s, when the university was pushing for a total enrollment of 30,000, which seemed way too many students then. Not only did the university go over that number every year, but it found ways to enroll freshmen through ‘concurrent enrollment’ which didn’t count toward that 30,000 but brought hundreds more freshmen to campus. And the numbers keep going up. The city of Berkeley has gotten more crowded and more congested every year as there are now about 40,000 students with the projections up to 50,000.</p> <p>There is always talk about the housing shortage and the need to build more housing for students—there wouldn’t be such a great need if there weren’t so many students. Just because the state’s population keeps going up doesn’t mean that Berkeley has to have even more students—we’re full to overflowing now. There are other, smaller campuses, with more space for expanding, such as UC Merced, to accommodate the increased numbers. I urge you to push back to the state or the regents and not add another 9000 students (and staff and faculty) to an already overloaded campus and city.</p>	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please also see Master Response 8, Population Projections.
C22	Eric Johnson, April 16, 2021	
C22-1	<p>I am a Berkeley resident with young kids in Berkeley schools and a vested interest in the long-term health and well-being of our city. I have no affiliation with the University. I <u>strongly support University-led construction</u> of large amounts of new, dense housing on any appropriate parcels, including those proposed in the 2021 LRDP, for the following reasons:</p> <p>1. The <u>regional and global environmental impact</u> will be <u>higher and more adverse</u> if students who would have come to Berkeley instead go to any</p>	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>other UC / Cal Poly / Cal State campus, as those campuses are generally less dense than Berkeley (both campus and city). So we should <u>make space at Berkeley</u>.</p> <p>2. The <u>local environmental (and economic) impact</u> will be <u>higher and more adverse</u> if Berkeley students/staff are housed ad-hoc at low density in older buildings all over the city and wider region. So we should <u>build new, dense, smart housing</u> here and now.</p> <p>Please work constructively with the University to face the challenges and opportunities of the future head on. That means more people and students in our city, and more people and students throughout the Bay Area. Let's lead the way in Berkeley.</p>	
C23	Linda Dondero, April 16, 2021	
C23-1	<p>I live at [REDACTED] Dana Street. The increase in noise levels over the past 5 years increase in student number enrollment is off the charts. And that noise increases every year that Cal increases its enrollment and has no on campus housing.</p> <p>I have paid off my house in what was a quiet residential neighborhood. Now there are screaming yelling students who return home from 10 pm til midnight. Two doors down on Parker there is now a house of students who play beer pong in their backyard, yelling the whole time. There is no way I can sit in my own backyard because of the loud noise, and I can even hear it inside my house with all the windows closed. This is not Ok.</p> <p>Cal should not enroll students they cannot house on the campus itself. They have land within the campus to build highrise housing. Do it there please.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. With respect to noise generated from students, please see Response B4-28, and regarding building housing on the Campus Park, please see Master Response 18, Alternatives.</p>
C24	Michelle LePaule, April 16, 2021	
C24-1	<p>The University should make every effort to acquire the Mills College campus. This would allow it to grow as well as house some students. The</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>plan to grow within Berkeley is not feasible. The University itself acknowledges that it is landlocked by an earthquake fault.</p> <p>Building on People’s Park is desperate to the point of being extremely hostile to the community. If it is that desperate, why not destroy the football stadium and build a 20 story complex? After all, football is not a subject and eliminating it would have no bearing on its academic status.</p> <p>UCB should respect the community that supports it.</p>	<p>of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C25	Ellen Peterson, April 18, 2021	
C25-1	<p>I was born in Berkeley, attended UC Berkeley as an undergraduate and graduate student, am one of several generations who have attended Cal, and I have lived for the last 30 years on Roble Road, in the nearby Claremont area. My grandmother attended classes at the Anna Head School in the 1910s while she was a student at Cal. My family and I have always loved the City of Berkeley, with its many beautiful and historic buildings, its tree-lined streets, and its connections to Cal.</p> <p>I read with alarm the plans of UC to build massive buildings near such iconic and beautiful buildings as the First Church of Christian Science, Hobart Hall, and, once repaired, the Anna Head School. I understand wanting to make changes to People’s Park, but these changes should not involve the overbuilding contemplated by UC.</p> <p>To go forward with the current plans will result in a serious loss in the quality of life for those who live or work or just visit the City of Berkeley. Such overbuilding would increase noise and traffic in Berkeley, as well as harm the beauty of the important architecture of many nearby buildings.</p> <p>As a member of the Town and Gown Club in Berkeley, I am aware of the need of the City and UC to work together. To push forward with this too large and ill-thought-out building plan is likely to divide the City and UC,</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Potential impacts to historic resources adjacent to Housing Project #2 are discussed in Chapter 5.4, Cultural Resources, and Chapter 5.11, Noise, of the Draft EIR, as well as in Responses A3-112, B4-61, B7-11, B10-10, B10-11, B10-18, B10-38, B10-129, B10-144, B10-145, B10-148, B10-149, B10-150, B10-151, B10-156, B10-158, B10-160, B10-184, and B10-201.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	and that would be very unfortunate. It could even result in alumni being less inclined to support UC in the future.	
	Yes, UC has the power to ignore the wishes of the City of Berkeley, but it would be both short sighted and wrong to do so.	
	Thank you for allowing me to comment on this important issue.	
C26	Paul Newacheck, April 18, 2021	
C26-1	This is way over the top. Dozens of new buildings and thousands of beds will make Berkeley a suburb of UC Berkeley. Please scale back your ambitions. I say this a former UCB student and current Berkeley resident.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C27	Paul Teicholz, April 18, 2021	
C27-1	Both of these project sites and proposed additions to the campus look fine to me. Of course they will have some negative impacts, but there is really a need to more student housing as the campus expands.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C28	Susan Jin, April 18, 2021	
C28-1	I'm happy to support this.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C29	Tamara Gurin, April 18, 2021	response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C29-1	<p>I am deeply disappointed by the UC Berkeley's aggressive plans to overbuild the area where the campus is located. This rushed campus expansion will result in further increase in congestion in the streets, in overcrowded public areas and in rapid increase in the cost of living due to the ever-increasing shortage of student housing. Our existing infrastructure cannot sustain such a rapid increase in population. Berkeley is already overwhelmed by homelessness, despite almost annual increase in our tax burden. Our streets are not ready for more traffic, and Berkeley Hills area residents cannot rely on public transportation, which is extremely limited here, due to the low density of development in the high-risk seismic and fire zone.</p> <p>I am also deeply concerned with the environmental impact of the UC campus to the surrounding open space. Anyone who walked up the fire trails in the area of Strawberry Creek behind campus is perplexed by the "fire protection" effort undertaken by the University. University cut down hundreds of perfectly healthy trees that are not highly inflammable; yet, numerous bone dry trunks and branches of fallen trees were left behind as highly inflammable fuel. Looks like nobody bothered to remove those from the area which belongs to UC. Quite often, the trees that were cut down included healthy fire-resistant redwoods (three now absent redwood trees in front of O'Brien Hall are a sad example). Where before there was shade and cool air during hot summers, now is barren concrete.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Impacts associated with these concerns are analyzed in the Draft EIR in Chapter 5.6, Geology and Soils; Chapter 5.15, Transportation; and Chapter 5.18, Wildfire.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	Up in Strawberry Canyon, barren hills are now subject to greater erosion, landslides and further rapid deterioration of the microclimate that maintained relatively high levels on humidity in Berkeley. The environmental impact of UC Berkeley is such that in another decade or two we will lose the open space behind campus, it will simply slide into the campus itself if another wet year comes along.	
C30	Yun Park, April 18, 2021	
C30-1	I'm very glad and supporting UC Berkeley neighborhood more safe place by developing PP.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C31	Amanda Lee, April 19, 2021	
C31-1	<p>I disapprove of the current plans to develop Peoples Park (housing project #2) and 1921 Walnut St (housing project #1). As a student, the "benefits" are far outweighed by the harm and displacement these projects will cause. Further, I believe you have not been incorporating community impact and input into the plan.</p> <p>People's Park is a unique space for living, mutual aid, and community events, and the park has served these purposes for years. LRDP ignores community input and impact, as residents are evicted and this space is destroyed.</p> <p>Similarly, the eviction of tenants at 1921 Walnut St and the demolition of 1921 Walnut St. significantly harm non-students in Berkeley. This plan removes much needed affordable housing stock within Berkeley. LRDP</p>	<p>The comment expresses concerns regarding the proposed project and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>The loss of the existing rent-controlled housing units on the Housing Project #1 site are evaluated in the Draft EIR under impact discussion POP-2. In addition, the comment incorrectly states that the Draft EIR does not evaluate the displacement of people at the Housing Project #2 site. The potential displacement effects of Housing Project #2 are</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>needs to account for Population and Housing impacts via the perspective of people living in the local community.</p> <p>Further, the mentioned housing for very low income and houseless people under Housing Project #2 is not ensured, as it relies on the EIR to be submitted to the federal government in an attempt to get the necessary funding for this housing. This EIR will not be completed until after the student housing is built, and therefore the people that reside at People’s Park will be displaced for at least this period of time. This displacement is violent and irresponsible.</p> <p>On top of that, this unguaranteed low-income housing is inaccessible. It is under market rate, but not free, and with an income requirement of up to \$48,000 a year. This will be inaccessible to most of the very low income and houseless people it claims to be for, and for the displaced population from People’s Park.</p> <p>The EIR does not specifically recognize the eviction and displacement of residents of People’s Park, the site of Housing Project #2, at all, showing that it doesn’t consider the needs of the houseless communities of the East Bay</p>	<p>evaluated on pages 5.12-26 to 5.12-27 of the Draft EIR. Please also see Master Response 14, Displacement. Regarding the use of federal funds for Housing Project #2, please see Master Response 19, Evaluation of the Use of Federal Funds.</p>
C32	Elizabeth Waters, April 19, 2021	
C32-1	<p>I’m writing to express my complete and strong support of the UC Berkeley 2021 Long Range Development Plan (LRDP) and Housing Projects #1 and #2.</p> <p>It is urgent that UC Berkeley provide more housing for its students. There is a critical lack of housing available to UC students and the greater community. Every apartment leased by a student off campus takes an apartment away from a Berkeley resident. Every bed provided by the University will increase available housing in the city. UC Berkeley enrolls a large number of student who receive financial aid and are eligible for Pell</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	Grants. These students do not have deep pocketed parents and many are housing insecure, or if they get an apartment are often food insecure.	
	Bottoms line, the urgent need for housing in Berkeley requires the development plan put forth by the University.	
C33	Kendra Harpold, April 19, 2021	
C33-1	I am a second year student attending UC Berkeley and as a member of this campus community, I am emailing to express my opposition to and qualms with the current LRDP and EIR for Housing Project #1 and #2. The current EIR inaccurately represents the current situations at the sites and therefore should not be considered as a potential reasoning for moving ahead with these sites for the following reasons.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C33-2	The EIR does not adhere to California Fish and Game Code under section 5-3-3, Nesting Birds and Species, subsection 3503.5 stating the prohibition of the taking, possession, or destruction of any birds or nests of birds of the orders Falconiformes or Strigiformes. There are a number of unidentified nests in the park that have not been assessed under the EIR possibly belonging to active red-tailed hawks or California spotted owls, making the destruction of the park a very possible violation of the FMBTA.	The commenter expresses an opinion regarding the potential loss of bird nests in active use and compliance with State and federal regulations. As discussed on page 5.3-24 of the Draft EIR, tree removal or construction in the immediate vicinity of a nest in active use could result in its abandonment, which would be a violation of the Migratory Bird Treaty Act and California Fish and Game Code. However, preconstruction surveys would typically be necessary to confirm whether proposed development or vegetation management activities would adversely affect nesting birds where suitable habitat is present as called for in CBP BIO-1 listed on page 5.3-25 of the Draft EIR. This includes consideration of raptors protected under Subsection 3503.5 of the California Fish and Game Code, as discussed under Nesting Birds and Protected Species on page 5.3-3 of the Draft EIR. Implementation of CBP BIO-1 ensures that bird nests in active use are avoided, preventing their possible loss, and thereby preventing the theoretical interruption of bird nesting and young production.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C33-3	The EIR also claims there is no significant impact to the development of Housing Project #2, People’s Park, when in fact, in reports from the World Health Organization, urban green spaces are essential to the wellbeing and community of all people living in an urban environment. The destruction and privatization of a currently public space that exists to gather, exercise, receive aid, and maintain local wildlife population is an impact incalculable.	<p>As described in Section 5.14.2, Standards of Significance, in Chapter 5.14, Parks and Recreation, of the Draft EIR, the proposed project would result in a significant parks and recreation impact if it would: (1) result in substantial adverse physical impacts associated with the provision of new or physically altered parks facilities, need for new or physically altered parks facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks services; (2) 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; (3) include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment; or (4) in combination with past, present, and reasonably foreseeable projects, result in a cumulative impact. These standards are from Appendix G of the CEQA Guidelines.</p> <p>The development of a green space does not necessarily equate to a significant impact to parks and recreation. Overall, the proposed LRDP Update would result in approximately one additional acre of open space and three additional acres of formal athletic and recreational space as described on page 5.14-8 of the Draft EIR. Under Housing Project #2, two-thirds of the site would remain open space, and the student housing component would include recreational facilities for residents, including fitness and yoga studios as described on page 5.14-10 of the Draft EIR. Because park and recreation space is provided by UC Berkeley elsewhere throughout the EIR Study Area, as well as included as part of Housing Project #2, as described in impact discussions REC-1 through REC-4 in the Draft EIR, the proposed project would not result in significant impacts to parks and recreation.</p>
C33-4	Both Housing Projects #1 and #2 claim to have “less than significant impact without mitigation” and yet they both propose to build on sites	The comment expresses concerns regarding the proposed project and does not state a specific concern or question regarding the sufficiency

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>that are extremely vital housing to lower income and houseless people with new housing priced significantly higher than the market rate for students, contributing to the housing crisis and extremely high rent in the BayArea. The destruction of 1921 Walnut St, the site of Housing Project #1, removes 16 beds worth of affordable housing, directly counter to the statewide and city plans to preserve affordable housing as all new projects for this site are for student housing inaccessible to Berkeley residents. The EIR also completely ignores the eviction of the vulnerable very low income and houseless people currently relying on the park for sheltering as having any impact at all, completely ignoring input from students and the community. The proposed low income housing at the site is just that: proposed, and is entirely dependent upon federal funding to build which will not be garnered until after the student housing is built, guaranteeing the displacement of current residents for this period of time. The low income housing will also be inaccessible to the most vulnerable residents in the Berkeley houseless community as they will still require a minimum income of 48,000\$ a year to afford. This is well above what can be considered affordable to people who truly need it.</p>	<p>of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>The loss of the existing rent-controlled housing units on the Housing Project #1 site are evaluated in the Draft EIR under impact discussion POP-2. In addition, the comment incorrectly states that the Draft EIR does not evaluate the displacement of people at the Housing Project #2 site. The potential displacement effects of Housing Project #2 are evaluated on pages 5.12-26 to 5.12-27 of the Draft EIR. Please also see Master Response 14, Displacement. Regarding the use of federal funds for Housing Project #2, please see Master Response 19, Evaluation of the Use of Federal Funds.</p>
C33-5	<p>These sites are both of extreme value historically and culturally to the Berkeley community and their destruction, even in part, will be losing a large part of what makes this community so special.</p> <p>For these reasons, as a member of the Berkeley community and student body, I reject the legitimacy of the DEIR as it stands and must ask that the university reconsider other spaces for future student housing.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C34	<p>Kristen and Mike Barneich, April 19, 2021</p>	
C34-1	<p>First of all, I want to say how hard it is to make everyone happy and how no matter what you do, sometimes it just can't happen. I am very familiar with making hard decisions and the ramifications that can come with them. I am a City Councilwoman in Arroyo Grande, California. We have a</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>population of about 18,000 and I represent many less people than you do. I will respect what decision you make that you feel is in the best interest of your students and faculty, because you work every day to make the University a better place. No one knows your community better than you do!</p> <p>I'm writing to express my complete and strong support of the UC Berkeley 2021 Long Range Development Plan (LRDP) and Housing Projects #1 and #2. I think the mix of uses that is described in the Draft EIR is impressive and should be applauded for the collaboration that it has taken to get to this point.</p> <p>The Housing Project #1 that would include much needed student housing, campus lifespace and ground floor commercial would be wonderful for the students at Cal. I don't have to tell you how hard it is for students to find housing that is safe and available in Berkeley. More commercial options that will serve the neighborhood and the students will be welcomed.</p> <p>The Housing Project #2 which includes more student/faculty housing, campus life space and ground floor public space will be a welcome addition as well. I'm very excited about the addition of 125 supportive housing beds, the adjacent clinic that is proposed and the 82,000 square feet of open space.</p> <p>This truly is a mixed use project that will benefit the students, faculty, new and existing neighbors and the less fortunate. The homeless will have beds to sleep in, along with supportive services that will hopefully help them succeed and move forward with a more productive life.</p> <p>I urge you to move this project forward and make the University and People's Park a wonderful and safe place to live, study and relax.</p>	<p>response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>My daughter is a Sophomore at Cal and next year will be renting a home with 10 sorority sisters right around the corner from People’s Park on Benvenue. People’s Park has gotten even more dangerous in the last few years. With the addition of almost 75 (and counting!) tents, the violence at the Park and around it, is truly coming to ahead and must be dealt with. Twice last year she and her boyfriend were chased by a homeless individual that is known to live at People’s Park. Two stabbings in the last few months are two too many.</p> <p>I understand that risks that come with living in an urban area and we accept that. I’m specifically speaking about the residents that live at People’s Park. I feel that these tents are directly contributing to the violence in the surrounding neighborhood.</p> <p>Thank you for listening!</p>	
C35	Maria Briggs, April 19, 2021	
C35-1	<p>I’m writing to express my complete and strong support of the UC Berkeley 2021 Long Range Development Plan (LRDP)and Housing Projects #1 and #2. I think the mix of uses that is described in the Draft EIR is impressive and should be applauded for the collaboration that it has taken to get to this point.</p> <p>I urge you to move this project forward and make the University and People’s Park a wonderful and safe place to live, study and relax.</p> <p>My daughter will be a Sophomore at Cal next year.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C36	Michael Katz, April 19, 2021	
C36-1	Please accept these comments on the LRDP Draft EIR. I’m writing as a grateful UC Berkeley alumnus, who is now a UC neighbor in Berkeley.	The comment serves as an opening remark. No response is required.
C36-2	1. Failure to Analyze Mills College No-Build Alternatives	The site of Mills College is located in an area of the city of Oakland that is outside of the LRDP Planning Area. Mills College is not owned or

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>The Draft EIR is broadly deficient, and is open to legal challenge, in failing to analyze a robust no-build alternative involving UC Berkeley’s apparent plans to use and/or absorb the Mills College campus. The EIR should be withdrawn, rewritten, and recirculated to analyze such a no-build alternative.</p>	<p>managed by UC Berkeley and not part of the existing LRDP or the proposed LRDP Update. Please see Master Response 7, EIR Study Area, and Master Response 18, Alternatives.</p>
	<p>On 3/23/2021, Mills College announced that it would shut down as a degree-granting institution in 2023. Two days later, UC Berkeley announced that it would house 200 incoming students at Mills in Fall 2021, in a satellite “Changemaker in Oakland Program.”</p>	<p>Please see Chapter 6, Alternatives to the Proposed Project, of the Draft EIR for a complete explanation of the contents of the chapter.</p>
	<p>UCB hailed this (and other Mills joint programs) as offering students “the feel of a small liberal arts college, with the resources and opportunities of a large research university.” (Indeed, these are the advantages that I experienced as a student in a small graduate program on UCB’s huge central campus.) News stories on 3/25/2021 revealed that Mills College “leaders started talking more openly several months ago about the possibility of further merging with UC Berkeley as a way to solve the challenges for each university — Cal’s shortage of student housing and Mills’ low enrollment.”</p>	
	<p>It seems obvious that UCB’s administration is actively engaged in talks to acquire Mills as a satellite campus. The advantages to UC (and to California taxpayers) would go well beyond Mills dorms’ alleviation of UCB’s housing shortage. Without paying current construction costs, UCB would also acquire ample classroom, office, laboratory, and performance facilities.</p>	
	<p>UCB could also meet many of its staffing objectives by hiring Mills’ well-regarded faculty. (Mills is particularly distinguished in some fields, such as its music faculty’s unmatched influence on the development of 20th-</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>century classical music.) Beyond these faculty resources, UCB could acquire professional staff who have – among other achievements – demonstrated expertise in recruiting probably the most diverse student body of any U.S. private college.</p> <p>Perhaps most importantly, a Mills acquisition could finally address UCB’s long-term failure to offer undergraduates a structured residential-college experience, with benefits in retention, academic achievement, and lifetime loyalty to UCB.</p> <p>If operated as a self-contained satellite campus, UCB at Mills would reduce many of the impacts in Berkeley that the Draft EIR identifies: less commuter traffic, and reduced parking needs. These benefits would still be available if Mills were closely integrated with the Berkeley campus: Shuttle buses have run between the two campuses for decades, and could continue to mitigate any need for faculty or students to drive between them.</p> <p>The precedents for acquisition of the Mills Campus are obvious: The UC system absorbed Hastings College of the Law, formerly a private institution. UCB itself notoriously acquired what it now calls the “Clark Kerr [satellite] Campus” by cooperating in the displacement of the former California Schools for the Deaf and Blind.</p> <p>If UCB is actively negotiating to acquire the Mills College site, its obligations to the public include a revised EIR that adequately analyzes this alternative. If UCB is not acting to acquire Mills’ campus, it owes the public an explanation of why it is not pursuing this opportunity, an obvious good fit.</p>	
C36-3	<p>2. “Housing Projects #1 & 2” Fail to Consider All Impacts, and Fail to Analyze Lower-Impact Alternative Sites</p>	<p>This comment asserts impacts from Housing Projects #1 and #2 are not adequately analyzed in the Draft EIR. The commenter provides no substantial evidence to support this assertion. Therefore, no response</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>At People’s Park, the notion of an 18-story tower – or 15 stories, or 11 stories, or even 8 stories – is repellent and unacceptable. The EIR fails to adequately identify or analyze the impacts of such a looming megastructure. These impacts include shadowing of the adjacent First Church of Christ, Scientist, a landmarked architectural masterpiece and an irreplaceable cultural resource.</p>	<p>is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Master Response 18, Alternatives. Please see Response B3-3 regarding shade not being a CEQA topic of concern and Responses B10-149 and B10-150 regarding shading of the First Church of Christ, Scientist. No mitigation for shade is warranted as there is no nexus to a CEQA impact. Please see Master Response 5, Mitigation. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C36-4	<p>Any development at People’s Park (“Housing Project #2”) should be comparable in height, scale, and character to the surrounding community. Directly north of People’s Park, the “Anna Head West” housing complex was admirably designed to achieve these goals, providing ample housing, along with attractive open space for residents as well as the community, while topping out at about 5 stories.</p> <p>UC’s own architectural consultants offered a similar layout for People’s Park, called “2.8 Spoke.” This could accommodate a comparable number of student residents, while preserving some public open space. A maximum height of 5 stories is realistic for what might be an enduring era of multiple pandemics, because able-bodied student residents could get in and out using stairways. Whereas an elevator-dependent tower would very likely become an uninhabitable white elephant. Yet the Draft EIR fails to consider this low-build alternative.</p>	<p>The commenter incorrectly asserts that the Draft EIR did not consider a reduced program alternative for Housing Project #2. The commenter is directed to Chapter 6, Alternatives to the Proposed Project, for a complete assessment of Alternative B, Reduced Development Program, on pages 6-29 through 6-44 of the Draft EIR. Here the reduced development program would result in a reduced building height for the student building. Please see Master Response 18, Alternatives.</p> <p>Also, please see Master Response 10, Changes to Housing Project #2, that describes that since the release of the Draft EIR the design of the student building has a reduced building height.</p>
C36-5	<p>Downtown, “Housing Project #1” threatens to needlessly destroy existing, rent-stabilized housing at 1921 Walnut Street, in the alleged interest of expanding student housing. This is unacceptable: UC must preserve affordable housing, not destroy it.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C36-6	<p>Both of these proposed Projects (#1 and #2) proposals are deficient because the EIR fails to consider alternative sites that would impose far less impacts on the community, because they would not further encroach on non-University land. These obvious alternative sites include:</p> <ul style="list-style-type: none"> - The on-campus site that has been cleared by the demolition of Tolman Hall, curiously reserved for a “Data Hub” in the Draft EIR. Given UCB’s pressing need for affordable student housing, allocation of this site to on-campus housing would obviously be a higher and preferable use. UCB has adequately accommodated its needs for classroom and lab space, and has generated abundant data, since Tolman’s removal. - The on-campus site cleared by the demolition of 2223 Fulton Street. This is another obvious site for on-campus student housing. Here again, UCB has thrived without the office and meeting space removed by the building’s demolition. - The site currently occupied by temporary, single-story “Hearst Field Annex” buildings. These were erected as temporary homes for Pacific Film Archive (now relocated downtown) and for College of Environmental Design classrooms during Wurster Hall projects. If Cal wants to put dense student housing anywhere, probably the least disruptive “opportunity site” is right here, directly south of looming Barrows Hall. - The large, seismically doomed site of the original University Art Museum, between Bancroft Way and Durant Ave. What exactly does Cal intend to do with this large parcel? If the building can’t be seismically stabilized, why is UCB not treating this as a priority site for student housing, or (alternatively) for some of the additional office, instructional, and lab space that it claims to need? <p>Considering all of the above opportunity sites, UCB’s arbitrary refusal to build any housing on its main campus reflects clinging to an accidental</p>	<p>in reviewing the project and EIR. Please also see Master Response 14, Displacement.</p> <p>This comment expresses an opinion about the sites UC Berkeley identified for Housing Projects #1 and #2 and speculates that other sites would have less impacts on the community. The comment asserts that the alternatives evaluation is inadequate because other sites were not considered for these two housing projects. Please see Response B11-8 and Master Response 18, Alternatives.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C36-7	precedent that has no clear rationale. If dorms are good enough for Harvard Yard, why not for Cal?	
	UCB's refusal to locate even a single dorm bed on its main campus lags behind perhaps every other university and college on Earth. Comparably built-out campuses like UCLA are eagerly replacing antiquated central-campus academic and lab buildings with needed student housing. An adequate EIR would consider and analyze similar alternatives.	Please see Master Response 18, Alternatives.
C36-8	<p>3. Impacts on Other Landmarked Structures and Resources</p> <p>The EIR is broadly deficient in failing to adequately analyze and mitigate avoidable impacts to cultural resources. I support the comments submitted by BAHA (the Berkeley Architectural Preservation Association) and other groups demanding preservation of the architecturally landmarked Anna Head School; of the campus' West Circle; and of the 1907, 1921, and 1925 Walnut St. structures.</p>	<p>This comment asserts impacts from Housing Projects #1 and #2 are not adequately analyzed in the Draft EIR. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>With respect to the commenter's reference to the comment letter submitted by the Berkeley Architectural Heritage Association (BAHA), please see responses to Comment Letters B10 and B11.</p>
C36-9	<p>4. Failure to Consider No-Growth Alternatives, Satellite Campuses, or Campus Contraction</p> <p>The Draft EIR's broadest deficiency is its failure to challenge the notion that institutional excellence and purpose are achieved only through growth – especially through growth concentrated on and around its historic central campus. This is a throwback to Clark Kerr's comparison of the university to a publicly traded, for-profit corporation. That model was reviled upon arrival in the 1960s, when Berkeley became a center of protest against large corporations' multiple failures to serve the public interest.</p> <p>Today, such addiction to growth is just archaic. Young people embrace companies again – but they favor startups, where they can have a significant impact and build an ownership stake. Also, especially in this</p>	Please see Master Response 8, Population Projections, and Master Response 18, Alternatives.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>past pandemic year, the world has gone virtual. And so has UC Berkeley, in belatedly building a real capacity for remote learning and research.</p>	
	<p>All of this was made possible by an Internet whose fundamental components were built by some notable UC Berkeley grads – including Bill Joy, who wrote Berkeley UNIX and then co-founded Sun Microsystems; and Steve Wozniak, who co-founded Apple and thereby helped to make distributed personal computing possible.</p> <p>Today, it’s arguably insane for UC Berkeley to aspire to endless, relentless growth right in a city now burdened by some of the world’s highest costs of real estate and living, and by some of the developed world’s least-reliable supplies of such essentials as water and electric power.</p>	
	<p>The UC Regents have the power to revisit realistic enrollment targets for this particular flagship campus, and to reallocate future enrollment growth to newer campuses (like UC Merced) that have much greater capacity for expansion.</p>	
	<p>Even if subjected to unrealistic enrollment targets, UCB’s administration has the ability to mitigate the resulting enrollment, staffing, and facilities impacts imposed on UCB’s historic campus area. It’s time for UCB to think 21st-century, and to exercise its power to expand UCB’s franchise and virtual footprint, while minimizing its unsustainable pressures on this particular built-out city.</p>	
	<p>Other excellent research universities – like Harvard – have stayed closer to their original footprints. Where they needed to grow, they’ve developed satellite campuses. These have relieved pressure on their original host cities, while expanding access to the universities’ resources.</p>	
	<p>More importantly, really first-class research universities have expanded virtually. They’ve grown their research productivity, reach, impact, and</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>prestige through partnerships and co-branding with other established research institutions, and through bestowing research fellowships on established and promising scholars around the world. For example, Carnegie Mellon University has transplanted its prominence in digital engineering to a Silicon Valley campus at Moffett Field, where it offers five master’s programs. I’m aware of no Cal expansions like these, beyond a “Berkeley-Columbia Executive MBA Program” that enrolled students alternately on both campuses, before it was canceled in 2013.</p>	
	<p>UC Berkeley has done almost nothing comparable to “franchise” its research excellence – even given its affiliation with the broader, high-standards UC system.</p> <p>Furthermore, I contend that an adequate LRDP and EIR would present plans not to grow, but to reduce UCB’s enrollment, faculty/research/staff population, and physical footprint within Berkeley. At the very worst, this LRDP and its EIR should analyze stabilizing UCB’s enrollment, population, and physical footprint within Berkeley.</p>	
	<p>Past UCB leaders have recognized that a smaller – not larger – institution would be a stronger institution, in 3 ways:</p> <ol style="list-style-type: none"> 1. The quality of instruction would improve, with more student-faculty contact – especially at UCB’s long-neglected, but numerically dominant, undergraduate level. 2. With less overhead, UCB would have better capacity to weather future economic downturns, with fewer wrenching changes like tuition spikes, layoffs, outsourcing, or prioritization of out-of-state and foreign applicants. 3. A smaller UC would more resilient when faced with forecast future environmental threats, including next-wave pandemics, droughts, and electric-power shutoffs. 	
	<p>I believe that an adequate LRDP EIR would analyze a 2037 of re-adopting</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>of the 1990–2005 LRDP’s target enrollment of 30,000 students. When that document was prepared in fall 1988, the actual enrollment was 31,364 students. So UCB’s own recent planning practice offers a precedent for planning a moderate decrease in enrollment. (As newer UC campuses expand enrollment – while enhancing their research and teaching capabilities and reputations – the UC system’s flagship campus can afford to be more selective.)</p> <p>Another precedent: UCB’s current 2005–2020 LRDP set a target faculty/staff population of 15,810 people in 2020. Yet the actual 2018/19 faculty/staff headcount was 400 below that target – only 15,421 people – with no apparent harm to UCB’s institutional welfare and excellence. Without wading into the controversy of adjunct versus tenure-track academic staffing, this is an immediate precedent for maintaining Cal’s tradition of academic excellence while hiring substantially below earlier targets – even after years of expansion in California’s economy.</p> <p>Given the unsolved pandemic, the enduring real-estate boom, the persistent droughts, the persistent power blackouts, and the revolution in remote collaboration – it’s time for UCB to again plan to shrink to excellence.</p>	
C36-10	<p>5. Rectify Broken Commitments to Compensate the City for Past Impacts, and to Conform to Local Zoning</p> <p>UCB has grievously broke its past LRDP promises. Before adopting any further changes, it should scale back to those promises, and fully compensate the City for its impacts from violating those agreements.</p> <p>UCB’s recent population of 39,708 already exceeded its 2020 LRDP commitment by 19% (6,258 people), leading to lawsuits for uncompensated impacts on the City. For 2037, Cal proposes to supersize its 2020 target by an astounding 44%.</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please see Master Response 17, 2005 LRDP EIR Population Projections.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>At its “Upper Hearst Project,” and on the Oxford Tract, Cal threatens more out-of-scale megastructures that would degrade livability for its own students, faculty, staff, and broader community.</p>	
	<p>At the Oxford Tract in particular, this LRDP and EIR violate UCB’s past pledges to respect the City’s adjacent zoning. The Oxford Tract is a rare patch of open land that has provided breathing room for generations of students living on both sides of its block, while sustaining UCB’s founding purpose of agricultural research. These characteristics make it a unique and irreplaceable resource.</p>	
C36-11	<p>To sum up my above comments:</p> <ol style="list-style-type: none"> 1. Analyze a no-build alternative based on UCB’s likely acquisition of Mills College. 2. Adequately analyze lower-impact, on-campus alternative sites that would make “Housing Projects #1 &2” unnecessary. 3. Adequately analyze impacts on other landmarked structures and resources. 4. Adequately analyze no-growth alternatives, satellite campuses, and campus contraction. 5. Rectify broken commitments to compensate the City for past impacts, and to conform to local zoning. <p>Thank you for considering these comments.</p>	<p>The comment serves as a conclusion for the comments above. Please see Responses C36-2 through C36-10.</p>
C37	<p>Vladimira and Andrei Doran, April 19, 2021</p>	
C37-1	<p>We are writing to express our complete and strong support of the UC Berkeley 2021 Long Range Development Plan(LRDP) and Housing Projects #1 and #2. The mix of uses that is described in the Draft EIR is impressive and should be applauded for the collaboration that it has taken to get to this point.</p> <p>The Housing Project #1 that would include much needed student housing, campus life space and ground floor commercial would be</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>wonderful for the students at Cal. We don't have to tell you how hard it is for students to find housing that is safe and available in Berkeley. More commercial options that will serve the neighborhood and the students will be welcomed.</p> <p>The Housing Project #2 which includes more student/faculty housing, campus life space and ground floor public space will be a welcome addition as well. We are very excited about the addition of 125 supportive housing beds, the adjacent clinic that is proposed and the 82,000 square feet of open space.</p> <p>This truly is a mixed use project that will benefit the students, faculty, new and existing neighbors and the less fortunate. The homeless will have beds to sleep in, along with supportive services that will hopefully help them succeed and move forward with a more productive life.</p> <p>I urge you to move this project forward and make the University and People's Park a wonderful and safe place to live, study and relax.</p> <p>My son is a Freshman at Cal and next year will be renting a home with 4 other students near People's Park. People's Park has gotten even more dangerous in the last few years. With the addition of almost 75 (and counting!) tents, the violence at the Park and around it, is truly coming to a head and must be dealt with. Two stabbings in the last few months are two too many.</p> <p>We understand that risks that come with living in an urban area and we accept that. We are specifically speaking about the residents that live at People's Park. We feel that these tents are directly contributing to the violence in the surrounding neighborhood.</p>	<p>decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C38	Anne Lorenz, April 20, 2021	
C38-1	My daughter will be a senior next year at Cal. The safety in the area has dramatically decreased during her time in Berkeley. The area around People’s Park has become an incredibly unsafe area for many residents of Berkeley, not just students. I am writing in support of the LRDP and Housing Projects #1 and #2. I believe they will bring some much needed solutions to making the area safer and more productive for all.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C39	Tara Blossom, April 20, 2021	
C39-1	Firstly, building on peoples park would destroy 30 years of local history, culture, and community. As a lifelong resident of Berkeley, i have seen the harm that the UC has caused to this city, through rising prices and gentrification. By building expensive student housing on land that currently is the home of so many berkeleyans, would be to destroy a crucial resource for unhoused folks in berkeley. Currently there is so much mutual aid and care going on in that park, to threaten it is and always has been irreprehensible. DO NOT BUILD ON WALNUT OR PEOPLES PARK. STOP DESTROYING THE BERKELEY COMMUNITY! STOP TARGETTING PEOPLE OF COLOR AND LOW INCOME FOLKS. DISPLACEMENT IS VIOLENCE.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C39-2	MOREOVER: Under section 5-3-3, Nesting Birds and Species, quotes “Subsection 3503.5 [of California Fish and Game Code] specifically prohibits the take, possession, or destruction of any birds in the orders Falconiformes (hawks and eagles) or Strigiformes (owls) and their nests” yet there has been no assessment if the active red tail hawks and spotted owls have active nests in the park or not. This is a potential violation of MBTA.	Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources associated with the Housing Project #2 site. No evidence of any nesting by red-tailed hawk or owls was observed during the field reconnaissance surveys conducted during preparation of the Draft EIR. Suitable habitat for the State and federally threatened northern spotted owl (<i>Strix occidentalis occidentalis</i>), referenced by the commentor, is not present on this site or in the surrounding area of the East Bay. Please see Response A32-228 regarding avoidance of bird nests.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C40	Bonnie Feldberg, April 20, 2021	
C40-1	I am writing to express my opposition to the planned development of 1921 Walnut Street (Housing Project #1) and People’s Park (Housing Project #2).	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C40-2	<p>Neither the LRDP nor the EIR for either project adequately assesses the impacts on Population and Housing for either location. For Housing Project #1, 16 affordable units will be removed from the Berkeley community during a statewide housing crisis to be used for students only. This will have a negative impact on Berkeley community members and residents and because of this, the project is opposed by the community, the Mayor of Berkeley, City Council, and the Rent Board. As for Housing Project #2, it does not ensure any low income or affordable housing and would result in the displacement of a community of unhoused residents who currently reside in the park, forcing them to find alternate living situations and locations. The new housing will not be accessible to these people, will remove a historic and cultural site in Berkeley, and will negatively impact available green spaces. For this reason, UC students and faculty, the Berkeley Outreach Coalition, and Berkeley community members are against this development.</p> <p>It is clear from a political and community-based stand point that these two development projects are opposed by Berkeley residents and Berkeley city government and members of the UC Berkeley community. Both projects will have negative impacts on low income and unhoused residents of Berkeley and neither the LRDP nor the EIR are adequately assessing these negative impacts. It is wrong to displace people for the sole benefit of the university and students who are only temporary</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>The comment incorrectly states that the existing apartment building at the Housing Project #1 site contains 16 housing units; rather, the existing building contains 8 units. The loss of the existing rent-controlled housing units on the Housing Project #1 site is evaluated in the Draft EIR under impact discussion POP-2. Please also see Master Response 14, Displacement. Potential impacts associated with the historic significance of the Housing Project #2 site are evaluated on pages 5.4-39 to 5.4-40 in Chapter 5.4, Cultural Resources, of the Draft EIR. As identified on page 5.4-40 of the Draft EIR, the project would result in a significant and unavoidable impacts associated with the demolition and reconfiguration of People’s Park, which is a designated City of Berkeley Historical Landmark.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	residents of this city, rather than putting at-risk populations who are permanent and long term residents of the city at the center of the conversation and of risk assessment.	
C40-3	Again, as a resident of Berkeley, I stand with the rest of the community, the Mayor, City Council, UC Berkeley students and faculty, the unhoused community, and low income residents in opposing Housing Projects #1 and #2.	The comment serves as a closing remark. No response is required.
C41	Christine Dull, April 20, 2021	
C41-1	<p>I'm writing to express my complete and strong support of the UC Berkeley 2021 Long Range Development Plan (LRDP) and Housing Projects #1 and #2. I think the mix of uses that is described in the Draft EIR is impressive and should be applauded for the collaboration that it has taken to get to this point.</p> <p>The Housing Project #1 that would include much needed student housing, campus life space and ground floor commercial would be wonderful for the students at Cal. I don't have to tell you how hard it is for students to find housing that is safe and available in Berkeley. More commercial options that will serve the neighborhood and the students will be welcomed.</p> <p>The Housing Project #2 which includes more student/faculty housing, campus life space and ground floor public space will be a welcome addition as well. I'm very excited about the addition of 125 supportive housing beds, the adjacent clinic that is proposed and the 82,000 square feet of open space.</p> <p>This truly is a mixed use project that will benefit the students, faculty, new and existing neighbors and the less fortunate. The homeless will have beds to sleep in, along with supportive services that will hopefully help them succeed and move forward with a more productive life.</p>	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>I urge you to move this project forward and make the University and People’s Park a wonderful and safe place to live, study and relax.</p>	
	<p>My son is a Sophomore at Cal and has been renting an apartment this year on the Southside of campus. People’s Park has gotten even more dangerous in the last few years. With the addition of almost 75 (and counting!) tents, the violence at the Park and around it is truly coming to a head and must be dealt with. Hearing about violent confrontations weekly has me worried for all of the students’ safety. Students should not have to live in fear of walking from their apartments to campus.</p>	
	<p>I understand that risks that come with living in an urban area and we accept that. I’m specifically speaking about the residents that live at People’s Park. I feel that these tents are directly contributing to the violence in the surrounding neighborhood.</p>	
	<p>Thank you for your work on this project! I know I speak for my family and many others when I express my strong support to move this forward.</p>	
C42	Clifford Fred, April 20, 2021	
C42-1	<p>My UCB LRDP & Housing Draft EIR comments are attached to this email and also included in the body of this email. Please only include the comments from the body of the email if my attached comments cannot be downloaded. Please don’t print my email address in any documents you produce. I would appreciate a short email acknowledging [sic] receipt of these comments.</p>	The comment serves as an opening remark. No response is required.
C42-2	<p>COMMENTS ON UC BERKELEY LRDP & HOUSING PROJECTS #1 & #2 DRAFT EIR & PROJECTS</p> <p>I hereby request that UC Berkeley extend the comment period on the LRDP DRAFT EIR for at least 30 days. With people pre-occupied with the</p>	Please see Response A3-2 regarding the extension of the CEQA-required public review periods, as well as Master Response 3, COVID-19.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C42-3	<p>Covid pandemic, we could all use the courtesy of more time to review these documents.</p> <p>I hereby request that UCB respond to the City of Berkeley's and the community's comments in a Revised Draft EIR, and that you recirculate the Revised Draft EIR for at least 45 days.</p>	Please see Response A3-5 regarding recirculation.
C42-4	<p>What typically happens with UC projects is that once the comment period for a Draft EIR ends, UC's consultants prepare a Final EIR, and then the Regents vote to approve the Final EIR and the Project itself, without any additional opportunity for public/community/City input. This is clearly a violation of the spirit, if not the letter, of the California Environmental Quality Act.</p> <p>In the not too distant past, UC Berkeley would routinely extend the comment period on Draft EIRs - if asked to do so by the city, and would also recirculate a Revised Draft EIR for additional comments.</p> <p>I clearly remember that in response to community comments and concerns, the university prepared new Draft EIRs and significantly revised projects for both the Foothill Dorms Project and the Northwest Animal Facility Project.</p> <p>I hereby endorse all the Draft EIR comments by the Southside Neighborhood Consortium and all the comments made by Save Berkeley's Neighborhoods. I urge UCB to carefully review and to fully respond to all of their comments.</p>	The commenter expresses an opinion about past events. The commenter's observations are noted. The Draft EIR was prepared in compliance with CEQA and the CEQA Guidelines, as is the Final EIR.
C42-5	<p>INCORPORATED BY REFERENCE</p> <p>All documents, reports, studies, newspaper & magazine articles, ordinances, ballot measures including City of Berkeley Ballot Measures L & N, statutes, regulations, etc. cited in any way in the comments by the above named groups or by any other comments on the Draft EIR are hereby incorporated into these comments by reference.</p>	The comment references other documents but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C42-6	<p>PEOPLES PARK HISTORIC DISTRICT</p> <p>All Projects and Project Alternatives identified in the Draft EIR should have given careful consideration to complying with the proposed Peoples Park Historic District, and should provide a detailed rationale if in any project alternative it is deemed impossible to comply with the proposed Peoples Park Historic District.</p> <p>A Revised Draft EIR is needed so as to give proper consideration of the Peoples Park Historic District.</p>	<p>The HRTR for Housing Project #2 addresses the People’s Park Historic District (Appendix F.3 of the Draft EIR). The report notes that the People’s Park Historic District Advocacy Group is currently in the initial planning phase of the historic district delineation and has yet to complete formal survey work or to compose a historic context statement, evaluation, or boundary justification for the cluster of Berkeley Landmarks surrounding People’s Park (page 8).</p> <p>The National Park Service’s guidelines for applying the National Register Criterion for Evaluation define a National Register Historic District as “a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.” (National Park Service, How to Apply the National Register Criteria for Evaluation, 5.) Districts must be “a unified entity,” as “the identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties.” (National Park Service, How to Apply the National Register Criteria for Evaluation, 5.) A district must also possess significance and integrity.</p> <p>The HRTR notes that the properties identified by the People’s Park Historic District Advocacy Group vary broadly in construction date, ownership history, function, and architectural style. A list of properties is included on page 45. With the exception of the People’s Bicentennial Mural (1976) and portions of the Baptist School of Divinity (1918-1964), the properties predate the construction and period of significance of People’s Park by several decades, and none are known to have played a role in the founding of People’s Park or the political and social activist demonstrations of the 1960s and 1970s.</p> <p>None of the landmarks have been referenced in the extensive documentation on the formation of the park and the events that have</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C42-7	<p data-bbox="323 646 537 672">TRAFFIC ANALYSIS</p> <p data-bbox="323 719 1115 850">The Draft EIR is fatally flawed in part because the traffic analysis was done during the Covid Pandemic, when UC Berkeley was mostly shut down and thus the traffic in the greater Southside and Downtown area of Berkeley were at much lower levels than would ordinarily be the case.</p> <p data-bbox="323 898 1115 1094">The DRAFT EIR and the LRDP and Housing #1 and #2 Projects should be suspended until the Covid Pandemic has ended, when all UC Berkeley students have returned, when all onsite classes are being held, and when all UC Berkeley staff has returned to work. Only then UCB’s operations have returned to normal should the Draft EIR’s traffic analysis be conducted.</p> <p data-bbox="323 1141 1115 1240">The traffic analysis, studies and base level readings should have only be done on week days during the AM and PM rush hours when the University of California is in session and people are at work.</p> <p data-bbox="323 1287 1115 1419">The base level traffic readings and studies should not be done in the summer, on weekends, on holidays, at night, nor during the present or any future Corona Virus shelter in place orders, nor outside of the fall or spring UCB sessions, nor during any UCB student breaks.</p> <p data-bbox="323 1425 1115 1450">The base line traffic readings and studies should not be done on any City</p>	<p data-bbox="1157 321 1940 558">occurred at this location. Although these resources constitute a significant concentration of designated local landmarks within a given geographical area, they do not appear to be historically or aesthetically linked to each other or to People’s Park. As such, the proposed People’s Park Historic District is not considered a historical resource under CEQA, as described on pages 45-46 of the HRTR for Housing Project #2.</p> <p data-bbox="1157 605 1640 631">Please see Master Response 18, Alternatives.</p> <p data-bbox="1157 646 1940 1023">The comment incorrectly asserts that the transportation impact analysis presented in the Draft EIR is based on data collected during the COVID-19 pandemic and the associated shelter-in-place. As described on page 5-4 of the Draft EIR, the analysis presented in the Draft EIR is generally based on data collected prior to the start of the pandemic. Furthermore, as described on page 5.15-29 of the Draft EIR, the traffic volume data presented on Figure 5.15-8 in the Draft EIR was collected in Fall 2019. The data was collected for a 12-hour or longer period on a mid-weekday during a week with no holidays when UC Berkeley and the local schools were in full session, to present typical peak conditions.</p> <p data-bbox="1157 1070 1940 1338">The comment also requests a comparison of traffic data with previously collected data. CEQA requires analysis of conditions at the time that the project NOP is published. It does not require presenting or evaluating older data. However, page 5.15-9 of the Draft EIR shows the changes in drive alone mode shares for different population groups. From 1990 to 2019, the percentage of employees driving alone decreased from 60 percent to 41 percent and the percentage of students driving alone decreased from 11 percent to 5 percent.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	<p>of Berkeley holidays, including Malcolm X day, nor other holidays observed by the City of Berkeley but not the University of California.</p> <p>Nor should the base line traffic studies be done on any Friday on which the City of Berkeley government is not in full operation. The City government will often partially shut down on Fridays.</p> <p>All traffic analysis should also include any traffic data that can be found in prior City of Berkeley or UCB EIRs going back to 1990, so as to see how traffic has increased in the past 30 years.</p>	
C42-8	<p>WESTERN UNITED STATES MEGA-DROUGHT</p> <p>According to a report in Science Daily, April 20, 2020, which cites material gathered by Earth Institute at Columbia University, the Western United States is likely entering a mega-drought, the worse drought in recorded history.</p> <p>The UCB LRDP EIR should not assume an unlimited water supply for the University's on-going growth. The LRDP EIR needs to do a thorough analysis of the likely worsening drought conditions in the SF Bay Area, and the resulting declining East Bay water supply. Bay Area counties and water districts are already having discussions about rationing water.</p> <p>Based on these projections, UCB should be planning on steadily reducing it's enrollment in coming years, not steadily increasing enrollment.</p>	<p>The LRDP Update does not assume an unlimited water supply but does estimate the amount of water that would be required at the full buildout year 2036-37. EBMUD has indicated in its letter provided in Appendix L that there is sufficient available water to meet the LRDP Update buildout projections and this amount was included in the 2015 Urban Water Management Plan (UWMP). The UWMP is in the process of being revised and will be published in July 2021.</p> <p>The comment regarding drought conditions is acknowledged and EBMUD describes measures that are taken to address drought conditions in the UWMP under the water shortage contingency plan and drought management plan section.</p> <p>The last sentence expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR. Please see Master Response 8, Population Projections.</p>
C42-9	<p>THE PLANNING PROCESS AND CEQA</p>	<p>The commenters opinion about how UC Berkeley should comply with CEQA and the CEQA Guidelines is noted. The comment does not state</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>As noted above, I urge UC to prepare a Revised Draft EIR on the LRDP and housing projects and to recirculate the Revised Draft EIR for review.</p>	<p>a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
	<p>Prior to any Final EIR, Final LRDP and/or Final Peoples Park Plan being scheduled for discussion and a vote by the UC Regents and their relevant committees, there should be a public hearing/meeting for members of the public to address the UCB Chancellor and/or other high ranking UCB officials about their concerns with these plans and documents. Ample time should be scheduled for this meeting so that anyone who wants to can address the Chancellor and/or other UCB official present, and for these UCB officials to respond.</p>	
	<p>Any Final EIR, Final LRDP and Final Peoples Park Plan should be made available to members of the public at least 45 days prior to these plans and document being discussed and voted on by the UC Regents and their relevant committees.</p>	
	<p>UCB's practice of sending the Final EIRs for development projects to the Regents for approval, without even first notifying members of the public who have commented on the Draft EIR, should be stopped. This practice is clearly in violation of the spirit, and likely the letter, of CEQA.</p>	
	<p>Any meetings at which the UC Regents and their relevant committees will be discussing and voting on the EIR, the LRDP and on any Peoples Park Plans should be held on the UCB campus or elsewhere in the City of Berkeley. Members of the public should be given ample time to address the UC Regents and their relevant committees when the EIR, the LRDP, and any Peoples Park Plans are scheduled for discussion and a vote.</p>	
	<p>The EIR should provide details of all arrangements and contracts made between UCB and developers in the City of Berkeley since 2010, as to</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C42-10	<p>how many units in each new multi-unit building constructed and occupied, constructed but not yet occupied, under construction, approved but not yet under construction, or currently pending approval are contractually obligated to or reserved for UCB students.</p> <p>The EIR needs to include a thorough analysis of all the impacts on the City of Berkeley as a result of UCB exceeding the maximum enrollment in its current LRDP.</p> <p>The EIR should chart the annual increase in UCB enrollment annually from 1990 to the present.</p> <p>Adjacent to the above should be charts showing the annual increases in enrollment at all other UC campuses from 1990 to the present. And adjacent to the above chart should be a chart showing the annual increase (or decrease) in the estimated population of the State of California from 1990 to the present.</p> <p>The EIR should reveal what percentage of the UCB student enrollment is from out of state, and what percentage is our foreign students.</p> <p>The EIR should reveal what percentage of the UCB student enrollment was from out of state and were from other countries 5, 10, 15, 20, 25, and 30 years ago.</p> <p>The EIR should also reveal the percentage of out of state and of foreign students at all other UC campuses at the present, and at five year intervals from 1990 to the present.</p> <p>The EIR should reveal what rationale – if any – UCB is using justify it’s steady increase in the percentage of out of state students and of foreign students.</p>	<p>This comment expresses an opinion about student population and growth but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Please also see Master Response 17, 2005 LRDP EIR Population Projections.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
C42-11	<p data-bbox="323 326 1008 384">POPULATION DECLINE AND REDUCTIONS IN HIGH SCHOOL GRADUATION LEVELS</p> <p data-bbox="323 435 1075 493">The University of Virginia Magazine, Winter 2018 edition, reports the following,</p> <p data-bbox="323 544 1115 813">“A major source of change will come through demographics. Analysis by the Western Interstate Commission for higher Education indicates that the number of high school graduates will begin declining in the mid-2020s, owing to today’s falling fertility rates, which began dropping in 2008. By the early 2020s, high school graduation rates are expected to dip as much as 5 percent below today’s levels. With these changes, universities across the country will be choosing from a shrinking pool of prospective students.”</p> <p data-bbox="323 863 1115 1062">“Nathan Grawe, an economics professor at Carleton College, says the news for colleges is even worse than is suggested by the coming drop in the number of high school graduates. After digging into demographic data to account for predictors of college attendance, he predicts ‘an unprecedented reduction in post secondary demand about a decade ahead,’ by as much as 15%.”</p> <p data-bbox="323 1112 932 1138">Please note that the above was written three years ago.</p> <p data-bbox="323 1188 1115 1344">The April 2020 issue of Oakland Magazine, “A Market Softening,” reports that California’s population is declining. “California lost an estimated 190,000 residents in 2018, according to the 2019 U.S. Census. That number is based on state to state migration and takes into account the births that happened in the state in 2018.”</p> <p data-bbox="323 1395 1115 1453">Since California’s population is declining, and since the number of young people graduating from high school is declining, and since Berkeley is the</p>	<p data-bbox="1157 326 1934 634">This comment expresses an opinion about student demographics but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	most densely populated of the all the cites hosting University of California campuses (other that San Francisco), UCB’s planners and the Draft EIR need to answer why UCB’s enrollment is 10,000 more than the maximum agreed to in the current LRDP, and increasing more and more every year?	
C43	Daniella Thompson, April 20, 2021	
C43-1	Attached please find my DEIR comments on the 2021 LRDP and Housing Projects #1 and #2. An acknowledgment of receipt is requested.	The comment serves as an opening remark. No response is required.
C43-2	1. The DEIR fails to provide meaningful alternatives to the proposed projects. Only lip service is being paid to the CEQA requirement of offering alternatives to the proposed development projects, and the alternatives are being brushed off as being “infeasible,” with no public discussion This failure does not meet the spirit or the letter of CEQA and denies the public any meaningful participation in the CEQA process.	The commenter asserts that the alternatives to the proposed project included in Chapter 6 of the Draft EIR are not adequate. The commenter provides no substantial evidence to support their assertion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 18, Alternatives.
C43-3	2. Unchecked growth with no consideration for Berkeley’s residents and local government. As it often does, UC is again treating the City of Berkeley and its population with arrogance and utter lack of consideration, imposing on us a fait accompli in the form of increased enrollment, out-of-scale development, disregard for historic resources, additional financial burdens, and loss of open space, among other hardships.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C43-4	3. A shortsighted approach to planning. Climate change and pandemics are now a reality with which we must all live. Overbuilding is not the answer for either of these overarching threats. When remote learning is rapidly gaining wider use, UC’s plan to cram students into a 17-story building is neither green nor safe.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C43-5	<p>4. Historic resources threatened. Both Housing Project #1 and Housing Project #2 would cause the destruction of four historic resources and significant harm to a number of others.</p>	<p>Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>The comment serves as an introduction to the comments that follow. Please see Responses C43-6 through C43-7.</p>
C43-6	<p>Housing Project #1 impacts Housing Project #1 would destroy the University Garage (Walter H. Ratcliff, Jr., architect, 1930), a City of Berkeley Landmark and unique in its architectural design. Only 11 years ago, UCB's Physical Design Framework incorporated the garage in its development plans, to be renovated for public-oriented use such as the campus visitor center. Why can't that plan be executed? Housing Project #1 would also destroy the historic Home Street Apartments (George L. Mohr, designer-builder, 1909), built for Berkeley pioneer William B. Heywood at 1921 Walnut (then Home) Street. This building is a rare four-story Colonial Revival apartment house, yet it was not given proper evaluation in Chapter 5.4 Cultural Resources.</p>	<p>The evaluation of an alternative to renovate the University Garage as a project alternative would not meet the objectives of the proposed Housing Project #1. As described on page 6-6 in Chapter 6, Alternatives to the Proposed Project, of the Draft EIR, preservation of the University Garage intact on the project site would significantly reduce the developable footprint of Housing Project #1 and correspondingly significantly reduce the 772 beds planned for the site, and preclude the development of an architecturally distinctive building with open and common spaces, thereby failing to meet the project objectives. Please see Master Response 18, Alternatives.</p> <p>Please see Response B10-145 regarding the evaluation of 1921 Walnut Street.</p>
C43-7	<p>Housing Project #2 impacts Housing Project #2 would destroy not only much of People's Park, a hallowed City of Berkeley Landmark whose history has national importance. It would also threaten the large cluster of designated landmarks surrounding the park. Among those is Berkeley's only National Historic Landmark, the First Church of Christ, Scientist (Bernard Maybeck, architect, 1910), located directly across the street from the park, and the Anna Head School campus, whose flagship building, Channing Hall (Soulé Edgar Fisher, architect, 1892), has been suffering demolition by neglect at the hands of UCB for many years.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C43-8	<p>5. Insufficient analysis of Housing Project #2 impacts. Construction (Vibration Damage)</p> <p>Chapter 5.4 Cultural Resources states that “implementation of Mitigation Measure NOI-2 is required to determine if an alternative to pile driving is available for the project that would eliminate the impact. If such an alternative is not available, a vibration monitoring program would be prepared that is specific to monitoring vibration impacts to historic buildings.”</p> <p>What is not stated is what steps must be taken in case the vibration monitoring reveals significant or even a lesser impact on any of the surrounding historic resources.</p>	<p>Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p> <p>The commenter incorrectly asserts that Mitigation Measure NOI-2 does not state what the process is for the cases where vibration monitoring reveals an impact, or in other words, damage to a historic structure or building. As described in Step 3 the contents and procedures for the Construction Vibration Monitoring Program include identifying the steps to follow if vibration is exceeded or damage is revealed, including the implementation of a contingency plan to follow if the vibration needs to be reduced. The requirement to perform monitoring surveys prior to, in regular intervals during, and after completion of all vibration-generating activity is intended to ensure that any potential damage is tracked and prevented. The mitigation also states that in the event that the project is demonstrated to have caused any damage, such damage would be repaired to the pre-existing condition.</p>
C43-9	<p>Design</p> <p>Here, too, the Significance with Mitigation is deemed significant and unavoidable. Where are the project alternatives?</p>	<p>Please see Master Response 18, Alternatives.</p>
C43-10	<p>Where is the Shadow Study?</p> <p>Nowhere in Chapter 5.4 (or elsewhere, for that matter) does the word “shadow” appear. A 17- story building is sure to cast shadows all around. Has this issue been discussed elsewhere in the EIR? Why isn’t it included as an impact on historic resources?</p>	<p>While the issue of shade and shadow can be an issue of concern for the users or occupants of certain land uses in the immediate vicinity of new or expanded buildings, the effects of shade and shadow are not physical impacts on the environment as defined by CEQA. Please see Response B3-3 regarding shade not being a CEQA topic of concern. No mitigation for shade is warranted as there is no nexus to a CEQA impact. Please see Master Response 5, Mitigation.</p>
C43-11	<p>6. Aesthetics analysis is woefully inadequate.</p> <p>Chapter 5.1 Aesthetics goes on for 20 pages but fails to analyze how the</p>	<p>The commenter incorrectly asserts that the evaluation of aesthetics in the Draft EIR is “woefully inadequate.” On the contrary, the evaluation</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>design of a huge building development on People’s Park will affect the surrounding historic low-rise neighborhood.</p> <p>The chapter quotes Berkeley General Plan’s Policy UD-3: “Use regulations to protect the character of neighborhoods and districts and respect the particular conditions of each area.” Yet it doesn’t address how Housing Project #2 will protect the character and respect the conditions of the neighborhood.</p>	<p>of aesthetics is consistent with State law as stated in Chapter 5, Environmental Analysis, on page 5-8. Here the Draft EIR explains that with respect to aesthetics and parking, Public Resources Code Section 21099(d)(1), states, “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a TPA shall not be considered significant impacts on the environment.” This is also repeated several times in Chapter 5.1, Aesthetics, of the Draft EIR. Please see pages 5.1-1, 5.1-4, 5.1-11, and 5.1-13, and 5.1-15. Housing Projects #1 and #2 meet all of the PRC Section 21099 criteria because they are (1) in a TPA; (2) on an infill site that has been previously developed within an urban area of the city of Berkeley; and (3) a mixed-use project that includes primarily residential uses. Please see Response B10-226 and Master Response 11, Public Resources Code Section 21099. With respect to the surrounding historic resources, which is addressed in Chapter 5.4, Cultural Resources, please see Response B3-3.</p>
C43-12	<p>7. The DEIR document is confusing.</p> <p>The DEIR document is confusing and cumbersome to navigate. A pyramid scheme of coded mitigation measures, sub-measures, and sub-sub measures makes it very hard to figure out exactly what mitigation is being proposed in some cases. For example, on page 5.4-40, the mitigation proposed for Construction (Vibration Damage) is Mitigation Measure CUL-1.4: Implement Mitigation Measure CUL-1.1e. But what is CUL-1.1e? The reader must search for CUL-1.1e, only to find out that it calls for implementing Mitigation Measure NOI-2. But what is Mitigation Measure NOI-2? There are eight references to it in chapter 5.4, but one must go to chapter 5.11 Noise, where we learn that complaints about vibration and noise can be directed by phone to “UC Berkeley’s and contractor’s authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor’s representative receives a complaint, they will investigate, take appropriate corrective action, and report the action to UC Berkeley.”</p>	<p>This comment expresses an opinion about the format of the Draft EIR but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The Draft EIR was prepared in compliance with CEQA and the CEQA Guidelines. UC Berkeley acknowledges there are many ways to format an EIR and carefully selected the format based on the three key project components described in Chapter 1, Introduction, of the Draft EIR. The report organization is described in Chapter 2, Executive Summary. The impacts at a glance are illustrated in Table 2-1, Impacts at a Glance, and Tables 2-2, 2-3, and 2-4 summarize the conclusions of the environmental analysis for the proposed LRDP Update, Housing Project #1, and Housing Project #2, respectively. Tables 2-2, Significant Impacts and Mitigation Measures for the Long Range Development Plan; 2-3, Significant Impacts and Mitigation Measures for Housing Project #1; and 2-4, Significant Impacts and Mitigation Measures for Housing Project #2, are organized to correspond with the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>environmental issues where significant impacts were determined and are arranged in four columns: 1) impact; 2) significance without mitigation; 3) mitigation measures; and 4) significance with mitigation. For a complete description of all potential impacts, including those environmental issues determined to have no impacts or where impacts were found to be less than significant without mitigation measures, please refer to the specific discussions in Chapters 5.1 through 5.18. These summaries are intended to help the reader see the impacts by project component in a simple format. Furthermore, each impact discussion follows the same consistent formatting, which is described on pages 5-1 and 5-2 of Chapter 5, Environmental Analysis, of the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C43-13	<p>This is not the right way to engage the public in a serious dialog. UCB must wake up from its self-absorbed slumber and look around it for the damage it is inflicting on the surrounding community.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please see Response A3-2 regarding the CEQA process.</p>
C44	Daniel Mulutin, April 20, 2021	
C44-1	<p>The LRDP and EIR states that there is “no significant impact” on under parks and Rec for housing #2, but this would develop an entire urban green space and decrease open space.</p>	<p>The impacts to parks and recreation are analyzed pursuant to CEQA and the CEQA Guidelines and address the questions identified in Appendix G of the CEQA Guidelines. The development of a green space does not in and of itself result in a significant impact to parks and recreation. Please see Response C33-3.</p>
C44-2	<p>This also will contribute to the gentrification of Berkeley and displace a large homeless population.</p>	<p>The commenter asserts that the proposed project will contribute to gentrification and displacement. The commenter provides no substantial evidence to support their assertion. The commenter does</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C44-3	Furthermore, there is incomplete and missing impact regarding falcons, hawks, and owls. There are potentially active nests.	not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Master Response 14, Displacement and Master Response 15, Gentrification. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C44-4	The LRDP and EIR do not fully recognize that the UC is destroying important historical sites, instead claiming that there is a possibility of a “[permanent] impact” to “historic resources”. This impact is seen as possible to be mitigated through the documentation of the historic sites and the keeping of small pieces of the sites to be used for educational and memorial purposes. This downplays the destruction of the sites and acts as though documentation and memorial will make up for the loss of community spaces, memory, and culture. (2-13) (2-19)	As discussed on page 5.3-24 of the Draft EIR, tree removal or construction in the immediate vicinity of a nest in active use could result in its abandonment, which would be a violation of the Migratory Bird Treaty Act and California Fish and Game Code. However, preconstruction surveys would typically be necessary to confirm whether proposed development or vegetation management activities would adversely affect nesting birds where suitable habitat is present as called for in CBP BIO-1 listed on page 5.3-25 of the Draft EIR. This includes consideration of raptors protected under Subsection 3503.5 of the California Fish and Game Code, as discussed under Nesting Birds and Protected Species on page 5.3-3 of the Draft EIR. Implementation of CBP BIO-1 ensures that bird nests in active use are avoided, preventing their possible loss, and thereby preventing the theoretical interruption of bird nesting and young production.
	-The UC is willing to destroy these cultural sites and act as though small	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	tributes and documents in memory of the sites will make up for this, when there are so many other places to build and thus avoid destroying these sites, such as the Chancellor’s mansion and Clark Kerr.	Impacts to historic resources are evaluated in Chapter 5.4, Cultural Resources, pursuant to the requirements of CEQA and the CEQA Guidelines. Please see Master Response 5, Mitigation, with respect to the finding of a significant and unavoidable impact.
C45	Emma Gobler, April 20, 2021	
C45-1	Please do not proceed with any eviction or demolition at 1921 Walnut. Both Housing Projects #1 and #2 would have a severely harmful impact on the unhoused residents of the area. Though the Environmental Review says these housing projects will have a “less than significant” impact “without mitigation,” that is wholly untrue if the development of these housing projects requires the displacement of the unhoused residents living there. Any continuation with this project says clearly that UC Berkeley does not respect the life, dignity, and autonomy of unhoused residents of Berkeley.	The commenter asserts that the proposed project will result in a significant impact and that the analysis presented in the Draft EIR is incorrect. The commenter provides no substantial evidence to support their assertion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Master Response 14, Displacement and Master Response 15, Gentrification. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C46	Stephen Born, April 20, 2021	
C46-1	With reference to the University of California Long Range Development Plan: An overlooked urgent need is to preserve green space for the quality of life and the quality our of air. Building housing to cover all available space is shortsighted and significantly decreases environmental quality. Construction and development on and by the campus must stop! UCB has other areas that can be developed for student/faculty housing and classroom/laboratory space at the Richmond Field Station and the UCB Albany tract. Development at these locations makes much more sense.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
	About the area around Anna Head School and People’s Park: The City of Berkeley allowed uncontrolled development in the Elmwood starting in the 40s. New houses were built behind existing houses to meet wartime	The commenter also asks where students living in the Housing Project #2 would keep their cars. As shown in Table 3-7 in the Draft EIR, the Housing Project #2 would not include any automobile parking spaces

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>housing demands. In the 60s large numbers of single-family houses were destroyed to make room for market rate apartments to meet the needs of UCB student housing. The Elmwood is already the most densely developed neighborhood in Berkeley, and UCB is targeting this neighborhood for more development at People’s Park and the Anna Head site?</p> <p>Unlike UCB in the 20th century, more students are economically advantaged and bring automobiles to the City of Berkeley. Where will students housed at People’s Park keep their cars? Our streets are overcrowded with traffic caused by UCB, and parking in the Elmwood is in fierce demand. We cannot tolerate more UCB development in central Berkeley without very significant degradation of the quality of life for residents, students and faculty. In the past 20 years, the City of Berkeley has seen a plethora of new, market rate, 5-6 story apartment buildings along all major arterials. This development is driven by UCB growth. This building frenzy has brought misery to residents. The city allows developers to take away lanes of traffic and close sidewalks for years. This degrades quality of life for pedestrians, handicapped people, bicyclists and automobilists. New developments are also built without adequate parking. This vastly degrades the quality of life for those living in adjacent neighborhoods. Large areas along Shattuck Avenue have been areas of urban blight for decades. Many of the properties are owned by one individual. Why couldn’t the UCB develop these areas using eminent domain or the threat thereof—as they did at the Anna Head site in the early 1960’s?</p>	<p>for students living at the site. Students living at this site, which is located only 0.2 miles from the Campus Park, may be eligible to purchase parking permit at other UC Berkeley residential parking facilities. Based on 2019 data presented in Appendix M, Transportation Data, of the Draft EIR, about 240 students out of about 9,000 students living in UC Berkeley housing in the City Environs had residential parking permits. In addition, on-street parking is not an option for most students because on-street parking in the vicinity of the Housing Project #2 site is controlled by either parking meters or residential parking permits. Thus, students living in the Housing Project #2 are expected to have a low automobile ownership rate, similar to existing students living in UC Berkeley housing, which is reflected in estimating the VMT generated by the project.</p>
C46-2	<p>The current UCB plan is to build a 17-story tower and other buildings at People’s Park on the cheap, using undistinguished architects, directly across from buildings that define our architectural heritage—the Anna Head School, Bernard Maybeck and Julia Morgan structures. These buildings will be severely impacted and architecturally degraded. This is the one area of Berkeley more developed than any other. Yet the proposal is to decrease green space? UCB needs to build elsewhere, and</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	not destroy what should be a national monument to the protest movements of the 60's and our shared architectural heritage. We need green space for our environmental health, and People's Park would be ideal for development as true park for all, UCB students, neighbors, UCB faculty/staff as well as the indigent.	decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C46-3	<p>I would like to take a minute to introduce myself. My parents both worked at UCB as did those of many of my friends. I am a Berkeley Native. I attended City of Berkeley Public Schools. I participated in the march to save People's Park in 1969 while at Berkeley High. (Please Note: the purpose of the march was to save the park for everyone: families with children, faculty, students, and the indigent.) I have seen the promise of People's Park betrayed by poor UCB and City management. The Park does not serve its intended purpose. I also have a graduate degree from UCB and am a UC retiree. I have children who consider Berkeley home. I want to see sensible City of Berkeley/UCB development that is sustainable and fosters environmental health for generations to come.</p> <p>We now have widespread development mostly for the benefit of UC, and not permanent city residents. The evidence of this is found on every major throughfare. We have degraded the quality of life with ever increasing traffic and air pollution. City Bureaucrats also seek to eliminate the few green spaces that exist in private hands to foster poorly conceived development. They find it politically expedient to concur with a 17-story building project at People's Park so they do not have to address the underlying issues of homelessness.</p>	<p>This comment expresses an opinion about the proposed project and the potential impact on air quality and increase in traffic, the latter of which is not considered an environmental topic under CEQA as explained in Response B4-17. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C46-4	<p>The Berkeley Architectural Heritage Association has written an outstanding letter to the City of Berkeley. The full text can be found at: http://berkeleyheritage.com/letters/BAHA_letter_re_R-1_22feb2021.pdf "Our concerns are grounded in history, namely the development surge of the 1950s and '60s, during which many of Berkeley's single-family homes were demolished in favor of ugly apartment buildings that have not stood the test of time (being, among other things, largely seismically</p>	<p>With respect to the commenter's reference to the comment letter submitted by the Berkeley Architectural Heritage Association (BAHA), please see Responses to Comment Letters B10 and B11.</p> <p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>unsafe) and that (when built) neither created more neighborhood diversity nor provided more affordable housing. It is also based on information supplied by the University of California, Berkeley (UCB) on its current expansion plans, which – by increasing the student population dramatically -</p> <p>- will fundamentally alter the character of our City and neighborhoods and will further pit Berkeley’s non-student residents against students for affordable housing..”</p> <p>Stop UCB exploitation of the City of Berkeley. No increases in UCB student enrollment. UCB needs to contribute to City infrastructure, and not exist a parasite on City of Berkeley Services. UCB needs to house students in Albany, develop the Richmond Field site, and not cause ever increasing degradation of life for City of Berkeley Residents, UCB students and UCB faculty included.</p>	<p>does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Please also see Master Response 8, Population Projections; Master Response 14, Displacement; Master Response 15, Gentrification; and Master Response 18, Alternatives.</p>
C47	John Selawsky, April 20, 2021	
C47-1	1) The document itemizes 2 development plans, #1 and #2. Nowhere in either of these plans has any reference or citation of attempts to solicit the entire community of Berkeley on the major impacts of these development plans. The Berkeley City Council has no attribution in this document, nor any other elected official nor community organization.	Please see Response A3-2 regarding compliance with CEQA and the CEQA Guidelines with respect to noticing and solicitation of input from the public.
C47-2	2) Plan #1 (Gateway) has been added to only in the last year; the parcel, including at least 8 rent-controlled units housing long-term Berkeley residents, was purchased by UC Berkeley in 2020, during the very beginning of the pandemic. The tenants in this building have been notified of UC’s intention to displace them, and demolish the building. This alone makes this document a slap in the face to the residents of Berkeley.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 14, Displacement. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C47-3	3) Plan #2 proposes a development on what is now Peoples’ Park, a site that has a long history in Berkeley.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	Any development must be respectful of the residents currently living in Berkeley, and respectful of Berkeley’s activist history.	of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C48	Lon Michael Saum, April 20, 2021	
C48-1	It would seem to me that projects aimed at destroying historic, rare green space and buildings used to help the homeless are diametrically opposite to the actual values of this community. And it is clear in the draft that you are aware of this. It is a mishmash of garbage language aimed to obfuscate the clear damage to this community you will cause with these projects. Get your act together and behave like a public institution that actually serves the public. All of the public.	This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C49	Priya Vasu, April 20, 2021	
C49-1	My name is Priya V. and I am a student member of the Foothill-De Anza Community College District Board of Trustees. I would like to provide my comments regarding the Draft 2021 LRDP and Draft EIR.	The comment serves as an opening remark. No response is required.
C49-2	Regarding the incomplete or missing impact, under section 5-3-3, Nesting Birds and Species, quotes “Subsection 3503.5 [of California Fish and Game Code] specifically prohibits the take, possession, or destruction of any birds in the orders Falconiformes (hawks and eagles) or Strigiformes (owls) and their nests,” yet there has been no assessment if the active red tail hawks and spotted owls have active nests in the park or not. This is a potential violation of MBTA. There are several unidentified nests in Peoples Park (site for Housing project #2) which have not been studied; these could be active nests for active Red Tail Hawk or the active California Spotted Owl in the park.	Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources associated with the Housing Project #2 site. No evidence of any nesting by red-tailed hawk or owls was observed during the field reconnaissance surveys conducted during preparation of the Draft EIR. Suitable habitat for the State and federally threatened northern spotted owl (<i>Strix occidentalis occidentalis</i>), referenced by the commentor, is not present on this site or in the surrounding area of the East Bay. Please also see Response A32-228 regarding avoidance of bird nests.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
C49-3	<p>These are both protected under Federal Migratory Bird Treaty Act if there are active nests.</p> <p>Regarding levels of impact, in the draft LRDP it says “no significant impact” under parks and recreation for housing project #2. This is not an accurate assessment since an entire urban green space would be developed. With the EIR stating there is “no significant impact” under parks and recreation for housing project #2, making a privatized and significantly decreased size open space next to proposed development instead of a publicly run and used open space has a significant impact.</p>	<p>The impacts to parks and recreation are analyzed pursuant to CEQA and the CEQA Guidelines at pages 5.14-8 through 5.14-13 in the Draft EIR and address the questions identified in Appendix G of the CEQA Guidelines. The development of a green space does not in and of itself result in a significant impact to parks and recreation. Please see Response C33-3.</p>
C49-4	<p>Both Housing Projects, #1 and #2, are listed as having “less than significant” impact “without mitigation,” though both projects will be displacing very low income and/or houseless communities and will contribute to the gentrification of Berkeley and a continued rise in rent, with the projects being predominantly above market-rate student housing (2-9 of DEIR).</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. This comment asserts that impacts to population and housing were not adequately addressed yet provides no substantial evidence to support their assertion. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Master Response 14, Displacement, and Master Response 15, Gentrification. Regarding the use of federal funds for Housing Project #2, please see Master Response 19, Evaluation of the Use of Federal Funds.</p>
	<p>As an advocate for affordable student housing in my own district, this greatly concerns me, as the university has a fiduciary responsibility as a public institution to serve the community-- if the community will be harmed and gentrified as a result of building housing that won't even help students who need it the most, I do not see the benefit of this project.</p>	
	<p>The LRDP and EIR also does not adequately assess the impacts on Population and Housing for Housing Project #1. For example, the Berkeley community (including Berkeley Mayor, City Council, Rent Board, ASUC, community members) denounce the eviction of tenants at 1921 Walnut St and the demolition of 1921 Walnut St. as much needed affordable housing stock within Berkeley. The LRDP does not account for Population and Housing impacts via the perspective of people living in the local community. Simply put, the LRDP ignores community input.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Furthermore, Housing Project #1 will have a significant effect on persons in general in Berkeley because 16 beds of affordable housing stock will be permanently removed from Berkeley housing stock, during a statewide housing crisis. All new housing proposed by Housing Project #1 is student-only. This project will decrease housing available to non-students in Berkeley, decreasing housing stock for non-student populations. This conflicts with California statewide and Berkeley City local plans to preserve and protect existing affordable housing stock.</p>	
	<p>The LRDP and EIR also does not adequately assess the impacts on Population and Housing for Housing Project #2. The Berkeley community (including countless students, UC faculty, the Berkeley Outreach Coalition, and local community members) denounce the eviction of the residents of People’s Park and the ending of People’s Park as a space for living, mutual aid, and community events, as the park has served these purposes for years and is a unique and storied community space. LRDP ignores community input and the EIR does not adequately address the impact on the Population residing within People’s Park and the unhoused Population in the local Berkeley area. In fact, the mentioned housing for very low-income and houseless people under Housing Project #2 is not ensured, as it relies on the EIR to be submitted to the federal government in an attempt to get the necessary funding for this housing. This EIR will not be completed until after the student housing is built, and therefore the people that reside at People’s Park will be displaced for at least this period of time.</p>	
	<p>Moreover, the unguaranteed low-income housing will be “under market rate,” but not free, and with an income requirement of up to \$48,000 a year, this will be inaccessible to most of the very low income and houseless people it claims to be for and for the displaced population from People’s Park. The EIR does not specifically recognize the eviction and displacement of residents of People’s Park, the site of Housing</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C49-5	Project #2, at all, showing that it doesn't consider the needs of the houseless communities of the East Bay.	Please see Response C44-4.
C49-6	<p>Ultimately, the LRDP and EIR do not fully recognize that the UC is destroying important historical sites, instead claiming that there is a possibility of a “[permanent] impact” to “historic resources”. This impact is seen as possible to be mitigated through the documentation of the historic sites and the keeping of small pieces of the sites to be used for educational and memorial purposes. This downplays the destruction of the sites and acts as though documentation and memorial will make up for the loss of community spaces, memory, and culture (2-13) (2-19).</p> <p>The UC is willing to destroy these cultural sites and act as though small tributes and documents in memory of the sites will make up for this, when there are so many other places to build and thus avoid destroying these sites, such as the Chancellor’s mansion and Clark Kerr.</p>	The comment serves as a closing remark. No response is required.
C50	<p>As an affordable student housing advocate myself, this is not the appropriate solution to student housing insecurity/houselessness. In my experience, I’ve learned that the lack of transparency, consultation with constituencies and those who will be directly affected, and student input in making housing decisions will only create more issues and distrust of the UC administration. Thus, I am demanding that the above discrepancies/issues be publicly addressed, and that this project be halted until further consultation with the community is conducted and the necessity of these projects are determined.</p> <p>Thank you for the opportunity to provide public comments. Please feel free to contact me with any questions or concerns.</p>	
C50-1	<p>Rohan Prasad, April 20, 2021</p> <p>I am a student and resident of Berkeley’s Southside neighborhood and extremely disturbed by the UNLAWFUL proposal to build over the People’s Park. You are destroying the habitat of the Red Tailed Hawk and California Spotted Owl, along with the community of houseless</p>	This comment expresses an opinion about an area within the EIR Study Area but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>individuals who call that precious green space home. Please reconsider the current plans to save humans, animals, and our planet.</p>	<p>about the proposed project. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Chapter 5.3, Biological Resources, of the Draft EIR provides an assessment of the potential impacts of the proposed Housing Project #2 on vegetation and wildlife pursuant to CEQA using to the standards of significance identified on page 5.3-23 of the Draft EIR. Please see Response A3-226. Please also see Master Response 12, Biological Resources on the Housing Project #2 Site.</p> <p>Please also see Master Response 14, Displacement.</p>
C51	<p>Robert Breuer, April 21, 2021</p>	
C51-1	<p>For nearly forty years we in the Breuer family have lived as immediate neighbors adjacent to the University of California’s athletic facilities that stretch eastward from Memorial Stadium through the Strawberry Recreation and Pool area. Conditions have changed considerably over that time, and none for the better, as to how the use of these facilities’ effect our quality of life here. Our home at ■ Mosswood Road sits on the north side of Panoramic Hill just above these facilities.</p> <p>The changing impacts of UC Athletics’ ever enlarged facility and use patterns, most particularly their noise production, has been profound. Even beyond the increased traffic and the large and glaring field lighting, we find the pervasive noise directly invading the sanctuary of our home life here. I write to ask that <u>noise</u> be directly addressed in your EIR in accordance with both existing law and, further, in consideration of UC controlling a central part of our Berkeley community.</p> <p>We fully realize that student athletic practice and competition fields will generate sounds. Of course, we know that and we expect the yelps of players and the excitement of game attendees, including huge crowds in</p>	<p>The subjective experiences which the commenter describes are related to existing conditions and do not represent an environmental noise impact under CEQA from implementation of the proposed LRDP Update. Potential noise impacts from implementation of the LRDP Update and the two housing projects are addressed in the Draft EIR using the established standards of significance. No increases in sound amplification are proposed as part of the LRDP Update. Operational noise impacts from the Levine-Fricke Softball Field Improvements Project in the Strawberry Canyon Recreational Area were found to be less than significant in the July 2020 final addendum to the 2020 LRDP EIR. Further, CBP NOI-1 is included to be protective of the noise environment surrounding future projects under the LRDP Update and to ensure that they comply with the exterior noise limits from the City of Berkeley Municipal Code.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>the stadium. But even far smaller groups are an issue here. Because it is not random ambient crowd noise that is the most offensive audible intrusion on us. Rather it is the entirely purposeful, and controllable, level and amount of amplified sound. In recent years the football team spews out amplified recorded crowd noises during practices. Now, a vastly increased softball facility comes to worry us very much.</p>	
	<p>With this note, we seek to address only the sound issues, as it is mainly the amplified music we experience that so astoundingly destroys our peace.</p>	
	<p>This goes well beyond weekdays. The sound amplification we are made to endure becomes even more stepped up on weekends when family and friends are in our home. Powerfully boosted music comes booming into our lives, both indoors and out, during the daily practice sessions of nearly every sport. It swells up before game time when it is magnified even more. We don't advocate a change in musical taste here nor finding sweeter-sounding selections, but rather the elimination or significant reduction in both the loudness and the extent of time that such augmented sound is permitted. After all, one must ask, just how much intensity of music do athletes and game attendees really need to boost excitement and enthusiasm? Cannot a level of magnified music be established that will sufficiently swell their competitive resolve and supplement athletic ardor? Can it not be limited in duration and sufficiently reduced to some acceptable and neighborly tranquility?</p>	
	<p>As in so many other UC projects, your planners must consider the cumulative level of effects of facility growth and use. The emotional and psychological impacts of increased athletic facility sound intrusion with its escalation of noise most certainly has as an environment impact on nonparticipants who live and work nearby. It effects people's health. In conclusion, we restate that, with the forthcoming enlargement of the softball stadium and other increased athletic facility uses, our days and</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C52	<p>evenings continue to be increasingly invaded by their generation of noise. So, you planners, along with all the athletic coaches and administrators must address seriously these particular expanding environmental impacts.</p>	
C52-1	<p>Jessica McGinley, April 21, 2021</p> <p>My name is Jessie McGinley and I am an undergraduate at UC Berkeley studying Society and Environment and I am adamantly [sic] against the development of People’s Park.</p> <p>Every day, this park offers the community an environment to play chess, listen to live concerts, play basketball, and just hang out under the sun. The park hosts multiple free concerts a year with local Berkeley bands performing. It also has a basketball court right next to the public restrooms. Although the public restroom maintenance is horrible, which is of course the responsibility of the University, people still rely on these facilities every day. This basic health necessity would be stripped away from the community if the park was developed.</p> <p>People’s Park is a beautiful green space that hosts public, free services that both unite our community and are critical to many people’s health. One of the most important services that this space provides is hosting Food Not Bombs (FNB) five days every week. FNB reduces food waste to make plant based meals and hand them out in cities including Berkeley. Every weekday, hot meals are given to everyone at the park that wants one. The University does not have a plan to relocate or continue this essential service that dozens of people rely on.</p> <p>This park is also one of the only public green spaces left in Berkeley. The city continues to either bulldoze or fence off the lasting natural spaces such as the triangle on Telegraph that is now fenced off to the public. On the west side of the park, there is a beautifully maintained garden that grows both vibrant flowers and food. There are weekly open gardening</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C52-2	<p>hours where community members can come and use their green thumbs to get some fresh air and meet fellow Berkeleyans. Especially during a global pandemic, outdoor spaces like these that allow people to physically distance themselves is essential to maintaining both physical and mental health.</p> <p>Yes, the students need housing, there is no doubt about that. However, the students don't just need housing, they need affordable housing. The University's planned construction on the park is not affordable. The rates are planned to be comparable to the recently constructed Blackwell Hall priced between \$18,595 and \$20,560 for the academic year. That comes out to be around \$2,500 a month. This is ridiculously unaffordable and neglects to meet the needs of students, especially those coming from low income backgrounds.</p> <p>Additionally, the "supportive housing" that the University claims will house the current residents is extremely misleading. After talking to RCD, the non-profit organization responsible for the development of the affordable housing, they admitted that the unhoused residents of the park will not have the opportunity to access the affordable housing since most of them do not have a large enough income and therefore do not qualify as an "eligible tenant." This housing will cost at least \$400-\$1400 for a one bedroom apartment. Without a place to rest, the people sleeping in the park will be displaced and may not find another place to sleep.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>As described in Chapter 3, Project Description, of the Draft EIR, on page 3-62, the separate affordable and supportive housing building would provide permanent housing with on-site services and apartments for lower-income or formerly homeless individuals. The Draft EIR does not claim that the purpose of the affordable and supportive housing building is to provide housing for the persons who currently occupy the site, as incorrectly asserted by the commenter.</p>
C52-3	<p>Bulldozing People's Park would not only affect the health of dozens of Berkeleyans, but it would also disrespect the history and the people who have fought and died to protect this park as a space for freedom and fun. If you haven't had the chance to experience the beauty of the park firsthand, I urge you to go to the public gardening on Sundays, grab a free meal during the weekday, or even just crack open a book on the grass. As a student and resident of Berkeley, I do not support the displacement of dozens of individuals, the eradication of FNB in Berkeley, the destruction of a beautiful garden, and the disregard for the</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	importance of community gathering; I do not support the development plans of People’s Park. Keep People’s Park for the people.	
C53	Andrea Prichett, April 21, 2021	
C53-1	<p>As a UCB alum and a 40 year resident of Berkeley I am urging you to rethink you plans for development especially regarding People’s Park.</p> <p>Please let the park be a park. If you have issues with the people who use the park, then help us to help them. I have watched for decades as the UC has intentionally neglected the park and it users. Yes, it attracts poor people who are not welcome elsewhere. We can use this as an opportunity to provide much needed care to this population or you can drive them off and pretend they don’t exist. I hope that wisdom will prevail.</p> <p>In addition, your LRPD does not account for the ways in which a post-pandemic community will access housing and education. Our world is changed. We don’t know all of the ramifications and it is unwise to simply continue on without taking time to adapt plans to a new reality.</p> <p>I also believe that UC has manufactured this housing crisis by exceeding student enrollment goals. The legitimacy of the UC’s plan and intentions are in question. How cavalier you are in destroying our historic sites. Well, I along with others promise to oppose your plans.</p>	<p>This comment expresses an opinion about the proposed project, existing conditions, and suggests that an evaluation of conditions post the COVID-19 pandemic should be conducted. The commenter is directed to please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, regarding the project merits and speculative evaluation, and Master Response 3, COVID-19.</p>
C54	Anne-Lise Francois, April 21, 2021	
C54-1	<p>I am writing both as a member of the University community and as a resident of the city of Berkeley. I would like to register strong opposition to both plans on account of their negative social and environmental impact. Tearing down a building which is already home to 20+ tenants is not a way to solve the housing crisis. There exist many vacant properties in the city that the University could purchase as part of a land trust at far less environmental and social impact than destruction of existing buildings and new construction.</p>	<p>Alternate locations for Housing Projects #1 and #2 were considered for the Draft EIR but were rejected as being infeasible, as described on pages 6-5 to 6-6 in Chapter 6, Alternatives to the Proposed Project, of the Draft EIR. Please also see Master Response 14, Displacement.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C54-2	As for Project #2, green spaces such as People’s Park are essential to the city’s continued viability in the face of rising temperatures and worsening air quality. By cutting down trees at the southern end of the park, the University has already robbed nearby residents of the cooling and water-storing powers of those trees, thereby contributing to worsening living conditions.	<p>This comment expresses an opinion about existing conditions but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>As described on pages 3-60 and 3-61 in Chapter 3, Project Description, of the Draft EIR, the proposed Housing Project #2 would install streetscape features and sidewalks along all four sides of the project site perimeter, including features such as trees, planters, artificial turf, benches, and bicycle racks as well as street parking payment kiosks and trash receptacles. The site paving materials include concrete, unit pavers, and decomposed granite (pervious). A limited amount of new asphalt would be installed for the pedestrian-only path across the glade. Up to 18 trees would be planted along the perimeter. The proposed landscaping would be consistent with the surrounding landscape and would include native and/or adaptive and drought-resistant plant materials grouped by hydrozones (i.e., areas with similar water use). Most plantings would be drought-tolerant grasses, shrubs, and trees that, once established, are adapted to a dry summer and intermittent rain in the winter season. The proposed project would be designed to preserve 67 percent of the site, approximately 82,000 square feet (1.8 acres), for continued use as public open space. Landscaping on-site would incorporate native and drought-tolerant species to encourage sustainable water use. As many as possible of the mature and healthy existing trees would be preserved. A landscaped forecourt would exist on the eastern side of the affordable and supportive housing building. Detention planters and trees would be located throughout the site. An approximately 0.5-acre, oval-shaped,</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C54-3	Both projects are inconsistent with the University's mission of fostering the public good, as they cannot proceed without massive expenditures of police power and legal counsel. It is extraordinary that in a time of fiscal crisis, the University has chosen to embark on projects that can only be completed because it is willing to front the legal costs involved. The need to provide more student housing cannot be separated from the need to give shelter to unhoused, non-University affiliated people, and the equally urgent need to create shared collective spaces for urban gardening and ecological restoration. Please consider returning to the drawing board and when you do so, please consider drawing upon the expertise of faculty in ESPM, ISSI, Urban Design and the School of Architecture.	<p>multiuse raised lawn area would be in the center of the site and surrounded by paved walkways. Gardens would be located on the southeastern corner of the project site, with a grove located between the market terrace and gardens. Gardens would consist of a matrix of native and healing plant gardens with native and regional groundcovers, shrubs, and grasses.</p> <p>Additionally, UC Berkeley maintains a Landscape Master Plan that guides tree planting at the UC Berkeley Campus. Figure 3-4 of the proposed LRDP Update identifies the landscape and open space framework and the LRDP Update includes objectives to invest in the maintenance, restoration, and renewal of landscape and open space features.</p>
C55	Ayrton, April 21, 2021	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 14, Displacement. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C55-1	Decolonize UC and education. This stolen land and everything should be accessible to all not just the wealthy!!	This comment expresses a general opinion but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
C56	Jerry Wachtel, April 21, 2021	making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C56-1	Pg. 49. “North Field, which may be relocated to accommodate critical program needs...” What and where is North Field, to where may it be relocated?	This comment raises a question about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. As described on Page A-6 in the Draft LRDP Appendix, North Field is a recreation field located between the Social Sciences Building and Hargrove Music Library. Consistent with UC Berkeley’s intent to preserve the total amount of open space, this field could be relocated elsewhere on campus. One potential site is the site currently occupied by Hearst Field Annex. Other potential sites may be identified if and when the North Field site is developed.
C56-2	Pg. 54. Why is the Loop Shuttle only available to certain “eligible” faculty, staff, and students with disabilities, and what is the definition of “eligible?” More widespread availability of this existing service might reduce trip that might otherwise be made by car.	This comment raises a question about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The purpose of the Loop is to provide intra-campus transport to those who are disabled from building to building. This service was created to assist persons with mobility disabilities (including temporary disability as a result of injury) and visual impairment. UC Berkeley affiliates wishing to access the Loop service must go through the Disability Access & Compliance Office in order to verify eligibility. History has shown that without this eligibility requirement the service would be used by those who may not actually need it thereby reducing the service for those who do. Campus shuttles serve the purpose to help able-bodied people get around the perimeter of the Campus Park and downtown Berkeley.
C56-3	Pg. 57. “Parking could also be relocated incrementally from the Campus Park core ...” Which lots may be affected? How many spaces are involved? To where may they be moved?	This comment raised a question about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Table 3-4,

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	What are the impacts of such relocation on adjacent and surrounding roads, pedestrians, bikes, etc.?	Potential Surface Parking Conversion for Mobility Improvements and Open Space, in the Draft EIR identifies locations where potential surface parking could be converted for bicycle, pedestrian, and transit improvements or open space. This table also shows the existing and proposed parking spaces in these areas.
C56-4	<p>Pg. 58. “Plan new or replacement parking ... towards a safer and more car-free Campus Park experience.” How does this parking relate to the question re Pg. 57 above?</p> <p>How many spaces may be affected?</p> <p>What is the impact on traffic, and the impact on surrounding and adjacent roads, pedestrians, bicyclists, etc.?</p>	See Table 3-2 starting on page 3-27 of the Draft EIR regarding the locations and potential number of parking spaces that may be relocated as part of implementation of the LRDP Update. See Response B4-17 regarding the reasons for why project impacts on traffic are not addressed in the Draft EIR. See Section 5-15, Transportation, of the Draft EIR for a discussion of the impacts of the LRDP Update on transportation.
C56-5	<p>Pg. 68. “Collaborate on the management of the Hill Campus East with Lawrence Berkeley National Laboratory, the cities of Berkeley and Oakland, East Bay Regional Parks, and other stakeholders...”</p> <p>How will this collaboration affect parking and traffic in nearby neighborhoods?</p>	This comment raises a question about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Page 68 of the Draft 2021 LRDP describes an objective of multi-agency management of the Hill Campus East zone primarily concerning wildfire prevention and energy resilience. While this objective is not related to parking in adjacent neighborhoods, multiple public agencies will continue to implement evacuation programs to maintain emergency access and evacuation routes within the LRDP Planning Area, which is congruent with the EIR Study Area.
C57	John Stenzel, April 21, 2021	
C57-1	Thank you for soliciting public comment on the latest installment of the University’s development plans. Reflecting on this enormous document, and on UC’s entire mode of interacting with its environment, has prompted me to respond in a range from very general considerations of the process itself, all the way to highly specific ways further development will deleteriously affect my neighborhood, as well as UC’s lack of stewardship in the Strawberry Canyon area.	The comment serves as an introduction to the comments that follow. Please see Responses C57-2 through C57-6.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C57-2	<p>I've organized my comment under five main headings:</p> <ol style="list-style-type: none"> 1. Why the LRDP and such comment-period exercises engender such mistrust in the neighboring community 2. Where is the discussion of alternatives / why aren't basic assumptions being challenged? 3. A close look at even a portion of the document reveals inconsistencies that undermine readers' confidence 4. The UC has historically not demonstrated good environmental stewardship in Strawberry Canyon 5. A modest proposal for a mitigation measure <p>1. Why the LRDP and such comment-period exercises engender such mistrust in the neighboring community</p> <p>I find it disingenuous that UC's materials are always framed as if further development is both desirable and inevitable, and that the EIR / Neg Dec phase should be treated as a smokescreen and an exercise in obfuscating language. One of the most confusing and irritating aspects of this process for a lay person is that a vague Long Range Development Plan seems always to become a strange species of holy writ: our neighborhood has seen multiple instances of "we are only following the 2005 LRDP, which had its EIR / Neg Dec based on fuzzy lack of detail, and now this new project, it has no new impacts so we can do some hand-waving and get it through too because the incremental increase in impacts isn't sufficient to trigger a more detailed evaluation." The current LRDP exemplifies the same charade, earnest and seemingly reasonable, full of tables and figures and calculations, and signifying very little.</p> <p>The LRDP describes many things that will be done to the neighboring community, but the historical context is that UC's development has been much more frequently a taking from the community, whether it be quality of life, or recreational opportunities, or increased traffic and the terror of catastrophic fire. To cite one specific example" over the past</p>	<p>The comment expresses concern about increased automobile congestion as a result of potential development at or near Strawberry Canyon, or the Clark Kerr Campus. As explained in Response B4-17, traffic congestion or measures of vehicular capacity or delay may no longer be used in CEQA documents as thresholds of significance to identify impacts, and therefore, are not evaluated in the Draft EIR. Please also see Response A3-41 regarding evacuation.</p> <p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Please also see Master Response 6, LRDP and LRDP Implementation, for further discussion on how the LRDP will be used for the long-range planning of the UC Berkeley campus.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>decades, the Strawberry Creek Recreation Area has become less and less of a recreational resource for the community: I'm pretty sure most of those who prepared this document are too young to remember that community members used to have access to tennis courts in the canyon, and even at the millennium I was able to walk down and throw a ball on a field with my young son. But no more: as with all facilities that the NCAA mandates, I guess, the high fences and locked gates keep all but the privileged few outside looking in. But the walled garden analogy extends further into the documentation itself: in Berkeley as elsewhere in the UC system, an LRDP becomes the cudgel that inexorably drives further development while providing an excuse to avoid serious scrutiny of the specifics of follow-on projects--a self-fulfilling prophecy of circular reasoning. An institution that supposedly values critical thinking is instead taking short-cuts even as it wastes paper.</p>	
	<p>I've heard Cal coaches and sports announcers complain about cranky neighbors who should just put up and shut up, but all we have seen for decades is arrogance, dismissal, and disregard for community values. At this point you may be wondering who would possibly object to your grand plans for Strawberry Canyon and the women's softball stadium and beach volleyball and new housing and so on.</p>	
	<p>These aren't people who bought land next to an airport and then complain about the noise--they, we, have seen Strawberry Canyon transformed in the last half century (and especially in recent decades), coping with snarled traffic not just on game days or during rugby festivals, but every summer day of camp time, every time we leave our homes. My wife and I live in a small cottage her grandfather built in the 1920s, when the footprint of Cal sports was extremely limited. Even if we shelter in place, you are asking your neighbors to integrate hours of shouting and bat-pinging at practices and games into all of our days, added to the cumulative hours of backup-beepers from another year and a half of construction, on top of the other costs we pay every time a</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>conservative speaker brings six hours of news and police helicopters into the skies to do their hope-for-a-riot roar.</p>	
	<p>The other construction projects at Smyth-Fernwald and elsewhere down the hill will no doubt continue the trend of increased low-level noise and congestion for other residents of Panoramic Hill, especially those whose back yards abut the areas above Clark Kerr (and let's not overlook the fact that the UC seems to be trying to renege on the use covenants it signed when that property ceased to be the School for the Deaf!). The voluminous tables and mind-numbing figures attempt to convince us that noise is not a factor, yet as recent research is showing, the constant encroachment of noise pollution is a serious threat to mental and physical health, even if each instance of an insult cannot be shown to cause harm in itself.</p>	
C57-3	<p>2. Where is the discussion of alternatives / why aren't basic assumptions being challenged?</p>	Please see Master Response 18, Alternatives.
	<p>Central to CEQA and its federal counterpart NEPA is the consideration of alternatives to the proposed project, yet I see nothing in these documents to show that the UC has seriously considered alternative sites or alternative use patterns for existing sites. I know it's too much to ask to suggest that there would be ways for men's baseball to share facilities with women's softball, or that Edwards Stadium--far better served by public transit than the east edge of the campus--could become a more comprehensive locus for intercollegiate sports activities.</p>	
	<p>New possibilities emerge and deserve to be studied: perhaps someone should press "Pause" on your process now that, for example, Mills College may become available as a site for sports activities and student housing. Yet over and over I have looked in vain for honest discussion of reasonable alternatives; UC's usual line is, we will ram through lots of inconvenience and outright danger for neighbors, to save our athletes</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>and students some inconvenience from traveling a little farther to other possible sites.</p> <p>Where is the evidence that such alternatives were even considered before being summarily rejected? No doubt we have to mine the scriptures of the LRDP to find this, but I very much doubt that we would be satisfied. Alas, this is why neighbors and concerned citizens become so disillusioned with the UC: we know that the bureaucrats responsible are far more committed to running new projects and spending more money than on doing something with less pizzazz, since such activities won't advance their careers the way shepherding a glitzy new facility into existence surely would.</p> <p>Show me you've seriously considered the alternatives, and honor the spirit of CEQA by showing that your proposed project is actually a better use of resources than all the alternatives including the null alternative, doing nothing. Otherwise all this is just window dressing, a waste of time when the juggernaut will do what it plans to do.</p>	
C57-4	<p>3. A close look at even a portion of the document reveals inconsistencies that undermine readers' confidence</p> <p>Start anywhere and dig in, and you find obfuscation and not elucidation, just as in previous requests for comment. Oh, such-and-such a project will remove 85 more of the parking spots for the pool? I see no analysis of the knock-on effects for summer camp pick-ups and drop-offs, already a nightmare as the lines stretch down to Rimway and beyond. How much time did your analysts spend up there on a summer afternoon, calculating just how much longer the lineups will be when no one can park. Never mind what those analysts say will happen if an earthquake hits during that gridlock, or a fire sweeps down the canyon... Not our problem, not in the model.</p>	<p>The comment expresses concern about the effects of the removal of the 85 existing parking spaces at the Witter Field Lot from the Levine-Fricke Softball Field Improvements Project on the summer camp pick-ups and drop offs. Neither the Levine-Fricke Softball Field Improvements Project, nor the existing summer camps are parts of the LRDP Update; however, the Levine-Fricke Softball Field Improvements Projects is included in the Draft EIR as a cumulative project (listed as "Softball New Stadium" in Table 5-3, Pending UC Berkeley Projects, in the Draft EIR). In addition, as described in Response C57-2, traffic congestion or measures of vehicular capacity or delay may no longer be used in CEQA documents as thresholds of significance to identify impacts.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The same goes for traffic analysis and fire safety discussions. There is no real treatment of what will happen in a true emergency when all of these projects are underway, with all their congestion impacts and no improvement in public transit. As I have documented in previous comments on projects, we anticipate that your estimates of traffic impacts and noise impacts, in the construction phases as well as operationally down the line, are thus to be increased by a 50% fudge factor. Experience tells Hill residents to brace themselves for at least that kind of unexpected surprise.</p>	
	<p>I should point out that I got my first taste of this blue-and-gold branded distortion many years ago, during an early battle over proposed Fox-Sports-funded lighting for the old Memorial Stadium: all the preliminary information cited 8 1/2 x 12 foot light booms, but when we showed up at the public meeting the size was suddenly 12 x 20 feet--double the surface area. Even then, the proponents of the project attempted to skirt the historical-architectural rules about modifying the stadium itself, arguing that placing the 100-foot light stanchions a few feet away from the "stadium fabric" meant that they were not actually part of the stadium (never mind that with wind loading on the big light booms these slender towers would touch the stadium rim, according to structural engineers I consulted).</p>	
	<p>Despite the pious pronouncements by the desk jockeys and consultants, the reality on the ground for residents is always far worse than predicted, in terms of noise, congestion, light pollution, you name it. During the years of the stadium retrofit we were assured that the grinding, idling, pounding and shrieking would only occur within strictly defined times, yet some unauthorized deliveries (by non-union carriers perhaps?) occurred at 4 AM, and there were plenty of days when the backup beepers were practically continuous from dawn til dusk.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C57-5	<p>Seriously. We were there. You weren't. In a broader context independent of UC's incursions into our lives, we have had two years of EBMUD and other utilities work followed by six months of repaving, all in a neighborhood with a single lane-and-a-half road for ingress and egress, so we were hoping for a short respite before a new set of encroachments on our community. We had even hoped never to have to live through being a war zone again.</p> <p>4. The UC has historically not demonstrated good environmental stewardship in the specific area of Strawberry Canyon</p> <p>I am always amazed that the UC wants to do more development, when it has clearly shown that it cannot manage the resources it already has in place. I see nothing in the documentation that acknowledges budgetary needs for increased patrolling and basic maintenance of the Strawberry Canyon / Tigtwad Hill area, and any plan for dealing with the environmental damage caused by large numbers of short-term and long-term occupation of homeless encampments with no sanitation facilities. Under "Biological Resources" I read that "Implementation of the SCMP from 1987 through the present has successfully led to substantially improved overall water quality conditions," yet this completely contradicts the reality on the ground.</p> <p>I contest this very premise and present the Canyon itself as Exhibit A. How many of you reading this have recently walked the fire roads and trails of lower Strawberry Canyon, or walked along the rugby field up Canyon Road and past the site of the proposed new softball complex? Look behind any tree and you find soiled toilet paper and makeshift latrines used by campers and hikers, a problem made worse by the pandemic shutdown of most alternative places to defecate in a more sanitary fashion. This is UC land conspicuously labeled as "Ecological Study Area," yet it is a trash-strewn disaster, the arroyos choked with highly flammable scotch broom and other invasives, a fire trap with</p>	<p>This comment expresses an opinion about an area within the EIR Study Area but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue about the proposed project. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>decades of neglected ladder fuels. Dozens of homeless camps dot this canyon, illegal mountain bike trails trace erosion gullies, and each spring downed trees wait weeks or months to be cleared from the fire trail--how often does the UC monitor this activity? MY recent inquiries yielded a matter-of-fact response from a UC Police official, who affirmed that by policy they do not cite homeless nor move them out, since there is nowhere else to put them. Out of (UC's) sight, not ours, but not out of mind. Where's the stewardship?</p>	
	<p>If you do take a walk and notice a little less blight, it may be because in recent years I have joined other concerned citizens and taken it on myself to put my energy into pulling flammable broom, cleaning out abandoned sites, picking up trash, and dragging slash in the swale below the top of my street (Mosswood Road), literally a softball throw from the proposed "stadium." Yet I rarely if ever can get a response to requests for UC help with chipping or garbage pick-up, and I see no evidence that the University has dealt with its decades of negligence in dealing with the "urban-wildland interface" problem, even in the wake of the disastrous fires in Santa Rosa and Paradise, not to mention the 1991 Oakland Hills disaster.</p>	
	<p>I am truly alarmed at the cavalier way the document admits that much construction will be done in areas of extreme fire danger with already-serious ingress and egress problems, yet it treats this development and these dangers to the community as inevitable and irremediable. If and when a disaster strikes comparable to the mega-fires that have become a yearly occurrence due to drought and climate change, there will be blood on the hands of everyone involved in developing and signing off on this document.</p>	
	<p>I see some fragmentary progress--for example, the radical tree-cutting and brush-clearing along Centennial, and a significant pass by crews along the Lower Jordan Trail--but the fact that the UC trumpets this as evidence of better stewardship is problematical for several reasons: the</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Centennial clearing was only done after decades of neglect (and the UC made no effort to clean up the 35 bags of trash and recyclables left exposed by this work--that mess was addressed by volunteers like me, in conjunction with UnTrash EastBay), and even a year later the undergrowth is coming back. It's not a one-and-done problem, it takes a long term commitment and above all, a commitment of resources. In my interaction with folks from Facilities Services (several of whom have been very helpful in providing towable dumpsters for me to dispose of hundreds of bags and bundles of homeless-camp garbage), it's clear that the UC has not allocated the personnel to handle this area or other more visible parts of campus.</p>	
	<p>The fact that it takes a FEMA grant or other monies to do what should have been done multiple times over the past decades shows that the UC is not making a priority of keeping its house in order, and thus should not be creating new and extensive problems for itself when it is already by its own admission unable to do what it needs to do.</p>	
	<p>The stewardship question goes beyond the UC's mismanagement of the lands it shares with the city and the region. Your document, like so much of the university's self-flattering public presentation, makes much of every new project's energy efficiency, sounding all the right notes of being more-woke-than-thou even as it ignores the life-cycle energy cost and carbon footprint of those new materials and their transportation. Yet for those of us who live in your neighborhood and who pay attention, we've experienced dozens and dozens of occasions where the Memorial Stadium lights are blazing when no one is on the field, where the Witter and Kleeberger Field lights are on well into the night long after any intramurals are finished. With a little low cloud cover the sky is aglow, our rooms ablaze with bizarre artificial light--and for what? Who's in charge here? All this engineering expertise and you can't figure out how to get the lights to turn off when no one is using the field?</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C57-6	<p>More broadly, why should neighbors trust the UC's stewardship in new projects when it has neglected this tinderbox that abuts the national lab and the Panoramic Hill neighborhood? What is being proposed will make things worse--more construction traffic, more noise, more light pollution, more litter--in an area that is already a blight on UC's relationship with its community. Until and unless the UC actually walks the walk of being a good neighbor, rather than paying huge money to consultants to talk the nice talk--I oppose any new development in this area.</p> <p>5. A modest proposal for a mitigation measure</p> <p>Here's a modest proposal for one mitigation measure if our worst fears are realized and you go ahead with all this new construction. Let's put a microphone at the back of one of my neighbor's houses up the street, in the natural acoustic amphitheater of the construction zone for either the softball stadium or the new housing at Smyth Fernwald, and then we pipe that sound, at the decibel level these longterm residents perceive, straight into the offices of all the UC employees and contractors involved in preparing this document, all day and every day, for the duration of the project. Better yet, each of you carry this noise into your homes and bedrooms each night until 10 PM on all of the 20 or 30 or 50 game days each year that follow.</p> <p>Your noise analyses all seem to conclude that anything less than the roar of a jet taking off is tolerable and un-harmful, but all the recent science is showing that moderate levels of irritating noise add to stress levels and eventually have negative physical as well as psychological health outcomes--especially when the noise occurs sixteen hours a day (ah, night games!). Your document seems to indicate that all the negative impacts are tolerable; if so, you should have no problem sharing these negative impacts with the hundreds of residents you are proposing to affect, right?</p>	<p>The Draft EIR noise analysis is based on the quantified thresholds included in Section 5.11.2, Standards of Significance. These comments related to jet noise and other opinions of the commenter are not consistent with the findings of the Draft EIR noise analysis. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>If you agree to that, all you chancellors and planners, coaches and cheerleaders for women’s athletics and champions of gender equity, I guarantee that you will better understand why we, your closest neighbors, do not embrace your vision for our future.</p> <p>Thank you for reading. Let me know when we can set up that microphone.</p>	
C58	Catherine Lopez, April 21, 2021	
C58-1	I heartily denounce the plans for LRDP Housing Projects 1 and 2 for the reasons listed below, and many more.	The comment serves as an introduction to the comments that follow. Please see Responses C58-2 through C58-5.
C58-2	<p>Under section 5-3-3, Nesting Birds and Species, quotes “Subsection 3503.5 [of California Fish and Game Code] specifically prohibits the take, possession, or destruction of any birds in the orders Falconiformes (hawks and eagles) or Strigiformes (owls) and their nests” yet there has been no assessment if the active red tail hawks and spotted owls have active nests in the park or not. This is a potential violation of MBTA.</p> <p>There are several unidentified nests in People’s Park (site for Housing project #2) which have not been studied, these could be active nests for active Red Tail Hawk or the active California Spotted Owl in the park. These are both protected under Federal Migratory Bird Treaty Act if there are active nests.</p>	Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources associated with the Housing Project #2 site. No evidence of any nesting by red-tailed hawk or owls was observed during the field reconnaissance surveys conducted during preparation of the Draft EIR. Suitable habitat for the State and federally threatened northern spotted owl (<i>Strix occidentalis occidentalis</i>), referenced by the commentor, is not present on this site or in the surrounding area of the East Bay. Please also see Response A32-228 regarding avoidance of bird nests.
C58-3	<p>The EIR states that there is “no significant impact” under parks and recreation for housing project #2, however, this is misleading. It is inaccurate to say that making a privatized and significantly decreased open space instead of a publicly run and used open space has only an insignificant impact.</p> <p>The first of these reasons being that the LRDP and EIR does not adequately assess the impacts on Population and Housing for Housing Project #1 or Housing Project #2. Under Housing Project #1, persons in</p>	The comment incorrectly states that the Housing Project #2 site is currently a publicly run open space area. The site is owned and maintained by UC Berkeley and for the last several decades has been used as an informal open space. Housing Project #2’s effects to open space supply are addressed under impact discussion REC-1 on page 5.14-10 in Chapter 5.14, Parks and Recreation, of the Draft EIR. Please also see Master Response 14, Displacement. Regarding the use of federal funds for Housing Project #2, please see Master Response 19, Evaluation of the Use of Federal Funds.

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>general in Berkeley will be impacted because 16 beds of affordable housing stock will be permanently removed from Berkeley housing stock, and during a statewide housing crisis no less. Furthermore, all new housing proposed by Housing Project #1 is student only. This project will decrease housing available to non-students in Berkeley, decreasing housing stock for non-student populations.</p> <p>When it comes to Housing Project #2, the mentioned housing for very low income and houseless people is not ensured, as it relies on the EIR to be submitted to the federal government in an attempt to get the necessary funding for this housing. This EIR will not be completed until after the student housing is built, and therefore the people that reside at People’s Park will be displaced for at least this period of time.</p>	
C58-4	<p>The LRDP and EIR do not fully recognize that the UC is destroying important historical sites, instead claiming that there is a possibility of a “[permanent] impact” to “historic resources”. This impact is seen as possible to be mitigated through the documentation of the historic sites and the keeping of small pieces of the sites to be used for educational and memorial purposes. This downplays the destruction of the sites and acts as though documentation and memorial will make up for the loss of community spaces, memory, and culture. (2-13) (2-19). Sadly, the UC is willing to destroy these cultural sites and act as though small tributes and documents in memory of the sites will make up for this, when there are so many other places to build and thus avoid destroying these sites, such as the Chancellor’s mansion and Clark Kerr.</p>	Please see Response C44-4.
C58-5	<p>For these reasons and many more, these Housing Projects are folly, insensitive to the community’s needs, and should not be continued.</p>	The comment serves as a closing remark. No response is required.
C59	Charlene M. Woodcock, April 21, 2021	
C59-1	<p>I write as a 50-year resident of the north side of campus whose daughter graduated from UC Berkeley.</p>	Please see Master Response 18, Alternatives.
	<p>It is very disturbing to see the corporatization of our public university system, in part a reaction to the terrible consequences of Prop 13, the</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>capping of not just residential but corporate commercial property taxes. As the public education system was made to suffer budget cuts year by year, the assumption was made that an administration comprised of people from the corporate sector would be better able to address the funding needs of the university system. Perhaps. But these people enlarged the administration ranks until in 2011 they outnumbered faculty (https://reclaimuc.blogspot.com/2011/09/senior-administrators-now-officially.html).</p> <p>The continued expansion of this campus into the community, the public-private partnership idea Chancellor Christ lauds which seems to be the first step towards privatizing the university, and the longterm threat to the Oxford Tract, are my main concerns. We want our university to remain public, not become owned by private investors. This is a land grant University. Especially now, students and researchers need the opportunity to address and support urban agriculture.</p> <p>The EIR must have alternatives to the development projects.</p>	
C6o	Sylvie Nelson, April 21, 2021	
C6o-1	<p>I want to submit a comment on Housing Projects 1 and 2.</p> <p>Incomplete or Missing Impact:</p> <ul style="list-style-type: none"> ● Under section 5-3-3, Nesting Birds and Species, quotes “Subsection 3503.5 [of California Fish and Game Code] specifically prohibits the take, possession, or destruction of any birds in the orders Falconiformes (hawks and eagles) or Strigiformes (owls) and their nests” yet there has been no assessment if the active red tail hawks and spotted owls have active nests in the park or not. This is a potential violation of MBTA. ● There are several unidentified nests in Peoples Park (site for Housing project #2) which have not been studied, these could be active nests for active Red Tail Hawk or the active California Spotted Owl in the park. 	<p>Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources associated with the Housing Project #2 site. No evidence of any nesting by red-tailed hawk or owls was observed during the field reconnaissance surveys conducted during preparation of the Draft EIR. Suitable habitat for the State and federally threatened northern spotted owl (<i>Strix occidentalis occidentalis</i>), referenced by the commentor, is not present on this site or in the surrounding area of the East Bay. Please also see Response A32-228 regarding avoidance of bird nests.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C60-2	<p>These are both protected under Federal Migratory Bird Treaty Act if there are active nests.</p> <p>Levels of Impact</p> <ul style="list-style-type: none"> In the draft LRDP it says “no significant impact” under parks and recreation for housing project #2 - how is this an accurate assessment if an entire urban green space will be developed? 	<p>The impacts to parks and recreation are analyzed pursuant to CEQA and the CEQA Guidelines and address the questions identified in Appendix G of the CEQA Guidelines. The development of a green space does not in and of itself result in a significant impact to parks and recreation. Please see Response C33-3.</p>
C60-3	<ul style="list-style-type: none"> With the EIR stating there is “no significant impact” under parks and recreation for housing project #2, making a privatized and significantly decreased size open space next to proposed development instead of a publicly run and used open space has a significant impact. 	<p>The impacts to parks and recreation are analyzed pursuant to CEQA and the CEQA Guidelines and address the questions identified in Appendix G of the CEQA Guidelines. The development of a green space does not in and of itself result in a significant impact to parks and recreation. Please see Response C33-3.</p>
C60-4	<ul style="list-style-type: none"> Both Housing Projects, #1 and #2, are listed as having “less than significant” impact “without mitigation”, though both projects will be displacing very low income and/or houseless communities and will contribute to the gentrification of Berkeley and a continued rise in rent, with the projects being predominantly above market rate student housing. (2-9 of DEIR) 	<p>The commenter asserts that the proposed project will result in a significant impact. The commenter provides no substantial evidence to support their assertion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Master Response 14, Displacement and Master Response 15, Gentrification. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C60-5	<ul style="list-style-type: none"> The Draft EIR states that there will be “less than significant” impacts to public services for Housing Project #2, even though the space is currently being used (and has a precedent of being used) as a space for mutual aid and resources for the houseless and very low income communities. 	<p>The Draft EIR analyzes the potential for the proposed project to result in significant environmental impacts in accordance with the CEQA Guidelines. This includes impacts to public services, but specifically whether the proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C6o-6	<p>The LRDP and EIR does not adequately assess the impacts on Population and Housing for Housing Project #1:</p> <ul style="list-style-type: none"> ● EX: The Berkeley community (including Berkeley Mayor, City Council, Rent Board, ASUC, community members) denounce the eviction of tenants at 1921 Walnut St and the demolition of 1921 Walnut St. as much needed affordable housing stock within Berkeley. LRDP does not account for Population and Housing impacts via the perspective of people living in the local community. LRDP ignores community input. ● EX: Housing Project #1 will have a significant effect on persons in general in Berkeley because 16 beds of affordable housing stock will be permanently removed from Berkeley housing stock, during a statewide housing crisis. ● EX: All new housing proposed by Housing Project #1 is student only. This project will decrease housing available to non-students in Berkeley, decreasing housing stock for non-student populations. ● EX: The above effect conflicts with California statewide and Berkeley City local plans to preserve and protect existing affordable housing stock. 	<p>service ratios, response times or other performance objectives. Specifically, these governmental facilities include fire protection, police protection, schools, parks, or other public facilities. As described in Chapter 5.13, Public Services, of the Draft EIR, Housing Project #2 would not result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts.</p> <p>This comment asserts that impacts to population and housing were not adequately addressed. The commenter provides no substantial evidence to support their assertion. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Master Response 14, Displacement, and Master Response 15, Gentrification.</p>
C6o-7	<p>The LRDP and EIR does not adequately assess the impacts on Population and Housing for Housing Project #2:</p> <ul style="list-style-type: none"> ● EX: The Berkeley community (including countless students, UC faculty, the Berkeley Outreach Coalition, and local community members) denounce the eviction of the residents of People’s Park and the ending of People’s Park as a space for living, mutual aid, and community events, as the park has served these purposes for years and is a unique and storied community space. LRDP ignores community input and the EIR does not adequately address the impact on Population residing within 	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. This comment asserts that impacts to population and housing were not adequately addressed yet provides no substantial evidence to support their assertion. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, Master Response 14, Displacement, and Master Response 15, Gentrification. Regarding the</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Peoples Park and unhoused Population in the local Berkeley area.</p> <ul style="list-style-type: none"> ● EX: The mentioned housing for very low income and houseless people under Housing Project #2 is not ensured, as it relies on the EIR to be submitted to the federal government in an attempt to get the necessary funding for this housing. This EIR will not be completed until after the student housing is built, and therefore the people that reside at People’s Park will be displaced for at least this period of time. ● EX: The unguaranteed low-income housing will be under market rate, but not free, and with an income requirement of up to \$48,000 a year. This will be inaccessible to most of the very low income and houseless people it claims to be for, and for the displaced population from Peoples Park. ● EX: The EIR does not specifically recognize the eviction and displacement of residents of People’s Park, the site of Housing Project #2, at all, showing that it doesn’t consider the needs of the houseless communities of the East Bay 	<p>use of federal funds for Housing Project #2, please see Master Response 19, Evaluation of the Use of Federal Funds.</p>
C6o-8	<p>The LRDP and EIR do not fully recognize that the UC is destroying important historical sites, instead claiming that there is a possibility of a “[permanent] impact” to “historic resources”. This impact is seen as possible to be mitigated through the documentation of the historic sites and the keeping of small pieces of the sites to be used for educational and memorial purposes. This downplays the destruction of the sites and acts as though documentation and memorial will make up for the loss of community spaces, memory, and culture. (2-13) (2-19)</p> <p>-The UC is willing to destroy these cultural sites and act as though small tributes and documents in memory of the sites will make up for this, when there are so many other places to build and thus avoid destroying these sites, such as the Chancellor’s mansion and Clark Kerr.</p>	<p>Please see Response C44-4.</p>
C61	<p>Chuck Palley, April 21, 2021</p>	<p>Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described</p>
C61-1	<p>As a member of the Steering Committee to Save Anna Head School and a 40 year veteran of the construction industry I was dismayed and very concerned, upon my review of the LRDP and Draft EIR, that UCB is expecting to drive piles at the site of Housing Project #2. Anna Head</p>	<p>Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>School is made up of important historic structures that have brick foundations and stone chimneys dating back to the late 1800's. I consulted with a soils engineer that works often in the area of Housing Project #2 and he confirmed my concerns that driven piles are likely to cause undue damage to these historic structures , and also was very surprised that they may reach 70 to 100' in length.</p> <p>In this urban environment, 60' away from historic structures with brick foundations, driven piles should be absolutely the last option for a foundation, and should not be even contemplated until all other options are studied and as a last resort, test piles are driven to check on impact. Generally, the soil in this area is good, with stiff material below a shallow fill or soft zone. Most buildings in the area are founded on a mat foundation. If a deep foundation is needed, a combination of soil improvements with either direct displacement piles or auger cast piles are a much better option than driven piles. Driven piles cause much more impactful vibration and noise.</p> <p>The mitigation noted in the LRDP is an “after the harm is done” mitigation, which is simply the wrong approach to any construction issue, and an even bigger problem for a historic structure.</p> <p>I ask that the UCB administration revise this approach and drop the plan to use driven piles.</p>	<p>in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p>
<p>C62</p>	<p>Daisy Sessions, April 21, 2021</p>	
<p>C62-1</p>	<p>My name is Daisy Sessions and I am an East Bay resident. I am writing to say that I very strongly disagree with plans to develop both People's Park and 1921 Walnut Street. People's Park has been an integral part of my life, and as a historian, is it extremely disappointing to see the University continuously try to destroy the park. This is a park that supported some of the first anti-Vietnam War protests, this is a park that has consistently advocated for free speech. I know that the university is concerned about</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>“violence” but there is nothing more violent than gentrification. I would much rather see resources funneled into preserving the park and providing services for those who inhabit the park than to get rid of it all together. Telegraph is losing its history and this is an unforgivable course of action.</p> <p>Forcing through these development plans will only cause protests and dissatisfaction, like all other attempts to develop have experienced.</p>	<p>Potential impacts associated with the historic significance of the Housing Project #2 site are evaluated on pages 5.4-39 to 5.4-40 in Chapter 5.4, Cultural Resources, of the Draft EIR. As identified on page 5.4-40 of the Draft EIR, the project would result in a significant and unavoidable impact associated with the demolition and reconfiguration of People’s Park, which is a designated City of Berkeley Historical Landmark. Please also see Master Response 14, Displacement and Master Response 15, Gentrification.</p>
C63	Tessa Stapp, April 21, 2021	
C63-1	<p>I am coming to you, as a resident of Berkeley for the past three years and a student at UC Berkeley. I am also an environmentalist and I have a few key concerns in terms of the assessment of the impact park development will have on our community.</p>	<p>The comment serves as an opening remark. No response is required.</p>
C63-2	<p>First, there is no portion of the report that details a full investigation into Peoples Park as a possible space for endangered species to reside in. I am referencing California Fish and Wildlife code here, and I think it requires our due diligence to ensure no Red Tail Hawks or California Spotted Owls reside in the park. These are both examples of Birds protected under the Migratory Bird Treaty Act.</p>	<p>Please see Response A32-228 regarding avoidance of bird nests.</p>
C63-3	<p>Second, and even more concerning, both project #1 and project #2 are listed as “less than significant impact” without mitigation. This is untrue considering the impact on a number of low-income people that reside within these two spaces.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. This comment asserts that impacts to population and housing were not adequately addressed yet provides no substantial evidence to support their assertion. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 14, Displacement.</p>
C63-4	<p>To close, the LRDP and EIR are not adequately assessing the impacts on population and housing for housing projects #1 and #2. These impacts conflict with the goals of the city of Berkeley in its plan to protect affordable housing for Berkeley residents, and it also conflicts with the</p>	<p>This comment asserts that the impacts related to population and housing are not adequate. The commenter provides no substantial evidence to support their assertions. The comment does not state a specific concern or question regarding the sufficiency of the analysis</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>interests of students like myself who care for the environment and the people within our community.</p> <p>I am asking that UC Berkeley reassesses its impact report to reflect our community concerns.</p>	<p>or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. With respect to conflicting with the City of Berkeley policies, please see Master Response 2, Constitutional Exemption from Local Regulations.</p>
C64	Emily Culling, April 21, 2021	
C64-1	<p>I am emailing to submit my comments on the Draft EIR LRDP on housing projects #1 and #2. After reading through the draft EIR, I was shocked to see that both housing projects were assessed as producing no or less than significant impact on multiple fronts. First, what metrics are being used to assess the damage done by developing an entire urban greenspace into housing? The city and its communities will lose access to one of the few remaining and accessible greenspaces, which is incredibly important not only for urban ecology, but also for providing a space the community to be outside. The current housing plan does leave some green space – but it will no longer be open to the public in the way it is now, and will not be able to be used for outdoor community events.</p>	<p>The impacts to parks and recreation are analyzed pursuant to CEQA and the CEQA Guidelines and address the questions identified in Appendix G of the CEQA Guidelines. The development of a green space does not in and of itself result in a significant impact to parks and recreation. Please see Response C33-3.</p>
C64-2	<p>Both of these housing projects SIGNIFICANTLY displace low income and houseless communities – calling this “less than significant impact” is inhumane and offensive to say the least. This is a significant impact, and will only provide new, and inaccessible student housing.</p> <p>While the plan suggest that housing project #2 will also provide housing for low-income communities, this requires an income of \$48,000 and no promise of guaranteed housing for those already living on the site.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. This comment asserts that impacts to population and housing would be significant yet provides no substantial evidence to support their assertion. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 14, Displacement.</p>
C64-3	<p>I challenge Berkeley to consider alternatives to this continuous growth, as well as the current and historical sacrifices that would be made in order to accommodate such growth. Please consider looking at already existing low-density student housing, such as Clark Kerr, and ways in which housing could be developed without displacing people, as both of these projects do.</p>	<p>Please see Master Response 18, Alternatives.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C65	Gabbi Sharp, April 21, 2021	
C65-1	being a student at UC Berkeley I would just like to the state that me and many other students ate wholly against the development at 1921 Walnut St. as well as peoples park and we feel is though the university is ignoring the interest of the students to fill a housing quota that none of us can afford. if they cared about affordable housing they would invest in the co-ops instead of charging us \$17,000 to live in a three-bedroom dorm room	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C66	Isabela Colmenar, April 21, 2021	
C66-1	The Berkeley community (including Berkeley Mayor, City Council, Rent Board, ASUC, community members) denounce the eviction of tenants at 1921 Walnut St and the demolition of 1921 Walnut St. as much needed affordable housing stock within Berkeley. LRDP does not account for Population and Housing impacts via the perspective of people living in the local community. LRDP ignores community input. We denounce the eviction of the residents of People’s Park and the ending of People’s Park as a space for living, mutual aid, and community events, as the park has served these purposes for years and is a unique and storied community space. LRDP ignores community input and the EIR does not adequately address the impact on Population residing within Peoples Park and unhoused Population in the local Berkeley area.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 14, Displacement.
C66-2	The LRDP and EIR do not fully recognize that the UC is destroying important historical sites, instead claiming that there is a possibility of a “[permanent] impact” to “historic resources”. This impact is seen as possible to be mitigated through the documentation of the historic sites and the keeping of small pieces of the sites to be used for educational and memorial purposes. This downplays the destruction of the sites and acts as though documentation and memorial will make up for the loss of community spaces, memory, and culture. The UC is willing to destroy these cultural sites and act as though small tributes and documents in memory of the sites will make up for this, when there are so many other	Please see Response C44-4.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	places to build and thus avoid destroying these sites, such as the Chancellor’s mansion and Clark Kerr.	
	As Berkeley community members, it is our duty to honor and respect ALL members of this community.	
C67	Isis Feral, April 21, 2021	
C67-1	<p>The following comments are an expansion of shorter comments I submitted for the April 27, 2020 public online scoping session, and the March 29, 2021 public hearing on the Draft EIR, as well as longer comments I submitted to the scoping process on May 15, 2020. Many of my comments below are identical or similar to comments I submitted previously, on December 20, 2019 during the scoping period and on October 5, 2020 on the draft of the Hill Campus Wildland Vegetative Fuel Management Plan EIR (appended here in their entirety), on April 12, 2019 on the Upper Hearst Development for the Goldman School of Public Policy Draft Supplemental EIR for the 2020 LRDP EIR, on March 22, 2016, during the attempted Hill Campus Fire Risk Reduction Addendum to the 2020 LRDP EIR, and on June 17, 2013 on the East Bay Hills Draft EIS for the FEMA Wildfire Pre-Disaster and Hazard Mitigation funding requested by the university, the City of Oakland, and the East Bay Regional Park District.</p> <p>As the plans for this EIR follow largely the same or similar trajectory as these previous projects, I continue to oppose the proposed actions for the same reasons as I did before, as well as additional ones especially concerning the threat against People’s Park.</p> <p>The LRDP ‘updates’, consist of projects that have long been strongly opposed by local residents, and a declaration that the EIR will be programmatic and apply to unspecified future projects. A Programmatic EIR is a bureaucratic legal maneuver to eliminate further CEQA review and public involvement in similar objectionable projects in the future,</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses C67-2 through C67-11.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
C67-2	<p>and an attempt to enable yet more encroachment of UC facilities on unwilling communities.</p> <p>The LRDP Update must not be a Programmatic EIR. All future projects must remain subject to CEQA review and their own EIR, including extended periods of public input!</p>	<p>This comment makes a statement about EIR type but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Please also see, Master Response 4, Programmatic Analysis. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. As described in Chapter 1, Introduction, of the Draft EIR, CEQA Guidelines Section 15168(d) provides for simplifying the preparation of environmental documents by incorporating by reference analyses and discussions in the program EIR. Where an EIR has been prepared or certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to effects that were not analyzed as significant in the prior EIR or that are susceptible to substantial reduction or avoidance (CEQA Guidelines Section 15152[d]). An Initial Study could be prepared for future projects (other than Housing Projects #1 and #2) to evaluate the potential environmental impacts of the future projects with respect to the program EIR to determine what level of additional environmental review, if any, is appropriate. Because this EIR analyzes the Housing Projects #1 and #2 at a project level, no further environmental review of these two projects is anticipated prior to project approval.</p>
C67-3	<p>Some of these unpopular projects are already part of other EIR processes underway, as well as past environmental reviews that were challenged successfully and stopped in court. They are part of repeated attempts to deforest the Hill Campus and other green spaces, constant expansion of university development, and yet another threat against People's Park, an important historical landmark.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR.</p> <p>Figure 4 of the Notice of Preparation for the proposed project does not indicate properties that UC Berkeley would intend to acquire, but</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Some of the actions proposed in related environmental reviews, such as the Hill Campus vegetation management EIR, use public safety as an excuse to promote the development described in this DEIR, but instead they threaten public safety, increase fire danger, and contribute to ecological devastation. These reviews consistently avoid addressing the health and environmental hazards of removing large numbers of trees from the hills, and of spreading toxic pesticides. They also do not take into consideration the impact of other agencies that are cutting trees and applying poisons on connected lands.</p>	<p>existing UC Berkeley-owned properties.</p> <p>Regarding COVID-19, please see Master Response 3, COVID-19. Also please see Master Response 14, Displacement.</p> <p>The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
	<p>I oppose the expansion of UC Berkeley, its history of taking over surrounding towns, and burdening local infrastructure. The increase of the university population already violates agreements with the City of Berkeley, and is contributing to a housing crisis. The proposals in this Draft EIR are not an effort to find solutions for existing housing problems, but to expand the university and bring in more students, further compounding the problem.</p>	
	<p>The arrogance of UC’s sense of entitlement to grab land from neighboring communities is evident in Figure 4 of the Notice of Preparation, a map entitled UCB LRDP “Draft Land Use Plan”, which designates a large segment of Berkeley city streets as “Mixed Use (Other Campus Use)”</p>	
	<p>The timing of this EIR process in the midst of a global public health crisis is also disrespectful of the needs of the community, and compromises the required public process. In fact as I rushed to submit comments by the scoping deadline, an elder family member was in a medical crisis complicated by the current situation. Even Berkeley Mayor Jesse Arreguin, who has been supportive of some of these projects, requested that public comment be postponed and extended until after the shelter-in-place order is lifted (https://www.berkeleyside.com/2020/04/16/city-</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>community-groups-protest-uc-berkeleysplan-to-update-long-range-plan-in-middle-of-pandemic), but UC refused, alienating even its supporters on the city council, who expressed their anger at a special city hearing on this Draft EIR, for which no representative of the university had the decency to show up (http://berkeley.granicus.com/MediaPlayer.php?publish_id=a007c3ce-9d53-11eb-8549-0050569183fa)</p> <p>The increase in the university population cannot be downplayed as negligible, but violates prior agreements with the City of Berkeley already, has been challenged in court (https://www.berkeleyside.com/2019/06/17/city-sues-uc-berkeley-for-not-studying-impactsof-34-student-enrollment-increase), and further increase would have a devastating impact on long-term residents of the city and surrounding towns.</p> <p>As the university population has been increasing, long-term Berkeley residents are being displaced, with many ending up in the streets. Increasingly even UC students are becoming homeless, neglected by an overpriced, overcrowded public university (https://housing.berkeley.edu/sites/default/files/pdf/HousingSurvey_03022018.pdf, and https://www.dailycal.org/2018/04/22/homeless-student-union-protests-university-house-420/), and then chased out of town by abusive city policies against parking the vehicles they live in at public sidewalks (https://sf.curbed.com/2019/3/27/18283608/berkeley-rv-parkingban-homeless-nimby). Though no one suggests to new students who do have housing to leave their cars at home, and take advantage of Bay Area public transit instead of further cluttering local streets with additional traffic, and taking up garage space that could be used for housing.</p> <p>UC’s constant expansion causes not just a burden on housing in surrounding cities, but with the temporary nature of the ever changing university population, city policy is also influenced when students get involved in local politics, then move back out of the area after they finish their limited few years of school, and leave long-term residents with the</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>fallout of the decisions they influenced. We’ve seen this particularly with the student newspaper, for example when the Daily Cal has made election recommendations with longterm implications on the local ecology, and its editorial staff played gatekeeper to prevent rebuttals from locals who understood the issues from decades of living here better than they did.</p> <p>The DEIR claims 200 events and meetings with stakeholders were held, but communities who would be most directly affected by the proposed projects only saw very little of these gatherings. There were no meetings held with the entire People’s Park community, for which the park itself would have been an ideal venue, community stage and all.</p> <p>But the university treats the park with disdain, neglecting maintenance of bathrooms, even during the pandemic, with sinks typical for prisons that are more likely to spread disease than protect against it (https://www.youtube.com/watch?v=tCmRP5W-MEM), and a couple of years ago, without warning, in an early morning assaults, killed dozens of trees, which changed the character and climate of the park, and destroyed its extensive forest of cooling shade, which provided habitat to human neighbors and wildlife alike (http://www.peoplespark.org/wp/details-on-tree-killing-in-peoples-park-december-28-2018/and http://www.peoplespark.org/wp/tree-attack-at-east-side-forest-of-peoples-park-inearly-morning/ and https://www.berkeleyaside.com/2018/12/28/cal-to-remove-42-trees-atpeoples-park-in-berkeley-to-address-long-deferred-maintenance). Hawks and falcons continue to use what’s left of the grove as a green oasis where they can hunt in the middle of increasingly manicured urban surroundings.</p>	
C67-3	<p>Because there is no habitat conservation plan on the official record, UC refuses to recognize that there’s habitat that should be conserved. It also does not acknowledge that some of these projects constitute a conversion of forest land to non-forest use, because UC does not recognize urban forests, like Hill Campus and what’s survived the</p>	<p>The commenter’s concerns regarding loss of habitat are noted. Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources associated with the Hill Campus and the Housing Project #2 site, and assesses potential impacts of implementing the LRDP Update. As concluded on</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	deforestation of the People's Park grove. The DEIR declares these environmental review categories not relevant to the process and does not plan to address them.	page 5.3-23 of the Draft EIR, based on the preliminary analysis in the Notice of Preparation (see Appendix A, Notice of Preparation and Scoping Comments, in the Draft EIR), it was determined that the LRDP Planning Area is not located within any area designated for an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan, and further analysis under this CEQA standard of significance is therefore not necessary. Please also see Response A3-228 and Master Response 12, Biological Resources on the Housing Project #2 Site.
C67-4	UC did the same in the Hill Campus vegetation management EIR, which is currently subject of a lawsuit, when it declared tree removal for different reasons off topic, even though environmental impact can only be determined when all activities are considered together (https://capitalstrategies.berkeley.edu/sites/default/files/final_nop_hill_campus_wildland_vegetative_fuel_management_plan_o.pdf). The university is fragmenting the environmental analysis into multiple EIRs, which can only skew the results, because the projects involve a lot of the same, overlapping activities, and cumulatively have a greater impact than individually.	Please see Response A3-38 with respect to cumulative analysis.
C67-5	UC Berkeley has repeatedly shown that it does not let environmental laws get in the way of its plans to keep expanding its development and profits, and is especially determined to kill every tree in its path. Back in 2005 the university even partnered with the City of Oakland in violating the city's own restrictive pesticide policies more than once, when it felled trees on behalf of the city, and illegally applied toxic chemicals to the remaining stumps: https://web.archive.org/web/20131014141102/http://oep.berkeley.edu/pdf/FireProjects/OtherDocs/ARfire_2005.pdf and https://www.fema.gov/media-library/data/1416861153335-5f909f406dofa9b986a86e1fb31ab9d5/Final_EIS_Sections_1_-_11_508_reduced.pdf (section 4.5, page 19)	This comment expresses an opinion about other projects but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
	The Hill Campus this EIR also targets was one of several agencies'	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>projects, already reviewed in FEMA's East Bay Hills EIS, which together would have destroyed half a million trees on thousands of acres on university, East Bay park district, and City of Oakland land (http://www.saveeastbayhills.org/the-clear-cutting-plan.html). Under the guise of fire hazard mitigation, UC attempted to appropriate public emergency funds for this same development scheme proposed here.</p> <p>In 2014, before the EIS finished reviewing the projects, UC illegally clearcut Frowning Ridge, another of the proposals to FEMA. In 2016, UC's projects, including Hill Campus, were stopped in court by hills residents, as was the addendum to the previous LRDP EIR with which UC tried to sneak the project past CEQA: https://milliontrees.me/2017/06/15/anotherlegal-victory-in-the-long-fight-to-save-our-urban-forest/</p>	
C67-6	<p>And in the middle of the CEQA process in progress with this Draft EIR, the university fenced off much of People's Park, and started drilling deeply into the soil to gather samples, an activity that should have been subject to its own individual environmental review, because it endangers the creek that runs beneath the park. Concerned students and other community members tore down the fences, and delivered them back to Sproul Plaza (https://www.sfgate.com/bayarea/article/Peoples-Park-fence-Berkeley-protest-housing-15910171.php).</p>	<p>The commenter asserts that the collection of soil samples on the site of the proposed Housing Project #2 is a project subject to CEQA. The commenter provides no substantial evidence to support their assertion. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Please also see Response A3-266 regarding a creek at the site of Housing Project #2. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required.</p>
C67-7	<p>It has also become clear that these housing projects are not really about housing at all (https://vxkat.info/pages/NeverAboutHousing/), because part of the process of clearing the land for the UC's development is to evict long-time residents from their rent controlled apartments in a historic building on Walnut Street (https://www.save1921walnut.org/).</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and Master Response 14, Displacement.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C67-8	<p>I oppose any further felling of trees, the all too often accompanying pesticide applications, and the development of the Hill Campus, Oxford Tract, and People’s Park, and other forests and green spaces that provide us with breathable air. UC wants to pave them over with tall buildings at the edge of active earthquake faults, all under the guise of housing and public safety, while it neglects not only its own homeless students, but also the seismic safety of its already existing buildings (https://www.latimes.com/california/story/2019-08-29/howwould-uc-berkeley-fare-in-a-big-earthquake-officials-looked-and-its-scary).</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C67-9	<p>The construction of the proposed projects would cause massive pollution, including toxic dust, and noise from idling trucks and other equipment. After months of disturbing residents from the peaceful enjoyment of their homes, and making nearby businesses less safe for workers and patrons, the final result would be ugly monsters of buildings in place of green spaces, and especially at People’s Park it would drastically alter the character of the historic neighborhood. The DEIR specifies one of its goals is to “preserve the campus’s historic legacy of landscape and architecture”, but does not do the local community the same courtesy (http://berkeleyheritage.com/essays/around_people’s_park.html and https://www.cityofberkeley.info/uploadedFiles/Planning_(new_site_map_walkthrough)/Level_3_-_General/map_cc2.pdf).</p>	<p>The commenter expresses an opinion about the proposed projects and speculates about future conditions from operation of the proposed project. The commenter provides no substantial evidence to support their opinion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>
C67-10	<p>People’s Park has its own historic legacy! It is a vital public commons where our community gathers for events, where displaced people who lack housing and otherwise struggle for survival can take a much needed rest in the shade of the trees, where grassroots activists share food and resources, and are tending the soil and growing a garden: http://reclaimingquarterly.org/100/RQ100-28-PeoplesPark.pdf</p> <p>I warn policy makers that continued attempts to develop People’s Park would almost certainly be met with resistance from the community, as all previous attempts over the last five decades have</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	(https://www.peoplespark.org/wp/history/). Those who were killed and injured by violent police actions against the community that defended the park as our public commons, would not be properly honored by symbolic memorials, but require that People’s Park once and for all be declared a protected historical landmark that belongs to the community, not the university.	
C67-11	Finally, for now, I am appending my scoping comments for UC Berkeley’s current Hill Campus vegetation management EIR, because the actions proposed in the LRDP Update are not separate, and their cumulative impacts must be considered all together:	The comment serves as an introduction to Attachments 1, 2, and 3 of the commenter’s letter. The attachments are acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter C67 Attachment 1	Comments on the University of California Berkeley Hill Campus Wildland Vegetative Fuel Management Plan Draft Environmental Impact Report dated October 5, 2020	The attachment provides a copy of comments made by the commenter, dated October 5, 2020, on a separate UC Berkeley project, the UC Berkeley Hill Campus Wildland Vegetative Fuel Management Plan Draft Environmental Impact Report. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter C67 Attachment 2	Comments on the University of California Berkeley Hill Campus Wildland Vegetative Fuel Management Plan Draft Environmental Impact Report dated September 19, 2020	The attachment provides a copy of comments made by the commenter, dated September 14, 2020, on a separate UC Berkeley project, the UC Berkeley Hill Campus Wildland Vegetative Fuel Management Plan Draft Environmental Impact Report. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter C67 Attachment 3	Comments on the University of California Berkeley Hill Campus Wildland Vegetative Fuel Management Plan Environmental Impact Report Scoping Period dated December 20, 2019	The attachment provides a copy of comments made by the commenter, dated December 20, 2019, during the scoping period for a separate UC Berkeley project, the UC Berkeley Hill Campus Wildland Vegetative Fuel Management Plan Draft Environmental Impact Report. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C68	James Hendry, April 21, 2021	consideration in reviewing the project and EIR. No response is required.
C68-1	The Draft EIR (and its alternatives) for the accompanying LRDP, despite its length fails to adequately address a number of issues. These include but are not limited to;	The comment serves as an introduction to the comments that follow. Please see Responses C68-2 through C68-11.
C68-2	<ul style="list-style-type: none"> The lack of sufficient recreational space particularly with the proposed development of People’s Park 	The impacts to parks and recreation are analyzed pursuant to CEQA and the CEQA Guidelines at pages 5.14-8 through 5.14-13 in the Draft EIR and address the questions identified in Appendix G of the CEQA Guidelines. The commenter asserts that the Draft EIR fails to adequately address recreational space with the proposed development of Housing Project #2, but provides no substantial evidence to support their assertions. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.
C68-3	<ul style="list-style-type: none"> Inadequate consideration of the historical significance of People’s Park 	It is unclear what the commenter means by “inadequate consideration.” The HRTR for Housing Project #2 (Appendix F.3 of the Draft EIR) provides a detailed historic context on the development and history of People’s Park and an evaluation of its eligibility for listing in the National Register of Historic Places and California Register of Historical Resources. The report concludes that People’s Park satisfies Criterion A of the National Register of Historic Places and Criterion 1 of the California Register of Historical Resources at the local level of significance for its association with social and political activism in Berkeley between 1969 and 1979, particularly with regard to UC Berkeley land use decisions. The park is also a City of Berkeley Historical Landmark. People’s Park retains sufficient integrity to convey its significance, confirming its status as a historical resource under CEQA (page 2). Impact CUL-1.3 on Draft EIR page 5.4-39 concludes that demolition and reconfiguration of People’s Park would result in a

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
C68-4	<ul style="list-style-type: none"> The inability to address GHG emissions, including the continued operation of on-site GHG-emitting cogeneration facilities; 	<p>significant and unavoidable impact to this historical resource as defined by CEQA.</p> <p>The methodology for calculating the future emissions at the cogeneration plant is fully documented and is consistent with the forecasted natural gas use at the cogeneration plant identified in the Campus Energy Plan. GHG emissions from all three Campus Energy Plan options is detailed in Appendix C1 (“Central Plant Design Option Energy Use – LRDP Buildout”). Furthermore, as identified in Chapter 5.7, Greenhouse Gas Emissions, the cogeneration plant is a covered entity under the cap-and-trade program. While the Draft EIR quantifies and discloses emissions associated with this Scope 1 emissions source (consistent with UC Berkeley’s annual inventories), GHG emissions from this source are fully covered under the 2017 Scoping Plan and cap-and-trade.</p>
C68-5	<ul style="list-style-type: none"> A misplaced reliance on “voluntary carbon offsets” to meet GHG goals that often do not supply the GHG-reductions claimed; 	<p>See also Response A3-100. Accredited registries develop high-standard GHG reduction project protocols to provide guidelines for project development, provide transparency, and develop a platform for exchanges and created through a six-step process. GHG offset credits recognized by a registry represent GHG emission reductions that have already occurred in the past; therefore, by purchasing an offset credit, the reduction in GHG emissions has been completed, and the impact has been mitigated. Once voluntary offsets are issued, they are retired. Mitigation Measure GHG-2 also requires annual mitigation reporting to further ensure transparency. Therefore, use of voluntary GHG emissions offsets is an effective tool to ensure consistency with UC Berkeley’s Sustainability Plan and UC Sustainable Practices Policy.</p>
C68-6	<ul style="list-style-type: none"> Failure to include, and fully examine, the effect of increased enrollment as well as the failure to set a firm cap on admissions; 	<p>The comment incorrectly asserts that the Draft EIR does not examine the effects of increased enrollment. The commenter provides no substantial evidence to support their assertion. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		Comments and Focus of Review of Commenters.
		The buildout projections evaluated in the Draft EIR are shown in Table 3-1, Proposed LRDP Update Buildout Projections, of the Draft EIR. As shown in Table 3-1, the Draft EIR evaluates at a program-level the net new development of 8,096,249 square feet of development, 11,731 beds, and 1,240 parking spaces to accommodate a projected increase of 5,068 net new undergraduate students, 3,424 graduate students, and 3,579 faculty/staff. Regarding the commenter's opinion regarding a "cap" on admissions, please see Master Response 8, Population Projections.
C68-7	<ul style="list-style-type: none"> ● Failure to consider re-assigning U.C. students to other U.C. campuses with lessened environmental effects; 	Please see Master Response 18, Alternatives.
C68-8	<ul style="list-style-type: none"> ● Inadequate consideration of the combined effect of increased U.C. enrollment with forecasted population growth in Berkeley, particularly as a result of ABAG set RINA [sic] standards for new housing development 	The comment expresses an opinion but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Chapter 5.12, Population and Housing, evaluates the cumulative effects of the proposed project together with growth projected by the ABAG. The UC is not subject to the Regional Housing Needs Allocation process administered by the California Department of Housing and Community Development.
C68-9	<ul style="list-style-type: none"> ● Failure to fully consider transportation impacts; and water/wastewater infrastructure 	The commenter expresses an opinion about the adequacy of the transportation and water/wastewater analysis. The commenter provides no substantial evidence to support their opinion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Response A3-120.
C68-10	<ul style="list-style-type: none"> ● Failure to fully consider the effects on the City of Berkeley's provision of fire and police services. 	The commenter asserts that the Draft EIR fails to fully consider the effects of the proposed project on fire protection and police services,

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C68-11	<p>Some of these issues have been raised in comments submitted by the City of Berkeley, which are incorporated by reference.</p> <p>Additionally, given the recent announcement that Mills College will be closing, the LRDP and draft EIR should consider the use of this site for student and research related activities (including housing) to minimize the environmental effects that would otherwise occur in Berkeley.</p>	<p>but provides no substantial evidence to support their assertions. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required.</p> <p>The site of Mills College is located in an area of the city of Oakland that is outside of the LRDP Planning Area. Mills College is not owned or managed by UC Berkeley and is not part of the existing LRDP or the proposed LRDP Update. Please see Master Response 7, EIR Study Area. Accordingly, no sites outside of the LRDP Planning Area are considered viable options to reduce the impacts described in the Draft EIR.</p> <p>Please see Chapter 6, Alternatives to the Proposed Project, of the Draft EIR for a complete explanation of the contents of the chapter. Please see Master Response 18, Alternatives.</p>
C69	June Nelson, April 21, 2021	
C69-1	<p>The Draft EIR does not adequately recognize or address the impacts of Housing Projects #1 or #2. When we look at the real impacts of these projects, the cons vastly outweigh the pros, and this information should guide the UC away from developing on 1921 Walnut St or People’s Park. The main point missed by the report is that the housing crisis is a problem of affordability, not availability, and building high-cost student housing will drive rent in the area even higher.</p>	<p>The comment expresses an opinion but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment serves as an introduction to the comments that follow. Please see Responses C69-2 through C69-4.</p>
C69-2	<p>Housing project #1 will exacerbate the current housing crisis by replacing units that are currently affordable with high-cost student housing, thereby pushing up the cost of living in the area. Many students are already struggling to pay rent and this project offers no support for them or for the current residents of 1921 Walnut St, who will be displaced from affordable units if the UC proceeds with development. UC expansion also conflicts with California statewide and Berkeley City local plans to protect existing affordable housing stock and creates tension between the UC and the City by disregarding the City plans and not creating dialogue between UC and City officials (for example, there were no UC</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please also see Master Response 14, Displacement.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C69-3	<p>representatives at the Berkeley City Council meeting to discuss the LRDP).</p> <p>The lack of consideration of the effects of housing project #2 is especially egregious. It is stated to have no significant impact on population and housing, public services, and parks and recreation. How can this be possible when all three of these currently exist at the park and will be altered by the project? There are at least 30-40 people currently residing at the park and at least twice that many who use it daily. Development on People’s Park will displace all of them by creating housing that will be largely inaccessible to these individuals, which is an act of violence that requires mitigation if the project is to move forward. These people deserve immediate housing or guaranteed admission to the supportive housing development that is planned on the park if it is to be developed. Project #2 also has a significant impact on the public services that are currently offered at the park. Not only are there public restrooms at the park (which are incredibly limited in the Southside area), but People’s Park is also a center for mutual aid where unhoused and low-income people go to receive food, water, clothing, shelter, and other types of support necessary for survival. Development on the park would disrupt these systems and prevent public services from being offered in the area, which must be addressed as well. Finally, the Draft EIR states that Project #2 has no significant impact on parks and recreation. How can development on a park have no impact on parks and recreation?? This seems like an especially obvious oversight, and there should be plans to mitigate the loss of open green space that is used for a variety of recreational activities including socializing, basketball, movie nights, and classes like drawing and boxing that happen every week in the park.</p>	<p>The comment expresses an opinion but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>Housing Project #2’s effects to open space supply are addressed under impact discussion REC-1 on page 5.14-10 in Chapter 5.14, Parks and Recreation, of the Draft EIR. Although the Housing Project #2 site has been used as an informal open space, the site is owned by UC Berkeley and is not a formal park.</p> <p>Please also see Master Response 14, Displacement.</p> <p>In addition, the services described by the commenter are incorrectly described as services provided by public agencies and therefore, do not meet the standard for evaluation under CEQA.</p>
C69-4	<p>Overall, housing projects #1 and #2 will generate a lot of harm for Berkeley residents, as well as to the landscape of the city itself. This harm is not sufficiently addressed in the Draft EIR, and I think that both projects must be halted immediately because these issues are not addressed.</p>	<p>The comment serves as a closing remark. No response is required.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C70	Hank Gehman, April 21, 2021	
C70-1	<p>In Table 5.12-7 UC Berkeley projects constructing new student housing for 2,621 students at the Clark Kerr Campus.</p> <p>In page 36 of LRDP Elements the university maintains that the covenant prohibiting development of new buildings at the Clark Kerr Campus could be bypassed if there was a "change in circumstances" which I assume would be similar to the change in circumstances claimed for the new women's volleyball complex.</p> <p>Since that "change in circumstances" argument has been conclusively rejected in the Volleyball lawsuit, the covenant would still be in full force. How then does the university propose to build all of this new student housing?</p>	Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.
C71	Hank Gehman, April 21, 2021	
C71-1	<p>Housing: This DEIR only identifies 2 student housing sites; #1 on Oxford and #2 at People's Park.</p> <p>Yet in the summer of 2018, the university had identified eight student housing sites and was looking for a master developer to formulate plans for all eight.</p> <p>What are these sites and what specific plans have been developed?</p> <p>The Draft EIR should reveal relevant plans that have already been made.</p>	The subject of the Draft EIR is only the proposed LRDP Update, and Housing Project #1 and Housing Project #2. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation. As stated, future projects, such as those suggested by the commenter, will be subject to separate review and approval processes.
C72	Hank Gehman, April 21, 2021	
C72-1	<p>This DEIR states that creating affordable student housing is one of the goals of this LRDP.</p> <p>But Blackwell Hall has been designed as an expensive project. One freshman described it as "Like a luxury hotel. It was the Hilton."</p> <p>When university student housing is designed as upscale residences the rent that students pay goes up and the affordability goes down. Only students from wealthy families can afford these rents.</p> <p>What are the projected rents and what proportion of UC Berkeley students will be able to afford the new projected housing?</p> <p>Without this analysis this Draft EIR is deficient.</p>	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C73	Hank Gehman, April 21, 2021	
C73-1	<p>Instead of building student housing in the Berkeley Environs have you considered the alternative of student housing at Evans Field and at the Tolman Hall site?</p> <p>In November 2017 at the Academic Senate meeting, Chancellor Christ revealed a plan, approved by her "in principle", to build two student housing buildings at Evans Field.</p> <p>Also, there is the vacant field where Tolman Hall was. According to the Capital Strategies Tolman Hall Demolition document, this vacant plot is to be "left as open space for a future university building project".</p> <p>Building student housing at Evans Feild [sic] and the Tolman site would achieve the LRDP goal to "prioritize...the interior of the Campus Park for pedestrians and bikes", Marissa Cheng, Capital Strategies.</p> <p>Failure to consider these sites is a deficiency of this DEIR and should be corrected..</p>	Please see Response B11-8. Please see Master Response 18, Alternatives.
C74	Hank Gehman, April 21, 2021	
C74-1	<p>Parking:</p> <p>The DEIR states that the university plans to move parking from the Campus park to the immediate surroundings of the Campus Park or to sites in the City /environs.</p> <p>The DIER also states that the university intends to create over 1,200 new parking places.</p> <p>Where are these parking lots going to be built?</p> <p>Do the new parking places include relocated parking or are these net, new parking places?</p> <p>Location parking close to the Campus would violate the LRDP's principle of sustainability, reduction of emissions and reduction of car traffic.</p>	With respect to parking, please see Master Response 6, LRDP and LRDP Implementation.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	The alternative of a remote parking location(s) with shuttle service would satisfy the goals of the LRDP but is not considered in this DEIR.	
	Please consider this alternative.	
C75	Hank Gehman, April 21, 2021	
C75-1	“Substantially exceed” Pg 31 Numerically define “Substantially exceed” of the LRDP development program identified in Table 2.2	The comment asks to define the term “substantially exceed” as used in the Draft LRDP Update concerning when the LRDP development program, identified in Table 2.2 of the LRDP Update, would require an amendment. The last sentence of the second paragraph of the first column of page 31 of the LRDP Update will be revised as follows: “The total net new program space implemented within the scope of the LRDP may not exceed the LRDP development program identified in Table 2.2 without amendment of the LRDP.” Therefore, UC Berkeley would amend the LRDP Update if there was an exceedance of the total development program, as shown in Table 2.2 of the LRDP Update.
C76	Hank Gehman, April 21, 2021	
C76-1	Smyth-Fernwald The DEIR identifies the Smyth-fernwald property as a location for possible development. What kind of development is the university considering for this property?	Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation. This EIR does not include project-specific details for any future projects other than Housing Project #1 and Housing Project #2. As shown in Table 3-2, Potential Areas of New Development and Redevelopment, the Smyth-Fernwald site, denoted as CE1 in Table 3-2, is considered for Academic Life and Campus Life uses. Please see pages 3-13 of the Draft EIR for descriptions of these land use types.
C77	Hank Gehman, April 21, 2021	
C77-1	Parking on Canyon Rd During events at Witter and the softball field, the upper portion on Canyon Rd, from #16 to the cul de sac at #56, illegal parking and overflow parking is common and uncontrolled. The university Athletic Department has an agreement with the City of Berkeley to not enforce residential parking on this section of Canyon Rd and this is known.	The comment expresses concern about the limited on-street parking on Canyon Road and the increased demand for these parking spaces due from the removal of the existing parking at the Witter Field Lot by the Levine-Fricke Softball Field Improvements Project. The Levine-Fricke Softball Field Improvements Project is not part of the proposed LRDP Update Project, but is included in the Draft EIR as a cumulative project (listed as “Softball New Stadium” in Table 5-3, Pending UC

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>This road offers the closest residential parking to these athletic facilities and is the first choice for non-resident event parking.</p> <p>This road is also very narrow and a major concern of the Berkeley Fire Department for equipment access. Any illegal parking makes it impossible for fire trucks to negotiate the road leading to a significant fire risk.</p> <p>The event pressure on this road will substantially increase at all times when the majority of university parking spaces are eliminated along Centennial Dr due to the construction of the softball stadium.</p>	<p>Berkeley Projects, in the Draft EIR). The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required.</p>
C77-2	<p>The LRDP fails to analyse this serious fire risk.</p> <p>To mitigate this risk 1) the university must terminate its agreement with the COB to not enforce RPP at this section of Canyon Rd; 2) Since all COB parking enforcement ends before 5 pm, the university must set up a barrier and control access to residents during evening events.</p>	<p>The comment expresses concern about the enforcement of the Residential Parking Permits on Canyon Road and requests controlling access on Canyon Road during evening events. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required.</p>
C78	<p>Hank Gehman, April 21, 2021</p>	
C78-1	<p>In preparing the 2021 LRDP , the university is required to consider the effects on the host city and adjust its planned expansion according to the limitations of the surrounding community.</p> <p>This DREIR fails to do that. The expansion plans ignore the inherent limitations of the community to absorb the projected growth.</p> <p>According to the university's own figures, the population of the City of Berkeley is projected to increase by 9% from 2020 to 2037 .</p> <p>Under the LRDP, the university's population up to 2036 is projected to increase by 22%.</p> <p>The LRDP fails to analyse the impact of increasing its population at a rate more than twice as much as its host community.</p> <p>The LRDP must consider the alternative of restricting growth proportional to the growth rate of the city.</p>	<p>Please see Master Response 8, Population Projections, and Master Response 18, Alternatives.</p>

5. COMMENTS AND RESPONSES

Letter/ Comment #	Comment	Response
C79	Hank Gehman, April 21, 2021	
C79-1	Smyth-Fernwald	Comment is incomplete. Please see Response C76-1 regarding the Smyth-Fernwald location.
C80	Kathryn Raphael, April 21, 2021	
C80-1	<p>I am writing about my concerns about your LRDP and the lack of consideration that the document shows for my neighborhood and the City of Berkeley. I insist that you take consideration of the noise, traffic, light pollution, increased wild fire danger, and increased disruption of a congested area of Berkeley. Adding more development to Strawberry Canyon, when the existing evacuation areas for fire and earthquake are insufficient, is a disaster. You make no plan for constructing the massive increase in firefighting and transportation needs that follow in the steps of such construction. The LRDP document does not address these concerns, in fact, it glosses over these difficulties.</p> <p>I insist that you reconsider where you are placing these athletic facilities. Your document states that there are no cultural factors to consider but you ignore the Panoramic Hill Historic Area and many, many residents surrounding area.</p>	<p>The comment expresses concerns about increased noise, light pollution, wildfire danger, traffic and additional congestion as a result of development in Strawberry Canyon area, which is located in the Hill Campus West. For impacts related to light pollution, please see Chapter 5.1, Aesthetics. For impacts related to noise, please see Chapter 5.11, Noise. For impacts related to the Panoramic Hill Historic District, which is outside of the EIR Study Area, please see Response B9-16. Potential new development in the Hill Campus West that could occur in close proximity to the Panoramic Hill Historic District would be subject to subsequent project-level review and the CBPs and mitigation measures described in Chapter 5.4, Cultural Resource. Please see Master Response 4, Programmatic Analysis.</p> <p>For impacts related to wildfire, please see Chapter 5.18, Wildfire. In Chapter 5.18, please see pages 5.18-17 through 5.18-21 for a discussion on how the proposed project would not impair an adopted emergency response plan or emergency evacuation plan. As explained in Chapter 5, Environmental Analysis, of the Draft EIR, traffic congestion or measures of vehicular capacity or delay may no longer be used as thresholds of significance in CEQA documents to identify impacts, and therefore, are not evaluated in the Draft EIR (see page 5-96). Please also see Response A3-41 regarding evacuation and Response B4-17 with respect to transportation congestion.</p>
C81	Janice Thomas, April 21, 2021	
C81-1	<p>This is my 3rd submission for purposes of comment on the LRDP DEIR. Please find attached document.</p> <p>This is to provide written comment on the Draft Environmental Impact Report [footnote 1] (DEIR) of UC Berkeley's proposed 2021 Draft Long</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses C81-2 through C81-15.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Range Development Plan (LRDP). The main focus of these comments is the inadequacy of the hill campus descriptive framework and the resulting inadequate environmental study of two study areas identified as Hill Campus West (HW) and Hill Campus East (HE). The proposed descriptive framework barely mentions environmental context of UC's properties within these study areas. The predictable result is a wholly inadequate study of environmental impacts which would result from implementing the proposed LRDP.</p> <p><i>Footnote 1: These comments are with reference to https://lrddp.berkeley.edu/environmental-review accessed on 4/21/21, [sic]</i></p>	
C81-2	<p>The following figures provide a visual perspective of the two study areas: (1) Figure 3.1: Land Use Zones (https://lrddp.berkeley.edu/sites/default/files/draft-uc-berkeley-lrddp_february-2021_web-pages-sm.pdf) and (2) in the DEIR, Figure 1.2: LRDP Planning Area (https://lrddp.berkeley.edu/environmental-review).</p>	<p>The figure in the Draft EIR is Figure 3-2, EIR Study Area, which as described on page 3-8, of Chapter 3, Project Description, is contiguous with the proposed LRDP Update Planning Area and includes the majority of UC Berkeley-owned properties.</p>
C81-3	<p>What was known as the Hill Campus in the existing LRDP [footnote 2] is subdivided into HW and HE. Moreover, the HW includes both canyon-located properties (e.g., Witter Field, Levine-Fricke Field and the Haas Clubhouse) as well as entertainment venues and housing complexes located along the Gayley-Piedmont corridor.</p> <p><i>Footnote 2: UCB LRDP Draft EIR Figure 3.1-1 Land Use Zones p. 3.1-6</i></p>	<p>The commenter correctly describes the new zones proposed as part of the LRDP Update.</p>
C81-4	<p>The study areas are expediently construed for some purpose which is beyond my ability to discern other than that it will enable intensified use of the canyon-located properties.</p> <p>In the existing LRDP, the Land Use Zones (Figure 3.1-1) identify the Hill Campus as those properties within Strawberry Canyon. Being at the mouth of the canyon and fronting on Piedmont Avenue and used in ways that were urban, Memorial Stadium was not included in the Hill Campus and was instead identified as part of Adjacent Blocks South. Likewise, the</p>	<p>The commenter speculates about the location of potential future development. Please see Master Plan 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Greek Theater, Foothill Housing, and Stern Housing, which front on the Gayley-Piedmont corridor, were identified as Adjacent Blocks North, which reflected the more urbanized, mixed use area.</p>	
	<p>Yet in the proposed LRDP, the canyon properties have been moved from being located with other canyon properties and added to a more a highly developed area. What is the rationale? From my experience of living near the canyon, being able to look out my windows at the fields, I would attest to the fact that conditions and use of the fields and the Haas Clubhouse have not substantially changed relative to the existing LRDP which was approved in 2005. The conditions at these properties are the same now as they were then.</p>	
	<p>Over the years, other HW properties along the Piedmont-Gayley corridor have been more intensively developed and used. The Greek Theater has increased its number of events since 2005. Memorial Stadium has been retrofitted and more intensively used; a new structure, the Simpson Center, has been built; other changes as well have occurred in this area. However, the use of Witter Field, the Levine-Fricke Field, and the Haas Clubhouse has remained fundamentally the same with the exception of brighter and taller lights at the Witter Field which had impacts to the Panoramic Hill neighborhood which were identified in the Supplemental EIR.</p>	
	<p>Moreover, the environmental context of the Gayley-Piedmont properties is vastly different from the canyon-located properties. As photographs which are included as part of my comment, the south facing slope of the canyon contains groves of eucalyptus as well as a riparian area with coast live oak. The traffic is different along Centennial The wildlife habitat in the adjoining areas creates a different environmental context, and the residential neighborhood which abuts the fields, the Panoramic Hill neighborhood, also creates different setting characteristics.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>There is no explanation for moving the canyon-located properties, specifically, the fields and clubhouse to the study area which includes more urbanized properties. Although the canyon-located properties are more urbanized than properties further east in the canyon, they nonetheless remain vastly different from the properties along Gayley and Piedmont.</p>	
	<p>Moving the properties into the same class with entertainment venues, e.g., Greek Theater and Memorial Stadium, would seem to reflect wishful thinking rather than what really exists. The scale and type of use at these field is much less intensive. Moreover, the housing in HW does not in any way serve the same purpose as the fields and clubhouse in the canyon.</p>	
	<p>Has there been an increase in frequency, intensity, and type of use in the canyon-located fields and clubhouse since the existing LRDP was approved in 2005? And if so, what are these increases and how do they justify the new boundaries of the study areas and the constituent properties within the study areas?</p>	
	<p>This theme of “greater urbanization” in Hill Campus West is a theme that is repeated time and time again. Repetition does not make it true. This would only be true if it were a cohesive study area. But it is not. The canyon-located fields are not located within an urbanized area despite the fields themselves having more structures and artificial elements than the area further east.</p>	
	<p>Proper study would also show that the uses themselves are not equivalent in terms of potential impacts. The noise generated from a football game with up to 60,000 spectators is quite different from the noise generated by an intercollegiate rugby game in Strawberry Canyon.</p>	
	<p>The conditions in the canyon are quite different from conditions outside</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>of the canyon. This is evident from another visual perspective of the area. The canyon location is extremely constrained. https://earth.google.com/web/@37.86992926,-122.25061027,129.75096472a,1942.89527123d,35y,oh,ot,or/data=CiQSIhlgZDY1OGRjYWlzMjhhMTFIOGFjNmU2OWJjN2I2ZDI2Y2E6AwoBMA?authuser=0</p>	
	<p>In short, the fields and the Haas Clubhouse are within the canyon, and these geographic and topographical characteristics of development sites are relevant to the study of impacts. Being located in a canyon, they are within a south-facing slope and a north-facing slope. South of the fields is the Panoramic Hill neighborhood, a rustic, single-family residential neighborhood which is listed on the National Register of Historic Places. Moreover, the proximity is profound. Panoramic Hill includes homes on Canyon Road which abut Witter Field and homes on the hillside where lights already glare at eye level into windows. Within 90’ of these homes is the Levine-Fricke Softball Field. Next to the softball field is the Haas Clubhouse and swimming pool area known in the existing LRDP as the Strawberry Canyon Recreation Area (SCRA). Finally, this part of the HW is within the Very High FHSZ (Figure 5.18-1) and this part of the HW is not within a Transit Priority Area (Figure 5.1).</p> <p>Because location matters and because the location of individual properties within Hill Campus West varies enormously from within a canyon gorge to the base of a hill across the street from the main campus, Hill Campus West is not cohesive as a study area.</p>	
C81-5	<p><u>Can impacts be anticipated from intercollegiate uses that are not anticipated from recreational uses?</u> Hill Campus West (HW) “contains housing for students and campus life uses, such as a number of recreational facilities, including the California Memorial Stadium, Student Athlete High Performance Center, Witter Rugby Field, Levine-Fricke Softball Field, Haas Clubhouse, Maxwell Family Field, as well as the Stadium Garage, and Hearst Greek Theater.” [footnote 3]</p>	<p>Chapter 5.14, Parks and Recreation, lists UC Berkeley’s various park and recreational resources, including intercollegiate uses. The Draft EIR analyzes impacts to parks and recreation based on Appendix G of the CEQA Guideline. These standards include if the proposed project would: (1) result in substantial adverse physical impacts associated with the provision of new or physically altered parks facilities, need for new or physically altered parks facilities, the construction of which could</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
<i>Footnote 3: UC Berkeley 2021 Long Range Development Plan and Housing Projects #1 and #2 Draft EIR page 5.10-7.</i>	This introductory description describes recreational uses but does not describe the intercollegiate uses of the stadium and the fields. Does the environmental analysis describe the difference between recreational versus intercollegiate uses?	cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks services; (2) 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; (3) include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment; or (4) in combination with past, present, and reasonably foreseeable projects, result in a cumulative impact. These standards are from Appendix G of the CEQA Guidelines.
	Some properties are solely for recreational use but others are not solely for recreational use. Some of these properties are also used for intercollegiate games and competitions. For example, Haas Clubhouse is not used for intercollegiate games and events. There is a swimming pool at this site but it is used solely for recreation, whereas the Spieker Aquatics Complex Aquatic Facility is used for intercollegiate swimming events.	Impacts are based on the UC Berkeley population that would use the resources described under the proposed project. Based on the amount of park and recreational space that UC Berkeley provides, as described in Chapter 5.14, the proposed project would not result in impacts to parks and recreational facilities, regardless of the specific type of recreational facilities provided. As listed in Chapter 5.14, these include a variety of facilities located throughout the EIR Study Area.
	What are the differences between intercollegiate and recreational uses? One of these differences might be the greater number of visitors from outside the campus and often from outside Berkeley. Is this to say there are no difference in anticipated impacts depending on whether a use is recreational versus intercollegiate? This issue is not addressed in the study of impacts. Accurately anticipating visitors would have implications for accurate estimate of impacts.	Please see Master Response 8, Population Projections, which explains that the analysis in the Draft EIR does take into account visitor data, including sporting event visitors; visitor data used in the EIR analysis is included in Appendix O, Visitor Data, of this Final EIR.
	Failure to accurately and comprehensively describe existing conditions leads to inadequate analysis of environmental impacts which could result from implementing the proposed LRDP. The fields are located on a canyon floor, and although the fields are maintained and although numerous people visit the site, the site itself is contained within canyon slopes. The slopes include eucalyptus and a steep hillside on the south-facing slope and an historic hillside neighborhood and oak-bay woodland hillside on the other. [These are existing conditions which are not	Please note that as new or expanded intercollegiate uses are proposed, those projects would go through separate project review and approval processes as required. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C81-6	<p>adequately considered in terms of impacts. Yet despite these realities, the DEIR states, “The Campus Park and the Hill Campus West are largely developed and the Hill Campus East are largely undeveloped (page. 5-3.1.2).]”</p> <p>In fact, Hill Campus West is not accurately studied because important resources are omitted or even inaccurate, as will be described below.</p> <p>For example, what happened to the Ecological Study Area? The area known as the Ecological Study was prominently figured in the existing LRDP whereas it has been disappeared in the draft LRDP and DEIR. By this omission, does the DEIR suggest that the ESA and the HE are equivalent? If so, please state so as this point may well be argued. The HE is a study area for purposes of analyzing impacts whereas the ESA described in the existing LRDP is a campus and community resource. What is the status of this resource? And is it jeopardized by proposed development in the ESA or near the ESA? And is the Ecological Study Area not also part of Campus Life?</p> <p>Sometimes historic background can inform existing, contemporaneous conditions. By way of background, please see the Soulé map titled “Strawberry Valley and Vicinity” from 1875 which shows the Strawberry Creek watershed and the extensive network of tributaries. The DEIR describes Strawberry Creek in general terms but does not identify other creeks which are near proposed, pending, or potential developments. For example, there is no mention of the tributary that flows underneath from the softball field (rf. Photo attachment) which goes dark underneath Centennial Road.</p>	<p>The commenter’s concerns regarding the status of the Ecological Study Area (ESA) and features in the Hill Campus are noted. The LRDP Update removes entirely the Ecological Study Area and Faunal Refuge designations in the Hill Campus East. UC Berkeley continues to recognize the significant habitat value of the Hill Campus East and the area’s importance for instruction and research related to the natural environment. However, UC Berkeley determined that because there is not an appropriate management entity or department to oversee research and projects in the Hill Campus East, the designations were unrealized. UC Berkeley continues to manage the Hill Campus East zone to enhance biodiversity and reduce wildfire risk.</p> <p>The commenter is correct that some reaches of Strawberry Creek and tributary drainages have been culverted, including the segment that flows under the California Memorial Stadium and Kleeberger Field along Gayley Road. Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources associated with the Hill Campus and assesses potential impacts of implementing the LRDP Update. No specific development plans have been identified that would affect the ESA. The National Wetland Inventory Map shown in Figure 5-3-4, National Wetlands Inventory Map, on page 5-3-17 of the Draft EIR does show many of the tributary drainages to the main branch of Strawberry Creek through the EIR Study Area.</p>
C81-7	<p>Proposed, pending, and potential projects. Table 5.3 “Pending UC Berkeley Projects” lists “Softball New Stadium.” As of 4/21/21, when comment period closes for this DEIR, the project was at least temporarily stayed as a result of legal challenge, <i>Panoramic Hill Association v. the</i></p>	<p>This comment expresses an opinion about another project that is not the subject of this EIR. Table 5-3, Pending UC Berkeley Projects, in Chapter 5, Environmental Analysis, of the Draft EIR provides a very brief summary of cumulative projects and is not intended to provide</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p><i>Regents of the University of California</i>. The project being litigated included not only 1500 permanent seats and concourse, but also allowed space for an additional 1000 temporary seats (rf. Addendum published December 2019). The project also included installation of 85’ tall light poles (compared to 50’ existing) with TV broadcast quality lighting which simulate daylight and increased from an existing 1000 watts to 100 ft candles. The project would also include improved training facilities, team and home locker rooms. The structures and infrastructures would allow up to 20 seasonal night games, occasional tournaments (Thursday – Sunday, including night), invitationals (including nights), and “special events” which remained undefined and unbounded. This is all well and good; however, the impacts have not been analyzed. Moreover, how much of this is required for Title IX versus how much is enhanced so as to support revenue generating activities, e.g., “special events” remains unknown.</p>	<p>full project descriptions of each cumulative project. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C81-8	<p>Other projects included in the Hill Campus West include a “potential area of new development and redevelopment” but does not say where exactly. “Location not determined. Site is vacant now. Square footage 20,000. Purpose – campus life.”</p> <p>Witter Field has turned into the “ Witter Field Complex.” Does the change in name imply more intensive use? For the environmental analysis to be valid and to predict actual impacts, it would seem important to operationally define ambiguities, e.g., “complex” in terms which can be measured and understood for purposes of public planning and estimating impacts.</p> <p>The Haas Clubhouse is identified as a potential area of renovation (Table 3-3 (Potential Aeras [sic] of Renovation Only). The square footage is listed as 11,813. I have been in this structure, and it would seem this square footage applies to the site, inclusive of swimming pool, etc., rather than to the clubhouse alone.</p>	<p>The commenter expresses an opinion about the level of detail included in the Draft EIR that is not germane to the program-level evaluation required pursuant to CEQA for a long-range policy document. Please see Master Response, Program EIR.</p> <p>Witter Field Complex (site number HW-b in the Draft EIR) is the name used to refer to the potential renovation at Witter Field; no increase in building square footage is proposed. The listed square footage for Haas Clubhouse is 11,813. This figure refers to the space within the building and does not include the site area surrounding the building.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C81-9	<p>Per existing LRDP, the SCRA facility includes two outdoor swimming pools (one currently closed), a fitness center and a clubhouse. As it is, the clubhouse per se is a low key structure, and the uses at the recreational facility are modest in scale and impact. It is important to clarify if the 11,813 sq ft applies to the clubhouse alone or to these associated structures.</p>	<p>The commenter’s concerns regarding mapping of vegetation cover in the Panoramic Hill area is noted. Figure 5.3-1, Vegetative Cover, of the Draft EIR shows the vegetative cover in the vicinity of the EIR Study Area based on mapping prepared by the USFWS as part of the CALVEG mapping program. It is not intended to show detailed mapping of specific locations, but simply to provide a context for how the estimated 400 acres of the EIR Study Area relates to the surrounding area. The commenter is correct that more detailed mapping of vegetative cover was performed during preparation of the Wildland Vegetative Fuel Management Plan (Plan) for the Hill Campus (Source: UC Berkeley Hill Campus, Wildlife Vegetative Fuel Management Plan, 2021, State Clearinghouse No 2019110389, prepared for University of California, Berkeley, Capital Strategies – Physical & Environmental Planning. The WVFMP and EIR were approved and certified on February 10, 2021.) which provides a management program for addressing fire risks and fuel reduction methods. As discussed on page 5.3-18 of the Draft EIR, resources associated with the Hill Campus East were thoroughly documented and potential impacts assessed as part of the Draft EIR on the Plan, and reviewers are referred to this document for more detailed information on vegetation cover and other resources reviewed as part of that project.</p>
	<p>As photos show and as my personal, direct experience attests to, this area is known for its beautiful coast live oaks and bay laurels. It is an oak woodland. Other evidence of existence of the oak woodland rather than eucalyptus in this area, can be found in the University’s Wildfire Fuel Vegetation Management DEIR, and the maps in the appendices of this University document, e.g., https://capitalstrategies.berkeley.edu/sites/default/files/appendices_a_i_sm.pdf</p> <p>For example, Figure 7. “Structural facilities at risk in the Hill Campus” identifies an area known as “Sherwood Forest.” This is the area which is bordered by the old Canyon Road (Cañon Road) and also borders the Panoramic Hill neighborhood and the softball field and Strawberry Canyon Recreation Area.</p>	
	<p>The DEIR is not only inaccurate with respect to description of foliage in the Panoramic Hill neighborhood near the fields, but is also inaccurate with respect to the other side of Strawberry Canyon, i.e., the south-</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>facing slope. It is incorrectly described as predominantly coast live oak (apricot colored on map). As the attached photographs show, the area of the canyon near the mouth is predominantly eucalyptus. The trees were planted after the hillside was dynamited to create the bowl that became Memorial Stadium (rf. California Memorial Stadium, listed as a Cultural Resource, National Register of Historic Places, see application and university archives). One small part of this south-facing slope is oak woodland and this is the riparian area where the creek goes dark. The south facing slope across from the softball field includes the aforementioned riparian area.</p>	
C81-10	<p><u>Panoramic Hill as a Cultural Resource.</u> Part of the Panoramic Hill neighborhood is listed as an Historic District on the National Register of Historic Places. https://npgallery.nps.gov/GetAsset/1f8ae583-bo15-4cd8-a8ad-15573cdc7bd1</p> <p>Yet despite this distinction, the neighborhood is not discussed in the Cultural Resources Impact Analysis. In contrast, there is mention of the neighborhood and its National Register status in the Wildfire Impacts section. The significance of this omission is one impact category yet it inclusion in another warrants scrutiny.</p>	Please see Response B9-16.
C81-11	<p><u>Mobility and transportation.</u> The Wildfire Fuel Vegetation Management DEIR, Figure 8. “Road classes indicate routes...” shows the limited access to and egress from Strawberry Canyon and the fields and clubhouse located there. This figure also shows the topography of the area. The DEIR gives short shrift to these realities when it places these UC properties in the “urbanized” area of the rest of Hill Campus West.</p> <p>Also of note, the canyon properties in Hill Campus West are not in the Transit Priority Area. This is shown in Figure 5.-1, “Priority Development Areas and Transit Priority Areas” of the DEIR.</p> <p>The DEIR also contains a Mobility System Element that is applied to Campus Park but, remarkably, not applied to Hill Campus West. This is</p>	<p>The comment correctly states that most of the properties in Hill Campus West near the Strawberry Canyon Recreation Area are not in a TPA, as shown on Figure 5-1, Priority Development Areas and Transit Priority Areas, in Chapter 5, Environmental Analysis, of the Draft EIR. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required.</p> <p>The comment is also correct in stating that the Mobility System Element primarily focuses on the Campus Park and not the Hill Campus West. However, the Mobility System Element includes several</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>unfortunate given the multiple venues with entertainment in Hill Campus West (e.g., Greek Theater and Memorial Stadium). By including the canyon-located fields in Hill Campus West, does this mean the area would be used more intensively?</p>	<p>measures, such as potential expansion of the TDM program or shuttle service, that would benefit all UC Berkeley facilities, including the ones in the Hill Campus West area.</p> <p>With respect to the commenters question regarding whether facilities located in the Hill Campus West zone would be used more intensively with implementation of the LRDP Update, as shown in Table 3-2, Potential Areas of New Development and Redevelopment, of the Draft EIR, potential development in the Hill Campus West includes new development on the Bowles Hall parking lot, new campus life space in an undetermined location, and renovations to the Greek Theatre, Witter Field and Stern Hall. Additionally, last year UC Berkeley, prepared a CEQA Addendum to upgrade the existing Levine-Fricke softball field to meet modern safety and competition standards.</p>
C81-12	<p>Impacts associated with revenue generating may exceed that which is necessary for academics and campus life per se. The University has clearly stated its plans to use its properties to maximize financial resources. “The 2021 LRDP is about maximizing the use of increasingly constrained land and financial resources, and optimizing investment in service of our mission and strategic priorities.”</p> <p>Although the University considers student enrollment increases in terms of evaluating impacts, the University did not analyze impacts which would result from revenue-generating activities at UC properties. As “optimizing investments” is one of the goals of the LRDP, estimating revenue and return on investment would be part of any capital project. Unaccounted for, as an example, is the increase in temporary population resulting from visitors who come to the city of Berkeley for purposes of entertainment whether the entertainment is spectators at an athletic event or a music venue or anything else. Furthermore, what considerations were given to location, type of activity, and hence potential use? Moreover, what is the impact from leasing athletic properties? For example, what will be the impacts from leasing any part of California Memorial Stadium, the Greek Theatre, the Witter Field, the</p>	<p>Please see Master Response 8, Population Projections, which explains that the analysis in the Draft EIR does take into account visitor data, including sporting event visitors; visitor data used in the EIR analysis is included in Appendix O, Visitor Data, of this Final EIR. Regarding revenues, leases, and investments, this comment expresses opinions about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>“pending new softball stadium,” and the “potentially renovated” Haas Clubhouse. What will be the impacts from non-leased revenue-generating activities, e.g., University hosting invitationals at athletic properties? How many people are estimated to come to tournaments, and “invitationals” and undefined “special events” of unknown quantity at the new softball stadium? And how many events at the Witter Field and how many at the Haas Clubhouse, and what are the cumulative impacts to this area within a Very High Fire Hazard Zone (Figure 5.18-1) and that is outside the Transit Area Priority (Figure 5.1) map)? And which of these activities are for purposes of compliance with Title IX versus for purposes of revenue-generation, to provide a return for private investors, etc.?</p> <p>Please estimate the impacts from using UC properties for purposes of revenue-generation, and in particular, estimate the 15 year cumulative impacts from leasing athletic properties.</p>	
C81-13	<p><u>Failed to identify the project’s potential to create or increase the risk of wildfire impacts in HW.</u></p> <p>Referring to the Panoramic Hill neighborhood, the DEIR states, “This area also has limited water supply, access and egress routes, and exposure to rupture of the Hayward Fault, the location of which is shown in Figure 5.6-3 Wildland Urban Interface.” [footnote 4]</p> <p><i>Footnote 4: DEIR, page 5.18-14.</i></p> <p>The DEIR is required to study how the project exacerbates existing risk, not whether there are already risks due to characteristics of the Panoramic Hill neighborhood. The neighborhood has been in existence since the 1800’s, long before the fields were developed. In fact, this project by failing to adequately describe this neighborhood in the context of the study areas, systematically, and possibly intentionally, precludes objective study of impacts.</p>	<p>The Draft EIR analyzes wildfire impacts in accordance with the standards of significance, listed in Section 5.18.2, Standards of Significance, in Chapter 5.18, Wildfire, of the Draft EIR, based on the CEQA Guidelines.</p> <p>The proposed project does not include the Panoramic Hill neighborhood as part of the EIR Study Area, as there is not university property within this neighborhood that is included as part of the proposed project. The Draft EIR analyzes the potential for the proposed project to result in wildfire impacts, which would affect the entire surrounding area, not just the Panoramic Hill neighborhood specifically. Therefore, this neighborhood is not specifically called out. As the comment states, the Draft EIR generally acknowledges certain wildfire impacts to areas downslope of the Hill Campus East under impact discussion WF-4.</p> <p>As described on page 3-26 in Chapter 3, Project Description, of the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>The DEIR identifies wildfire impacts which are deemed “significant and unavoidable.” These impacts are avoidable because the intercollegiate fields do not have to be more intensively developed in the canyon location.</p> <p>The DEIR states, “The proposed LRDP Update could involve development within the Hill Campus East, which is in a Very High FHSZ, contains steep terrain, and is largely undeveloped, and which abuts existing residential areas. Therefore, potential development could expose people or structures to downslope landslides as a result of postfire slope instability.”</p> <p>However, the analysis fails to analyze impacts associated with ignition from construction of the “pending new softball stadium” and “potential renovation of the Haas Clubhouse.” This is because the Hill Campus West, as descriptive framework, does not acknowledge proximity of the neighborhood. Neither does the descriptive framework analyze the number of people who are brought into the area for games, parking cars nearby (Bowles Lot – 200 spaces; and Stadium Garage (400+ spaces), and who must walk to the fields from the area, possibly smoking cigarettes or some other substance besides tobacco, and being outside the Transit Priority Area (Figure 5.1).</p> <p>Moreover, the DEIR fails to integrate the information provided with the developments described. For example, as shown in Figure 5.18-1, Fire Hazard Severity Zones, Hill Campus West is in fact within the Very High FHSZ despite the potential Wildfire Impact not being analyzed.</p>	<p>Draft EIR, “the proposed LRDP Update does not require any specific development projects on any site. The purpose of the potential development assumptions is to illustrate a land use program that would accommodate the proposed LRDP Update buildout projections. The potential areas identified in this section provide a menu of possible options that UC Berkeley has to accommodate potential growth and changes... The location and design of future development would be informed by proximity to existing UC Berkeley campus resources and compatibility with surrounding land uses to the extent feasible and would be examined in light of the program-level EIR to determine whether subsequent project-specific environmental documentation would be required, in conformance with CEQA.” As such, there are no project-level development details for these areas to be analyzed.</p>
C81-14	<p><u>Failed to analyze noise impacts.</u> By not adequately considering the canyon as the context for intercollegiate fields and a recreational clubhouse, the DEIR fails to study the acoustical impacts of the canyon location. Neither did the sound analysis consider impacts from night</p>	<p>Operational noise impacts from the Levine-Fricke Softball Field Improvement Project in the Strawberry Canyon Recreational Area were found to be less than significant in the July 2020 final addendum to the 2020 LRDP EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>games at the “pending new softball stadium.” (Table 5.3. Even if the sound system is improved relative to the existing sound system, the fact remains that sound does not dissipate in a canyon in the same way in which it dissipates on level ground and in open space. Moreover, standards for noise at night is different from standards used during daylight.</p> <p>By not considering the topography of Hill Campus West, and the location of the hillside neighborhood, Panoramic Hill, the EIR underestimates noise impacts which might result from more intensive development and use of the intercollegiate fields and the Haas Clubhouse.</p>	
C81-15	<p><u>Failed to analyze aesthetic impacts and cultural resource impacts.</u> The Aesthetic Impacts analysis does not consider the effect of light, glare, and corona on the aesthetics of the Strawberry Canyon environs and the impact to the Panoramic Hill Historic District as a cultural resource. Even with shielding, which is designed to reduce glare, what is the impact of the lighting from the anticipated “Witter Field Complex” and the “new softball stadium,” which sounds like an upgrade from the Addendum to the LRDP for the Softball Field Improvements Project.</p>	Please see Response B9-16 and Response C80-1.
C81-16	<p>In closing, this is an especially disappointing draft EIR. The descriptive framework has found a way to disappear the Panoramic Hill neighborhood from the environmental context of the intercollegiate fields and the recreational clubhouse in Strawberry Canyon, not bothering to analyze any impacts to our neighborhood as if to do so would yield a result that would interfere with realization of this university’s big plans. There are so many inconsistencies, e.g., (1) mentioning Panoramic Hill as an historic property in the Wildlife Impact analysis while not even mentioning it in the Cultural Resource Impact analysis, (2) describing the significant and unavoidable Wildfire Impacts from proposed development in Hill Campus East while not analyzing incremental increase in Wildfire Impacts from proposed, pending, potential development in Hill Campus West.</p>	The comment serves as a conclusion for the comments above. Please see Responses C81-2 through C81-15.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>What is clear is that a properly prepared document might come to the conclusion that the canyon-located fields and clubhouse should not be more intensively used and developed. It might mean that an alternative location must be found. Investors and donors if they knew the facts might prefer to invest elsewhere for the long-term good of the University of California at Berkeley, as well as for the long-term good of the public resources in the City of Berkeley. In fact, it would seem that this seemingly glamorous property is enticing people and overcoming their good judgement and common sense. A more sensible conclusion might lead to a search for an alternative location for important intercollegiate sports, most particularly, women’s intercollegiate softball. This LRDP puts public resources at risk, and this environmental review fails as objective analysis and study.</p> <p>References: Email sent 4/21/21 11:38 a.m. The photographs show the following:</p> <ul style="list-style-type: none"> · The eucalyptus grove in Hill Campus West (the south facing slope of Strawberry Canyon) from the perspective of Centennial Road across from Witter Field. · The eucalyptus grove in Hill Campus West at the intersection of Centennial Road (bordering Witter Field) and Rim Way (bordering Memorial Stadium) · More eucalyptus in the Hill Campus West bordering Centennial Road across from Witter Field. · The perspective of Centennial Road near the intersection with Rim Way shows the south-facing slope; the forested area up the road is a riparian area around one of the Strawberry Creek tributaries. · The riparian habitat bordering Centennial Road and across from the parking lot adjacent to the softball field. · Closer perspective of the riparian area at Strawberry Creek tributary and bordered by Centennial Road. 	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<ul style="list-style-type: none"> · More eucalyptus in the Hill Campus West and on the south-facing slope of Strawberry Canyon. · Parking lot on the western edge of the softball field with coast live oak forests bordering the northern edge of the softball field. · The path on the northern edge of the softball field shows the coast live oak on the north facing slope of Strawberry Canyon. · Another perspective of the hillside on the north-facing slope of Strawberry Canyon, as it borders the softball field, shows the coast live oaks. <p>Email sent 4/21/21 11:50 a.m.</p> <ul style="list-style-type: none"> ● Soulé map 	
C82	Janice Thomas, April 21, 2021	
C82-1	<p>Greetings. This is the first attachment of several related to my comments on the environmental impacts from implementing the 2021 LRDP. The attached photographs relate to existing conditions as of 4/21/21 and which show the environmental context of the fields in Strawberry Canyon and which contradict much of the narrative description of the DEIR:</p> <p>The photographs show the following:</p> <ul style="list-style-type: none"> ● The eucalyptus grove in Hill Campus West (the south facing slope of Strawberry Canyon) from the perspective of Centennial Road across from Witter Field. ● The eucalyptus grove in Hill Campus West at the intersection of Centennial Road (bordering Witter Field) and Rim Way (bordering Memorial Stadium) ● More eucalyptus in the Hill Campus West bordering Centennial Road across from Witter Field. ● The perspective of Centennial Road near the intersection with Rim Way shows the south-facing slope; the forested area up the road is a riparian area around one of the Strawberry Creek tributaries. ● The riparian habitat bordering Centennial Road and across from the parking lot adjacent to the softball field. 	<p>The attachment provides images of Strawberry Canyon. The commenter claims the images contradict the descriptions in the Draft EIR, but provides no substantial evidence to support this claim. Please see Master Response 4, Programmatic Analysis. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR



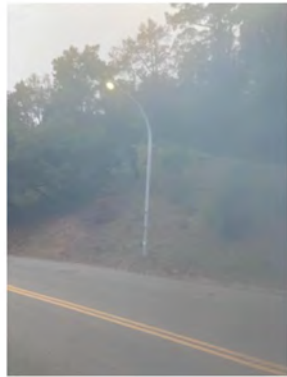

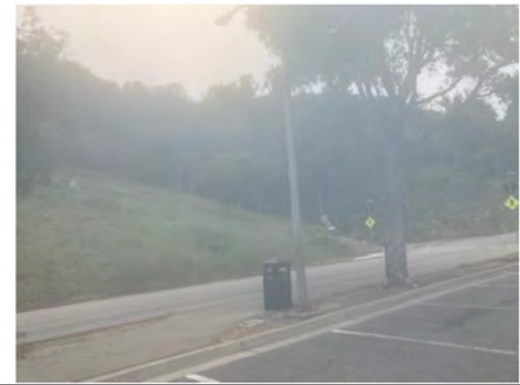
Letter/ Comment #	Comment	Response
	<ul style="list-style-type: none"> ● Closer perspective of the riparian area at Strawberry Creek tributary and bordered by Centennial Road. ● More eucalyptus in the Hill Campus West and on the south-facing slope of Strawberry Canyon. ● Parking lot on the western edge of the softball field with coast live oak forests bordering the northern edge of the softball field. ● The path on the northern edge of the softball field shows the coast live oak on the north facing slope of Strawberry Canyon. ● Another perspective of the hillside on the north-facing slope of Strawberry Canyon, as it borders the softball field, shows the coast live oaks. 	
		
		

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		
		
		

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR





Letter/ Comment #	Comment	Response
		
		
		

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>C83 Janice Thomas, April 21, 2021</p>	<p>C83-1 Greetings. Attached please include this map as part of my comment on the DEIR of the proposed LRDP. This is a map of the creeks and tributaries in the Strawberry Canyon watershed and relates to topography and existing resources in both Hill Campus East and Hill Campus West.</p>
<p>Letter C83 Attachment</p>	<p>Map of Strawberry Canyon and Vicinity by Frank Soule, Jr.</p>	<p>The comment references an attachment to the comment letter. The attachment provides a map of Strawberry Canyon dated 1875. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.</p> <p>The attachment provides a map of Strawberry Canyon dated 1875. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C84	Janice Thomas, April 21, 2021	
C84-1	This is my fourth submission as comment on the LRDP DEIR. Please see the following link to a visual of the "mountain gorge" which shows the topographical features and some vegetation characteristic of proposed development in the canyon-located fields in Study Area "Hill Campus West." http://berkeleyheritage.com/berkeley_landmarks/strawbcanyon.html	This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
Letter C84 Attachment	Strawberry Canyon "a mountain gorge" Preservation Discourse, Berkeley Architectural Heritage Association	The attachment provides an article published by Berkeley Architectural Heritage Association about the visual and natural resources provided by Strawberry Canyon. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
C85	Zach Stewart, April 21, 2021	
C85-1	#1. Berkeley is short on open space, particularly Southside. The added enrollment and staff projected in LRDP Update The new City of Berkeley Southside Area Zoning Plan will make the shortage much worse. Taking care of the current open space is much less costly than replacing it elsewhere.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C85-2	#2. What is the effect on residents' health of losing the vegetation and bird population in People's Park to hardscape and large buildings?	The commenter's concerns regarding the impacts of development of the Housing Project #2 site are noted. Chapter 5.3, Biological Resources, of the Draft EIR provides an assessment of the potential impacts of the proposed Housing Project #2 on vegetation and wildlife according to the CEQA standards of significance identified on page 5.3-23 of the Draft EIR. As discussed on page 5.3-27 of the Draft EIR, there is a remote possibility that one or more species of raptor or other

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C85-3	#3 What will be the effect of suffocating the priceless historic buildings bordering the open space with tons of concrete buildings and paving blocking the important long views of the area?	<p>native bird may establish a nest in the scattered trees on the site prior to construction. Implementation of CBP BIO-1 would ensure that appropriate preconstruction surveys are conducted and adequate avoidance of bird nests in active use is provided during construction at the site. Implementation of this and other CBPs would serve to address any potentially significant impacts on nesting birds or other special-status species and anticipated impacts would be less than significant. Please also see Master Response 12, Biological Resources on the Housing Project #2 Site.</p> <p>Please note that as discussed in Chapter 5.2, Air Quality, no significant health-based impacts from construction or operation of Housing Project #2 were found.</p>
C85-4	<p>#4. UCB's student experience need not be stultified by filing them in tight little stacked dorm rooms when the university has large land areas available to it to create living spaces with sunlight, fresh air, and open space that enhances the student experience.</p> <p>#5. The Berkeley and Santa Cruz campuses are stunning departures from developer architecture. Is it logical to eliminate precious open space and replace it with tight developer oriented buildings and hardscape unlike most university campuses in the United States?</p>	<p>The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
	<p>In my sixty years of practice as a landscape architect and architect I've been fortunate to work with lots of light, fresh air, and open space in the national parks and with several public trust institutions. I've mostly</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C86	<p>avoided projects like the one proposed for this open space, and I would like to note that this space is listed as a Berkeley park maintained by the University of California. As a landscape architect I would suggest comparison of the City of Berkeley’s EXCELLENT park maintenance to the university’s non-existent maintenance of this stunning open space</p>	
C86-1	<p>Kelly Hammargren, April 21, 2021</p> <p>“You can’t go back and change the beginning, but you can start where you are and change the ending.”—C.S. Lewis</p> <p>The IPCC Special Report on Global Warming of 1.5°C released in October 2018 analyzed that global warming must be kept to 1.5°C to prevent the most dire impacts to humanity and life on earth.</p> <p>In May of 2018 the global temperature rise was 0.8°C https://www.ncdc.noaa.gov/sotc/global/201805. The World Meteorological Organization reported the global average temperature in 2020 was about 1.2°C https://news.un.org/en/story/2021/04/1090072. An increase of 0.4°C in two years is an alarming leap.</p> <p>What is striking about the LRDP and the Draft EIR is that with all the expertise that should be sitting within the University of California system there is no vision of shaping a future that acknowledges we are living in a climate emergency.</p> <p>LRDP and Draft EIR are built on a future that is the same as the past. There are tweaks here and there to profess attention to sustainability. Absent is the innovation and forward thinking that is expected of a world class educational institution. That absence speaks very poorly. There is not even the in-depth analysis in the DEIR of impacts that those of us who read DEIRs have come to expect. This DEIR is filled with nearly 1000 pages of repetitive rhetoric that lacks substance.</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C86-2	In light of the alarming leap in global temperature rise of 0.4°C in two years, how can anything other than complete replacement of the Campus Cogeneration Plant even be considered? How can the continuation of natural gas in Cogeneration Plant Options 1 and 3 even be listed without outright rejection? (page 3-22)	The commenter expresses an opinion about three options that UC Berkeley is considering to expand and improve the cogeneration system. Please see Response to A3-95. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.
C86-3	Why is the target of projects #1 and #2 only LEED GOLD (pages 3-21, 3-50)? Why is not the target NET ZERO or Living Building Challenge? In addition, there is no consideration to the total impact of construction including the impact on the environment of the production of the materials, that will be used in construction.	UC Berkeley is a state institution and therefore it is subject to state policies on energy and environmental design in addition to the UC Sustainable Practices Policy. Under Executive Order B-18-12, all new State buildings and major renovations beginning design after 2025 be constructed as Zero Net Energy (ZNE) facilities with an interim target for 50 percent of new facilities beginning design after 2020 to be ZNE. State agencies shall also take measures toward achieving ZNE for 50 percent of the square footage of existing state-owned building area by 2025. Therefore, the request to target NZE is an existing requirement for new buildings at UC Berkeley. CEQA does not require a “lifecycle” analysis or speculation. (California Natural Resources Agency. 2009, December. Final Statement of Reasons for the Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97. https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final_Statement_of_Reasons.pdf) CEQA only requires analysis of impacts that are directly or indirectly attributable to the project under consideration (CEQA Guidelines Section 15064(d)). Construction emissions impacts associated with the downstream impacts from material production is not required or appropriate for a CEQA impact evaluation because they could refer to emissions or impacts beyond those that could be considered ‘indirect effects’ of a project under CEQA Guidelines Section 15358. Indirect effects of the project are subject to the rule of reason, such that, a person of ordinary prudence would take these

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C86-4	Where is the plan to replace hardscape with permeable paving and pavers? Why does artificial turf have any place in any residential project? Why is new asphalt even considered for walkways instead of permeable paving? (page 3-60)	impacts into account in making a decision. Furthermore, such analysis is speculative since it is unknown where construction materials would be sourced. This comment poses questions about the potential building materials for Housing Project #2 but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C86-5	What is the percent of native plants to be used in landscaping? The DEIR listed native plants and/or drought tolerant. There is no commitment for example to 70%, 80%, 90% or 100% of native plants. The critical place of urban habitat in supporting biodiversity is ignored throughout the DEIR. Also ignored is the critical place of mature trees. How many trees are destroyed for those 18 that are planted? What percent of those 18 trees to be planted are California native trees providing habitat for birds and insects? (pages 3-60 - 61)	The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The percentage of native plants and the age of a tree is not germane to the environmental impact analysis. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C86-6	Why is there not a firm commitment to bird safe glass in projects #1 and #2 (page 3-44).	New structures on the Housing Project #1 and Housing Project #2 sites would be subject to Mitigation Measure BIO-4 included on page 5.3-33 of the Draft EIR, which is intended to minimize the potential risk of bird collisions through consideration of the following design treatments and management strategies: (1) avoid the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds; (2) limit reflectivity and prevent exterior glass from attracting birds in building plans by utilizing low-reflectivity glass and providing other non-attractive surface treatments; (3) use low-reflectivity glass or other bird safe glazing treatments for the majority of the building's glass surface, not just the

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C86-7	Where is the consideration of the Mills College Campus as a possible expansion site?	<p>lower levels; (4) for office and commercial buildings, interior light “pollution” should be reduced during evening hours through the use of a lighting control system programmed to shut off during non-work hours and between 10 p.m. and sunrise; (5) exterior lighting should be directed downward and screened to minimize illuminating the exterior of the building at night, except as needed for safety and security; (6) untreated glass skyways or walkways, freestanding glass walls, and transparent building corners should be avoided; (7) transparent glass should not be allowed at the rooflines of buildings, including in conjunction with green roofs; and (8) all roof mechanical equipment should preferably be covered by low-profile angled roofing or other treatments so that obstacles to bird flight are minimized.</p> <p>The site of Mills College is located in an area of the city of Oakland that is outside of the LRDP Planning Area. Mills College is not owned or managed by UC Berkeley and not part of the existing LRDP or the proposed LRDP Update. Please see Master Response 7, EIR Study Area. Accordingly, no sites outside of the LRDP Planning Area are considered viable options to reduce the impacts described in the Draft EIR.</p> <p>Please see Chapter 6, Alternatives to the Proposed Project, of the Draft EIR for a complete explanation of the contents of the chapter. Please see Master Response 18, Alternatives.</p>
C86-8	Only the numbers of the student population are given. Where is the analysis of one year of remote learning? What were the successes? What did and did not work? How will connecting students remotely shape the campus of the future? How many students need to actually live in or near Berkeley? What classes and labs require in-person attendance? How does the leap into the digital world change the design and size of new structures and the renovation of existing buildings? How do all of these factors impact the total beds added (Table 3-5 page 3-33 total beds added 11,731)? How can students be rotated between local in-person and distant learning to reduce the environmental impact? How would this change rental and leasing agreements?	The comment requests a level of evaluation that is inappropriate for the Draft EIR due the timing of the proposed project and the ongoing global pandemic. Please see Master Response 3, COVID-19. The Draft EIR evaluates population using the 2018-19 school year as the baseline year to better evaluate “normal” or pre-pandemic conditions. The use of the 2018-19 school year as the baseline year for the Draft EIR analysis is described on page 5-4 to page 5-5 of the Draft EIR. As stated on page 5-4 of the Draft EIR: “The baseline represents the existing conditions on the ground (“physical conditions”) at the time that the Notice of Preparation was issued (April 7, 2020). However, some baseline conditions, in particular those related to population, apply

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response																																
	<p>Table 2:1 Page 25 LRDP</p> <table border="1"> <thead> <tr> <th>Population Group</th> <th>Current Population (2018-2019)</th> <th>Potential Future LRDP Population</th> <th>Net Change</th> </tr> </thead> <tbody> <tr> <td>Students</td> <td>39,710</td> <td>48,200</td> <td>+8490</td> </tr> <tr> <td>Faculty and Staff</td> <td>15,420</td> <td>19,000</td> <td>+3580</td> </tr> <tr> <td>Total</td> <td>55,130</td> <td>67,200</td> <td>+12,070</td> </tr> </tbody> </table> <p>From table 3-1 Page 3-25</p> <table border="1"> <thead> <tr> <th>Population</th> <th>2018-2019</th> <th>2036-2037</th> <th>Net Change</th> </tr> </thead> <tbody> <tr> <td>Undergraduate</td> <td>29,932</td> <td>35,000</td> <td>5,068</td> </tr> <tr> <td>Graduate</td> <td>9,776</td> <td>13,200</td> <td>3,424</td> </tr> <tr> <td>Faculty and Staff</td> <td>15,421</td> <td>19,000</td> <td>3579</td> </tr> </tbody> </table>	Population Group	Current Population (2018-2019)	Potential Future LRDP Population	Net Change	Students	39,710	48,200	+8490	Faculty and Staff	15,420	19,000	+3580	Total	55,130	67,200	+12,070	Population	2018-2019	2036-2037	Net Change	Undergraduate	29,932	35,000	5,068	Graduate	9,776	13,200	3,424	Faculty and Staff	15,421	19,000	3579	<p>2018 data due to the disruptions created by the current coronavirus disease 2019 (COVID-19) pandemic.”</p> <p>Please note that the effects of increased remote learning are evaluated in the Draft EIR as part of Alternative C, Reduced Vehicle Miles Traveled. As described on page 6-8 in Chapter 6, Alternatives to the Proposed Project, of the Draft EIR, Alternative C would incorporate additional project features to reduce VMT and corresponding GHG emissions, including more remote learning and working opportunities, reducing parking on campus, and increasing faculty and staff beds. As shown in Table 6-6, Comparison of Impacts of the Proposed Project and the Project Alternative, of the Draft EIR, this alternative would result in the same or similar impacts as the proposed project for Housing Projects #1 and #2 but would reduce the level of impact for the LRDP Update for the topics of energy, GHG emissions, noise, population and housing, and transportation. However, this alternative would increase the level of impact for the LRDP Update for the topics of aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, public services, and tribal cultural resources.</p>
Population Group	Current Population (2018-2019)	Potential Future LRDP Population	Net Change																															
Students	39,710	48,200	+8490																															
Faculty and Staff	15,420	19,000	+3580																															
Total	55,130	67,200	+12,070																															
Population	2018-2019	2036-2037	Net Change																															
Undergraduate	29,932	35,000	5,068																															
Graduate	9,776	13,200	3,424																															
Faculty and Staff	15,421	19,000	3579																															
C86-9	Where are the evacuation plans from wildfires?	Regulatory procedures pertaining to wildfire, including relevant UC Berkeley emergency response plans, are described in Section 5.18.1.1, Regulatory Framework, of Chapter 5.18, Wildfire, in the Draft EIR. These also include State and local plans related to wildfire, emergency operations, and hazard mitigation. As described in impact discussion WF-1 of Chapter 5.18, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Please also see Response A3-41.																																
C86-10	How can any increase in parking be considered environmentally sound?	This comment poses a question about parking but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. See Response A3-55, which explains that the maximum																																

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
C86-11	How can the historical significance of People’s Park not have a prominent place? How is it that construction at other sites are not considered as alternatives? Why is the cultural impact of Project #2 not a red flag to look to other sites for construction? (Page 7-6 Cultural Resources 5.4 Cultural CUL-1.5 Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People’s Park through incompatible design. – significant and unavoidable.)	parking target was developed to maintain the current single occupant vehicle (SOV) mode shares at the university. See Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C86-12	In conclusion, the Draft EIR:2021 LRDP and Housing Projects #1 and #2 is generic to the point of being absent substance. The DEIR fails to provide environmental impact analysis of student, staff and faculty expansion. The DEIR fails to provide sound planning to substantially reduce current VMT and instead encourages increasing VMT by adding parking. The DEIR fails by setting a project standard of LEED GOLD, not Net Zero and not living building challenge. Most of all, UC Berkeley is considered to be a world class educational institution. How can anyone accept a LRDP and DEIR that falls so short of responding to the Climate Emergency.	The comment serves as a closing remark summarizing the commenter’s letter. Please see Responses C86-1 through C86-11.
C87	K.L. Branson, April 21, 2021	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C87-1	As the University addresses future housing needs it must also consider the impact of its plans on non-student residents in the area immediately surrounding the campus, specifically low-income seniors in apartments. Such older residents, like UC students with modest incomes, benefit from neighborhoods with good public transit; within walking/cycling	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>distance of food stores, pharmacies, libraries, postal services; and University cultural offerings. Old and young alike need safe ways to navigate without owning a car.</p>	
	<p>Berkeley’s Rent Control has made it possible for older residents to remain in the city as housing costs keep rising. In planning ahead, the University must respect the needs of all Berkeley residents, not only re housing costs, but also environmental and quality of life factors than impact us all.</p>	
C88	Lesley Emmington and Gale Garcia, April 21, 2021	
C88-1	<p>UC’s claim in the DEIR that it has license to use “full powers of organization and government,” which were originally granted because of its educational mission — are now being used for privatized development projects, such as Project #1 and Project #2, on off-campus sites. Considering UC’s vast land holdings, both on campus and in the city, it seems irresponsible that the DEIR failed to consider any alternative sites at all for Project #1 or for Project #2.</p>	Please see Response B11-8. Please see Master Response 18, Alternatives.
	<p>There are at least four very large sites owned by UC, which are now grossly underutilized, and would require no destruction of historic resources (see Exhibits A, B, C and D). These sites deserve consideration as alternatives to the Project 1 and Project 2 sites. They are shown below as they appear today. Note: the property seizure of one of these sites was vigorously protested when it began in 1957 (see Exhibit E).</p>	
	<p>Question: Why locate new development on environmentally sensitive sites, to the further detriment of the city’s vibrancy, when there are other available environmentally superior options? Each of the sites illustrated below could potentially be redeveloped as an asset to the city rather than as a detriment.</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
Letter C88 Attachment 1	Exhibit A Photograph and Narrative of Golden Bear Center: The Golden Bear Center at 1995 University Avenue was purchased by UC in 2009. It covers an entire city block between University Avenue, Berkeley Way, Milvia Street and Bonita Avenue. The Center's parking lot covers half of the block behind the building, through to Berkeley Way. The site was originally approved with the intention of building over the lot, and the parking structure is therefore designed to support construction above.	The attachment provides a photograph and description of the Golden Bear Center at 1995 University Avenue. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter C88 Attachment 2	Exhibit B Photograph and Narrative of Channing Tennis Courts and Ellsworth Parking Structure: Channing Tennis Courts and Ellsworth Parking Structure as seen from Haste Street. The structure is bordered by Channing Way, Haste Street and Ellsworth Street, covering most of the city block. This site was acquired by UC through eminent domain, and many neighborhood homes were destroyed.	The attachment provides a photograph and description of the Channing Tennis Courts and Ellsworth Parking Structure. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter C88 Attachment 3	Exhibit C Photograph and Narrative of Lower Hearst Parking Structure: Lower Hearst parking structure shown from the west end of the upper deck. The garage covers most of the south side of Hearst Avenue between Euclid and Scenic Avenues.	The attachment provides a photograph and description of the Lower Hearst Parking Structure. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter C88 Attachment 4	Exhibit D Photograph and Narrative of former Tolman Hall: Site of the former Tolman Hall on campus, bordering on Hearst Avenue.	The attachment provides a photograph and description of the former Tolman Hall site. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.
Letter C88 Attachment 5	Exhibit E Oakland Tribune, Sunday March 24, 1957. Article about a group of citizens organizing to oppose a massive UC expansion south of the campus. The Channing Tennis Courts and Ellsworth Parking Structure was one of the projects included in this expansion enabled by eminent domain proceedings. Homes and businesses were destroyed. San Francisco Examiner, Friday January 25, 1957. One property owner's	The attachment provides a 1957 article from the Oakland Tribune about local opposition to UC Berkeley campus expansion. The attachment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. No response is required.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	frustration at losing his property for UC construction that is not academic.	
C89	Luca Giles, April 21, 2021	
C89-1	<p>People’s Park is a historic and cultural landmark, a place of community, a place of nature in an increasingly concrete city, a place of education, and a place to share food and stories. In the recent months the park has become a beautiful center of mutual aid and community engagement, offering meals, clothes, tents, classes, support, friendship, etc. Some of this is new, but People’s Park has been a site of community growth since its creation. The residents of this city have been fighting for this park for decades and the idea that we should give up this symbol of community in favor of... more dorms? That’s so deeply upsetting. IF the university really must admit thousands of more students each year, they must turn to alternative housing options. There are other sites to build that don’t directly target and harm houseless people. Bulldozing a community park that serves as home to a houseless community is cruel.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>Potential impacts associated with the historic significance of the Housing Project #2 site are evaluated on page 5.4-39 to 5.4-40 of the Draft EIR. As identified on page 5.4-40 of the Draft EIR, the project would result in a significant and unavoidable impacts associated with the demolition and reconfiguration of People’s Park, which is a designated City of Berkeley Historical Landmark. Alternate locations for Housing Projects #1 and #2 were considered for the Draft EIR but were rejected as being infeasible, as described on page 6-5 to 6-6 in Chapter 6, Alternatives to the Proposed Project, of the Draft EIR. Please also see Master Response 14, Displacement.</p>
C90	Margaretta M. Lovell, April 21, 2021	
C90-1	<p>Comments Concerning 2021 LRDP and Housing Projects #1 and #2 Draft EIR and Appended Documents</p> <p>Having reviewed the materials available publicly I have some comments and questions specifically concerning Project #2 outlined in the LRDP that need clarification for me and for other members of the University community and the Berkeley town community. This project is designed to utilize a site that was acquired by the university half a century ago to be useful to the institution but currently is not useful to the university</p>	<p>The comment serves as an introduction to the comments that follow. Please see Responses C90-2 through C90-4.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>although it is useful to some members of the public. It seems appropriate to me that the institution plans to develop the site.</p>	
	<p>However, the plans available currently for review are problematic and inappropriate on several Environmental Impact fronts:</p> <ol style="list-style-type: none"> 1) Respect for and fit within the neighborhood and the city 2) Probable damage to one of the country's most important historical architectural monuments, Bernard Maybeck's First Church of Christ Scientist 3) Apparent but unarticulated plan on the part of the university to demolish an equally important historical landmark: the first Shingle Style building on the West coast and a structure intimately involved in and expressive of progressive ideas about the education of women in nineteenth-century America.: Anna Head School. 	
C90-2	<p>Respect for and fit within the neighborhood The immediate neighbors and the blocks surrounding the site of Project #2 (People's Park) are low-rise residential and religious in character. A 17-story tower (and two associated high-rise structures) will change and dominate the neighborhood and the city. How do you plan to mitigate the many negative effects of such a structure including the inadvertent creation of all-day shadows and wind tunnel effects? Isn't this exactly what you name "inappropriate new construction" (6.6.2.4)?</p>	<p>As discussed in Chapter 5, Environmental Evaluation, the Housing Project # is exempt from aesthetics evaluation. Please see Master Response 11, Public Resources Code Section 21099. As described in Chapter 5.4, Cultural Resources, Mitigation Measure CUL-1.5 is required to address the project's design in relationship with other historic resources and due to the scale of the project impacts after implementation of mitigation are found to be significant and unavoidable. Please see Response B3-3 regarding shade not being a CEQA topic of concern. No mitigation for shade is warranted as there is no nexus to a CEQA impact. Please see Master Response 5, Mitigation.</p> <p>With respect to the citation of Chapter 6, Alternatives to the Proposed Project, Section 6.6.2.4, Cultural Resources, in the cultural resources discussion of Alternative D, the phrase "inappropriate new construction" is describing a program-level scenario for the development program under this alternative and is not referring to Housing Project #2.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C90-3	<p>Probable damage to one of the country’s most important historical architectural resources, Bernard Maybeck’s First Church of Christ Scientist</p> <p>There are two sources of irreparable damage to this monument inherent in the current plan: damage to the concrete foundation, piers, and walls; and damage to unique lead cam-supported Belgian glass windows caused by the construction process, especially pile driving, and damage to the west-facing wisteria by shade, a century-old vine planted in front of the most prominent west window to create the seasonal effect of stained glass on the interior as this plant will not blossom in the shade. The EIR lists a 221 horsepower Pile Driving Rig working 8-hour days on the site driving piles for 20 days to depths 70 to 100 feet (p. 878). Studies indicate that this is almost certainly injurious to structures flanking the construction site, indeed those within 200 feet. [footnote 1] Under Mitigation Measures there is some suggestion about monitoring the impact of vibrations and when “vibration levels approach limits,” the university will “suspend construction” (Table 2-4). Exactly what are those limits? Where will sensors be placed and at what point might vibration sensors require the stoppage of construction?</p> <p><i>Footnote 1: K. Rainer Massarsch with Bengt H. Fellenius, “Ground Vibrations Induced by Impact Pile Driving,” International Conference on Case Histories in Geotechnical Engineering 13 Aug. 2008; Sixto Frenandez, “Ellis Island: Vibration Effects on Historic Buildings Caused by</i></p>	<p>With respect to the commenters question of wind tunnel effects, Mitigation Measure TRAN-3 requires that prior to final exterior design approval of new buildings or structures that are 100 feet or more in height, the building or structure shall be analyzed for potential wind hazards at the pedestrian level in the public right-of-way around the project site. Please see pages 5.15-61 and 5.15-62 in Chapter 5.15, Transportation, of the Draft EIR.</p> <p>Please see Response A3-112 with respect to Housing Projects #1 and #2 no longer using pile driving as part of the mix of construction equipment required for the proposed buildings. This is also described in Master Response 9, Changes to Housing Project #1, and Master Response 10, Changes to Housing Project #2.</p> <p>With respect to shade on the Bernard Maybeck’s First Church of Christ, Scientist, please see Response B3-3 regarding shade not being a CEQA topic of concern and Responses B10-149 and B10-150 regarding shading of the First Church of Christ, Scientist building. No mitigation for shade is warranted as there is no nexus to a CEQA impact. Please see Master Response 5, Mitigation. As described, the shade caused by the proposed Housing Project #2 would not damage the wisteria plant.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C90-4	<p><i>Pile Driving,” International Conference on Case Histories in Geotechnical Engineering, 2 May, 2013; Adhilla Ainun Musir and Abdul Naser Abudl Ghani, “Pile Driving Effects on Nearby Building,” International Journal of GEOMATE, March 2014.</i></p> <p>Apparent but unarticulated plan on the part of the university to demolish an equally important historical landmark: the first Shingle Style building on the West coast and a structure intimately involved in and expression of progressive ideas about the education of women: Anna Head School.</p> <p>The current document is dramatically vague and insufficient concerning the university’s plans concerning future of the Anna Head School property. First, that group of Landmark structures will suffer from both the problems noted concerning the Maybeck building but being closer and older will suffer even more from the vibrations of pile driving during construction, and, if built, a massive structure positioned to its immediate south that will cast the entire Anne Head block in all-day shade. Its stone chimneys and porch pillars, its foundation, its sash, fixed pane, and diamond-paned leaded casement windows will all suffer damage from pile-driving presumably at the location of the 17-story structure which, in the current plan, is within 60 feet of this complex of architecturally and historically very important structures.</p> <p>Secondly, do the cryptic references to this structure in the EIR document mean that the university actually plans to demolish it? In Table 5.4-8 the National Register-listed Anna Head Complex site is listed as slated for “Redevelopment,” not Renovation (changed to adapt to new uses) or Restoration (carefully curated and conserved to reestablish the integrity of the original build) or Rehabilitation (repaired). Does your use of the word “Redevelopment” mean here what it meant in the reprehensible actions of cities all over the country in the mid-twentieth century, namely urban fabric “Redeveloped” by the erasure large swaths of nineteenth-century cityscapes and bullying removal of their working class occupants? A small footnote on this list suggests that perhaps the term</p>	<p>With respect to the commenters concern regarding the demolition of the Anna Head School, please see Master Response 4, Programmatic Analysis, and note that there are no project specific development plans for this site, and also see Master Response 6, LRDP and LRDP Implementation, for additional context for the purpose of the proposed LRDP Update.</p> <p>Please see Response A3-112 where pile driving is no longer required for the proposed Housing Project #2, and also see Master Response 10, Changes to Housing Project #2.</p> <p>Please see Response B3-3 regarding shade not being a CEQA topic of concern.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>means to university officials “additions and/or renovations” although other buildings are specifically listed for “Renovation.” So what is the subtle difference in the use of the term “Renovation” under “Project Type” and “renovations” as a footnote to “Redevelopment?”</p>	
	<p>This document ominously warns that “material alteration could result from demolition of a historic resource; remodel of a historic resource in a manner not in conformance with the Secretary of the Interior’s Standards for Rehabilitation, compromising the integrity of the resource; new construction in the vicinity of a historical resource that would compromise that resource’s integrity of setting through incompatible design; and demolition, excavation, and/or construction activity that could damage historical resources in the vicinity through ground vibration or soil movement. . .” (5.4 p. 34.). This point is reiterated specifically with respect to this site: “. . .development under the proposed DRDP Update has the potential to permanently impact historic resources by demolishing or renovating historic buildings in a manner that is not in conformance with the Secretary of the Interior’s Standards for Rehabilitation” and “The design of Housing Project #2 may impair the integrity of one or more of the 10 historical resources in the immediate vicinity of People’s Park through incompatible design” (Table 7-1 p. 966). Are you announcing here that you intend to damage Maybeck’s globally-significant masterpiece and the equally unique Kublerian “Prime Object” and historical resource of the Anna Head School?</p> <p>And this despite claiming in the same breath to “prioritize the UC Berkeley campus’s historic resources. . . Steward historic resources. . . [and] apply best practices [concerning] buildings or landscapes that are listed on the National Register of Historic Places”?</p> <p>Announcements of the expectation to damage historical resources counters the university’s stated Campus Design Standards which pointedly state that “Development shall accommodate sites or areas of historical or archaeological significance. Approval shall be obtained before altering any archaeological, historical, or cultural resource eligible</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>for, or listed on the National Register of Historic Places.” Where will this “Approval” be sought? What body (beyond the public invited to comment here) will approve or disallow this anticipated damage?</p>	
	<p>Reason for the building boom announced in this and related documents: just as UCB has delayed and deferred maintenance and repair to the teaching, research, and administration buildings listed on the National Register on its century-old iconic Central Campus, it has delayed and deferred the matter of housing students, pouring all available resources into facilities and personnel for Intercollegiate Athletics. The current vision to remediate one of these desiderata (housing lack) at the expense of the other (maintenance lack, and many other teaching and research concerns) is clearly a driving force for this overall LRDP that threatens to radically alter the character, and resilience, and livability of the host city.</p>	
	<p>The university appears to understand that its current plan will damage key Cultural Resources noting “the proposed project would result in significant and unavoidable impacts, due to the potential of impacts on historic resources under the proposed LRDP Update as well as Housing Projects # 1 and #2, even with implementation of updated CBP CUL-1 Mitigation Measures. . .” and “there are existing. . .architectural, and historical, resources, and potentially unknown resources, in the EIR Study Area that could all be impacted by new demolition, inappropriate modification of buildings, or inappropriate new construction under the proposed project.” (6.6.2.4). Isn’t this an admission that the project as planned fails to live up to the university’s stated goals and, at the very least, fails to be a good neighbor in a city beleaguered by willful decisions that negatively impact the community’s history, present, and future?</p>	
	<p>Perhaps some of the inconsistencies noted are the result of errors (such as the inclusion of Girton Hall in Appendix A: Identified Historical Resources p. 1,437) and the intention is indeed to be a good steward of university and city Cultural Resources of profound importance, reduce</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C91	the height of buildings in Project #2, and find housing sites elsewhere in the city and environs. I hope so.	
C91-1	<p data-bbox="323 391 695 417">Mary Lee Noonan, April 21, 2021</p> <p data-bbox="323 428 1108 561">The 2021 LRDP strikes me as a thoroughly bureaucratic document, filled with seemingly rational statements but shot through with the kind of hypocrisy that is all too familiar to those of us who are the university's neighbors.</p> <p data-bbox="323 607 1108 740">If UC is committed to being a good community partner, why has it been necessary for the City of Berkeley to sue the university regarding its unacknowledged major increase in population and therefore the uncompensated increase in the City's financial burdens?</p> <p data-bbox="323 786 1108 951">How can the LRDP claim that "the UC Berkeley campus functions as a single physical area" (p.30) when its relationship to the surrounding community is that of an octopus? Within the City Environs, it functions as a predator. For example, virtually all of the projected new housing will be built outside the campus proper. (p. 41, Table 3.2)</p> <p data-bbox="323 997 1108 1162">When the LRDP speaks of "fostering partnerships," is it primarily referencing the public-private partnerships that are now frequently financing new construction rather than cooperative, working relationships with its neighbors? Does the university's power of eminent domain travel with the university into these agreements?</p> <p data-bbox="323 1208 1108 1341">The LRDP asserts a commitment "to respect and enhance the character and livability of surrounding neighborhoods." (p. 67) If this is the accepted standard, why have neighbors brought suit against the Upper Hearst project for its ugly intrusion into a residential neighborhood?</p> <p data-bbox="323 1386 1108 1448">The LRDP speaks of bringing "new modes of transportation to the campus" as part of UC's Transportation Demand Management. The only</p>	<p data-bbox="1157 428 1942 740">This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	examples that I could find specified in the LRDP were personal motorized skate boards and scooters. (p. 54) Is this a joke?	
	A friend who grew up in Westwood recently told me that the city's special character had been destroyed by UCLA. Is the same thing happening to Berkeley? Why is our only recourse in the courts?	
C92	Mikayla Tran, April 21, 2021	
C92-1	I am emailing to encourage you not to develop housing on People's Park. In addition to displacing the unhoused community, the park is believed to contain Red Tailed Hawks and California Spotted Owl nests, which are a protected species, and building there will mean the unlawful destruction of their nests. I oppose UC Berkeley's plans to develop People's Park (housing project #2) and 1921 Walnut St (housing project #1). Please listen to the community and reevaluate your actions on the people and environment.	Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources associated with the sites of Housing Projects #1 and #2. No evidence of any nesting by red-tailed hawk or owls was observed on the Housing Project #2 site during the field reconnaissance surveys conducted during preparation of the Draft EIR. Suitable habitat for the state and federally threatened northern spotted owl (<i>Strix occidentalis occidentalis</i>), referenced by the commentor, is not present on this site or in the surrounding area of the East Bay. Please see Response Please also see Response A32-228 regarding avoidance of bird nests.
C93	Nigel Guest, April 21, 2021	
C93-1	<u>Alternatives To The Project(s)</u> One alternative that UC Berkeley (UCB) has never previously considered in the EIRs for its LRDPs is a satellite campus in a nearby city, and it hasn't done so this time either. <u>This is a very reasonable alternative and therefore must be evaluated under the provisions of the CEQA Guideline Regulations, CCR Title 14, Chapter 3, sec. 15126.6.</u> To put the issue in perspective, the City of Berkeley has a stable population, currently estimated at 121,000, pending the results of the 2020 census. This includes faculty, staff and students who are not living in property owned or leased by UC, so the non-UC population is probably no more than 100,000. To have the proposed 48,200 enrolled students, plus an unknown number taking short post-graduate courses, plus	The proposed project is the LRDP Update for UC Berkeley, as described in Chapter 3, Project Description, of the Draft EIR, on page 3-1, which is a high-level planning framework to guide land use and capital investment consistent with its mission, priorities, strategic goals, and enrollment projections. The purpose of the LRDP Update is to provide adequate planning capacity for potential population growth and physical infrastructure that may be needed to support future population levels on the UC Berkeley campus. Please see Master Response 18, Alternatives, for a discussion on off-site locations. Please also see Master Response 8, Population Projections.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>19,000 faculty and staff in such a small city will completely overwhelm it. We will become, in effect, an old-style “company town”.</p>	
	<p>Furthermore, in the current 2020 LRDP and EIR, UCB stated that student enrollment would be held to 33,500. The April 7, 2020 Notice of Preparation for the new EIR admits that the actual enrollment (2018-19) is 39,300, or 17% more than the CEQA legal limit (the LRDP may not be legally binding, but the associated certified EIR is). We, the inhabitants of Berkeley, would therefore be justified in assuming that by 2036, the enrolled student population might have increased to 48,200 +17% = 56,400, further adding to the absurdity of the proposed Project(s).</p>	
C94	Noah Schwarz, April 21, 2021	
C94-1	<p>I’m writing about UC Berkeley’s plan to build on People’s Park. Regardless of the displacement of unhoused individuals building such a dormitory would entail, speaking on a legal and animal welfare perspective, Red Tailed Hawks are a federally protected species under the Migratory Bird Treaty Act of 1918. It is illegal to harm them in any way or form without a permit. As far as my knowledge, UC Berkeley or any affiliated group has never surveyed all the active bird nests in people’s park. Without properly knowing, constructing a building on that land will harm those nests, which is a direct violation of the Migratory Bird Treaty Act of 1918 since without research, building there is not only unknowingly risking the safety of those hawks, but also clear negligence on the campus for not conducting any survey of the nests. No matter how it’s done, building on that land without proper research (which UC Berkeley has not yet done) is a violation of the protected birds act above.</p> <p>I strongly advise against building on People’s Park. For the people residing there, the environmental impact constructing on one of the few green spaces left in Berkeley would entail, and the animals who live there -- including the potential legal risk of red tailed hawk nests -- I couldn’t support choosing an alternative location for a student dormitory more.</p>	<p>Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources associated with the Housing Project #2 site. Please see Response A32-228 regarding avoidance of bird nests.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
C95	Norma Hanani, April 21, 2021	
C95-1	<p data-bbox="323 363 1121 597">First of all, I want to say how hard it is to make everyone happy and how no matter what you do, sometimes it just can't happen. I am very familiar with making hard decisions and the ramifications that can come with them. I will respect what decision you make that you feel is in the best interest of your students and faculty, because you work everyday to make the University a better place. No one knows your community better than you do!</p> <p data-bbox="323 646 1121 812">I'm writing to express my complete and strong support of the UC Berkeley 2021 Long Range Development Plan (LRDP) and Housing Projects #1 and #2. I think the mix of uses that is described in the Draft EIR is impressive and should be applauded for the collaboration that it has taken to get to this point.</p> <p data-bbox="323 857 1121 1055">The Housing Project #1 that would include much needed student housing, campus life space and ground floor commercial would be wonderful for the students at Cal. I don't have to tell you how hard it is for students to find housing that is safe and available in Berkeley. More commercial options that will serve the neighborhood and the students will be welcomed.</p> <p data-bbox="323 1101 1121 1266">The Housing Project #2 which includes more student/faculty housing, campus life space and ground floor public space will be a welcome addition as well. I'm very excited about the addition of 125 supportive housing beds, the adjacent clinic that is proposed and the 82,000 square feet of open space.</p> <p data-bbox="323 1312 1121 1445">This truly is a mixed use project that will benefit the students, faculty, new and existing neighbors and the less fortunate. The homeless will have beds to sleep in, along with supportive services that will hopefully help them succeed and move forward with a more productive life.</p>	<p data-bbox="1157 363 1934 669">This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>I urge you to move this project forward and make the University and People’s Park a wonderful and safe place to live, study and relax.</p>	
	<p>I understand that risks that come with living in an urban area and we accept that. I’m specifically speaking about the residents that live at People’s Park. I feel that these tents are directly contributing to the violence in the surrounding neighbourhood.</p>	
	<p>My daughter is an incoming sophomore who has been studying remotely from home and will coming to campus in the fall.</p>	
C96	Paul Chapman, April 21, 2021	
C96-1	<p>As a resident over four decades in the south campus neighborhood, I am writing to comment on the inherent contradiction in the Long Range Development Plan and DEIR regarding UC Berkeley’s intention to build new housing for students and faculty, while at the same time significantly increasing the population of the University itself. Were this plan to be implemented, the net result would be that the increased University population’s demand for housing would effectively negate any positive impact of the proposed new housing in the effort to address the housing crisis in the City of Berkeley.</p>	<p>The commenter expresses an opinion about UC Berkeley’s growth over the years and asserts that the proposed project will have negative impacts. The commenter provides no substantial evidence to support their assertion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>
	<p>The number of planned new housing beds identified in these reports, as well as in communications from UC Berkeley, varies, but the declared goal appears to be constructing approximately 10,000 new units in ten years. The need for new housing is due in part because the University enrollment has increased almost 30% since the last LRDP, from 32,814 to 42,347. As the chart below shows, based on the data from the University’s Office of Planning and Administration, the total student population has increased 17.7% in the last ten years, and the total University population by 13.7%. Using the “slow growth” 1% annual compounded increase in the LRDP/DEIR, the University population is forecast to increase another</p>	<p>With respect to enrollment and its relationship to population, please see Master Response 8, Population Projections.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment				Response
	10,000 people in fifteen years. This is the equivalent of inserting a mid-sized university into the existing footprint of UC Berkeley and the adjacent community.				
	UC Berkeley Population History and Projection, 2005-2035				
	Enrollment	2011	2020	2035	Proj. Increase
	Undergrad	25885	30799	35757	4958
	Graduate	10257	11548	13407	1859
	Total	36142	42347	49194	6847
	%Increase	7.70%	17.70%	16.20%	
	Fac/Staff	2011	2020	2035	Proj. Increase
	Faculty	2646	2935	3407	472
	Staff	16245	17302	20087	2785
	Total	18891	20237	23495	3258
	%Increase		7.00%	16.10%	
		2011	2020	2035	Proj. Increase
	Total Pop	55033	62584	72689	10105
	%Increase		13.70%	16.10%	
	As others have noted, the impact of the University's growth plan will have substantial negative effects on the City and its environs, from traffic and				

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C97	<p>parking to pollution and wildfire risk. UC Berkeley needs to address the unbridled growth in several ways: 1. cap its total enrollment, 2. ask the UC System to direct any increased state-wide enrollment demand to under-enrolled campuses, and 3. revise its proposed housing plan to expand the geographic area considered for new residences beyond the immediate neighborhood of the University's central campus.</p>	
C97-1	<p>Paul Wallace, April 21, 2021</p> <p>I am a long-term tenant at 1921 Walnut Street, a rent-controlled building under threat of demolition by UC Regents, to make way for short-term student housing. This is my home. Our apartment building was constructed 112 years ago and comprises 8 units, some tenants have called this building their home for more than 25 years.</p> <p>Your current plans for Housing Project #1 include evicting me and my fellow tenants, demolishing our building and permanently eliminating rent-controlled housing stock from the City of Berkeley rental-housing market.</p> <p>Your 'Draft EIR' is incomplete because it does not take into consideration the impact that your plans would have on the community. Further, the tenants at this building have the support of:</p> <ul style="list-style-type: none"> ● The Mayor of the City of Berkeley ● Berkeley City Council ● The Berkeley Rent Stabilization Board ● The ASUC ● The Berkeley Architectural Heritage Association ● The Sierra Club ... and many more ... <p>... most of whom have written to UC expressing their support of the tenants at 1921 Walnut.</p> <p>In addition, countless housing advocacy groups have vocalized their support of the tenants. The community clearly does not want this.</p> <p>Prior to July 15th, 2020, when UC purchased our building, your intent had been to redevelop the remainder of the block and leave our building intact.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>As you know, you purchased our building during the lock-down and in the height of the Coronavirus pandemic. You served us various notices (commencing April 2020) when the bar to access City offices and other means of support was so high, nevertheless, the City and the community have rallied around our cause, believing that your proposed plans are deficient.</p> <p>The tenants, the community and the City have not been consulted. UC has rejected our pleas for a listening session or a conference. I strongly object to your proposed plans, and together with my fellow tenants ask, that you:</p> <ul style="list-style-type: none"> ● withdraw these proposed plans to evict us ● withdraw your proposal to demolish our building ● withdraw your proposal to permanently eliminate rent controlled housing stock ● honor your University of California ‘Standards of Ethical Conduct’. 	
C98	Phil Allen, April 21, 2021	
C98-1	<p>To the UC Berkeley planners behind these aspects of the 2021 LRDP:</p> <p>The Executive Summary of 56 pages is a reduction of the latest reminder from the Berkeley campus administration to its host city that there are no powers above it, beyond the author of your motto. If an Ultimate Development Plan is ever conceived, a glove of University-controlled and untaxed properties built on city land will sheathe the dear mother campus, and house its population of well in the six figures.</p> <p>I don’t recall the Berkeley campus administration ever setting reasonable sustainable population and physical growth limits, long since passed anyway. I do recall its practice to alienate every constituent part of its community, citing the neutrality of its public status. Heedlessly proceeding to accommodate your goal of an ever-increasing campus population and expecting the City to both build required infrastructure</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>and provide power and water for them is a prime example of the hauteur one expects. Implement a freeze on campus-related population instead!</p>	
	<p>People’s Park (‘Project 2’) should be turned over the the [sic] City entirely and without condition, as admission to and punishment for your gilded hubris. It would not have existed in the first place, and a nettlesome episode for you thereby avoided, had Cal waited for the HUD money that never came before the wholesale razing of the houses upon whose land the Park became. By your hand, it became South Campus’s only close-by open space. Sometimes, the best gifts are unintended. By comparison, the ‘park’ you intend in your plans won’t even qualify as a contemplative nook. And, what would an explanatory plaque say--“We’re back”, or ‘Welcome to Project 2’?</p>	
	<p>Furthermore, my understanding--per your very document--is that what remains of the grand grove of trees at the Park’s eastern end will be razed, a move seemingly cool with CEQA guidelines, without the input of the hosted assorted avian life. For shame!</p>	
	<p>Rather than squash Berkeley parcel by parcel like an entitled Godzilla, why not re-engage with the City to seek better solutions to these tiresome protracted dilemmas?</p>	
	<p>The various issues under the ‘Housing’ umbrella reach well beyond town and gown. Hostile moves at the state level could turn all inhabited areas into McMansion deserts. While they all welcomed by some local officials, the Berkeley that would result, squished between successful ‘by right’ legislation and continual campus expansion, will be unrecognizable.</p>	
	<p>Please rein back, re-consider, reduce (or freeze) and re-engage ..</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C99	Priyanka Bhakta, April 21, 2021	
C99-1	I am writing to express grievances with UC Berkeley’s plans to develop Peoples Park (housing project #2) and 1921 Walnut St (housing project #1) related to the levels of impact of these projects.	The comment serves as an introduction to the comments that follow. Please see Responses C99-2 through C99-5.
C99-2	For example, both Housing Projects, #1 and #2, are listed as having “less than significant” impact “without mitigation”, though both projects will be displacing very low income and/or houseless communities and will contribute to the gentrification of Berkeley and a continued rise in rent, with the projects being predominantly above market rate student housing. (2-9 of DEIR)	Please see Master Response 14, Displacement, and Master Response 15, Gentrification.
C99-3	In addition, the Draft EIR states that there will be “less than significant” impacts to public services for Housing Project #2, even though the space is currently being used (and has a precedent of being used) as a space for mutual aid and resources for the houseless and very low income communities.	Please see Response C60-5.
C99-4	Additionally, the LRDP and EIR do not fully recognize that the UC is destroying important historical sites, instead claiming that there is a possibility of a “[permanent] impact” to “historic resources”. This impact is seen as possible to be mitigated through the documentation of the historic sites and the keeping of small pieces of the sites to be used for educational and memorial purposes. This downplays the destruction of the sites and acts as though documentation and memorial will make up for the loss of community spaces, memory, and culture. (2-13) (2-19)	Please see Response C44-4.
C99-5	These proposals are unacceptable and I urge UC Berkeley to address these issues with the proposals and halt these plans.	The comment serves as a closing remark. No response is required.
C100	Rachelle Chong, April 21, 2021	
C100-1	I’m writing to express my strong support of the UC Berkeley 2021 Long Range Development Plan (LRDP) and Housing Projects #1 and #2. I think the mix of uses that is described in the Draft EIR is impressive and should be applauded for the collaboration that it has taken to get to this point. The Housing Project #1 that would include much needed student	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>housing, campus life space and ground floor commercial would be wonderful for the students at Cal. I don't have to tell you how hard it is for students to find housing that is safe and available in Berkeley. More commercial options that will serve the neighborhood and the students will be welcomed.</p> <p>The Housing Project #2 which includes more student/faculty housing, campus life space and ground floor public space will be a welcome addition as well. I'm very excited about the addition of 125 supportive housing beds, the adjacent clinic that is proposed and the 82,000 square feet of open space.</p> <p>This truly is a mixed use project that will benefit the students, faculty, new and existing neighbors and the less fortunate. The homeless will have beds to sleep in, along with supportive services that will hopefully help them succeed and move forward with a more productive life.</p> <p>I urge you to move this project forward and make the University and People's Park a wonderful and safe place to live, study and relax.</p> <p>My daughter is a Senior at Cal and last year she was renting an apartment with two girls right around the corner from People's Park on Haste. People's Park has gotten dirty and dangerous in the last few years. With the addition of almost 75 tents, the violence at the Park and around it, is truly coming to a head and must be dealt with.</p> <p>I understand that risks that come with living in an urban area and we accept that. I'm specifically speaking about the residents that live at People's Park. I feel that these tents are directly contributing to the violence in the surrounding neighborhood.</p>	<p>comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C101	Rachel Rovinsky, April 21, 2021	
C101-1	I am a current UC Berkeley student and employee, and I strongly oppose the development on People’s Park and 1921 Walnut Street. These are just some of the concerns I have about the LRDP:	The comment serves as an introduction to the comments that follow. Please see Responses C101-2 through C101-6.
C101-2	<ul style="list-style-type: none"> In the draft LRDP it says “no significant impact” under parks and recreation for housing project #2 -<u>how is this an accurate assessment if an entire urban green space will be developed?</u> 	The impacts to parks and recreation are analyzed pursuant to CEQA and the CEQA Guidelines and address the questions identified in Appendix G of the CEQA Guidelines. The development of a green space does not in and of itself result in a significant impact to parks and recreation. Please see Response C33-3.
C101-3	<ul style="list-style-type: none"> With the EIR stating there is “no significant impact” under parks and recreation for housing project #2, making a privatized and significantly decreased size open space next to proposed development instead of a publicly run and used open space <u>has a significant impact.</u> 	The impacts to parks and recreation are analyzed pursuant to CEQA and the CEQA Guidelines and address the questions identified in Appendix G of the CEQA Guidelines. The development of a green space does not in and of itself result in a significant impact to parks and recreation. Please see Response C33-3.
C101-4	<ul style="list-style-type: none"> Both Housing Projects, #1 and #2, are listed as having “less than significant” impact “without mitigation”, though <u>both projects will be displacing very low income and/or houseless communities</u> and will contribute to the gentrification of Berkeley and a continued rise in rent, with the projects being predominantly above market rate student housing. (2-9 of DEIR) 	Please see Master Response 14, Displacement, and Master Response 15, Gentrification.
C101-5	<ul style="list-style-type: none"> The Draft EIR states that there will be “less than significant” impacts to public services for Housing Project #2, <u>even though the space is currently being used (and has a precedent of being used) as a space for mutual aid and resources for the houseless and very low income communities.</u> 	Please see Response C60-5.
C101-6	Consider the true impact of your actions before willingly displacing houseless folks and long-time residents of Berkeley. Do not contribute to gentrification and fight for people, not properties and revenue (from transient students). Do not develop on People’s Park or 1921 Walnut St.,	The comment serves as a closing remark. No response is required.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C102	Renee Wachtel, April 21, 2021	
C102-1	<p>As a resident of Panoramic Hill, an area adjacent to the University of California at Berkeley, for more than 20 years, I am very concerned about the documents that the University has released for its long range planning. My specific comments are below:</p> <ol style="list-style-type: none"> 1. I am very concerned about the lack of real community input into this important planning document. On page 24 of the LRDP it is noted that there have been quarterly meetings with a community advisory group, but this is to provide information, not to address their concerns. In addition, it is unclear how this group was chosen, and there has not been membership from important nearby neighborhood groups, such as the Panoramic Hill Association. 2. The net increase in students, faculty and staff of 12,070 is excessive given the footprint of the UC campus. Every effort should be made to consider another campus location, such as Mills College, which is closing. 3. The increase in 2630 new beds in the Clark Kerr campus is excessive, and is not consistent with the legal covenant signed by the University. 4. In the LRDP, pages 37-43, there is superficial discussion of the “selective renovation, expansion or redevelopment” of the Clark Kerr campus, Hill Campus East, and Hill Campus West, with NO specifics about what is actually planned. This is unacceptably vague and insufficient for anyone to comment about its value, impact on the surrounding community or adequacy. 5. What are the potential building plans referred to on page 47 of the LRDP on the Smyth Fernwald site, and why is this not discussed in more detail? 6. My concerns about the EIR include a lack of consideration of the true impact upon the surrounding communities such as noise, traffic, pedestrian safety, evacuation in case of emergency such as wildfire or earthquake and a thorough consideration of potential mitigations. 7. My concerns about the EIR also include a lack of a thorough analysis of alternative locations, and potential mitigations for all of the planned development of the Clark Kerr campus, Hill Campus East, and Hill 	<p>Please see Response B4-17 for a discussion of the traffic impacts of the LRDP Update.</p> <p>Please see pages 5.15-47 of the Draft EIR for a discussion of the project impacts on pedestrian safety.</p> <p>Please see Response B9-16 regarding Panoramic Hill Association.</p> <p>Please see Master Response 18, Alternatives.</p> <p>With respect to project level details for future development on Clark Kerr Campus, Hill Campus East, and Hill Campus West, and the Smyth Fernwald site, please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.</p> <p>Please also see Response A3-41 regarding evacuation.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	Campus West. 8. Another concern is the lack of collaboration with the City of Berkeley, the disrespectful declining to attend the City Council meeting where the LRDP was discussed last week, and the lack of commitment to observe city zoning in the plans for development within the City of Berkeley.	
C103	Samantha Long, April 21, 2021	
C103-1	Under section 5-3-3, Nesting Birds and Species, quotes “Subsection 3503.5 [of California Fish and Game Code] specifically prohibits the take, possession, or destruction of any birds in the orders Falconiformes (hawks and eagles) or Strigiformes (owls) and their nests” yet there has been no assessment if the active red tail hawks and spotted owls have active nests in the park or not. This is a potential violation of MBTA. There are several unidentified nests in Peoples Park (site for Housing project #2) which have not been studied, these could be active nests for active Red Tail Hawk or the active California Spotted Owl in the park. These are both protected under Federal Migratory Bird Treaty Act if there are active nests.	Chapter 5.3, Biological Resources, of the Draft EIR includes a description of the existing vegetation and wildlife resources associated with the sites of Housing Projects #1 and #2. No evidence of any nesting by red-tailed hawk or owls was observed on the Housing Project #2 site during the field reconnaissance surveys conducted during preparation of the Draft EIR. Suitable habitat for the State and federally threatened northern spotted owl (<i>Strix occidentalis occidentalis</i>), referenced by the commentor, is not present on this site or in the surrounding area of the East Bay. Please see Response A32-228 regarding avoidance of bird nests.
C104	Shellie Wharton, April 21, 2021	
C104-1	Please Save People’s Park and 1921 Walnut Street! As a current UC Berkeley Grad Student, and a Berkeley Undergraduate Alumn, I oppose UC Berkeley’s Long Range Development Plan.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C105	Shirly Dean, April 21, 2021	
C105-1	Thank you for the opportunity to comment on the 2021 LRDP and Housing Projects #1 and #2 Draft EIR. This document reassures its readers that it serves only as a guide to land use over the next few years and it clearly indicates the direction that UCB will be taking in the future, a direction that leads me to conclude will result in doing great harm to	The comment serves as an introduction to the comments that follow. Please see Responses C105-2 through C105-9. With respect to the format of the document, please see Response C43-12.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>the City of Berkeley. I come to this conclusion with a heavy heart as I hold dear both the Campus and the City. I am a UCB graduate (class of '56) and a former UCB employee in Relations with Schools who traveled the State recruiting minority students and reviewing entrance applications for the Admissions Department on the Berkeley Campus. In addition, I am also a 70 plus year resident of the City of Berkeley during which I served on the City's Waterfront Committee that laid the groundwork for the establishment of McLaughlin East Shore Park and four years on the City of Berkeley Planning Commission and Zoning Board, followed by 21 years on the Berkeley City Council and 8 years as the City's Mayor. I am still very active in local organizations dedicated to the preservation of natural resources along the East Bay shoreline of San Francisco Bay and ensuring that the voice of residents will be heard in the consideration of City issues. I, along with many others in this community, fervently hope that a resolution can be found whereby both Town and Gown can exist in harmony that respects the values that each brings to future land use proposals and resolves the climate change challenges that confront all of us in the coming years. I write this letter today as an individual, not as a representative of any group or organization.</p>	
	<p><u>The 2021 LRDP and Housing Projects #1 and #2 Draft EIR is Confusing and Incomprehensible:</u> This document is far too large and throughout its many pages it constantly refers readers to numerous other documents that must be searched out to understand what is being proposed. This is a time-consuming process that results in readers being confused and discouraged from completely reading its almost 1,000 pages and gaining an understanding of all its important information. Simply stated, the document should be separated into three separate pieces: 1.) the projected growth of the Campus; 2.) the Helen Diller Anchor Housing Project; and 3) The 2556 Haste Street Project. Taken together, these three projects in the build-out year 36-37 will result in some 48,200</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>additional students and 9,000 staff (11,073 student beds and 549 housing units). While it is stated that the object of presenting an all-in-one project was to save time and effort, that noble purpose has resulted in a document that is so confusing and difficult to read that it bars understanding and inhibits comments by members of the public. This fails to meet the central purpose of an Environmental Impact Report.</p>	
C105-2	<p><u>The Impacts of Campus Growth on the Berkeley Community are Virtually Ignored:</u></p> <p>This same charge was made regarding the 2005 LRDP and is a part of a lawsuit between the Campus and the City that continues to this day. The 2021 Draft EIR continues in this same vein particularly as concerns how the growth of the Campus intersects with the required growth of the City, <i>a requirement that involves the Campus.</i></p> <p>ABAG has indicated that each East Bay City must meet Rental Housing Needs Allocation (RHNA) goals within the next ten years or face significant penalties. The current RHNA goals for the City of Berkeley are that the City must provide almost 9,000 housing units over the next ten years. Student beds in UCB dorms, Co-Ops, sororities, fraternities, etc. are not counted toward meeting those goals. The projects described in the 2021 LRDP Draft EIR propose a large number of student beds that will add significant population in housing facilities that will not be counted toward what is called Berkeley’s “fair share” of the Bay Area’s regional housing needs. The very least that should be done in the proposed LRDP, is that all existing student beds in UC facilities, including those that have been accommodated in individual buildings that have not been identified formally as “dorms,” be counted in some way as units that would count toward past and future Berkeley’s RHNA goal numbers. This must be done to obtain ABAG’s reconsideration of the number of Berkeley’s currently assigned RHNA goals and the establishment of new RHNA goal numbers that are fairly based. If this is done, impacts of growth stemming from the Campus and the City could then be properly analyzed and addressed. If this is not done, the City is put in the position of</p>	<p>This comment expresses concerns with the Regional Housing Needs Allocation process administered by the California Department of Housing and Community Development. These comments do not state specific concerns or questions regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please also see Master Response 8, Population Projections.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C105-3	<p>increasing population stemming from past and future Campus growth, regardless of any impacts, especially in regard to providing public services to thousands of new people, as well as facing penalties for not meeting the required ABAG RHNA goals. This issue cannot just be dismissed by the Campus on the basis that it's ABAG's and the City's problem. Campus sponsored housing facilities are involved and UCB needs to take a stand on how the increase in student beds is to be counted in housing needs requirements as viewed by ABAG.</p> <p>Furthermore, the impacts on existing housing in the surrounding community must be considered in a real-world context. Project #1, the Anchor Project, is an example. Residents in a rent controlled multi-family building are being replaced by housing for students and from comments made before the City Council and reported in numerous press articles, UC students who are highly concerned about finding adequate housing for themselves are opposed to displacing these tenants. Displacement cannot be solved by offering relocation funds to tenants because there is no real place for the tenants to relocate to. This problem has been recognized for years by both the City and the Campus. About 73 % of the student population lives off campus. The pressure from adding more and more students to the numbers seeking housing within the City of Berkeley contributes to the increased cost of available rental housing. The result is the displacement of lower income, long-term residents particularly in South and West Berkeley. The Campus must understand that the elimination of rent-controlled units is not acceptable to the City of Berkeley. Yes, the City of Berkeley has failed to provide sufficient numbers of affordable housing units, but that does not excuse the Campus from realizing that they just cannot add more and more students each year regardless of the impact on the community. Like it or not, the City of Berkeley is a small eight to nine square miles space that is already built-up in which there is a large portion of its land which contains a seismically active area and two high risk-wildfire zones. I see none of the analysis within the Draft EIR that addresses this real-life situation. Moreover, other UC campuses, such as UC Santa Cruz seem to</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>The Draft EIR and this Final EIR have been prepared pursuant to CEQA and the CEQA Guidelines. As described in Chapter 5.12, Population and Housing, of the Draft EIR, the CEQA standards to which impacts are evaluated include:</p> <ul style="list-style-type: none"> ▪ Induce substantial unplanned 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). ▪ Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. <p>Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of the Draft EIR is based on scientific and factual data, which has been reviewed by the lead agency and reflects its independent judgment and conclusions.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	have been able to have placed a cap on enrollment because of their location. Why isn't this addressed for UC Berkeley?	The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please see Master Response 8, Population Projections, Master Response 14, Displacement, and Master Response 18, Alternatives.
C105-4	<p data-bbox="323 574 688 600"><u>Enrollment Needs to be Clarified:</u></p> <p data-bbox="323 610 1129 1230">The 2005 LRDP stated there would be around 33,450 UCB students by 2020. However, the Campus violated that agreement and enrolled some 11,000 students above that number. According to the UCB website, the current student population today is 41,910. The 2021 LRDP and Projects #1 and 2 Draft EIR project a student population of around 48,000. It doesn't seem reasonable that UC's proposal is to add the 48,000 number to today's existing enrollment, or to subtract today's population from 48,000 as the numbers don't seem to work that way either. The total enrollment number must be clarified so there is little doubt regarding what level of enrollment is being considered. If the projected total enrollment number is more like the Campus cleaning up the increased enrollment that happened under the 2005 LRDP, then It seems to be an admission on the part of the Campus that they violated the 2005 LRDP agreement. That raises question as to whether the City is entitled to at least some measure of compensation regarding the lawsuit. Clear enrollment numbers plus the numbers for staff and faculty, must be included in the 2021 EIR document not only for planning purposes but also for moving on from the continuing lawsuit.</p> <p data-bbox="323 1276 1129 1442">Additionally, we can all agree that the existing 2005 LRDP needs to be replaced, but we should all learn from previous actions. The 2005 LRDP not only was adopted without adequate public input, but the Campus significantly exceeded the so-called agreement regarding growth. There does not appear to be any consequence built into the proposed 2021</p>	Please see Master Response 8, Population Projections, and Master Response 17, 2005 LRDP EIR Population Projections.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C105-5	<p>LRDP should the projected numbers again be exceeded. Why isn't that question acknowledged and addressed?</p> <p><u>Too Few Alternatives Included</u> Four alternatives, A – D, are included in the 2021 Draft EIR – far too few to represent a comprehensive range of feasible alternatives which would provide decision makers with choices that would be effective in reducing the number and type of “significant and unavoidable” results. The process to present and analyze alternatives would be enhanced significantly by dividing the 2021 document into three sections as I have described earlier. However, as that hasn't been done, the current section on alternatives gives the impression that the intent of the 2021 document with its two projects is to be considered only as a whole. Yet decision makers may want to be able to reject portions of the LRDP document and/or one or both of the Projects outright. Yet, it's unclear how that could be accomplished and what the impacts might be, given the Project's statement about reverting to the 2005 LRDP should the 2021 Draft EIR be rejected. This also raises concerns about decision makers engaging in “private negotiations” which is exactly what happened in 2005. The public must be assured that the approval process will be transparent with continued opportunities for public comment at each step. The reason for and establishment of a process for providing for on-going public comments needs to be included in the document.</p>	<p>The commenter expresses an opinion about the three components of the proposed project and speculates about the project approval process. These comments do not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>As described in Chapter 6, Alternatives to the Proposed Project, on page 6-1, CEQA Guidelines Sections 15126.6(a) and (d) require that an EIR describe and evaluate a range of reasonable alternatives to the proposed project, or to the location of the proposed project, and evaluate the comparative merits of the alternatives. CEQA Guidelines Section 15126.6(a) and (f) describe that the “range of alternatives” is governed by the “rule of reason,” which requires the EIR to describe and consider only those alternatives necessary to permit informed public participation, and an informed and reasoned choice by the decision-making body. It's important to note that the description or evaluation of alternatives does not need to be exhaustive, and an EIR need not consider alternatives for which the effects cannot be reasonably determined and for which implementation is remote or speculative (CEQA Guidelines Section 15126.6(f)(3)). Also, an EIR need not consider multiple variations on the alternatives that have been presented. Instead, the relative advantages and disadvantages of other alternatives can be assessed from a review of the alternatives presented in the EIR as long as other alternatives fall within the range that has been evaluated. See <i>Village Laguna of Laguna Beach, Inc. v. Board of Supervisors</i> (1982) 134 Cal App. 3d 1022.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C105-6	<p>Additionally, the following steps must be considered in the alternatives:</p> <ul style="list-style-type: none"> ● Re Project #1: use of a vacant Mills College facility and the relocation of the offices in the Berkeley UC Extension building and converting that building into student and/or faculty housing. ● Re Project #2: Include a Campus and City joint commitment to retaining all of the existing Park that respects the need for park/open space in its densely populated neighborhood and that also respects its status as an historic landmark but also that of several landmarked buildings around and near the Park, particularly Maybeck's, First Church of Christ, Scientist. 	<p>The site of Mills College is located in an area of the city of Oakland that is outside of the LRDP Planning Area. Mills College is not owned or managed by UC Berkeley and not part of the existing LRDP or the proposed LRDP Update. Please see Master Response 7, EIR Study Area.</p> <p>Please note that there are no significant impacts related to parks and open space as evaluated on Chapter 5.14, Parks and Recreation. Accordingly, no alternatives as requested by the commenter are required by CEQA or considered in the EIR. Please see Chapter 6, Alternatives to the Proposed Project, of the Draft EIR for a complete explanation of the contents of the chapter, and also see Master Response 18, Alternatives.</p>
C105-7	<ul style="list-style-type: none"> ● Include within the 2021 Draft the publication in a prominent part of the document, i.e. not buried in an appendix, the City's responses, such as those in Appendix L, stating that the City follows the State's park/open space standard of two acres per thousand people and that "adding 12,500 staff and students, should result in the addition of 25 acres of park/open space." Additionally, that when sked to comment on a recommendation that could reduce the demand for parks and recreation space created by the proposed project. the City's reply was to "prohibit the project." Reducing the population number by some percentage does not change that additional park/open space would be needed and readers should understand that such statements were known to the authors of the 2021 Draft before its release. <p>This should also be followed by including statements from the City Police Department that increases in police services provided to the Campus or to UC facilities outside of the Campus Core Area cannot be done by the City without providing more funding to the Department due to decreases in staffing levels. Additionally, the statement from the Berkeley Fire Department which is the sole provider of fire and emergency response to the Campus should be included that informs that</p>	<p>As described under impact discussion REC-1 in Chapter 5.14, Parks and Recreation, of the Draft EIR, the proposed LRDP Update would result in approximately one additional acre of open space and three additional acres of formal athletic and recreational space throughout the EIR Study Area. In addition, using the City of Berkeley's standard of providing two acres per 1,000 residents, under the proposed LRDP Update, UC Berkeley would provide 3.6 acres per 1,000 UC Berkeley population, exceeding the City's standard.</p> <p>While staffing and service levels are important aspects of public services, CEQA is concerned with physical impacts to the environmental that result from the construction or modification of public service facilities, as included in Appendix G of the CEQA Guidelines. Please see Response A3-32 regarding police and fire protection services.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C105-8	<p>“population growth and development proposed by the University will require additional staffing, equipment and facilities.”</p> <p>If the Campus proceeds with the Project or its alternatives, can the funds for these and the other services that are necessary be provided, and by whom? This is an important question given that the Campus is facing the payoff of the \$300 million or so spent to rebuild Memorial Stadium and that City residents are already carrying a very heavy tax load.</p> <p><u>Strengthen Cultural Resources Section:</u> There are many other issues to comment on, but as your deadline for comments is fast approaching, I will make only one more brief comment at this point. That is the need for more extensive information on protection of cultural resource sites, such as areas around Strawberry Creek, and the ownership and preservation of articles that are sacred to Native peoples. This is a social justice issue that is trending in importance to the entire community. There is also the issue around the national landmarking of the Campanile View Corridor that needs to be clarified due to its continued importance to growth in the City’s Downtown. The 2021 LRDP provides an excellent opportunity to find that resolution.</p>	<p>Views from Campanile Way are not, for purposes of CEQA, considered historical resources in their own right; instead, they are a character-defining feature of a landscape element (Campanile Way) that has been identified as a contributor to a cultural landscape (the Classical Core of the UC Berkeley campus). The following information is offered as additional background; this information was not included in the Draft EIR because it is not directly related to the analysis of impacts to historical resources associated with the LRDP, Housing Project #1, or Housing Project #2.</p> <p>Additional Background: University of California Multiple Resource Area (1982) Portions of the UC Berkeley campus were listed on the National Register as a Multiple Resource Area (MRA) in 1982. (National Register of Historic Places, University of California Multiple Resource Area, Berkeley, Alameda County, California, National Register #64000062. The 1982 nomination form is available at http://pdfhost.focus.nps.gov/docs/nrhp/text/64000062.PDF.) “Multiple Resource Area” is an obsolete classification that has since been replaced with the Multiple Property Submission (MPS) system. (National Park Service, How to Complete the National Register Multiple Property Documentation Form, Washington, D.C.: National Park Service, 1999.) According to NPS standards, an MPS submission consists of a Multiple Property Documentation Form (MPDF) accompanied by one or more individual nominations. (The MPDF can</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>also be submitted without any accompanying nominations, in order to establish the nomination requirements for properties that may be nominated in the future.) The 1982 University of California MRA nomination does not follow this format and historical resources are not automatically considered to be individually listed on the National Register by virtue of being identified in the MRA.</p> <p>The 1982 University of California MRA identified sixteen structures and one natural feature that “[b]y their location, orientation toward major and minor axes, and Neo-Classic architectural style...define the formal, turn-of-the-century concept of the University.” (University of California MRA, 7-1.) Identified resources include:</p> <ol style="list-style-type: none"> 1. California Hall 2. Doe Memorial Library 3. Durant Hall 4. Faculty Club 5. Founders’ Rock 6. Giannini Hall 7. Hearst Greek Theatre 8. Hearst Gymnasium for Women 9. Hearst Memorial Mining Building 10. Hilgard Hall 11. North Gate Hall 12. Sather Gate and Bridge 13. Sather Tower 14. South Hall 15. University House 16. Wellman Hall 17. Wheeler Hall <p>Campanile Way is not identified in the University of California MRA nomination as an individually significant historic feature. Instead, the MRA divides the 17 resources above into two main types: “Individual</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>Buildings or Structures”; and “Buildings or Groups of Buildings and Their Landscaped Settings.” Campanile Way is addressed as part of the latter category. Specifically, six buildings (Sather Tower, South Hall, Wheeler Hall, Durant Hall, Doe Memorial Library, and California Hall) are identified as the “Campanile Way and Esplanade” grouping.</p> <p>The significance of the Campanile Way and Esplanade grouping of buildings is described as follows:</p> <p><i>Th[is] group of buildings...together with the landscaped setting defined by the district boundaries, comprises the original core of the permanent campus of the first State University in California. The buildings are grouped and sited in accordance with the first official plan for the Berkeley campus, the Phoebe Apperson Hearst Architectural Plan, adopted by the Regents in 1914...</i></p> <p>Since the founding of the University, Campanile Way, running east-west on axis with the Golden Gate, has symbolized its link with what was then the country’s principal western gateway. Two minor north-south axes further define the grouping of the buildings, create vistas, and provide major circulation paths for the campus as a whole. The lower axis continues through Sather Gate to Sproul Plaza and Telegraph Avenue, the campus’ main public gateway on the south side and an historically famous intersection of “town and gown”. On the eastern edge of the district, the Esplanade of Sather Tower (Campanile) is the most important formally designed and landscaped space on the campus.” (University of California MRA, 8-11.)</p> <p>UC Berkeley’s Landscape Heritage Plan (2004) In 2004, the University of California, Berkeley completed a Landscape Heritage Plan, which “examines the key characteristics of the [Campus’s] historic Classical Core and provides guidance for its continued development in a manner that respects and builds upon its unique landscape legacy.” (University of California, Berkeley, Landscape</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
		<p>Heritage Plan, University of California, Berkeley (Berkeley, CA: University of California, Berkeley, Capital Projects/Facilities Services, 2004), i.) The main body of the Plan is divided into three chapters: Historical Significance (a summary of the historical development and significance of the campus), Implementation Concepts (a summary of the cultural landscape assessment process), and Landscape Guidelines (guidelines for site planning and landscape design within the Classical Core).</p> <p>According to the Landscape Heritage Plan, the Classical Core of the UC Berkeley campus is a cultural landscape. The Landscape Heritage Plan includes assessment of nine study areas within the Classical Core that include significant and iconic landscape elements on campus:</p> <ul style="list-style-type: none"> ▪ Campanile Esplanade ▪ Campanile Way ▪ Central Glade Interface ▪ Creek Bridges ▪ Faculty Glade ▪ Harmon Way ▪ Mining Circle/Oppenheimer Way ▪ Sather Gate ▪ Sather Road (University of California, Berkeley, Landscape Heritage Plan, University of California, Berkeley, 6.) <p>As one of the nine study areas, Campanile Way is a contributing element to the cultural landscape. As explained in Section 3 of the Landscape Heritage Plan (“Implementation Concepts”), Campanile Way is a historically significant component of the campus:</p> <p>Developed during the picturesque period, [Campanile Way] was the first centrally-located, campus street (from Sather Road eastward).</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C105-9	I greatly appreciate the chance to comment and I and many other Berkeley residents will follow this matter with great interest. It is my firm belief that a mutually agreeable solution can be found. Within that belief, however, is that the internationally recognized UC Berkeley campus has	<p>Campanile Way’s strength is its important role as a major pedestrian access in the heart of the Classical Core and its strong visual axis and view, connecting the tower with the Golden Gate. A remnant of an earlier functional era, Campanile Way was re-confirmed by [John Galen] Howard as a design element of the Classical Core. (University of California, Berkeley, Landscape Heritage Plan, University of California, Berkeley, 44. Discussion of Howard’s reinforcement of the Campanile Way axis is included in Woodbridge, John Galen Howard and the University of California: The Design of a Great Public University Campus, 65-66. Sather Tower was completed in 1914.)</p> <p>According to the analysis included in the Landscape Heritage Plan, “Campanile Way’s axial power and historic views to the Campanile and the Golden Gate retain a high level of integrity.” University of California, Berkeley, Landscape Heritage Plan, University of California, Berkeley, 46. The other historic east-west axis discussed in the Plan, namely the axis that extends westward from the Mining Circle, has long been interrupted by intervening development (most recently Evans Hall). East-west views along Campanile Way are identified in the Landscape Heritage Plan as one of six primary character-defining features “for the Campanile Way and Sather Road environs.” (University of California, Berkeley, Landscape Heritage Plan, University of California, Berkeley, 53) These six character-defining features are:</p> <ol style="list-style-type: none"> 1. East-west views along Campanile Way 2. Pollarded London Plane Trees along Campanile Way 3. Brick gutter along Campanile Way 4. Major cross-axis of the central campus 5. Thomas Church plaza 6. Thomas Church sitting area <p>The comment serves as a closing remark. No response is required.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
C106	<p>reached its capacity to expand in the middle of a built-up City that is already more densely developed than the vast majority of other East Bay cities. UCB can and should continue its important work with a capped enrollment and the City of Berkeley can and should continue to be a lively, diverse and beautiful place to host that important work.</p>	
C106-1	<p>Stefanie Williams, April 21, 2021</p> <p>My sister, her son (my 6 year old nephew) and I are tenants at 1921 Walnut Street, a rent-controlled building under threat of demolition by UC Regents, to make way for short-term student housing. This is our home. Our apartment building was constructed 112 years ago and comprises 8 units, some tenants have called this building their home for more than 25 years.</p> <p>I cannot emphasize enough how essential this apartment has been for us as Bay Area natives. I fist [sic] obtained this apartment in 2012 when I was a transfer student from community college to UC Berkeley. I am a first generation college graduate. It has been my foundation to have this apartment. August of last year my sister and her son moved in with me. As a single mother Karol had little opportunities to rent close to her work and having this apartment has allowed her more time with her son and less of a commute. We are both hard working Latina women who have been doing everything we can to maintain. I was lucky enough to find this treasure and in turn also help my family. Crazy how I had been given the opportunity of a lifetime to transfer to a UC which as a low income student never seemed possible, while now I am simultaneously at risk of losing the one place I have been able to call home for almost a decade. It is truly unbelievable how full circle this example of give and take has been presented to me an my family. To boot, my father recently passed away from COVID complications and the amount of stress in losing the patriarch of the family and now faced with the stark reality of no longer having my home, its been a tremendous battle.</p> <p>Your current plans for Housing Project #1 include evicting me and my</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please also see Master Response 14, Displacement.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>fellow tenants, demolishing our building and permanently eliminating rent-controlled housing stock from the City of Berkeley rental-housing market.</p>	
	<p>Your 'Draft EIR' is incomplete because it does not take into consideration the impact that your plans would have on the community. Further, the tenants at this building have the support of:</p> <ul style="list-style-type: none"> ● The Mayor of the City of Berkeley ● Berkeley City Council ● The Berkeley Rent Stabilization Board ● The ASUC ● The Berkeley Architectural Heritage Association ● The Sierra Club ... and many more most of whom have written to UC expressing their support of the tenants at 1921 Walnut. 	
	<p>In addition, countless housing advocacy groups have vocalized their support of the tenants. The community clearly does not want this. Prior to July 15th, 2020, when UC purchased our building, your intent had been to redevelop the remainder of the block and leave our building intact.</p>	
	<p>As you know, you purchased our building during the lock-down and in the height of the Coronavirus pandemic. You served us various notices (commencing April 2020) when the bar to access City offices and other means of support was so high, nevertheless, the City and the community have rallied around our cause, believing that your proposed plans are deficient.</p>	
	<p>The tenants, the community and the City have not been consulted. UC has rejected our pleas for a listening session or a conference. I strongly object to your proposed plans, and together with my fellow tenants ask, that you:</p> <ul style="list-style-type: none"> ● withdraw these proposed plans to evict us ● withdraw your proposal to demolish our building 	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<ul style="list-style-type: none"> ● withdraw your proposal to permanently eliminate rent controlled housing stock ● honor your University of California 'Standards of Ethical Conduct'. 	
C107	Bev Von Dohre, April 21, 2021	
C107-1	Please do not cut any more trees down, spray any more poison, and leave the historic area known as People's Park alone.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
C108	Barbara Robben, April 21, 2021	
C108-1	<p>The first page of the LONG RANGE DEVELOPMENT PLAN shows a lovely photograph of students entering Sather Gate. This photograph and its placement on the cover page of the LRDP is especially interesting, in that Sather Gate was formerly the entrance to the campus. The area outside the Gate was private property and a commercial district. Overlooked is the fact that UCB has continually been expanding beyond its borders, as exemplified by this photo.</p> <p>The University, in some way, has been able to add a significant amount of buildings to its campus along Bancroft Way. The University dance studio now occupies the former Unitarian Church, in a brown shingle building. Please state how the land for the Student Union was acquired, in that same area, as well as the Recreational Sports Facility. Was that part of the original campus, or was it acquired later, and by what means. Give details about any of the buildings on the North side of Bancroft Way, not originally on-campus.</p> <p>As for the South side of Bancroft Way there is not the Tang Center for</p>	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Also, please see Chapter 5.4, Cultural Resources, of the Draft EIR, which contains a historical overview of UC Berkeley campus development. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>the UC Urgent Care as well as the Legacy Pool. This was not University property, though it seems to be so now. Please give details about the former land use and the process that the University went thru to acquire it. That the University feels entitled to increasing its presence all over the City is very worrying to its residents. What will be the University’s next move?</p>	
	<p>Likewise, higher on Bancroft Way there is construction under way, where there were formerly businesses and shops that resident used to patronize. Please explain what is going on in this area, and who is responsible. UC is always suspect, thought the public is not always informed.</p>	
	<p>Further yet up Bancroft Way is the abandoned UCB Art Museum. When it was discovered that this architecturally unusual building had serious seismic flaws, the Museum was closed, which seemed to be a wise move; but perhaps not, when it was suggested that someone else could move in. Surprises such as this seem to occur with some frequency when the University is involved. Please clarify what measures the University is taking in regard to its responsibilities with the Art Museum. Be specific.</p> <p>One block to the South lies Durant Avenue, and that is where the University has chosen to build its tall student housing in recent years. At the time that the Housing Units were built, they were the tallest buildings in the neighborhood. What was the justification to opt for high-rise structures? Please give details of the buildings including such details as elevators and stairwells, as this does influence the lives of those occupying the housing units. It used to be that college-age students would be separated into Men’s and Women’s dormitories, although they would eat together. In some cases there would be a Men’s floor and a Women’s floor in the same building. It is a responsibility to take on the well-being of eighteen-year-olds maybe in their first year away from home, so this is a legitimate question to ask, when many more dormitories are under consideration. The cost of housing is also</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>important. Dormitory living needs to be safe and affordable both, so the challenge to the University is to get the details rights.</p>	
	<p>The Underhill Parking Garage and Field is another UCB intrusion into the south of campus area. Regardless of how much the University believes in its entitlements to selected spaces handy to its main campus, it is still a fact that the City of Berkeley is already fully built up, and there will always be resistance and even anger when UCB. takes over some territory already in use.</p>	
	<p>There has been a substantial amount of construction at UCB on its own campus Park recently. The Public is not directly involved in this, but only indirectly: to inquire as to the amount of debt that the University is carrying. This is because we the Public are supporting our public educational system through our taxes, and tuitions. It seems imprudent to build Housing units unless there is money available to pay for them. The Public is wisely told to not live beyond its means, and that advice would apply to our University as well. What is UCB'S financial condition, going into the next 15-year period?</p>	
C108-2	<p>It used to be that the State of California was the primary financial support of its public university system. Tuition was not charged to those California residents who met the entrance requirements. That situation has now changed dramatically. It was intended, in former times, that the State wanted its qualified residents to receive an education that would benefit the State as a whole. Now, it seems that UC will gladly admit those who can be charged the most: International and out-of-state students. How does this affect the need for additional housing? There should be facts and figures included in the LRDP along with the rationale of accepting more students than the system can accommodate. The additional UC system campuses were supposed to address this problem. It now seems that UCB somehow is expecting the City and residents of Berkeley to accommodate the influx of students that UC is creating.</p>	<p>This comment requests information regarding the student population and tuition that is not germane to the environmental evaluation. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>The housing planned under the LRDP Update is not based on student home locations and therefore is not projected to changed based on whether future students admitted are international or out-of-state students. Please see Master Response 8, Population Projections. The comment is acknowledged for the record and will be forwarded to the</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Please prepare a chart of the number of students admitted, and the tuition charged, over time.</p> <p>If the Campus Park area remains the same size, there is bound to be overcrowding, both on the campus and for its neighbors, with unhappiness all around.</p>	<p>decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C108-3	<p>Someone’s sense of fair play could be called into question by the existence of a SNOOPY’S ICE CREAM sign on the building on the North-east corner of Shattuck Avenue and University Avenue, a part of the block now under construction. The presence of the ICE CREAM sign demonstrates that the building is not being demolished but only being “repaired”, and therefore not subject to demotion rules. The valuable sign is still in place behind construction scaffolding and netting in addition to a construction fence. Yet the sign seems to be returned to place every time it falls over in the wind, and much is missing around it.</p> <p>The many businesses formerly on that key downtown block have all vacated their locations. Who is responsible for this?</p> <p>Presently, the downtown area of the City of Berkeley is populated with construction equipment; multi-story cranes, dumpsters, fences, and blockages. What is the responsibility of UCB in this regard?</p> <p>The University Housing Project #1 is adjacent to this block that is now vacated and under construction. Is it the University’s intention to take over this block in addition to the block adjoining it – the House Project #1? Walnut Street is mentioned in the Project location description, but that street is not labeled on the map. Is that because the street will no longer exist?</p> <p>Immediately to the North of Berkley Way lie two building; fairly new to the City’s commercial area, two large structures connected to the</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p> <p>Note, the construction project referenced by the commenter within the city of Berkeley is not associated with UC Berkeley. UC Berkeley has no information on this project and it not responsible for the current construction equipment throughout downtown Berkeley. With respect to the commenter’s inquiry about the location of Housing Project #1 and adjacent buildings, Housing Project #1 is bounded by Berkeley Way on the north, Oxford Street on the east, University Avenue on the south, and Walnut Street on the west. While it is true that Walnut Street is not labeled on Figure 3-5, Housing Project #1 Site Ariel map, of the Draft EIR, Walnut Street will remain post-construction. Across Berkley Way to the north sits two university buildings: 1) to the west is Berkeley Way West, opened in 2018, which houses the School of Public Health, Education and Psychology, and 2) to the east is the Innovative Genomic Institute Building and garden, built in 2012 for multidisciplinary bioengineering faculty and related studies. With respect to the question about the current use of Warren Hall, this building was built in 2005 and is a high-tech building that is home to several units of UC Berkeley’s Information Services and Technology unit. The building provides a stable and secure home for much of UC Berkeley’s data infrastructure.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>University: 2121 Berkeley Way, and one labeled INNOVATIVE GENOMICS INTSTITUTE BUILDING. They occupy what is now one SUPER-BLOCK, from Shattuck Avenue to Oxford Street. Give the history of these two large buildings.</p>	<p>The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
	<p>Continuing with a discussion of the area around the proposed Housing Project #1, there is the Earl Warren Hall, 2195 Hearst Avenue, a building of pleasing architecture, and of about three floors, which fits into the neighborhood easily. However, it is outside of the campus property, so it is in fact displacing some previous use, and is now off the tax-rolls. The main problem with this building is the manner in which it came into being. This fact is altogether pertinent to the University's Long Range Development Plan. The Earl Warren Hall is a PRIME EXAMPLE of how the University will do business when it believes that no one will notice or object. The people of Berkeley were told that Earl Warren Hall was to be a location where a University Department could re-locate temporarily while the Department's regular building was retrofitted for Earthquake Safety: It was to be a Seismic Replacement Building, rotating among the UCB academic units needing building reinforcement. It would be useful of the public to know how that has worked out. What is the present use of this building? In this situation, where the Public has an opportunity to examine the UCB past actions, we have an indication of what the UCB may also do in the coming fifteen-year period of the LRDP. Do include a straight-forward discussion of this off-campus building and its actual uses.</p>	
	<p>When considering the west side of the Berkeley campus, it is of utmost importance to include all of the plots of land on the West side owned, or occupied, or being considered for use by UCB. Include in the EIR/LRDP any and all properties occupied by UCB with each property's costs and functions, so that sites can be easily identified by the readers. Include the School of Public Health and all else beyond UCB boundaries. Please include a clear map.</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Also nearby in the downtown area is the quite recent reincarnation of the University Art Museum. It is pertinent to a discussion of the policies of the University to note that the University did, not that many years ago, construct a rather lavish University Art Museum outside of the boundaries of UCB, between Bancroft Way and Durant Avenue near College Avenue. This Museum enjoyed its moments in the sun before being declared a seismic risk.</p> <p>One would think that a University would have the knowledge to build a structure that does not soon become a seismic hazard, so also include in the UC Environmental Impact Report and Long Range Development Plan the facts of how the University was able to acquire the land on which the first University Art Museum was built, and the cost of construction, along with the future of this building and the land on which it sits. This information is crucial to the Public's understanding of the manner in which the University operates, and therefore how it may continue to operate in the future. Information of this sort is the very heart and soul of a LONG RANGE DEVELOPMENT PLAN. Please also include the costs of the new Art Museum along with details about sites of both Museums that have been built outside of the territory of the University.</p>	
C108-4	<p>In the block which has been selected as Housing Project #1 is an older building, with pleasing architecture, which is presently somewhat run down, but which in the past has been used as a University Garage, and for UCB vehicle maintenance. Five or more large buses are parked in this area, 1952 Oxford Street – labeled BEAR TRANSIT. The question arises, where will these buses be parked if the area is to become a high-rise student dormitory? Must the buses find a new home in the City of Berkeley, off-site of the campus?</p>	<p>This comment poses a question about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The shuttle buses will be moved to a UC Berkeley parking lot located at 1608 Fourth Street, where a secure fence will be installed; the transit offices have moved nearby to 2111 Bancroft Way, which is known as the Banway Building.</p>
C108-5	<p>THE NORTHSIDE OF THE BERKELEY CAMPUS To learn how the University of California at Berkeley will interact with the</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>neighborhoods that border the campus, the EIR and LRDP should include all University development beyond the campus property. On the North side that would include the Lower and Upper Hearst parking lots. Useful information would specify who can utilize the University parking lots, as well as the cost to build the structures and to acquire the property. Since the Parking Structures are off-campus and off the tax-rolls, it is important for the Public to understand how they came into being, and who they might serve. Is there any University-owned property combined with a Private entity that operates UCB parking structures at a profit?</p> <p>Further up Hearst Avenue on the hillside, there is the Etcheverry/Soda Hall/Jacobs Hall complex, not on the campus property. This needs explanation, with dates and acquisition facts. What are the UCB's future plans for activities beyond its borders? This would be important information to include in any LONG RANGE DEVELOPMENT PLAN. Also include the Upper Hearst Parking Structure along with the Goldman School of Public Policy, and any other areas occupied by the University of California outside of its own footprint. If the University has any inclination to expand in the Northside area of the campus, that should be made quite clear in the LRDP document.</p> <p>Also, to the Northeast, there presently lies the Foothill student housing, and by way of a pedestrian bridge, additional Foothill-Stern student housing. Imagine the unease created in the neighborhood by UCB's continual acquisitions of land, and construction. Please give details regarding costs of building and acquiring any of this. Is it fully funded, and how? Any more plans?</p>	<p>of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Also, please see Chapter 5.4, Cultural Resources, of the Draft EIR, which contains a historical overview of UC Berkeley campus development. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C108-6	<p>PEOPLE'S PARK – HOUSING PROJECT #2</p> <p>On page 5.8.44 under LRDP Update, “previous owners” were mentioned. Who were these previous owners of land in the People’s Park area, and what was the University’s role in the fact that the previous owners are no longer there? Each plot of land that was previously owned and occupied</p>	<p>This comment poses a question about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters, and</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>should be notated, with the dates, reasons, costs, and methods of removal of the “previous owners.”</p> <p>The fact that People’s Park even exists is mostly due to University mismanagement. It is an example of Eminent Domain gone terribly wrong. Those that do live in the People’s Park area nowadays are kept in a continual state of anxiety about their futures, yet they are providing a living reminder to everyone, of what has transpired in the past.</p> <p>Other Berkeleyans are concerned about the construction of high-rise dormitories in an area of remarkable historic architecture. To have a high-rise building of any sort inserted into this block would be unfortunate. The open space of People’s Park does serve an additional function, and a Long Range Development Plan is a reasonable place to put it: In the case of a major earthquake the Park could serve as a triage area.</p> <p>There is also the part about “alternative housing” being added, along with the dormitories. That seems to be a strange mix, but specifically, who would build, finance, and maintain this? Since the alternative housing is mentioned in the EIR, it is fair to inquire whether plans are being made for it, or if it would be up to some other entity to take on that task. It is not the burden of UC to house the homeless: that would fall to the community and the State, although UC might use homelessness as a study-project, being part of the problem-solving, thru its many departments: Social Welfare, Economics, Nutrition, and so forth.</p>	<p>Master Response 14, Displacement. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C108-7	<p>ADMINISTRATIVE ISSUES</p> <p>The Public is allowed to comment on the UCB LONG RANGE DEVELOPMENT PLAN. We are invited to comment on the Document itself – however, we don’t know what the actual plans will be. In a sense we may be giving blanket permission for plans to be made in the future on our behalf.</p>	<p>The commenter expresses an opinion about future projects that are under the proposed LRDP Update. The commenter provides no substantial evidence to support their opinion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Who are the ones that will be making these long term decisions? Will it be the Administrators of UCB that will be making the decisions later on? They may be influenced or even urged by the Regents, or the State; even by alumni, donors, faculty, students, and others. It is this system that has been problematic for the community of Berkeley, because the administration will announce a decision, yet the manner in which the decision has been made and the reasoning behind it is kept unknown.</p> <p>A typical scenario is that a spokesperson will be sent to deliver the news of a new decision, but the decision-maker will be absent. That way no questions of value can be asked, and no answers needed. Recourse is not really an option either because of the LRDP that has been prepared, and then certified by the Regents. The existence of the document will be the justification for whatever the University announces.</p> <p>Without knowing for certain, it is clear that many of these long term decisions have to do with money. An enhanced stadium is decided upon because it will bring in revenue from televised football, which will bring in more donors ... which can lead to a cycle which results in an unrealistic financial pattern in which the University always needs more money. The University, like everyone else, needs to live within its means!</p>	<p>response is required. As discussed on page 3-24 of the Draft EIR, the LRDP does not determine future enrollment or population or set a future population limit for the UC Berkeley campus, but guides land development and physical infrastructure to support enrollment projections and activities coordinated by the UCOP. The proposed LRDP Update, like the current LRDP, does not commit UC Berkeley to any specific project, but provides a strategic framework for decisions on potential future projects. Please see Master Response 4, Programmatic Analysis, and Master Response 6, LRDP and LRDP Implementation.</p>
C108-8	<p>COMMENTS ON THE DOCUMENTS</p> <p>An Environmental impact Report (EIR) on two specific projects has been combined with a Long Range Development Plan (LRDP). These are two different entities and they should not be combined into one massive document. An EIR is required for University plans underway at the present time; while a Long Range Development Plan is a consideration of the future, and for what might be suitable as time marches on.</p> <p>When this is put in human terms, fifteen years approaches the time span of one human generation! The cast of characters in Berkeley in the years</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>2036-2037 will likely be almost unrecognizable to those of us who are responding to this LRDP, as would be the UCB personnel that are charged with implementing a fifteen-year-old Long Range Planning document in 2036-2037.</p>	
	<p>The LRDP would be a much more helpful document if it approached the years 2036-2037 with thoughtful consideration of the challenges faced by humanity in general, and of the health of the entire planet, as well. We need to think in broad terms about damage already done to the ecosystem in which we exist; and also about what the University is in a position to do, to improve the out-look for the future.</p>	
	<p>High-rise construction is a path some modern cities have chosen; New York City, for example. However, it is built on solid granite, whereas UC Berkeley faces other challenges such as a major fault-line running thru its property. On the other hand, many towns in Europe and other travel-destinations have opted to limit building heights so that their great cathedrals and campaniles are the tallest structures in town. This leads to charming vistas also.</p>	
	<p>Could a summary of the relationship of the UC Regents to the UCB campus be made on matters of land use? Perhaps a diagram of the various entities influencing these decisions would help.</p>	
	<p>Perhaps more useful than a fifteen year LRDP would be an annual report to the communities: both the campus community and the communities of Berkeley. It could contain information about projects complete and projects contemplated as well as population figures and a financial summary; plus of course, any highlights of campus news. People, in general, usually benefit by evaluating the past and creating plans for the future. Could we have this? An annual report from UCB that is simple and straight-forward might prove to be very helpful. It could be our hope that</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>We the People, and the UC Berkeley campus, can by some means reach a more satisfactory understanding of our mutual goals.</p> <p>Much about UCB is appreciated; lectures, performances, sports, music; the campus landscapes, campanile bells, UC publications, employment opportunities, interesting people, lively students. Would it be possible, as in the song to “ACCENT THE POSITIVE, ELIMINATE THE NEGATIVE, and DON’T MESS WITH MISTER IN-BETWEEN.”</p> <p>Why are UC dormitories complained about but International House is not? The architecture of course, and because of its goals of encouraging friendship between all people of the world. Perhaps we can use this example to achieve an improved UC dormitory arrangement. Do we complain about the co-ops that students live in? The Greeks – well, sometimes, yes: but they do house students in buildings that fit into their surroundings. Perhaps we should build another ‘Normandy Village’ on the site of People’s Park. That might be worth thinking about.</p>	
C108-9	<p>TO SUMMARIZE: The Problem seems to be a repeating problem, a Cyclical Problem, at UCB. The first example is: Problem #1: UC is short on “funding”. Problem #2: So the University, through its Administrators, creates another problem, Problem #2, such as admitting more students than it can accommodate – for the tuition dollars. Problem #3: The administrators then try to correct Problem #2, which is over-crowding, by selecting sites for additional student housing. Problem #4: Sites selected are outside of the campus proper. An EIR must be prepared. Problem #5: The EIR is prepared, perhaps costly in terms of staff time. See problem #1. A cyclical precedence is being established. But on to problem #6. Problem #6: The IER is tiered off an old LRDP. A new LRDP is prepared.</p>	<p>The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. Please also see Response A3-2 regarding compliance with CEQA and the CEQA Guidelines with respect to noticing and solicitation of input from the public.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>Refer again to problem #1; and on to problem #7.</p> <p>Problem #7: Both EIR and the new LRDP are mostly not well-known or understood by the general public, which is supposed to comment on the documents.* Although public agencies receive the information and do comment.</p> <p>*Note: Problem #7 has been created because the public actually is affected by Problems #1, #2, #3; and by the #4, #5, #6 documents, but maybe doesn't realize it.</p> <p>Problem #8: When the EIR and LRDP become Public knowledge, there is an uproar because community land is taken for University purposes; more dollars spent, perhaps lawsuits. Back to problem #1, which is still unsolved.</p> <p>TO SUMMARIZE, cont.</p> <p>A second example is:</p> <p>Problem #1: "Funding" aka "Money" also known as Finances.</p> <p>Problem #2: The University decides to up-grade the Stadium to raise more money from televised NCAA sports, ticket sales, donors, etc. The Stadium re-building is devastating to problem #1, finances. (Long story short.)</p> <p>In conclusion: Similar problems, different scenarios.</p> <p>Further examples are: Off-campus parking, Clark Kerr Campus, People's Park, Goldman School, Anna Head property; and "Global Campus" mercifully nipped in the bud. And much more ... neverending and cyclical. The need to do better remains, UC, you see.</p> <p>NOTES TO THE "SUMMARY"</p> <p>NOTE: The UCB administrators are probably doing an acceptable job of running the Campus. A visitor will notice classes being taught, students life proceeding, and pleasant surroundings. That is the administrators' task; to keep the campus functioning.</p> <p>Also to be noted is that the administrative arm has grown by leaps and bounds. More and more administrators are added, for whatever reason ...</p>	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>... possibly because administrators are frequent targets for complaints or request from the State, the Regents; Donors, community, parents, students, unions, faculty ... and all.</p> <p>Administrators should run the campus; and should not attempt to solve outside problems, either at will or if they are pressured to do so.</p> <p>If Chancellors are notified that they need to raise money, that is beyond their job descriptions. Chancellors need to keep to their budgets. When Chancellors begin to cut sport teams, or rebuild Stadiums, or acquire more land, that's when Chancellors get into trouble. There is push-back.</p> <p>Chancellors can get into trouble when they create additional enterprises or cut established one, but Chancellors can stay out of trouble if they refer to their budget, when asked for favors: "ALWAYS LIVING WITHIN THEIR MEANS" is key for Chancellors.</p> <p>In closing, I wish to thank the person at UCB who sent me, via the United States Postal Service, the seven-page NOTICE OF AVAILABILITY OF A DRAFT EIR ... AND A PROPOSED LONG RANGE DEVELOPMENT PLAN, which included four maps.</p>	
C108-10	<p>My comments on this NOTICE were based at first on having been observing University actions over a period of several decades, though I wanted the full EIR and LRDP so that my comments could be more focused and concise.</p> <p>It was at this point, when clearly lacking information, that I did pursue the actual full EIR – LRDP Document. My findings were that printed copies are not available through the Dept. of Physical and Environmental Planning. I spoke by telephone with an understanding person but one who was working remotely and could only refer me to the Berkeley Public Library. To make a long story short, printed copies are actually not available there either, though they are said to be.</p>	<p>This comment expresses an opinion about the format and availability of the Draft EIR but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The Draft EIR was prepared and made available for public review in compliance with CEQA and the CEQA Guidelines. As described in the Notice of Availability, shown in Appendix A of the Draft EIR, the Draft LRDP Update and associated Draft EIR are available online at: https://lrdp.berkeley.edu. As a result of COVID-19 and restrictions placed on in-person gatherings throughout California, UC Berkeley libraries are closed to the public and it is not feasible to provide printed copies of the Draft LRDP Update and Draft EIR at</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C109	<p>In an age when accommodations are being made for all persons, regardless of their situations I plan to remain with what I have been taught: the use of printed material along with paper and pen. I am a full and complete person, yet I do not own a single piece of technical equipment, nor would I know how to use it. In the end I was able to have my own copy of the document that needs to be commented upon, just short of 1000 pages, from a copy business, at a cost of \$98.50. The complete document is far too long and detailed to be comprehended by the average person in the time allotted. It could be the subject of a semester-long course in Urban Planning however. For readability and integrity, the two Housing Projects should be considered separately, along with their Environmental Impacts.</p>	<p>these locations. Printed copies of both the Draft LRDP Update and Draft EIR were made available for Outside Pickup during the public comment period from the Downtown Berkeley Library located at 2090 Kittredge Street, Berkeley, 94704. If assistance accessing documents is needed, including documents incorporated by reference in the Draft EIR, please contact UC Berkeley’s Office of Physical and Environmental Planning at (510) 643-4793 or by email at planning@berkeley.edu. The commenter was incorrectly informed that the Draft EIR was not available at the Berkeley Public Library.</p>
C109-1	<p>Sylvia Vx, March 21, 2021</p> <p>Please end all development on People’s Park.</p> <p>Housing Project #2 is now opposed by a wide variety of student groups and community organizations. These include the Berkeley Student Cooperative, Berkeley Food Collective, the Daily Californian editorial board, Berkeley Outreach Coalition, Berkeley Free Clinic, UCB Latinx Caucus, Hermanos Unidos, House the Bay, the Student Environmental Resource Center, and many more.</p> <p>Maintaining People’s Park as an open green space for community development achieves the university’s goals of providing open space, study and research spaces, and promoting sustainability.</p> <p>The proposed dorms will be unaffordable and inaccessible to many students. The supportive housing component will also potentially be very expensive, with a proposed maximum rent of over \$1,400. UC Berkeley has numerous plots of land they could open for these projects, that would not require the demolition of trees and an established community</p>	<p>This comment poses a question about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>space. Students support opening up campus land for student housing! To restrict this is a completely arbitrary decision of the university.</p> <p>For the chancellor to say in an email that UC Berkeley is a “land-poor” campus is disgraceful and a denial of reality. The university is a colonial land-grant institution and the biggest land-holder in Berkeley.</p> <p>It is time for Capital Strategies to do the right thing, which the community wants, and end this project once and for all.</p> <p>The environmental, social, and cultural impacts of destroying People’s Park cannot be “mitigated” when we are in a climate and gentrification crisis. This is not a regrettable reality, but something which can and should be prevented now.</p>	
C110	Mike Vandeman, April 9, 2021	
C110-1	<p>Re: https://lrdp.berkeley.edu/documents What could be more important than the continuation of life on the Earth? You can do your part by:</p> <ol style="list-style-type: none"> 1. Making Conservation Biology a required course for all students. Nothing else that you do can be as important as that. 2. Preserving habitat for native wildlife (plants, animals, fungi, etc.) as much as possible. In particular, you should remove invasive non-native plants and animals from the Hill Campus East, such as French broom, Italian thistle, poison hemlock, Eucalyptus, thoroughwort, Pampas grass, Himalayan blackberry, milk thistle, spurge, Acacia, etc. Notice that that does not include Monterey pine, which lived here in the past, and hence is native. 3. Maintaining the ban on mountain biking in the Hill East Campus. 	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
C111	Elana Auerbach, April 14, 2021	
C111-1	<p>Greetings NO MORE UC BUILDING IN THE CITY OF BERKELEY.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>There is plenty of green space on the UC campus that can be developed for Project #1 & Project #2. Though it would be sad to see the green spaces filled with concrete, if UC needs to build to accommodate their expanding student & faculty population, then they should develop in their natural areas, NOT in People’s Park, not demolishing 1921 Walnut and not in the rest of Berkeley. They need to use the confines of their campus property.</p> <p>The current student population is devastating the Berkeley rental & housing market and UC plans to increase the population to 48,000 -- from 42,000 -- which will result in more faculty.</p> <p>The City of Berkeley can’t house our teachers, firefighters, police, city employees, etc let alone our unhoused community. That is where the council, city staff & community should put our attention, not on the UC’s plan.</p> <p>UC needs to reimagine university education through a post pandemic climate emergency lens, not a development lens.</p>	<p>of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
<p>C112</p>	<p>Cathy Mattison, March 28, 2021</p>	
<p>C112-1</p>	<p>(1) I am a member of the Audubon Society and concerned about the impact of the building on our dwindling bird populations given the project’s proximity to the creek and bay. Will the buildings be using the proposed Bird Safe Berkeley Requirements standards as copied below and in the link below? City Council Report ##-##-#### (cityofberkeley.info)</p> <p>23C.27.020 Applicability The bird-safe building standards apply to the following types of projects when such projects require a building permit: A. New Construction. New buildings with two (2) or more stories, and one or more façades in which glass constitutes fifty percent (50%) or more of the area of the individual façade. The bird-safe glazing</p>	<p>The commenter’s concerns regarding changes in bird safe design are noted. Please see Response B12-4 regarding revisions to Mitigation Measure BIO-4 on page 5.3-33 of the Draft EIR to clarify that the latest available science would be considered and applied where appropriate to minimize the risk of bird strikes. The bird safe design standards referred to by the commenter have not been approved by the City of Berkeley but could be considered as part of future review and implementation of Mitigation Measure BIO-4.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>requirement must be met on any window with an area of twelve (12) square feet or more located on such façade. B. Window Replacement. On buildings with two (2) or more stories, and one or more facades in which glass constitutes fifty percent(50%) or more of the area of the individual façade, replacement of any window or other rigid transparent material with an area of twelve (12) square feet or more. The requirement does not apply on existing windows that are not proposed to be replaced. C. New or Replaced Glass Structures. Any structure that has transparent glass walls twenty-four (24) square feet or more in size, including but not limited to freestanding glass walls, wind barriers, skywalks, balconies, greenhouses, and rooftop appurtenances.</p>	
	<p>23C.27.040 Standards A. Bird-Safe Glazing Requirement. At least ninety percent (90%) of the glazing on any building façade or freestanding glass structure shall include features that enable birds to perceive the glass as a solid object. The requirement can be satisfied by using one or more of the following treatments to be determined by the Planning Director as part of an application for a building permit: 1. External screens installed permanently over glass windows such that the windows do not appear reflective. 2. Light-colored blinds or curtains. 3. Opaque glass, translucent glass, or opaque or translucent window film. 4. Paned glass with mullions on the exterior of the glass. 5. Glass covered with patterns (e.g., dots, stripes, images, abstract patterns, lettering). Such patterns may be etched, fritted, stenciled, silk- screened, applied to the glass on films or decals, or another method of permanently incorporating the patterns into or onto the glass. Elements of the patterns must be at least one-eighth (1/8) inch tall and separated no more than two (2) inches vertically, at least one-quarter (1/4) inch wide and separated by no more than four (4) inches horizontally, or both (the “two-by-four rule”). 6. Ultraviolet (UV)-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film that is permanently applied to the glass. Where patterns are used, they shall meet the two-by-four rule. 7. Other glazing treatments providing an</p>	

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
C112-2	<p>equivalent level of bird safety and approved by the Planning Director as part of building plan review.</p> <p>(2) Will the buildings use water conserving faucets, showers and flush toilets? Water conservation is an important consideration for water usage by these building occupants.</p> <p>(3) Will these building be all - electric in agreement with Albany's initiatives?</p> <p>(4) Will the buildings comply with "Green Building Codes" and to what extent?</p>	<p>As described in Chapter 5.9, Hydrology and Water Quality, UC Berkeley is committed to incorporating low-impact development (LID) strategies and green infrastructure throughout its properties to reduce the impacts of impervious surfaces, enhance ecology, improve water quality, and reduce runoff. Some of the LID strategies that UC Berkeley has implemented are listed on page 5.9-14 of the Draft EIR. Also, as stated on page 5.17-10 of the Draft EIR. Implementation of UC Berkeley water conservation programs have resulted in a net decrease in water consumption of 36 percent over the last 13 years, even with expanded development and an increase in the number of students and faculty. Key conservation efforts include installing interior retrofits with water efficient fixtures, such as low flow shower heads, toilets, and urinals, amongst others. Both housing projects, and future projects under the LRDP Update would also use LID treatments.</p> <p>As described in the Draft EIR, see pages 3-8 and 3-9, no projects that would come under the LRDP Update would occur in the City of Albany. Please see Master Response 7, EIR Study Area. Further, UC Berkeley is constitutionally exempt from the City of Albany's initiatives. Please see Master Response 2, Constitutional Exemption from Local Regulations.</p> <p>UC Berkeley is not exempt from State law and will comply with California Green Building Standards Code (California Code of Regulations Title 24, Part 11, known as CALGreen). The requirements of CALGreen, as they relate to different environmental topics, is described throughout the Draft EIR in the regulatory framework section.</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
D. Comments Read at the Public Hearing		
D1	Wende Williams Micco, March 8, 2021	
D1-1	Yes, do it! Build sound new housing with smart landscaping and safe lighting! Erase People’s Park!	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
D2	Bryan Wilson, March 11, 2021	
D2-1	<p>I am proud UC Berkeley graduate, as are my wife and son, and my daughter will be starting the MBA program in the fall.</p> <p>I am intimately familiar with the situation at People’s Park from my time in Berkeley, and my son lived a block away from People’s Park for part of his time in Berkeley. I understand and respect the historical significance. On the other hand, it has become a rundown and dangerous place that is underutilized by most people in the community. The proposed plan thoughtfully takes into account the city’s and University’s past, present, and future needs. It is a far better proposal than any others I have seen in the forty years that I’ve following these issues.</p> <p>Opposition to the plan will be vocal and aggressive, but they are in the extreme minority and they are not considering the broader public good. They make legitimate points but these are taken into account in the plan as effectively as possible. I strongly support the University’s plan.</p> <p>I consent to UC Berkeley reading these comments aloud as part of the public hearing.</p>	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
D3	Aidan Hill, March 23, 20221	
D3-1	<p>I, Aidan Hill, grant UC Berkeley permission to read my comment during the public hearing:</p> <p>I am a current UC Berkeley student, a Southside resident living one block from People’s Park, and a former Vice-Chair of the city’s Homeless Commission. The distinct mission of the University is to serve society as a center of higher learning providing the long-term benefits of advanced knowledge and research through acts of public service in accordance with its educational purposes. Taking “No Action” on Housing Project #2 represents the optimal long-term use of land and capital for the UC Berkeley campus as a whole.</p> <p>The UC Berkeley Physical Design Framework (2009) notes that open spaces provide an important resource for relaxation, recreation, and interaction with the environment. People’s Park is an existing open space with intelligent synergy as a historic neighborhood resource built by community-driven development. The park holds significant cultural relevance with unrestricted access to its historic free speech stage, community gardens, and public art installations. It has a relatively flat topography incorporating grassy open areas with no fencing, barriers, or other features that would control pedestrian movement into and through the park.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
D3-2	<p>Approval of Housing Project #2 will physically divide an established community and cause permanent adverse environmental effects by removing basketball courts, community gardens, access to a permanent public restroom, and a significant number of trees. Construction will significantly accelerate adverse health and environmental effects by contaminating groundwater and increasing air pollutant emissions leading to respiratory disease, asthma attacks, high blood pressure, and premature death. By taking no action on Housing Project #2, UC Berkeley will acknowledge the increasing effects of climate change on the</p>	<p>The commenter incorrectly asserts that the project would physically divide a community. The potential for Housing Project #2 to physically divide an established community is evaluated under impact discussion LU-1 in Chapter 5.10, Land Use and Planning, of the Draft EIR. As described on page 5.10-10 of the Draft EIR, development of proposed project would occur within an urbanized area. Developing a new building on the project site that retains publicly accessible open space would not introduce a new physical barrier that would impede travel throughout the project site vicinity.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	environment. It will also maximize existing land and financial resources towards a diverse and accessible extracurricular, instructional, and research space in Berkeley's Southside Neighborhood.	<p>Housing Project #2's effects to open space supply are addressed under impact discussion REC-1 on page 5.14-10 in Chapter 5.14, Parks and Recreation, of the Draft EIR. Consistent with CEQA Guidelines, the Draft EIR evaluates whether the proposed project would result in significant physical impacts to the environment associated with the creation, physical alteration, provision, expansion, or use of parks and recreational facilities. The effects cited by the commenter (removal of basketball courts, community gardens, and access to a permanent public restroom) do not constitute a significant impact under CEQA. As described on page 5.14-10 of the Draft EIR, since Housing Project #2 would provide recreational facilities for its residents and continue to provide open space for the public, and additional demands generated by residents and/or employees of Housing Project #2 would be absorbed by UC Berkeley's recreational facilities throughout the EIR Study Area, the project would not result in a significant impact associated with parks and recreational facilities.</p> <p>The potential impacts associated with tree removal for Housing Project #2 are evaluated under impact discussion BIO-5 in Chapter 5.3, Biological Resources, of the Draft EIR. As described on page 5.3-36 of the Draft EIR, existing trees would be removed and replaced in compliance with the UC Berkeley Campus Specimen Tree Program, as applicable. As described on page 5.3-27 of the Draft EIR, the Housing Project #2 site does not contain any special-status plant or animal species. Therefore, tree removal would not constitute a significant impact.</p> <p>Impact discussion AIR-3 in Chapter 5.3, Air Quality, of the draft EIR evaluates the potential for the construction of Housing Project #2 to create health risks associated with air pollutants. As described on pages 5.2-69 to page 5.2-71 of the Draft EIR, with mitigation, cancer risks would be below significance thresholds. The text of impact</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

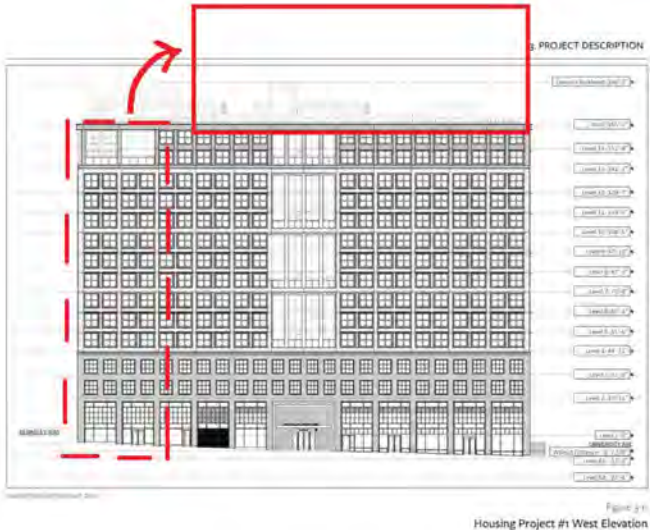
Letter/ Comment #	Comment	Response
D4	Alfred Twu, March 18, 2021	discussion AIR-3 has been revised, as shown in Chapter 3, Revisions to the Draft EIR, of this Final EIR, to make this discussion clearer.
D4-1	Please consider avoiding demolition of the 1921 Walnut Street building, while maintaining the same or greater number of dorm beds, by making Housing Project #1 taller.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
		
D5	Bert Weinstein, March 22, 2021	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
D5-1	My two cents for what it's worth. There is no historical or cultural sanctity about the people's park. It is property of Cal and should be used for university purposes, not dictated by other constituents of Berkeley. It certainly should not have housing for homeless people. That would present health and safety concerns for students and present significant legal liabilities to the university.	

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
D6	Jordan Klein, Director, City of Berkeley Planning and Development Department, March 10, 2021	
D6-1	<p>On behalf of the City of Berkeley, I am writing to request additional time for public comment on the UC Berkeley Long Range Development Plan and Housing Projects #1 and #2 Draft Environmental Impact Report. This document was posted on-line March 8, and public comments are currently due on April 21, 2021. The California Environmental Quality Act (“CEQA”) requires a thorough assessment of the environmental impacts of the Project, which in this instance is actually three projects: the LRDP Update, Housing Project #1 (16 story, approximately 770 bed Anchor House), and Housing Project #2 (17-story, approximately 1,330 bed People’s Park). City of Berkeley Staff and residents are carefully reviewing the Project and plan to comment on the potential environmental impacts. However, given the voluminous, 957 page document (plus 3,541 page appendix), additional time is required to enable adequate public comment on the DEIR.</p> <p>In addition, the COVID-19 pandemic had long-term effects on the community that are making it more difficult for Berkeley Staff and residents to complete its review of the DEIR within the allotted public comment period. State mandates restrict gatherings for face-to-face discussions with Project neighbors and with other local concerned citizens, and the ongoing public health emergency complicates efforts to consult with experts better equipped to evaluate the Project’s many technical aspects.</p> <p>Informed decision-making and informed public participation are fundamental purposes of the CEQA process. (See <i>Union of Med. Marijuana Patients, Inc. v City of San Diego</i> (2019) 7 Cal. 5th 1171, 1184-1185; <i>California Bldg. Indus. Ass’n v Bay Area Air Quality Mgmt. Dist.</i> (2015) 62 Cal. 4th 369, 381; <i>Laurel Heights Improvement Assn. v. Regents of University of California</i> (1988) 47 Cal.3d 376, 404.) The public must have a meaningful opportunity to comment on a draft EIR. (See <i>Laurel Heights Improvement Assn. v. Regents of University of California</i> (1993) 6 Cal.4th</p>	<p>Please see Response A3-2 regarding the extension of the CEQA-required public review periods, as well as Master Response 3, COVID-19.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>1112, 1120, 1129.) Here, in light of the aforementioned community challenges, the review period should be extended to allow adequate time for informed public participation.</p> <p>We therefore request that the University of California extend the deadline for the public comment period from April 21, 2021 to May 21, 2021. We request your response to this extension request as soon as reasonably feasible. Thank you for your consideration.</p>	
D7	Anonymous, March 10, 2021	
D7-1	<p>People’s park is currently a homeless encampment, a health hazard and a source of crime which is a danger to the students and other residents. I support any efforts to clean up the park and to build badly needed student housing. I do question mixing homeless housing with student housing. If that aspect is to continue the homeless who live there should be vetted so that they do not pose a danger to the students.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
D8	Charles Siegel, March 26, 2021	
D8-1	<p>You have my permission to read these comments at the March 29 public hearing. 299 Words.</p> <p>Though UC’s Long Range Development Plan will generate a huge amount of traffic, that traffic is not a significant impact as defined by SB743. Yet it is clear to those of us who have looked at past EIRs that this added traffic would cause gridlock at peak hours at a number of intersections in downtown Berkeley.</p> <p>Transportation Demand Management (TDM) could mitigate this problem. The most effective would be commute allowances: charge more for parking, give commuters an extra cash allowance to pay for the higher parking cost, and let them keep the cash if they do not drive, to</p>	<p>The commenter expresses an opinion that the LRDP Update would generate additional traffic and result in congestion in Downtown Berkeley. As noted in the comment, the Draft EIR does not address the traffic impacts of the project because traffic congestion or measures of vehicular capacity or delay may no longer be used as thresholds of significance in CEQA documents. The commenter’s observations are noted.</p> <p>The comment also incorrectly states that the Draft EIR does not include enhancements to the existing TDM program at UC Berkeley. As described on page 3-16 of the Draft EIR, the LRDP Update would improve on the existing TDM strategies to reduce the drive-alone mode-share to UC Berkeley; however, the specific enhancements that</p>

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>give them a financial incentive to carpool or shift to other modes. Yet UC is planning to keep its current TDM measures but not to add any new ones.</p> <p>Though it is not required by law, UC could mitigate congestion if it chose to. Environmental law has also changed so developers do not have to consider the impact on parking; but UC will provide enough parking for all the projected new commuters. Yet they apparently are oblivious to the fact that commuters will have a miserable time crawling through gridlocked traffic and will miss appointments and classes because of unpredictable travel times.</p> <p>Even if UC does not care about their plan's impact on the state's efforts to control global warming, even if you do not care about its impact on the safety of Berkeley's pedestrians and bicyclists (including your own students), even if you care only about the automobile commuters you are diligently providing parking for, you should have enough sense to realize that those automobile commuters will be miserable unless you do something to reduce congestion.</p> <p>You are not required by law to reduce traffic. But you must reduce traffic if you want the transportation system to work.</p>	<p>would be implemented are not known at this time. In addition, Mitigation Measure TRAN-1 commits UC Berkeley to enhancing the TDM program or implementing other measures in order the meet UC Berkeley's commute mode share goals. Please also see, Master Response 18, Alternatives regarding the need for additional TDM measures.</p>
D9	Lisa Teague, March 29, 2021	
D9-1	<p>I, Lisa Teague, request and grant permission for this to be read and included in the record of public comments on the 2021 LRDP environmental review.</p> <p>"In 1969, Frank Bardacke, a co-founder and defender of People's Park wrote this call for defending the Park. It is important that it be heard again, nearly 52 years later, because the University is still trying to develop this precious and historic green space.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>"Someday a petty official will appear with a piece of paper, called a land title, which states that the University of California owns the land of the People's Park. Where did that piece of paper come from? What is it worth?</p>	
	<p>A long time ago the Costanoan Indians lived in the area now called Berkeley. They had no concept of land ownership. They believed that the land was under the care and guardianship of the people who used it and lived on it.</p>	
	<p>Catholic missionaries took the land away from the Indians. No agreements were made. No papers were signed. They ripped it off in the name of God.</p>	
	<p>The Mexican Government took the land away from the Church. The Mexican government had guns and an army. God's word was not as strong.</p>	
	<p>The Mexican Government wanted to pretend that it was not the army that guaranteed them the land. They drew up some papers which said they legally owned it. No Indians signed those papers. The Americans were not fooled by the papers. They had a stronger army than the Mexicans. They beat them in a war and took the land. Then they wrote some papers of their own and forced the Mexicans to sign them.</p>	
	<p>The American Government sold the land to some white settlers. The Government gave the settlers a piece of paper called a land title in exchange for some money. All this time there were still some Indians around who claimed the land. The American army killed most of them.</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>The piece of paper saying who owned the land was passed around among rich white men.</p> <p>Sometimes the white men were interested in taking care of the land. Usually they were just interested in making money. Finally some very rich men, who run the University of California, bought the land.</p> <p>Immediately these men destroyed the houses that had been built on the land. The land went the way of so much other land in America—it became a parking lot.</p> <p>We are building a park on the land. We will take care of it and guard it, in the spirit of the Costanoan Indians. When the University comes with its land title we will tell them: “Your land title is covered with blood. We won’t touch it. Your people ripped off the land from the Indians a long time ago. If you want it back now, you will have to fight for it again.”</p>	
D10	Natalie Logusch, March 29, 2021	
D10-1	<p>Below is my comment for the Public Hearing for the LRDP Draft EIR to be read aloud tonight.</p> <p>I grant UC Berkeley permission to read my comment during the public hearing.</p> <p>Please confirm you received this.</p> <p>I am a tenant at 1921 Walnut St., a 112-year-old rent-controlled apartment building housing several long-term tenants. The current plans for Housing Project #1 include evicting the existing tenants and demolishing 1921 Walnut St. The Draft EIR omits vital information about the impact of this plan for the following reasons:</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please also see Master Response 14, Displacement.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>1) The LRDP Draft EIR ignores community input. The Berkeley community (including Berkeley Mayor Arreguin, Berkeley City Council, Berkeley Rent Stabilization Board, ASUC, countless community members) denounce any plans to evict tenants at 1921 Walnut St and demolish the building. The Draft EIR does not account for the perspective of people actually living in the community.</p> <p>2) Housing Project #1 will have devastating effects on the individual tenants living at 1921 Walnut St. as well as persons in general in Berkeley/the Bay Area because affordable units will be permanently removed from housing stock, during a statewide housing crisis. All new housing proposed by Housing Project #1 is student only, thereby decreasing housing stock for non-student populations.</p> <p>3) These impacts directly conflict with California statewide and Berkeley City local initiatives and laws that preserve and protect existing affordable housing stock. UC should not be evicting long-term / rent-controlled tenants and permanently destroying affordable housing stock.</p> <p>4) The original plan for the Gateway Site did not include the parcel of land at 1921 Walnut St., thus proving there is no need to evict tenants or demolish 1921 Walnut St. in order to build student housing on the remainder of the block. In addition, UC has several other sites throughout Berkeley where student housing can be built without displacing long-term and rent-controlled tenants.</p> <p>I urge you to halt all plans to evict the tenants at 1921 Walnut St. and to rewrite any plans that include demolishing 1921 Walnut St.</p>	
D11	Isis Feral, March 29, 2021	
D11-1	Below please find my comments for tonight's public hearing on the DEIR for the LRDP Update and Housing Projects.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>They are under 300 words, and I request and grant permission that they be read aloud during the public hearing. Please confirm receipt. Thank you.</p>	<p>of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
	<p>These projects are opposed by local residents, already with legal challenges on behalf of People’s Park Council and Hills Conservation Network. The latter is challenging another DEIR specific to Hill Campus, which UC is targeting in multiple EIRs.</p>	<p>The commenter incorrectly describes how a program-level EIR is applied. This is described in Chapter 1, Introduction, of the Draft EIR. Please see Response C67-2 and Master Response 4, Programmatic Analysis.</p>
	<p>UC refuses to let environmental laws get in the way of killing every tree in its path of expansion:</p>	
	<p>Hill Campus was among several agencies’ projects reviewed in FEMA’s East Bay Hills EIS, which together would have destroyed half a million trees on thousands of acres on university, park district, and Oakland land. UC attempted to appropriate public emergency funds for this same development scheme proposed here, but was stopped in court, as was the addendum to the previous LRDP EIR with which UC tried to sneak the project past CEQA. But not before UC illegally clearcut Frowning Ridge before the completion of the FEMA EIS.</p>	
	<p>I especially oppose making this EIR programmatic, a maneuver to avoid CEQA compliance and public involvement on unspecified future projects, which would further encroachment of UC facilities on unwilling communities. Future projects must produce their own EIR, and include public input!</p>	
D11-2	<p>I oppose increasing university population, which violates City of Berkeley agreements. It burdens local infrastructure, displaces long-term residents, with even UC students homeless, neglected by an overpriced, overcrowded public university. This proposal is not an effort to find solutions for existing housing problems, but to expand and bring in more</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>students, further compounding the problem.</p> <p>Attempts to develop People’s Park would certainly be met with resistance, like all previous attempts over the last five decades. Those killed and injured defending our public commons, are not properly honored by symbolic memorials, but require People’s Park once and for all be declared a protected historical landmark that belongs to the community, not the university.</p>	<p>Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
D12	Ivar Diehl, March 29, 2021	
D12-1	<p>My name is Ivar Diehl and I grant UC Berkeley permission to read my comment during the public hearing.</p> <p>The UC system and UC Berkeley must prioritize student safety. The neglect of earthquake proofing existing historic buildings which has persisted for decades has resulted in a backlog in excess of 70 dangerous structures. The campus sits directly on the Hayward fault which is considered overdue for a large quake according to UC Berkeley’s own seismologists and the general consensus in the field. If UC and Capital Strategies continue this criminal disinvestment in student, faculty and staff safety it is no exaggeration to say that blood will be on the hands of those making these unwise budget decisions. Before UC is allowed to build new stuff they must be held to account and make serious inroads into retrofitting the top most dangerous structures before lives are lost. The Hayward fault could strike at ANY MOMENT.</p>	<p>This comment expresses an opinion about existing conditions and past events, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Impacts associated with these seismic events are included in Chapter 5.6, Geology and Soils, of the Draft EIR.</p>
D12-2	<p>Due to the violation of the previous UC LRDP, the student enrollment has exceeded the agreement by at least 10k. To provide real relief of this housing crisis, much more housing than what is buildable on the 2.8 acres of People’s Park (building proposal #1) is required. Due to historical status of People’s Park as a city landmark, the site is inappropriate for this structure, which will also shade and dwarf 3 architectural treasures.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
D12-3	<p>The place to develop is at Clark Kerr campus, which is a 100+ acre site and is very near the main campus.</p> <p>Gill tract and Oxford tract were donated for the express purpose of agricultural study, increasingly important in view of climate change.</p> <p>Oxford tract is a vitally important site as a conduit for residents entering horticultural professions in the area, maintaining human and ecological integrity.</p> <p>Do the sensible and sensitive thing: Build at Clark Kerr!</p>	<p>Please also see Response B3-3 regarding shade not being a CEQA topic of concern and Master Response 8, Population Estimates and Enrollment Planning.</p> <p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
D13	Maxina Ventura, East Bay Pesticide Alert, March 29, 2021	
D13-1	<p>East Bay Pesticide Alert has submitted extensive, detailed comments in the past as part of this public process. We invoke those detailed comments again, and note that in past parts of this process the public's actual comments were withheld, only briefly summarized by representatives of UC so that those trying to access full notes were denied unless they knew how to contact individuals or groups which submitted comments.</p> <p>We note. UC creating addenda such as with the Levine-Fricke softball field part of the EIR process, seeming to try to hide the fact that they plan to down mature redwoods in order to make luxury viewing boxes. UC also has ravaged the mature Eucalyptus near there, releasing sequestered carbon. Xenophobia leading to climate change.</p> <p>UC deception has been in every part of the LRDP process and the Hill Campus and People's Park plans, but we won't have it.</p> <p>You suppress the truth enough and it has to come out and UC's deceptive practices in deforesting and pesticing are being understood</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR		
Letter/ Comment #	Comment	Response
	<p>by more and more, as is the fact that the plans for People’s Park never have been about housing. Ever.</p> <p>This EIR reveals that, UC not only plans to decimate most trees directly in People’s Park, but uses its tricky legal language meant to assuage concerns by saying it will “try” to save trees by replanting, even a massive redwood, which will lead to many, or most, dying, but all UC cares about is looking like it cares. That’s UC/Capital Strategies’ smoke and mirrors.</p>	
D13-2	<p>Just a week ago, a Berkeley Rent Board member said there is no lack of vacant housing in Berkeley, but a lack of HONESTLY affordable housing, and UC is to blame as it charges above-market-rate for inferior housing.</p> <p>UC’s says: So Sue Us! Wasting more student and taxpayer money.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
D14	Laurel Halvorson, March 29, 2021	
D14-1	<p>I grant UC Berkeley permission to read my comment during the public hearing. My name is Laurel Halvorson and I am in stark opposition to the inclusion of project #1 and #2 to the draft LRDP.</p> <p>The LRDP does not adequately assess the impacts on Population and Housing for Housing Project #1 due to decrease of overall affordable housing stock within the city of Berkeley and the stark ignorance of input of people living in the local community.</p>	<p>The loss of the existing rent-controlled housing units on the Housing Project #1 site are evaluated in the Draft EIR under impact discussion POP-2. The commenter asserts that this evaluation is not adequate, but the commenter provides no substantial evidence to support their assertion. The commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no further response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters.</p>
D14-2	<p>The draft LRDP and EIR does not adequately assess the impacts on Population and Housing due to the insufficient collaboration with local communities and unhoused people who would be displaced due to</p>	<p>The commenter asserts that the findings in the Draft EIR regarding population and housing and cultural resources are inadequate due to insufficient public outreach. The commenter provides no substantial evidence to support their assertions. The commenter does not state a</p>

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	project #2. The local cultural impact of housing project #2 is inadequately assessed under the LRDP and EIR.	specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. UC Berkeley has complied with all noticing and scoping requirements of the CEQA process for this EIR. In compliance with CEQA Section 21080.4, UC Berkeley circulated a Notice of Preparation (NOP) of an EIR for the proposed project to the Office of Planning and Research State Clearinghouse and interested agencies and persons on April 7, 2020, for a 39-day review period. A virtual public Scoping Meeting was held on April 27, 2020. The Draft EIR was be available for review by the public and interested parties, agencies, and organizations for a 45-day comment period starting March 8, 2021, and ending April 21, 2021. During the comment period, an online public hearing was and the public was invited to provide comments at this hearing or provide written comments via mail or email.
D14-3	At ALL “public comment” or open house opportunities for community engagement there was no alternative presented for no development. Alternative A under the LRDP draft should have been presented to the public before moving forward for project approvals. You should be ashamed of yourselves for prioritizing these two properties of development. Unaffordable, and violent developments do NOTHING to solve a UC-created housing crisis.	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.
D15	Michelle Yiu, March 29, 2021	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for
D15-1	I, Michelle Yiu, grant UC Berkeley permission to read my comment during the public hearing. I, as a current UC Berkeley student living on Southside near People’s Park, condemn the building of Housing Project #2 on People’s Park. For	This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
	<p>more than 50 years, People’s Park has been a lively communal space where Berkeley residents and students come together to build community, relationships, get needed resources, and work on environmental preservation through events such as weekly gardening parties, concerts, People’s Park Committee meetings, movie nights, cookouts, and more. The uprooting of this communal space would devastate the many residents who call the Park home, destroy one of the last remaining green spaces in Berkeley, erase decades of rich cultural, political, and social history, and cause permanent environmental consequences.</p> <p>Moreover, the University is not transparent regarding its construction plans. The proposed affordable and supportive housing in Housing Project #2 that will be overseen by RCD cannot ensure that People’s Park residents will be provided housing once displaced during construction. Firstly, RCD may not even have the funds to build supportive and affordable housing units as there is no current grant secured for the project. Most likely, the unhoused community will be unable to access the units due to insufficient income to pay rent and likely ineligibility for the units as it is still unclear who RCD will provide housing for. Finally, by transferring all accountability of the supportive housing to RCD means the University is not taking any responsibility for ensuring safety of those displaced from People’s Park. If the University truly cares about those that will be displaced, the University should use its monetary funds to ensure first that RCD can build the supportive housing and second that the housing built will be for those displaced from the Park.</p>	<p>Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p> <p>Please also see Master Response 14, Displacement.</p>
<p>D16</p>	<p>Moni Law, March 29, 2021</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The</p>
<p>D16-1</p>	<p>YES: Please read my comment below aloud at the meeting this evening. Thank you for the follow up (sorry this didn’t attach below somehow...)</p> <p>Greetings:</p>	

TABLE 5-14 **RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR**

Letter/ Comment #	Comment	Response
	<p>I am a Cal alum urging you to reject the proposal to “demolish and reconfigure” People’s Park. I’m a lifetime member of the Cal Alumni Association, former ASUC Senator, and member of the Order of the Golden Bear, Berkeley Breakfast Club, NAACP Berkeley Chapter, and Chair of the Berkeley Community Safety Coalition. I’ve read the 100 page report and some of the remaining 874 pages of attached charts and studies. Clearly there are alternatives to demolishing an irreplaceable historic resource. The UC has other identified opportunity sites to build upon without the significant adverse impacts present in this case. To demolish a historic treasure that also provides urgently needed green space would be an unconscionable act, a disservice to the university, the city and the world. The list of ‘mitigation’ proposals is inadequate. The conclusion that some construction activities would have ‘no impact’ is questionable. I’ve attended many community events in the park with a diverse group of people in attendance. I helped to build the stage that is there. I know people who have maintained the garden over the years. Please read the report of Harvey Smith and other historians and land preservationists.</p> <p>This is not the location to build student housing. Other sites can and should be selected and include enough units that are affordable to students receiving Pell Grants or grad students struggling on GSI stipends. I support my alma mater providing housing to students, many whom I mentor and advise. People’s Park elimination is not the solution to our housing crisis. Please build on the other 7 or 8 sites owned by and identified by the university as suitable for student/staff housing.</p> <p>The only green space left in the area, and a historic landmark that has worldwide significance is NOT the place to pave over. Save the Planet, Save the Park, and Save Students who need housing. You can do all three.</p>	<p>comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>

5. COMMENTS AND RESPONSES

TABLE 5-14 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Letter/ Comment #	Comment	Response
D17	Stephanie Thomas, March 29, 2021	
D17-1	<p>Please do not destroy this sacred Berkeley space. let us be creative and work w/ what is there.</p> <p>There are other places for housing at UC lands in Berkeley .</p> <p>UC is taking over our town</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR.</p>
D18	Genna Fudin, March 29, 2021	
D18-1	<p>I am speaking as a Berkeley resident who does not want university housing development to go on People’s Park! The park serves as the green lungs (the largest greenspace to an otherwise concrete-full area) of the South side of campus. If you are in support of environmental justice, which my understanding is that UC-Berkeley is, then there is absolutely no reason to even CONSIDER developing on such important green space to not just humans, but to overall ecosystem health as well. Developing on People’s Park will not secure housing for students and vulnerable populations. It is an act of gentrification that is harmful to the wellbeing of our urban lands and community.</p>	<p>This comment expresses an opinion about the proposed project but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Therefore, no response is required. Please see Master Response 1, Standards for Responses to Comments and Focus of Review of Commenters. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Final EIR for their consideration in reviewing the project and EIR. Please see Master Response 15, Gentrification.</p>

6. Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed UC Berkeley 2021 Long Range Development (LRDP Update) and Housing Projects #1 and #2, herein referred to as the “proposed project.” The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The mitigation measures in this MMRP shall be applied to all future development under the 2021 LRDP, and to Housing Projects #1 and #2, where applicable for each project component. This MMRP is divided into three sections for each project component. UC Berkeley must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

6.1 LONG RANGE DEVELOPMENT PLAN UPDATE MITIGATION MONITORING AND REPORTING PROGRAM

Table 6-1 contains the MMRP for the program-level LRDP Update component of the proposed project.

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
AESTHETICS					
<p>AES-3: In the event that UC Berkeley installs a solar array in the Hill Campus East, or elsewhere in the LRDP Planning Area, prior to the installation of the photovoltaic panels the Campus Architect shall review the panel specifications and construction plans so that the panels are designed and installed to ensure the following:</p> <ul style="list-style-type: none"> ▪ The angle at which panels are installed precludes, or minimizes to the maximum extent practicable, glare observed by viewers on the ground. ▪ The reflectivity of materials used shall not be greater than the reflectivity of standard materials used in residential and commercial developments. ▪ The project would not have potential significant glare or reflectivity impacts to viewers on the ground. 	Capital Projects and future project architects or contractors	Prior to installation of photovoltaic panels in the Hill Campus East	Campus Architect	Review panel specifications and construction plans	Once
AIR QUALITY					
AIR-1: Implement Mitigation Measure POP-1	<i>See Mitigation Measure POP-1 in the Population and Housing section below.</i>				
<p>AIR-2.1: UC Berkeley shall use equipment that meets the United States Environmental Protection Agency Tier 4 Final emissions standards or higher for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to UC Berkeley that such equipment is not commercially available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the city occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction and (ii) geographic proximity to the project site of Tier 4 Final equipment. Where such equipment is not commercially available, as demonstrated by the construction contractor, Tier 4 interim equipment shall be used. Where Tier 4 interim equipment is not commercially available, as demonstrated by the contractor, Tier 3 equipment retrofitted with a California Air Resources Board’s Level 3 Verified Diesel Emissions Control Strategy (VDECS) shall be used. The requirement to use</p>	Future project contractors	Prior to ground disturbance	Director of Campus Building Department	Review demolition and grading plans and confirm compliance during site inspections	Once for review of documents; during regularly scheduled site inspections for compliance verification

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<p>Tier 4 Final equipment or higher for engines over 50 horsepower shall be identified in construction bids and the following shall also be completed:</p> <ul style="list-style-type: none"> ▪ Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for United States Environmental Protection Agency Tier 4 Final or higher emissions standards for construction equipment over 50 horsepower. ▪ During construction, the construction contractor shall maintain a list of all operating equipment in use over 20 hours on the construction site for verification by UC Berkeley. ▪ The construction equipment list shall state the makes, models, and numbers of construction equipment on-site. ▪ To the extent that equipment is available and cost-effective, contractors shall use electric, hybrid, or alternate-fueled off-road construction equipment. ▪ Contractors shall use electric construction tools, such as saws, drills, and compressors, where grid electricity is available. ▪ Construction activities shall be prohibited when the Air Quality Index (AQI), as measured by the closest Bay Area Air Quality Management District monitoring station (e.g., Berkeley Aquatic Center), is greater than 150 for particulates and ozone in the project area. ▪ Contractors shall provide information on transit and ridesharing programs and services to construction employees. Additionally, meal options on-site and/or shuttles between the facility and nearby meal destinations for construction employees shall be provided. 					
<p>AIR-2.2: To reduce Reactive Organic Gas emissions, for interior architectural coatings, UC Berkeley shall utilize certified (e.g., Greenguard or Green Seal) low-Volatile Organic Compound (VOC) paints or, when feasible, no-VOC paints (i.e., less than 5 grams per liter of VOC). UC Berkeley shall verify that the requirement to use low-VOC (and/or no-VOC) paints is identified in construction bids and on architectural plans.</p>	Project contractors and maintenance crews	Prior to construction or, for maintenance activities, prior to purchasing	Director of Campus Building Department	Review construction bids and architectural plans	Once
<p>AIR-3.1: Construction projects subject to CEQA on sites one acre or greater, within 1,000 feet of residential and other sensitive land use projects (e.g., hospitals, schools, nursing homes, day care centers), as measured from the property line of the project to the property line of the source/edge of the sensitive land use, that utilize off-road equipment of 50 horsepower or more and, that occur for more than 12 months of active construction (i.e., exclusive of interior renovations), shall require preparation of a construction health risk assessment (HRA) prior to future discretionary project approval, as recommended in the current HRA Guidance Manual prepared by the California Office of Environmental Health Hazard Assessment (OEHHA). Additionally, UC Berkeley shall consider whether unusual circumstances warrant evaluation of construction health risk for projects with construction durations of less than 12 months or on development sites smaller than one acre. For example, unusual circumstances would include sites that require extensive site preparation</p>	Capital Projects	Prior to ground disturbance	Office of Environment, Health & Safety and Campus Building Department	Review and approve construction health risk assessment; confirm measures are included in bid documents, purchase orders, contracts, and	Once for review of documents; during regularly scheduled site inspections for compliance verification

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<p>with more than 10,000 cubic yards of excavation. The construction HRA shall generally be prepared in accordance with policies and procedures of the OEHHA and the Bay Area Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the construction HRA shows that the incremental cancer risk exceeds 10 in a million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the construction HRA shall be required to identify all feasible measures capable of reducing potential cancer and noncancer risks to an acceptable level to the extent feasible (i.e., below 10 in a million, a hazard index of 1.0, or 0.3 µg/m³ of PM_{2.5}), including appropriate enforcement mechanisms. Examples of feasible measures include use of U.S. Environmental Protection Agency rated Tier 4 construction equipment, diesel particulate filters, and electric equipment.</p> <p>The construction health risk assessment shall be submitted to UC Berkeley’s Office of Environment, Health & Safety for review and approval. Measures identified in the health risk assessment shall be included in bid documents, purchase orders, contracts, and grading plans prepared for the development projects. Compliance with these measures shall be verified during regular construction site inspections.</p>				grading plans; verify compliance with these measures during regular construction site inspections	
BIOLOGICAL RESOURCES					
<p>BIO-4: Structures and buildings that are new or are taller than existing structures and buildings shall be designed to minimize the potential risk of bird collisions. This should at a minimum include the following design considerations and management strategies: (1) avoid the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds; (2) limit reflectivity and prevent exterior glass from attracting birds in building plans by utilizing low-reflectivity glass and providing other non-attractive surface treatments; (3) use low-reflectivity glass or other bird safe glazing treatments for the majority of the building’s glass surface, not just the lower levels; (4) for office and commercial buildings, interior light “pollution” should be reduced during evening hours through the use of a lighting control system programmed to shut off during non-work hours and between 10 p.m. and sunrise; (5) exterior lighting should be directed downward and screened to minimize illuminating the exterior of the building at night, except as needed for safety and security; (6) untreated glass skyways or walkways, freestanding glass walls, and transparent building corners should be avoided; (7) transparent glass should not be allowed at the rooflines of buildings, including in conjunction with green roofs; and (8) all roof mechanical equipment should preferably be covered by low-profile angled roofing or other treatments so that obstacles to bird flight are minimized. These strategies shall be incorporated at the direction of the Campus</p>	Capital Projects and future project architects	Prior to construction	Campus Architect	Review architectural plans	Once

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
Architect during plan review, and the Campus Architect shall confirm the incorporation of these strategies into architectural plans prior to building construction. The Campus Architect shall incorporate additional strategies to avoid or reduce avian collisions that are indicated by the best available science.					
CULTURAL RESOURCES					
CUL-1.1a: If a project could cause a substantial adverse change in features that convey the significance of a historical resource that is designated or has been found eligible or potentially eligible for designation, or has not been evaluated but is more than 45 years of age, UC Berkeley shall engage the services of a professional meeting the Secretary of the Interior’s Professional Qualification Standards in Architectural History to complete a historic resource assessment, overseen by the UC Berkeley Office of Physical & Environmental Planning. The assessment shall provide background information on the history and development of the resource and, in particular, shall evaluate whether the resource appears to be eligible for National Register, California Register, or local landmark listing. The assessment shall also evaluate whether the proposed treatment of the historical resource is in conformance with the Secretary of the Interior’s Standards for Rehabilitation (the Standards). If the proposed project is found to not be in conformance with the Standards, this assessment shall include recommendations for how to modify the project design so as to bring it into conformance. The Campus Architect shall verify compliance with this measure prior to the initiation of any site or building demolition or construction activities.	Consulting architectural historian	Prior to ground disturbance	Campus Architect	Review historic resource assessment and verify compliance with recommendations	Once
CUL-1.1b: For projects that would cause a substantial adverse change in features that convey the significance of a historical resource that is designated or has been found eligible for designation, UC Berkeley shall have Historic American Building Survey Level II documentation completed for the historical resource and its setting. UC Berkeley shall submit digital copies of the documentation to an appropriate historical repository, including UC Berkeley’s Bancroft Library, UC Berkeley Environmental Design Archives, or the California Historical Resources Information System Northwest Information Center. This documentation shall include a historical narrative, photographs, and/or drawings: <ul style="list-style-type: none"> ▪ Historical Overview: A professional meeting the Secretary of the Interior’s Professional Qualification Standards in Architectural History or History shall assemble historical background information relevant to the historical resource. ▪ Photographs: Photo-documentation of the historical resource will be prepared to Historic American Building Survey standards for archival photography, prior to demolition. Historic American Building Survey standards require large-format black-and-white photography, with the original negatives having a minimum size of four inches by five inches. Digital photography, roll film, film packs, and electronic manipulation of 	Consulting architectural historian	Prior to ground disturbance	Campus Architect	Review documentation	Once

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<p>images are not acceptable. All film prints, a minimum of four inches by five inches, must be hand-processed according to the manufacturer's specifications and printed on fiber-base, single-weight paper and dried to a full gloss finish. A minimum of 12 photographs shall be taken, detailing the site, building exterior, building interior, and character-defining features. Photographs must be identified and labeled using Historic American Building Survey standards.</p> <p>Drawings: Existing historic drawings of the historical resource, if available, will be digitally scanned or photographed with large-format negatives. In the absence of existing drawings, full-measured drawings of the building's plan and exterior elevations shall be prepared prior to demolition.</p> <p>The Campus Architect shall verify compliance with this mitigation measure prior to the initiation of any site or building demolition or construction activities.</p>					
<p>CUL-1.1c: Based on Mitigation Measure CUL-1.1b, if any project could result in alteration of features of a historical resource that are character-defining or convey the significance of a resource, UC Berkeley shall give local historical societies or local architectural salvage companies the opportunity to salvage character-defining or significant features from the historical resource for public information or reuse in other locations. UC Berkeley shall contact local historical societies and architectural salvage companies and notify them of the available resources and make them available for removal. If, after 30 days, no organization is able and willing to salvage the significant materials, demolition can proceed. The Campus Architect shall verify compliance with this measure prior to the initiation of any demolition activities that could affect the resources.</p>	Capital Projects	Prior to demolition	Campus Architect	Confirm notification sent to historical societies and architectural salvage companies	Once
<p>CUL-1.1d: For projects that would result in demolition of historic resources, prior to demolition the Campus Architect shall determine which resources merit on-site interpretation, with consideration of available historic resource assessments and other relevant materials. For historic resources that will be demolished that the Campus Architect has determined to be culturally significant, UC Berkeley shall incorporate an exhibit or display of the resource and a description of its historical significance into a publicly accessible portion of any subsequent development on the site. The display shall be developed with the assistance of the Campus Architect and one or more professionals experienced in creating such historical exhibits or displays.</p>	Campus Architect	Prior to demolition	Capital Projects	Confirm exhibit or display	Once
<p>CUL-1.1e: Implement Mitigation Measure NOI-2.</p>	<i>See Mitigation Measure NOI-2 in the Noise section below.</i>				
<p>CUL-2: For construction projects that include substantial ground-disturbing activities (including, but not limited to, soil removal, parcel grading, new utility trenching, and foundation-related excavation), UC Berkeley shall implement the following steps to ensure impacts to archaeological resources will be less than significant.</p>	Project construction crews and	Prior to ground disturbance	Project Manager, Capital Projects and Office of Physical &	Confirm conformance	During regular site inspections

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> ▪ All Projects with Ground-Disturbing Activities. <ul style="list-style-type: none"> ▪ Prior to soil disturbance, UC Berkeley shall confirm that contractors have been notified of the procedures for the identification of federal- or State-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological resources or tribal cultural resources on site, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work. ▪ If a resource is discovered during construction (whether or not an archaeologist is present), the following measures shall be implemented: <ul style="list-style-type: none"> ▪ All soil disturbing work within 35 feet of the find shall cease. ▪ UC Berkeley shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project. ▪ Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. ▪ If the resource is a tribal cultural resource, the consulting archaeologist, approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission, shall consult with the appropriate tribe to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations. ▪ If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented. ▪ If the resource is a non-tribal resource determined significant under CEQA, a qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. ▪ The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources if appropriate. ▪ The report shall be submitted to the relevant city (if it falls under Berkeley or Oakland boundaries), California Historic Resources Information System Northwest Information Center, and the State Historic Preservation Office, if required. 	<p>qualified archaeologist</p>		<p>Environmental Planning</p>		

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> <li data-bbox="130 321 995 764"> <p>▪ Areas with High Archaeological Sensitivity. In addition to the requirements above for all construction projects with ground-disturbing activities, for projects in areas with moderately high to extreme archaeological sensitivity (as shown on the confidential Figure 11, Prehistoric Cultural Sensitivity Overlay Analysis Results, prepared for the 2021 LRDP Update EIR) ground-disturbing activities shall be monitored from the outset. Monitoring shall occur for soil removal, parcel grading, new utility trenching, and foundation-related excavation in those areas that extend into previously undisturbed soils. If the resources are tribal, archaeological monitoring must be undertaken by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission or the appropriate tribe, who is familiar with a wide range of prehistoric archaeological or tribal remains and is conversant in artifact identification, human and faunal bone, soil descriptions, and interpretation. Based on project-specific daily construction schedules, field conditions, and archaeological observations, full-time monitoring may not be warranted following initial observations.</p> <li data-bbox="130 773 995 1463"> <p>▪ Sites with Known Archaeological Resources. In the event the disturbance of a site with known archaeological or tribal cultural resources cannot be avoided, in addition to the requirements above for all construction projects with ground-disturbing activities, for project sites with known on-site archaeological or tribal cultural resources, the following additional actions shall be implemented prior to ground disturbance:</p> <ul style="list-style-type: none"> <li data-bbox="155 927 995 1097"> <p>▪ UC Berkeley, in consultation with the appropriate tribe, will retain a qualified archaeologist to conduct a subsurface investigation of the project site, and to ascertain the extent of the deposit of any buried archaeological materials relative to the project's area of potential effects. The archaeologist shall prepare a site record and, upon tribal approval, it shall be filed with the California Historical Resource Information System.</p> <li data-bbox="155 1105 995 1276"> <p>▪ If the resource extends into the project's area of potential effects, the resource shall be evaluated by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe. UC Berkeley shall consider this evaluation in determining whether the resource qualifies as a historical resource or a unique archaeological resource under the criteria of California Environmental Quality Act (CEQA) Guidelines Section 15064.5.</p> <li data-bbox="155 1284 995 1373"> <p>▪ If the resource does not qualify, no further mitigation is required unless there is a discovery of additional resources during construction (as required above for all construction projects with ground-disturbing activities).</p> <li data-bbox="155 1382 995 1463"> <p>▪ If a resource is determined to qualify as an historical resource or a unique archaeological resource in accordance with CEQA, UC Berkeley shall consult with the appropriate tribe (in the case of Native American sites) and a qualified</p> 					

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<p>archaeologist, approved by UC Berkeley in consultation with the appropriate tribe, to mitigate the effect through data recovery if appropriate to the resource or, if data recovery is infeasible, to consider means of avoiding or reducing ground disturbance within the site boundaries, including where and if feasible, minor modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or other means that would permit avoidance or substantial preservation in place of the resource. A written report of the results of investigations shall be prepared by a qualified archaeologist and, upon tribal approval, filed with the University Archives/ Bancroft Library and the California Historic Resources Information System Northwest Information Center.</p>					
<p>CUL-4: Implement Mitigation Measures CUL-1.1a through CUL-1.1e; CUL-1.2a and CUL-1.2b; CUL-1.3a and CUL-1.3b; CUL-1.4; and CUL-2.</p>	<p><i>Impact CUL-4 represents cumulative impacts. See Mitigation Measures CUL-1.1a through CUL-1.1e; CUL-1.2a and CUL-1.2b; CUL-1.3a and CUL-1.3b; CUL-1.4; and CUL-2 as listed above.</i></p>				
GEOLOGY AND SOILS					
<p>GEO-5: For ground-disturbing activities within highly sensitive geologic formations (i.e., Franciscan Assemblage, Great Valley Sequence, Orinda Formation, Claremont Chert, unnamed mudstone, or older alluvium, as shown on Figure 5.6-1, Geologic Map, of the 2021 LRDP Update EIR), if pre-construction testing does not take place, ground-disturbing activities shall implement the following measures. “Ground-disturbing activities” shall include soil removal, parcel grading, utility trenching, and foundation-related excavation in those areas that extend into previously undisturbed soils.</p>	<p>Project construction crews and qualified paleontologist</p>	<p>Prior to ground disturbance and during construction</p>	<p>Project Manager, Capital Projects and Office of Physical & Environmental Planning</p>	<p>Confirm conformance</p>	<p>During regularly scheduled site inspections</p>
<ul style="list-style-type: none"> ▪ UC Berkeley shall provide a paleontological resources awareness training program to all construction personnel active on the project site during earth moving activities. The first training will be provided prior to the initiation of ground-disturbing activities by a qualified paleontologist. The program will include relevant information regarding fossils and fossil-bearing formations that may be encountered. The training will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site. ▪ If any paleontological resources are encountered during ground-disturbing activities, the contractor shall ensure that activities in the immediate area of the find are halted and that UC Berkeley is informed. UC Berkeley shall retain a qualified paleontologist to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology, including development and implementation of a paleontological resource impact mitigation program by a qualified paleontologist for treatment of the particular resource, if applicable. These measures may include, but not be limited to the following: <ul style="list-style-type: none"> ▪ salvage of unearthed fossil remains and/or traces (e.g., tracks, trails, burrows); ▪ screen washing to recover small specimens; 					

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> ▪ preparation of salvaged fossils to a point of being ready for curation (e.g., removal of enclosing matrix, stabilization and repair of specimens, and construction of reinforced support cradles); and ▪ identification, cataloging, curation, and provision for repository storage of prepared fossil specimens. 					
GREENHOUSE GAS EMISSIONS					
<p>GHG-2: UC Berkeley shall make the following separate, though overlapping, greenhouse gas (GHG) emission reduction commitments (1) By 2036, UC Berkeley shall offset 67 percent of GHG emissions; and (2) By 2045 and thereafter, UC Berkeley shall achieve carbon neutrality (100 percent offset). Years 2036 and 2045 reduction targets are required to be achieved based on actual emission calculations completed in the future, as discussed below under “Measure Monitoring and Reporting,” and may therefore change over time.</p> <p><i>UC Sustainable Practices Policy.</i> UC Berkeley will purchase voluntary carbon credits as the final action to reach the GHG emission reduction targets outlined in the UC Sustainable Practices Policy. As part of the University Carbon Neutrality Initiative, internal guidelines have been developed to ensure that any use of credits for this purpose will result in additional, verified GHG emissions reductions from actions that align as much as possible with UC Berkeley’s research, teaching, and public service mission.</p> <p><i>Emissions Reduction Options.</i> UC Berkeley shall do one or more of the following options to reduce GHG emissions generated by the proposed LRDP Update to achieve the measure performance standards.</p> <ol style="list-style-type: none"> 1. Option 1: On-site GHG Reduction Actions. Implement on-site GHG reduction actions at UC Berkeley specified in the UC Sustainable Practices Policy and UC Berkeley sustainability plans, standards and policies. 2. Option 2: Voluntary and UC Developed Carbon Offsets. In addition to compliance offsets required by cap and trade, UC Berkeley may purchase GHG carbon offsets from a voluntary GHG carbon offset provider with an established protocol that requires projects generating GHG carbon offsets to demonstrate that the reduction of GHG emissions are real, permanent, quantifiable, verifiable, enforceable, and additional (per the definition in California Health and Safety Code Sections 38562(d)(1) and (2)). UC Berkeley may purchase GHG carbon offsets from UC developed voluntary carbon offset projects that are real, permanent, quantifiable, peer verifiable, enforceable, and additional. Definitions for these terms follow. 	Office of Sustainability & Carbon Solutions	According to timeline specified in mitigation measure	Office of Environment, Health & Safety	Confirm offsets and perform reporting requirements specified in mitigation measure	Annual

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<p>a. Real: Estimated GHG reductions should not be an artifact of incomplete or inaccurate emissions accounting. Methods for quantifying emission reductions should be conservative to avoid overstating a project’s effects. The effects of a project on GHG emissions must be comprehensively accounted for, including unintended effects (often referred to as “leakage”). To ensure that GHG reductions are real, CARB requires the reduction be a direct reduction within a confined project boundary.</p> <p>b. Additional: GHG reductions must be additional to any that would have occurred in the absence of the Climate Action Reserve, or of a market for GHG reductions generally. “Business as usual” reductions (i.e., those that would occur in the absence of a GHG reduction market) should not be eligible for registration.</p> <p>c. Permanent: To function as offsets to GHG emissions, GHG reductions must effectively be “permanent.” This means, in general, that any net reversal in GHG reductions used to offset emissions must be fully accounted for and compensated through the achievement of additional reductions.</p> <p>d. Quantifiable: The ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary, while accounting for uncertainty and activity-shifting leakage and market-shifting leakage.</p> <p>e. Verified: GHG reductions must result from activities that have been verified. Verification requires third-party (or peer review if UC-developed voluntary carbon offset projects) of monitoring data for a project to ensure the data are complete and accurate.</p> <p>f. Enforceable: The emission reductions from offset must be backed by a legal instrument or contract that defines exclusive ownership and can be enforced within the legal system in the country in which the offset project occurs or through other compulsory means. Please note that for this mitigation measure, only credits originating within the United States are allowed.</p>					

Mitigation Reporting. As a CARB-covered entity, UC Berkeley will ensure emissions generated by the cogeneration plant and other stationary sources comply with CARB’s Cap and Trade Program. Likewise, UC Berkeley will implement the UC Sustainable Practices Policy to meet the requirement of carbon neutrality for Scope 1 and 2 emissions by 2025 and carbon neutrality for Scope 3 emissions by 2045, as described above. These commitments will be incorporated into UC Berkeley’s annual GHG inventory, which is used to track GHG emissions and sources on the UC Berkeley campus. GHG reductions achieved by the on-site and off-site actions will be incorporated into the annual GHG inventory and

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
annual reporting practices established by the UC Sustainable Practices Policy. As part of this reporting, the estimated annual emissions shall then be compared to the measure performance standards (i.e., 67 percent reduction by 2036 and 100 percent by 2045) to determine the level of additional GHG reductions (if any) that may be required.					
NOISE					
NOI-1: For construction projects that last longer than 30 days, and where construction noise could exceed the applicable noise thresholds of significance (see City of Berkeley Municipal Code Section 13.40.070, Prohibited Acts, and City of Oakland Municipal Code Section 17.120.050(A), Noise (Residential Zone Noise Level Standards)) for maximum construction noise levels (dBA L _{max}), or that involve impulse equipment such as jackhammers, hoe rams, and pile driving, temporary noise barriers at least 12 feet high will be erected, as necessary and feasible, to reduce construction noise levels. Temporary noise barriers will be constructed with solid material with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the temporary noise barrier and may be lined on the construction side with an acoustical blanket, curtain, or equivalent absorptive material. UC Berkeley shall verify compliance with this measure prior to issuance of demolition, grading, and/or building permits.	Future project contractors	Prior to issuance of demolition, grading, and/or building permits	Capital Projects and Office of Environment, Health & Safety	Review construction schedules and inspect barriers	Once
NOI-2: If any vibration causing construction activities/equipment are anticipated to be used for future development projects, UC Berkeley shall implement the following steps to ensure impacts from vibration causing construction activities/equipment will be less than significant.	Future project contractors	Prior to ground disturbance	Capital Projects	Verify screening and construction activity/equipment	Regularly during all vibration-generating activities

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
---------------------	--------------------	-----------------------	------------------	-------------------	----------------------

- **Step 1 (Activity/Equipment Screening Distances):** UC Berkeley shall use the construction vibration screening standards shown below based on Federal Transit Administration criteria to determine if the construction activity/equipment is within the vibration screening distances that could cause building damage/human annoyance or sensitive equipment disturbance. If the construction activity/equipment is within the screening distance, then Step 2 (Alternative Methods/Equipment) shall be implemented.

Screening Distances to PPV in/sec Threshold: Building Damage			
Activity/Equipment	Reference Vibration Levels (in/sec PPV) at 25 feet	Screening Level Distance in feet for 0.20 in/sec PPV ^a	Screening Level Distance in feet for 0.12 in/sec PPV ^b
Pile Driving	1.518	97	136
Caisson Drilling	0.089	15	21
Vibratory Roller	0.21	26	37
Large Bulldozer	0.089	15	21

Screening Distance to VdB Threshold: Human Annoyance and Sensitive Equipment Disturbance			
Activity/Equipment	Reference Vibration Levels (VdB) at 25 feet	Screening Level Distance in feet for 72 VdB ^c	Screening Level Distance in feet for 65 VdB ^d
Pile Driving	112	520	890
Caisson Drilling	87	80	140
Vibratory Roller	94	140	240
Large Bulldozer	87	80	140

Notes: Peak Particle Velocity inches per second (PPV in/sec); Vibration Decibel (VdB).
 a. FTA Building Category III, Non-engineered timber and masonry buildings (residential).
 b. FTA Building Category IV, Buildings extremely susceptible to vibration damage (historic).
 c. FTA Land Use Category 2, Residences and buildings where people normally sleep.
 d. FTA Land Use Category 1, Buildings where vibration would interfere with interior operations.
 Source: Federal Transit Administration, 2018, Transit Noise and Vibration Impact Assessment.

- **Step 2 (Alternative Methods/Equipment):** When the anticipated vibration-causing construction activity/equipment is within the screening standards in Step 1 (Activity/Equipment Screening Distances), UC Berkeley shall consider whether alternative methods/equipment are available and shall verify that the alternative method/equipment is shown on the construction plans prior to the beginning of construction. Alternative methods/equipment may include, but are not limited to:
 - For pile driving, the use of caisson drilling (drill piles), vibratory pile drivers, oscillating or rotating pile installation methods, pile pressing, “silent” piling, and jetting or partial jetting of piles into place using a water injection at the tip of the pile shall be used, where feasible.
 - For paving, use of a static roller in lieu of a vibratory roller shall be implemented.
 - For grading and earthwork activities, off-road equipment shall be limited to 100 horsepower or less.

Where alternative methods/equipment to vibration causing activities/equipment are not feasible, then Step 3 (Construction Vibration Monitoring Program) shall be implemented.

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> ▪ Step 3 (Construction Vibration Monitoring Program): Prior to any project-related excavation, demolition or construction activity for projects within the screening distances listed in Step 1 (Activity/Equipment Screening Distances) and where alternative methods/equipment to vibration causing activities/equipment are not feasible pursuant to Step 2 (Alternative Methods/Equipment), UC Berkeley shall prepare a construction vibration monitoring program. The program shall be prepared and implemented by a qualified acoustical consultant or structural engineer. Where the vibration sensitive receptors are historic resources, the program shall be prepared and implemented by a structural engineer with a minimum of five years of experience in the rehabilitation and restoration of historic buildings and a historic preservation architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards. The program shall include the following: <ul style="list-style-type: none"> ▪ Prepare an existing conditions study to establish the baseline condition of the vibration sensitive resources in the form of written descriptions with a photo survey, elevation survey, and crack-monitoring survey for the vibration-sensitive building or structure. The photo survey shall include internal and external crack monitoring in the structure, settlement, and distress, and document the condition of the foundation, walls and other structural elements in the interior and exterior of the building or structure. Surveys will be performed prior to, in regular intervals during, and after completion of all vibration-generating activity. Where receptors are historic resources, the study shall describe the physical characteristics of the resources that convey their historic significance. ▪ Determine the number, type, and location of vibration sensors and establish a vibration velocity limit (as determined based on a detailed review of the proposed building), method (including locations and instrumentation) for monitoring vibrations during construction, and method for alerting responsible persons who have the authority to halt construction should limits be exceeded or damaged observed. ▪ Perform monitoring surveys prior to, in regular intervals during, and after completion of all vibration-generating activity and report any changes to existing conditions, including, but not limited to, expansion of existing cracks, new spalls, other exterior deterioration, or any problems with character-defining features of a historic resource are discovered. UC Berkeley shall establish the frequency of monitoring and reporting, based upon the recommendations of the qualified acoustical consultant or structural engineer or if there are historic buildings, the historic architect and structural engineer. Monitoring reports shall be submitted to UC Berkeley’s designated representative responsible for construction activities. 					

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> ▪ Develop a vibration monitoring and construction contingency plan, which shall identify where monitoring would be conducted, establish a vibration monitoring schedule, define structure-specific vibration limits, and require photo, elevation, and crack surveys to document conditions before and after demolition and construction activities. Construction contingencies would be identified for when vibration levels approach the limits. If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structure. ▪ Report substantial adverse impacts to vibration sensitive buildings including historic resources related to construction activities that are found during construction to UC Berkeley’s designated representative responsible for construction activities. UC Berkeley’s designated representative shall adhere to the monitoring team’s recommendations for corrective measures, including halting construction or using different methods, in situations where demolition, excavation/construction activities would imminently endanger historic resources. UC Berkeley’s designated representative would respond to any claims of damage by inspecting the affected property promptly, but in no case more than five working days after the claim was filed and received by UC Berkeley’s designated representative. Any new cracks or other damage to any of the identified properties will be compared to pre-construction conditions and a determination made as to whether the proposed project could have caused such damage. In the event that the project is demonstrated to have caused any damage, such damage would be repaired to the pre-existing condition. Site visit reports and documents associated with claims processing would be provided to the relevant government body with jurisdiction over the neighboring historic resource, as necessary. ▪ Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage and make appropriate repairs where damage has occurred as a result of construction activities. ▪ Prepare a construction vibration monitoring report that summarizes the results of all vibration monitoring and submit the report after the completion of each phase identified in the project construction schedule. The vibration monitoring report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims. The construction vibration monitoring report shall be submitted to UC Berkeley within two weeks upon completion of each phase identified in the project construction schedule. 					

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted in one or more locations at the construction site 					
NOI-3: Implement Mitigation Measure NOI-1.	<i>Impact NOI-3 represents cumulative impacts. See Mitigation Measure NOI-1 listed above.</i>				
POPULATION AND HOUSING					
POP-1: UC Berkeley shall, on an annual basis, provide a summary of LRDP enrollment and housing production data, including its LRDP enrollment projections and housing production projections, to the City of Berkeley and the Association of Bay Area Governments, for the purpose of ensuring that local and regional planning projections account for UC Berkeley-related population changes. UC Berkeley's Office of Physical & Environmental Planning shall verify compliance with this measure.	Senior Planner, Office of Physical & Environmental Planning	Annual	Campus Architect	Confirm transmittal of projections	Annual
POP-2: Prior to issuance of any permits for construction of projects that have the potential to displace existing residents or businesses, UC Berkeley shall comply with the UC Relocation Assistance Act Policy for Real Estate Acquisitions and Leases. UC Berkeley's Real Estate Office shall verify compliance with this measure.	Housing Development Project Manager and Capital Projects	Prior to issuance of construction permits	Real Estate Office	Confirm compliance with UC Relocation Assistance Act Policy	Once
TRANSPORTATION					
TRAN-1: UC Berkeley shall continue to survey the transportation practices of both students and employees at least once every 3 years and use the survey results to adjust the travel demand management programs, parking pricing, education and outreach, support for telecommuting, and other measures to achieve the vehicle mode share goals in the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan. To meet these goals as of 2020, UC Berkeley's single-occupant vehicle (SOV) targets are: <ul style="list-style-type: none"> 2025: Employees SOV rate of 36 percent, Student SOV rate of 5 percent 2050: Employee SOV rate of 36 percent, Employee and Student SOV rate of 13 percent UC Berkeley's Office of Physical & Environmental Planning shall verify compliance with this measure and may update these targets over time to ensure ongoing compliance with the UC Sustainable Practices Policy and the UC Berkeley Sustainability Plan.	Parking & Transportation	Every 3 years	Office of Physical & Environmental Planning	Confirm surveys	Every 3 years
TRAN-3: Prior to final exterior design approval of new buildings or structures that are 100 feet or more in height, the building or structure shall be analyzed for potential wind hazards at the pedestrian level in the public right-of-way around the project site. The wind hazards analysis shall be conducted by a qualified wind engineer using the final exterior plans. The analysis shall apply the industry-acceptable Lawson Criteria for pedestrian-level wind distress (safety) to identify locations where wind speeds may be hazardous to pedestrians	Capital Projects and qualified wind engineer	Prior to final exterior design approval	Office of Physical & Environmental Planning	Confirm wind analysis	Once

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
<p>in the public right-of-way around the project site. Where wind hazards are identified based on the final building or structure exterior designs, UC Berkeley, in consultation with the qualified wind engineer, shall identify feasible building or structure design refinements to reduce the hazardous wind effects to an acceptable level as determined by the qualified wind engineer using the Lawson Criteria. Feasible industry-standard wind reduction design refinements may include, but are not limited to, adjusted building setbacks, upper-floor building setbacks, terraces, rounded or redesigned building corners, screens, canopies, or landscaping. Following the identification of feasible design refinements by UC Berkeley in consultation with the qualified wind engineer, the qualified wind engineer shall provide evidence of acceptable (i.e., nonhazardous) wind effects with the incorporation of the feasible building or structure exterior design refinements. The results of the wind analysis and the feasible and effective design refinements to reduce wind hazards shall be submitted to the UC Berkeley project manager for review prior to final design approval.</p>					
TRAN-5: Implement Mitigation Measure TRAN-3.	<i>Impact TRAN-5 represents cumulative impacts. See Mitigation Measure TRAN-3 listed above.</i>				
TRIBAL CULTURAL RESOURCES					
TCR-1: Implement Mitigation Measure CUL-2	<i>See Mitigation Measure CUL-2 in the Cultural Resource section above.</i>				
WILDFIRE					
<p>WF-2a: Project sponsors for new UC Berkeley development within a Very High Fire Hazard Severity Zone shall prepare and implement a Wildfire Management Plan to prevent wildfires from construction and operation of new development. A Wildfire Management Plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> ▪ The objectives of the plan. ▪ Responsibilities of persons responsible for executing the plan. ▪ Location of applicable infrastructure covered under the plan. ▪ Plans for vegetation management, and incorporation of vegetation management strategies from the UC Berkeley’s Wildland Vegetative Fuel Management Plan. ▪ Plans for emergency access and evacuation that ensure adequate access to and throughout the site for emergency responders, and adequate egress from the site for evacuation events. ▪ A list that identifies, describes, and prioritizes all wildfire risks associated with the infrastructure. ▪ Plans for post-fire hazard mitigation, including for protection of areas downslope from debris slides. ▪ Plans for regular inspections of electrical infrastructure. 	Future project sponsors or contractors	Prior to issuance of construction permits for projects within a Very High Fire Hazard Severity Zone	Project Manager, Capital Projects and Campus Fire Marshal	Review plan	Once

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LONG RANGE DEVELOPMENT PLAN

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Party	Monitoring Action	Monitoring Frequency
The Wildfire Management Plan shall be submitted to the UC Berkeley project manager and the Campus Fire Marshal for review and approval prior to initiation of construction activities.					
WF-2b: Vegetation and wildland management activities shall comply with Public Resources Code Section 4442, which requires that engines that use hydrocarbon fuels be equipped with a spark arrester, and that these engines be maintained in effective working order to help prevent fire. These activities shall also comply with the Environmental Protection Measures in the UC Berkeley Wildland Vegetative Fuel Management Plan. UC Berkeley shall verify compliance with this measure for ongoing UC Berkeley vegetation management activities and for future development projects.	Campus Operations, Facilities Services	Ongoing	Director of Campus Operations, Facilities Services	Inspect equipment and review vegetation management plans	Ongoing
WF-3: Electrical lines associated with future electrical infrastructure shall be undergrounded, where feasible. UC Berkeley shall verify compliance with this measure as part of plan review prior to construction.	Future project contractors	Prior to project approval	Capital Projects and Campus Operations, Facilities Services	Review utility plans	Once
WF-4: Implement Mitigation Measure WF-2a.	<i>See Mitigation Measure WF-2a above.</i>				
WF-5: Implement Mitigation Measures WF-2a, WF-2b, WF-3, and WF-4.	<i>Impact WF-5 represents cumulative impacts. See Mitigation Measures WF-2a, WF-2b, WF-3, and WF-4 as listed above.</i>				

6.2 HOUSING PROJECT #1 MITIGATION MONITORING AND REPORTING PROGRAM

Table 6-2 contains the MMRP for the Housing Project #1 component of the proposed project.

TABLE 6-2 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #1

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
AIR QUALITY					
<p>AIR-3.2: Implement Mitigation Measure AIR-2.1.</p> <p>Mitigation Measure AIR-2.1: UC Berkeley shall use equipment that meets the United States Environmental Protection Agency Tier 4 Final emissions standards or higher for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to UC Berkeley that such equipment is not commercially available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the city occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction and (ii) geographic proximity to the project site of Tier 4 Final equipment. Where such equipment is not commercially available, as demonstrated by the construction contractor, Tier 4 interim equipment shall be used. Where Tier 4 interim equipment is not commercially available, as demonstrated by the contractor, Tier 3 equipment retrofitted with a California Air Resources Board’s Level 3 Verified Diesel Emissions Control Strategy (VDECS) shall be used. The requirement to use Tier 4 Final equipment or higher for engines over 50 horsepower shall be identified in construction bids and the following shall also be completed:</p> <ul style="list-style-type: none"> ▪ Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for United States Environmental Protection Agency Tier 4 Final or higher emissions standards for construction equipment over 50 horsepower. ▪ During construction, the construction contractor shall maintain a list of all operating equipment in use over 20 hours on the construction site for verification by UC Berkeley. ▪ The construction equipment list shall state the makes, models, and numbers of construction equipment on-site. ▪ To the extent that equipment is available and cost-effective, contractors shall use electric, hybrid, or alternate-fueled off-road construction equipment. ▪ Contractors shall use electric construction tools, such as saws, drills, and compressors, where grid electricity is available. 	Future Project contractors	Prior to ground disturbance	Director of Campus Building Department	Review demolition and grading plans and confirm compliance during site inspections	Once for review of documents; during regularly scheduled site inspections for compliance verification

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-2 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #1

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> Construction activities shall be prohibited when the Air Quality Index (AQI), as measured by the closest Bay Area Air Quality Management District monitoring station (e.g., Berkeley Aquatic Center), is greater than 150 for particulates and ozone in the project area. Contractors shall provide information on transit and ridesharing programs and services to construction employees. Additionally, meal options on-site and/or shuttles between the facility and nearby meal destinations for construction employees shall be provided. 					
BIOLOGICAL RESOURCES					
<p>BIO-4: Structures and buildings that are new or are taller than existing structures and buildings shall be designed to minimize the potential risk of bird collisions. This should at a minimum include the following design considerations and management strategies: (1) avoid the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds; (2) limit reflectivity and prevent exterior glass from attracting birds in building plans by utilizing low-reflectivity glass and providing other non-attractive surface treatments; (3) use low-reflectivity glass or other bird safe glazing treatments for the majority of the building’s glass surface, not just the lower levels; (4) for office and commercial buildings, interior light “pollution” should be reduced during evening hours through the use of a lighting control system programmed to shut off during non-work hours and between 10 p.m. and sunrise; (5) exterior lighting should be directed downward and screened to minimize illuminating the exterior of the building at night, except as needed for safety and security; (6) untreated glass skyways or walkways, freestanding glass walls, and transparent building corners should be avoided; (7) transparent glass should not be allowed at the rooflines of buildings, including in conjunction with green roofs; and (8) all roof mechanical equipment should preferably be covered by low-profile angled roofing or other treatments so that obstacles to bird flight are minimized. These strategies shall be incorporated at the direction of the Campus Architect during plan review, and the Campus Architect shall confirm the incorporation of these strategies into architectural plans prior to building construction. The Campus Architect shall incorporate additional strategies to avoid or reduce avian collisions that are indicated by the best available science.</p>	Capital Projects and future project architects	Prior to construction	Campus Architect	Review architectural plans	Once
CULTURAL RESOURCES					
<p>CUL-1.2a: Implement Mitigation Measure CUL-1.1b.</p> <p>Mitigation Measure CUL-1.1b: For projects that would cause a substantial adverse change in features that convey the significance of a historical resource that is designated or has been found eligible for designation, UC Berkeley shall have Historic American Building Survey Level II documentation completed for the historical resource and its setting. UC Berkeley shall submit digital copies of the documentation to an appropriate historical repository, including UC Berkeley’s Bancroft Library, UC Berkeley Environmental Design</p>	Consulting architectural historian	Prior to ground disturbance	Campus Architect	Review documentation	Once

TABLE 6-2 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #1

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<p>Archives, or the California Historical Resources Information System Northwest Information Center. This documentation shall include a historical narrative, photographs, and/or drawings:</p> <ul style="list-style-type: none"> ▪ Historical Overview: A professional meeting the Secretary of the Interior’s Professional Qualification Standards in Architectural History or History shall assemble historical background information relevant to the historical resource. ▪ Photographs: Photo-documentation of the historical resource will be prepared to Historic American Building Survey standards for archival photography, prior to demolition. Historic American Building Survey standards require large-format black-and-white photography, with the original negatives having a minimum size of four inches by five inches. Digital photography, roll film, film packs, and electronic manipulation of images are not acceptable. All film prints, a minimum of four inches by five inches, must be hand-processed according to the manufacturer’s specifications and printed on fiber-base, single-weight paper and dried to a full gloss finish. A minimum of 12 photographs shall be taken, detailing the site, building exterior, building interior, and character-defining features. Photographs must be identified and labeled using Historic American Building Survey standards. ▪ Drawings: Existing historic drawings of the historical resource, if available, will be digitally scanned or photographed with large-format negatives. In the absence of existing drawings, full-measured drawings of the building’s plan and exterior elevations shall be prepared prior to demolition. <p>The Campus Architect shall verify compliance with this mitigation measure prior to the initiation of any site or building demolition or construction activities.</p>					
<p>CUL-1.2b: Implement Mitigation Measure CUL-1.1d.</p> <p>Mitigation Measure CUL-1.1d: For projects that would result in demolition of historic resources, prior to demolition the Campus Architect shall determine which resources merit on-site interpretation, with consideration of available historic resource assessments and other relevant materials. For historic resources that will be demolished that the Campus Architect has determined to be culturally significant, UC Berkeley shall incorporate an exhibit or display of the resource and a description of its historical significance into a publicly accessible portion of any subsequent development on the site. The display shall be developed with the assistance of the Campus Architect and one or more professionals experienced in creating such historical exhibits or displays.</p>	Campus Architect	Prior to demolition	Capital Projects	Confirm exhibit or display	Once
<p>CUL-2: For construction projects that include substantial ground-disturbing activities (including, but not limited to, soil removal, parcel grading, new utility trenching, and foundation-related excavation), UC Berkeley shall implement the following steps to ensure impacts to archaeological resources will be less than significant.</p>	Project construction crews and	Prior to ground disturbance	Project Manager, Capital Projects and Office of Physical &	Confirm conformance	During regular site inspections

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-2 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #1

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> ▪ All Projects with Ground-Disturbing Activities. <ul style="list-style-type: none"> ▪ Prior to soil disturbance, UC Berkeley shall confirm that contractors have been notified of the procedures for the identification of federal- or State-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological resources or tribal cultural resources on site, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work. ▪ If a resource is discovered during construction (whether or not an archaeologist is present), the following measures shall be implemented: <ul style="list-style-type: none"> ▪ All soil disturbing work within 35 feet of the find shall cease. ▪ UC Berkeley shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project. ▪ Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. ▪ If the resource is a tribal cultural resource, the consulting archaeologist, approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission, shall consult with the appropriate tribe to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations. ▪ If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented. ▪ If the resource is a non-tribal resource determined significant under CEQA, a qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. ▪ The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources if appropriate. ▪ The report shall be submitted to the relevant city (if it falls under Berkeley or Oakland boundaries), California Historic Resources Information System Northwest Information Center, and the State Historic Preservation Office, if required. 	qualified archaeologist		Environmental Planning		

TABLE 6-2 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #1

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> <li data-bbox="128 321 995 764"> <p>▪ Areas with High Archaeological Sensitivity. In addition to the requirements above for all construction projects with ground-disturbing activities, for projects in areas with moderately high to extreme archaeological sensitivity (as shown on the confidential Figure 11, Prehistoric Cultural Sensitivity Overlay Analysis Results, prepared for the 2021 LRDP Update EIR) ground-disturbing activities shall be monitored from the outset. Monitoring shall occur for soil removal, parcel grading, new utility trenching, and foundation-related excavation in those areas that extend into previously undisturbed soils. If the resources are tribal, archaeological monitoring must be undertaken by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission or the appropriate tribe, who is familiar with a wide range of prehistoric archaeological or tribal remains and is conversant in artifact identification, human and faunal bone, soil descriptions, and interpretation. Based on project-specific daily construction schedules, field conditions, and archaeological observations, full-time monitoring may not be warranted following initial observations.</p> <li data-bbox="128 776 995 1463"> <p>▪ Sites with Known Archaeological Resources. In the event the disturbance of a site with known archaeological or tribal cultural resources cannot be avoided, in addition to the requirements above for all construction projects with ground-disturbing activities, for project sites with known on-site archaeological or tribal cultural resources, the following additional actions shall be implemented prior to ground disturbance:</p> <ul style="list-style-type: none"> <li data-bbox="155 927 995 1101"> <p>▪ UC Berkeley, in consultation with the appropriate tribe, will retain a qualified archaeologist to conduct a subsurface investigation of the project site, and to ascertain the extent of the deposit of any buried archaeological materials relative to the project's area of potential effects. The archaeologist shall prepare a site record and, upon tribal approval, it shall be filed with the California Historical Resource Information System.</p> <li data-bbox="155 1105 995 1279"> <p>▪ If the resource extends into the project's area of potential effects, the resource shall be evaluated by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe. UC Berkeley shall consider this evaluation in determining whether the resource qualifies as a historical resource or a unique archaeological resource under the criteria of California Environmental Quality Act (CEQA) Guidelines Section 15064.5.</p> <li data-bbox="155 1284 995 1377"> <p>▪ If the resource does not qualify, no further mitigation is required unless there is a discovery of additional resources during construction (as required above for all construction projects with ground-disturbing activities).</p> <li data-bbox="155 1382 995 1463"> <p>▪ If a resource is determined to qualify as an historical resource or a unique archaeological resource in accordance with CEQA, UC Berkeley shall consult with the appropriate tribe (in the case of Native American sites) and a qualified</p> 					

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-2 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #1

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
archaeologist, approved by UC Berkeley in consultation with the appropriate tribe, to mitigate the effect through data recovery if appropriate to the resource or, if data recovery is infeasible, to consider means of avoiding or reducing ground disturbance within the site boundaries, including where and if feasible, minor modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or other means that would permit avoidance or substantial preservation in place of the resource. A written report of the results of investigations shall be prepared by a qualified archaeologist and, upon tribal approval, filed with the University Archives/ Bancroft Library and the California Historic Resources Information System Northwest Information Center.					
CUL-4: Implement Mitigation Measures CUL-1.1a through CUL-1.1e; CUL-1.2a and CUL-1.2b; CUL-1.3a and CUL-1.3b; CUL-1.4; and CUL-2.	<i>Impact CUL-4 represents cumulative impacts. Housing Project #1 is only subject to Mitigation Measures CUL-1.2a, CUL-1.2b, and CUL-2 as listed above.</i>				
NOISE					
NOI-1: For construction projects that last longer than 30 days, and where construction noise could exceed the applicable noise thresholds of significance (see City of Berkeley Municipal Code Section 13.40.070, Prohibited Acts, and City of Oakland Municipal Code Section 17.120.050(A), Noise (Residential Zone Noise Level Standards)) for maximum construction noise levels (dBA L_{max}), or that involve impulse equipment such as jackhammers, hoe rams, and pile driving, temporary noise barriers at least 12 feet high will be erected, as necessary and feasible, to reduce construction noise levels. Temporary noise barriers will be constructed with solid material with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the temporary noise barrier and may be lined on the construction side with an acoustical blanket, curtain, or equivalent absorptive material. UC Berkeley shall verify compliance with this measure prior to issuance of demolition, grading, and/or building permits.	Future project contractors	Prior to issuance of demolition, grading, and/or building permits	Capital Projects and Office of Environment, Health & Safety	Review construction schedules and inspect barriers	Once
NOI-3: Implement Mitigation Measure NOI-1.	<i>Impact NOI-3 represents cumulative impacts. See Mitigation Measure NOI-1 listed above.</i>				
TRANSPORTATION					
TRAN-3: Prior to final exterior design approval of new buildings or structures that are 100 feet or more in height, the building or structure shall be analyzed for potential wind hazards at the pedestrian level in the public right-of-way around the project site. The wind hazards analysis shall be conducted by a qualified wind engineer using the final exterior plans. The analysis shall apply the industry-acceptable Lawson Criteria for pedestrian-level wind distress (safety) to identify locations where wind speeds may be hazardous to pedestrians in the public right-of-way around the project site. Where wind hazards are identified based on the final building or structure exterior designs, UC Berkeley, in consultation with the	Capital Projects and qualified wind engineer	Prior to final exterior design approval	Office of Physical & Environmental Planning	Confirm wind analysis	Once

TABLE 6-2 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #1

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<p>qualified wind engineer, shall identify feasible building or structure design refinements to reduce the hazardous wind effects to an acceptable level as determined by the qualified wind engineer using the Lawson Criteria. Feasible industry-standard wind reduction design refinements may include, but are not limited to, adjusted building setbacks, upper-floor building setbacks, terraces, rounded or redesigned building corners, screens, canopies, or landscaping. Following the identification of feasible design refinements by UC Berkeley in consultation with the qualified wind engineer, the qualified wind engineer shall provide evidence of acceptable (i.e., nonhazardous) wind effects with the incorporation of the feasible building or structure exterior design refinements. The results of the wind analysis and the feasible and effective design refinements to reduce wind hazards shall be submitted to the UC Berkeley project manager for review prior to final design approval.</p>					
TRAN-5: Implement Mitigation Measure TRAN-3.	<i>Impact TRAN-5 represents cumulative impacts. See Mitigation Measure TRAN-3 listed above.</i>				
TRIBAL CULTURAL RESOURCES					
TCR-1: Implement Mitigation Measure CUL-2.	<i>See Mitigation Measure CUL-2 in the Cultural Resources section above.</i>				

6.3 HOUSING PROJECT #2 MITIGATION MONITORING AND REPORTING PROGRAM

Table 6-3 contains the MMRP for the Housing Project #2 component of the proposed project.

TABLE 6-3 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #2

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
AIR QUALITY					
<p>AIR-3.3: Implement Mitigation Measure AIR-2.1.</p> <p>Mitigation Measure AIR-2.1: UC Berkeley shall use equipment that meets the United States Environmental Protection Agency Tier 4 Final emissions standards or higher for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to UC Berkeley that such equipment is not commercially available. For purposes of this mitigation measure, “commercially available” shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the city occurring at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction and (ii) geographic proximity to the project site of Tier 4 Final equipment. Where such equipment is not commercially available, as demonstrated by the construction contractor, Tier 4 interim equipment shall be used. Where Tier 4 interim equipment is not commercially available, as demonstrated by the contractor, Tier 3 equipment retrofitted with a California Air Resources Board’s Level 3 Verified Diesel Emissions Control Strategy (VDECS) shall be used. The requirement to use Tier 4 Final equipment or higher for engines over 50 horsepower shall be identified in construction bids and the following shall also be completed:</p> <ul style="list-style-type: none"> ▪ Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for United States Environmental Protection Agency Tier 4 Final or higher emissions standards for construction equipment over 50 horsepower. ▪ During construction, the construction contractor shall maintain a list of all operating equipment in use over 20 hours on the construction site for verification by UC Berkeley. ▪ The construction equipment list shall state the makes, models, and numbers of construction equipment on-site. ▪ To the extent that equipment is available and cost-effective, contractors shall use electric, hybrid, or alternate-fueled off-road construction equipment. 	Future Project contractors	Prior to ground disturbance	Director of Campus Building Department	Review demolition and grading plans and confirm compliance during site inspections	Once for review of documents; during regularly scheduled site inspections for compliance verification

TABLE 6-3 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #2

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> ▪ Contractors shall use electric construction tools, such as saws, drills, and compressors, where grid electricity is available. ▪ Construction activities shall be prohibited when the Air Quality Index (AQI), as measured by the closest Bay Area Air Quality Management District monitoring station (e.g., Berkeley Aquatic Center), is greater than 150 for particulates and ozone in the project area. ▪ Contractors shall provide information on transit and ridesharing programs and services to construction employees. Additionally, meal options on-site and/or shuttles between the facility and nearby meal destinations for construction employees shall be provided. 					
BIOLOGICAL RESOURCES					
<p>BIO-4: Structures and buildings that are new or are taller than existing structures and buildings shall be designed to minimize the potential risk of bird collisions. This should at a minimum include the following design considerations and management strategies: (1) avoid the use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds; (2) limit reflectivity and prevent exterior glass from attracting birds in building plans by utilizing low-reflectivity glass and providing other non-attractive surface treatments; (3) use low-reflectivity glass or other bird safe glazing treatments for the majority of the building’s glass surface, not just the lower levels; (4) for office and commercial buildings, interior light “pollution” should be reduced during evening hours through the use of a lighting control system programmed to shut off during non-work hours and between 10 p.m. and sunrise; (5) exterior lighting should be directed downward and screened to minimize illuminating the exterior of the building at night, except as needed for safety and security; (6) untreated glass skyways or walkways, freestanding glass walls, and transparent building corners should be avoided; (7) transparent glass should not be allowed at the rooflines of buildings, including in conjunction with green roofs; and (8) all roof mechanical equipment should preferably be covered by low-profile angled roofing or other treatments so that obstacles to bird flight are minimized. These strategies shall be incorporated at the direction of the Campus Architect during plan review, and the Campus Architect shall confirm the incorporation of these strategies into architectural plans prior to building construction. The Campus Architect shall incorporate additional strategies to avoid or reduce avian collisions that are indicated by the best available science.</p>	Capital Projects and future project architects	Prior to construction	Campus Architect	Review architectural plans	Once

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-3 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #2

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
CULTURAL RESOURCES					
<p>CUL-1.3a: Implement Mitigation Measure CUL-1.1b.</p> <p>Mitigation Measure CUL-1.1b: For projects that would cause a substantial adverse change in features that convey the significance of a historical resource that is designated or has been found eligible for designation, UC Berkeley shall have Historic American Building Survey Level II documentation completed for the historical resource and its setting. UC Berkeley shall submit digital copies of the documentation to an appropriate historical repository, including UC Berkeley’s Bancroft Library, UC Berkeley Environmental Design Archives, or the California Historical Resources Information System Northwest Information Center. This documentation shall include a historical narrative, photographs, and/or drawings:</p> <ul style="list-style-type: none"> ▪ Historical Overview: A professional meeting the Secretary of the Interior’s Professional Qualification Standards in Architectural History or History shall assemble historical background information relevant to the historical resource. ▪ Photographs: Photo-documentation of the historical resource will be prepared to Historic American Building Survey standards for archival photography, prior to demolition. Historic American Building Survey standards require large-format black-and-white photography, with the original negatives having a minimum size of four inches by five inches. Digital photography, roll film, film packs, and electronic manipulation of images are not acceptable. All film prints, a minimum of four inches by five inches, must be hand-processed according to the manufacturer’s specifications and printed on fiber-base, single-weight paper and dried to a full gloss finish. A minimum of 12 photographs shall be taken, detailing the site, building exterior, building interior, and character-defining features. Photographs must be identified and labeled using Historic American Building Survey standards. ▪ Drawings: Existing historic drawings of the historical resource, if available, will be digitally scanned or photographed with large-format negatives. In the absence of existing drawings, full-measured drawings of the building’s plan and exterior elevations shall be prepared prior to demolition. <p>The Campus Architect shall verify compliance with this mitigation measure prior to the initiation of any site or building demolition or construction activities.</p>	Consulting architectural historian	Prior to ground disturbance	Campus Architect	Review documentation	Once
<p>CUL-1.3b: Implement Mitigation Measure CUL-1.1d.</p> <p>Mitigation Measure CUL-1.1d: For projects that would result in demolition of historic resources, prior to demolition the Campus Architect shall determine which resources merit on-site interpretation, with consideration of available historic resource assessments and other relevant materials. For historic resources that will be demolished</p>	Campus Architect	Prior to demolition	Capital Projects	Confirm exhibit or display	Once

TABLE 6-3 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #2

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<p>that the Campus Architect has determined to be culturally significant, UC Berkeley shall incorporate an exhibit or display of the resource and a description of its historical significance into a publicly accessible portion of any subsequent development on the site. The display shall be developed with the assistance of the Campus Architect and one or more professionals experienced in creating such historical exhibits or displays.</p>					
<p>CUL-1.4: Prior to approval of final design plans for Housing Project #2, UC Berkeley shall retain an architect meeting the National Park Service Professional Qualifications Standards for historic architecture to review plans for the proposed student housing and affordable and supportive housing buildings. The historic architect shall provide input and refinements to the design team regarding fenestration patterns, entry design, and the palette of exterior materials to improve compatibility with neighboring historical resources and to enhance compliance with the Secretary of the Interior’s Standards and the City of Berkeley Southside Design Guidelines.</p>	Consulting architect	Prior to approval of final design plans	Campus Architect	Review compliance with recommendations	Once
<p>CUL-2: For construction projects that include substantial ground-disturbing activities (including, but not limited to, soil removal, parcel grading, new utility trenching, and foundation-related excavation), UC Berkeley shall implement the following steps to ensure impacts to archaeological resources will be less than significant.</p> <ul style="list-style-type: none"> ▪ All Projects with Ground-Disturbing Activities. <ul style="list-style-type: none"> ▪ Prior to soil disturbance, UC Berkeley shall confirm that contractors have been notified of the procedures for the identification of federal- or State-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological resources or tribal cultural resources on site, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work. ▪ If a resource is discovered during construction (whether or not an archaeologist is present), the following measures shall be implemented: <ul style="list-style-type: none"> ▪ All soil disturbing work within 35 feet of the find shall cease. ▪ UC Berkeley shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project. ▪ Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archaeologist. ▪ If the resource is a tribal cultural resource, the consulting archaeologist, approved by UC Berkeley in consultation with the appropriate tribe as 	Project construction crews and qualified archaeologist	Prior to ground disturbance	Project Manager, Capital Projects and Office of Physical & Environmental Planning	Confirm conformance	During regular site inspections

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-3 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #2

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<p>determined by the Native American Heritage Commission, shall consult with the appropriate tribe to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations.</p> <ul style="list-style-type: none"> ▪ If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented. ▪ If the resource is a non-tribal resource determined significant under CEQA, a qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. ▪ The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources if appropriate. ▪ The report shall be submitted to the relevant city (if it falls under Berkeley or Oakland boundaries), California Historic Resources Information System Northwest Information Center, and the State Historic Preservation Office, if required. <ul style="list-style-type: none"> ▪ Areas with High Archaeological Sensitivity. In addition to the requirements above for all construction projects with ground-disturbing activities, for projects in areas with moderately high to extreme archaeological sensitivity (as shown on the confidential Figure 11, Prehistoric Cultural Sensitivity Overlay Analysis Results, prepared for the 2021 LRDP Update EIR) ground-disturbing activities shall be monitored from the outset. Monitoring shall occur for soil removal, parcel grading, new utility trenching, and foundation-related excavation in those areas that extend into previously undisturbed soils. If the resources are tribal, archaeological monitoring must be undertaken by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe as determined by the Native American Heritage Commission or the appropriate tribe, who is familiar with a wide range of prehistoric archaeological or tribal remains and is conversant in artifact identification, human and faunal bone, soil descriptions, and interpretation. Based on project-specific daily construction schedules, field conditions, and archaeological observations, full-time monitoring may not be warranted following initial observations. ▪ Sites with Known Archaeological Resources. In the event the disturbance of a site with known archaeological or tribal cultural resources cannot be avoided, in addition to the requirements above for all construction projects with ground-disturbing activities, for project sites with known on-site archaeological or tribal cultural 					

TABLE 6-3 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #2

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<p>resources, the following additional actions shall be implemented prior to ground disturbance:</p> <ul style="list-style-type: none"> ▪ UC Berkeley, in consultation with the appropriate tribe, will retain a qualified archaeologist to conduct a subsurface investigation of the project site, and to ascertain the extent of the deposit of any buried archaeological materials relative to the project’s area of potential effects. The archaeologist shall prepare a site record and, upon tribal approval, it shall be filed with the California Historical Resource Information System. ▪ If the resource extends into the project’s area of potential effects, the resource shall be evaluated by a qualified archaeologist approved by UC Berkeley in consultation with the appropriate tribe. UC Berkeley shall consider this evaluation in determining whether the resource qualifies as a historical resource or a unique archaeological resource under the criteria of California Environmental Quality Act (CEQA) Guidelines Section 15064.5. ▪ If the resource does not qualify, no further mitigation is required unless there is a discovery of additional resources during construction (as required above for all construction projects with ground-disturbing activities). ▪ If a resource is determined to qualify as an historical resource or a unique archaeological resource in accordance with CEQA, UC Berkeley shall consult with the appropriate tribe (in the case of Native American sites) and a qualified archaeologist, approved by UC Berkeley in consultation with the appropriate tribe, to mitigate the effect through data recovery if appropriate to the resource or, if data recovery is infeasible, to consider means of avoiding or reducing ground disturbance within the site boundaries, including where and if feasible, minor modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or other means that would permit avoidance or substantial preservation in place of the resource. A written report of the results of investigations shall be prepared by a qualified archaeologist and, upon tribal approval, filed with the University Archives/ Bancroft Library and the California Historic Resources Information System Northwest Information Center. 					
<p>CUL-4: Implement Mitigation Measures CUL-1.1a through CUL-1.1e; CUL-1.2a and CUL-1.2b; CUL-1.3a and CUL-1.3b; CUL-1.4; and CUL-2.</p>					
<p><i>Impact CUL-4 represents cumulative impacts. Housing Project #2 is only subject to Mitigation Measures CUL-1.3a, CUL-1.3b, CUL-1.4, and CUL-2 as listed above.</i></p>					
NOISE					
<p>NOI-1: For construction projects that last longer than 30 days, and where construction noise could exceed the applicable noise thresholds of significance (see City of Berkeley Municipal Code Section 13.40.070, Prohibited Acts, and City of Oakland Municipal Code</p>	Future project contractors	Prior to issuance of demolition, grading,	Capital Projects and Office of	Review construction	Once

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-3 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #2

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
Section 17.120.050(A), Noise (Residential Zone Noise Level Standards)) for maximum construction noise levels (dBA L _{max}), or that involve impulse equipment such as jackhammers, hoe rams, and pile driving, temporary noise barriers at least 12 feet high will be erected, as necessary and feasible, to reduce construction noise levels. Temporary noise barriers will be constructed with solid material with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the temporary noise barrier and may be lined on the construction side with an acoustical blanket, curtain, or equivalent absorptive material. UC Berkeley shall verify compliance with this measure prior to issuance of demolition, grading, and/or building permits.		and/or building permits	Environment, Health & Safety	schedules and inspect barriers	
<p>NOI-2: If any vibration causing construction activities/equipment are anticipated to be used for future development projects, UC Berkeley shall implement the following steps to ensure impacts from vibration causing construction activities/equipment will be less than significant.</p> <ul style="list-style-type: none"> Step 1 (Activity/Equipment Screening Distances): UC Berkeley shall use the construction vibration screening standards shown below based on Federal Transit Administration criteria to determine if the construction activity/equipment is within the vibration screening distances that could cause building damage/human annoyance or sensitive equipment disturbance. If the construction activity/equipment is within the screening distance, then Step 2 (Alternative Methods/Equipment) shall be 	Future project contractors	Prior to ground disturbance	Capital Projects	Verify screening and construction activity/equipment	Regularly during all vibration-generating activities

Screening Distances to PPV in/sec Threshold: Building Damage			
Activity/Equipment	Reference Vibration Levels (in/sec PPV) at 25 feet	Screening Level Distance in feet for 0.20 in/sec PPV ^a	Screening Level Distance in feet for 0.12 in/sec PPV ^b
Pile Driving	1.518	97	136
Caisson Drilling	0.089	15	21
Vibratory Roller	0.21	26	37
Large Bulldozer	0.089	15	21

Screening Distance to VdB Threshold: Human Annoyance and Sensitive Equipment Disturbance			
Activity/Equipment	Reference Vibration Levels (VdB) at 25 feet	Screening Level Distance in feet for 72 VdB ^c	Screening Level Distance in feet for 65 VdB ^d
Pile Driving	112	520	890
Caisson Drilling	87	80	140
Vibratory Roller	94	140	240
Large Bulldozer	87	80	140

Notes: Peak Particle Velocity inches per second (PPV in/sec); Vibration Decibel (VdB).
a. FTA Building Category III, Non-engineered timber and masonry buildings (residential).
b. FTA Building Category IV, Buildings extremely susceptible to vibration damage (historic).
c. FTA Land Use Category 2, Residences and buildings where people normally sleep.
d. FTA Land Use Category 1, Buildings where vibration would interfere with interior operations.
Source: Federal Transit Administration, 2018, Transit Noise and Vibration Impact Assessment.

implemented.

- Step 2 (Alternative Methods/Equipment):** When the anticipated vibration-causing construction activity/equipment is within the screening standards in Step 1 (Activity/Equipment Screening Distances), UC Berkeley shall consider whether

TABLE 6-3 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #2

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<p>alternative methods/equipment are available and shall verify that the alternative method/equipment is shown on the construction plans prior to the beginning of construction. Alternative methods/equipment may include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ For pile driving, the use of caisson drilling (drill piles), vibratory pile drivers, oscillating or rotating pile installation methods, pile pressing, “silent” piling, and jetting or partial jetting of piles into place using a water injection at the tip of the pile shall be used, where feasible. ▪ For paving, use of a static roller in lieu of a vibratory roller shall be implemented. ▪ For grading and earthwork activities, off-road equipment shall be limited to 100 horsepower or less. <p>Where alternative methods/equipment to vibration causing activities/equipment are not feasible, then Step 3 (Construction Vibration Monitoring Program) shall be implemented.</p> <ul style="list-style-type: none"> ▪ Step 3 (Construction Vibration Monitoring Program): Prior to any project-related excavation, demolition or construction activity for projects within the screening distances listed in Step 1 (Activity/Equipment Screening Distances) and where alternative methods/equipment to vibration causing activities/equipment are not feasible pursuant to Step 2 (Alternative Methods/Equipment), UC Berkeley shall prepare a construction vibration monitoring program. The program shall be prepared and implemented by a qualified acoustical consultant or structural engineer. Where the vibration sensitive receptors are historic resources, the program shall be prepared and implemented by a structural engineer with a minimum of five years of experience in the rehabilitation and restoration of historic buildings and a historic preservation architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards. The program shall include the following: <ul style="list-style-type: none"> ▪ Prepare an existing conditions study to establish the baseline condition of the vibration sensitive resources in the form of written descriptions with a photo survey, elevation survey, and crack-monitoring survey for the vibration-sensitive building or structure. The photo survey shall include internal and external crack monitoring in the structure, settlement, and distress, and document the condition of the foundation, walls and other structural elements in the interior and exterior of the building or structure. Surveys will be performed prior to, in regular intervals during, and after completion of all vibration-generating activity. Where receptors are historic resources, the study shall describe the physical characteristics of the resources that convey their historic significance. ▪ Determine the number, type, and location of vibration sensors and establish a vibration velocity limit (as determined based on a detailed review of the proposed 					

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-3 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #2

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<p>building), method (including locations and instrumentation) for monitoring vibrations during construction, and method for alerting responsible persons who have the authority to halt construction should limits be exceeded or damaged observed.</p> <ul style="list-style-type: none"> ▪ Perform monitoring surveys prior to, in regular intervals during, and after completion of all vibration-generating activity and report any changes to existing conditions, including, but not limited to, expansion of existing cracks, new spalls, other exterior deterioration, or any problems with character-defining features of a historic resource are discovered. UC Berkeley shall establish the frequency of monitoring and reporting, based upon the recommendations of the qualified acoustical consultant or structural engineer or if there are historic buildings, the historic architect and structural engineer. Monitoring reports shall be submitted to UC Berkeley's designated representative responsible for construction activities. ▪ Develop a vibration monitoring and construction contingency plan, which shall identify where monitoring would be conducted, establish a vibration monitoring schedule, define structure-specific vibration limits, and require photo, elevation, and crack surveys to document conditions before and after demolition and construction activities. Construction contingencies would be identified for when vibration levels approach the limits. If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structure. ▪ Report substantial adverse impacts to vibration sensitive buildings including historic resources related to construction activities that are found during construction to UC Berkeley's designated representative responsible for construction activities. UC Berkeley's designated representative shall adhere to the monitoring team's recommendations for corrective measures, including halting construction or using different methods, in situations where demolition, excavation/construction activities would imminently endanger historic resources. UC Berkeley's designated representative would respond to any claims of damage by inspecting the affected property promptly, but in no case more than five working days after the claim was filed and received by UC Berkeley's designated representative. Any new cracks or other damage to any of the identified properties will be compared to pre-construction conditions and a determination made as to whether the proposed project could have caused such damage. In the event that the project is demonstrated to have caused any damage, such damage would be repaired to the pre-existing condition. Site visit reports and documents associated with claims processing would be provided to the relevant government body with jurisdiction over the neighboring historic resource, as necessary. 					

TABLE 6-3 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #2

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> ▪ Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage and make appropriate repairs where damage has occurred as a result of construction activities. ▪ Prepare a construction vibration monitoring report that summarizes the results of all vibration monitoring and submit the report after the completion of each phase identified in the project construction schedule. The vibration monitoring report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits shall be included together with proper documentation supporting any such claims. The construction vibration monitoring report shall be submitted to UC Berkeley within two weeks upon completion of each phase identified in the project construction schedule. ▪ Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted in one or more locations at the construction site. 					
NOI-3: Implement Mitigation Measure NOI-1.	<i>Impact NOI-3 represents cumulative impacts. See Mitigation Measure NOI-1 listed above.</i>				
TRANSPORTATION					
<p>TRAN-3: Prior to final exterior design approval of new buildings or structures that are 100 feet or more in height, the building or structure shall be analyzed for potential wind hazards at the pedestrian level in the public right-of-way around the project site. The wind hazards analysis shall be conducted by a qualified wind engineer using the final exterior plans. The analysis shall apply the industry-acceptable Lawson Criteria for pedestrian-level wind distress (safety) to identify locations where wind speeds may be hazardous to pedestrians in the public right-of-way around the project site. Where wind hazards are identified based on the final building or structure exterior designs, UC Berkeley, in consultation with the qualified wind engineer, shall identify feasible building or structure design refinements to reduce the hazardous wind effects to an acceptable level as determined by the qualified wind engineer using the Lawson Criteria. Feasible industry-standard wind reduction design refinements may include, but are not limited to, adjusted building setbacks, upper-floor building stepbacks, terraces, rounded or redesigned building corners, screens, canopies, or landscaping. Following the identification of feasible design refinements by UC Berkeley in consultation with the qualified wind engineer, the qualified wind engineer shall provide evidence of acceptable (i.e., nonhazardous) wind effects with the incorporation of the feasible building or structure exterior design refinements. The results of the wind analysis and the feasible</p>	Capital Projects and qualified wind engineer	Prior to final exterior design approval	Office of Physical & Environmental Planning	Confirm wind analysis	Once

6. MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-3 MITIGATION MONITORING AND REPORTING PROGRAM FOR HOUSING PROJECT #2

Mitigation Measures	Implementing Party	Implementation Timing	Monitoring Department	Monitoring Action	Monitoring Frequency
and effective design refinements to reduce wind hazards shall be submitted to the UC Berkeley project manager for review prior to final design approval.					
TRAN-5: Implement Mitigation Measure TRAN-3.					<i>Impact TRAN-5 represents cumulative impacts. See Mitigation Measure TRAN-3 listed above.</i>
TRIBAL CULTURAL RESOURCES					
TCR-1: Implement Mitigation Measure CUL-2					<i>See Mitigation Measure CUL-2 in the Cultural Resources section above.</i>

7. Continuing Best Practices Implementation and Monitoring

Continuing best practices (CBPs) represent actions that UC Berkeley will continue to implement through the life of the 2021 LRDP. This chapter indicates which CBPs are applicable to each of the project components evaluated in this EIR: the LRDP Update, Housing Project #1 (HP#1), and Housing Project #2 (HP#2). As shown in Table 7-1, Continuing Best Practices Implementation and Monitoring, below, all CBPs are applicable to the programmatic LRDP Update. This chapter also identifies the following information:

- The party responsible for implementing the CBPs;
- The timing for implementation of CBPs;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

Appendix B, Revised UC Berkeley 2021 LRDP Continuing Best Practices, of this EIR provides further detail regarding the CBPs, and shows the changes to CBPs that are evaluated in this EIR.

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring			
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency	
Aesthetics (AES)									
CBP AES-1: New projects will as a general rule conform to the Physical Design Framework. While the guidelines in the Physical Design Framework would not preclude alternate design concepts when such concepts present the best solution for a particular site, UC Berkeley will not depart from the Physical Design Framework except for solutions of extraordinary quality.	●	●	●	Capital Projects and future project architects	Prior to final design approval	Project Manager, Capital Projects	Review project proposals for conformance to Physical Design Framework	Ongoing during project development and review	
CBP AES-2: Major new campus projects will continue to be reviewed at each stage of design by the UC Berkeley Design Review Committee. The provisions of the LRDP, as well as project-specific design guidelines prepared for each such project, will guide these reviews.	●	●	●	UC Berkeley Design Review Committee	During project design	Campus Architect	Review major new campus projects	At least once during each stage of design	
CBP AES-3: To the extent feasible, UC Berkeley will enhance the visual quality of mapped high fire risk zones by focusing fuel management practices that promote landscape resilience, native habitats, and biodiversity.	●	—	—	Hill Campus Fire Mitigation, Facilities Services	Prior to fuel management activities	Director of Campus Operations, Facilities Services	Confirm focus on landscape resilience, native habitats, and biodiversity	Ongoing during planning for fuel management practices	
CBP AES-4: UC Berkeley will make informational presentations of major projects in the city environs of the Cities of Berkeley and Oakland, and the Clark Kerr Campus, to the relevant city commission(s) and board(s). Relevant commissions and boards, to be determined jointly by the Campus Architect and appropriate City Planning Director, may include the Berkeley Zoning Adjustments Board and Berkeley Landmarks Preservation Commission. Major projects in the Hill Campus East within the city of Oakland may also be presented to relevant City of Oakland boards or commissions, after consultation and mutual agreement between those agencies and UC Berkeley. Major projects may include new construction or redevelopment projects with substantial community interest as determined by UC Berkeley. Whenever a major project in the city environs or	●	●	●	Physical & Environmental Planning	Prior to project approval	Campus Architect	Attend meeting(s)	At least once prior to approval of each major project in the city environs	

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
Clark Kerr Campus is under consideration, the Campus Architect may invite the appropriate city planning director or their designee to attend and comment on the project at the UC Berkeley Design Review Committee.								
CBP AES-5: UC Berkeley will assess each individual project built in the City Environs Properties to determine whether it could pose potential significant aesthetic impacts not anticipated in the LRDP, for projects that are not exempt from aesthetics analysis pursuant to Public Resources Code Section 21099. If the project could pose potential significant aesthetic impacts as noted above, the project would be subject to further evaluation under the California Environmental Quality Act.	●	—	—	Physical & Environmental Planning	Prior to CEQA review	Campus Architect	Confirm appropriate level of CEQA review is conducted	Once for each project in the City Environs Property
CBP AES-6: Lighting for new development projects will be designed to include shields and cut-offs that minimize light spillage onto unintended surfaces and minimize atmospheric light pollution. The only exception to this principle will be in those areas where such features would be incompatible with the visual and/or historic character of the area.	●	●	●	Capital Projects and future project architects	Prior to CEQA review or, for projects that do not require CEQA review, prior to final design approval	Campus Architect	Review lighting plans and specifications	Once for each project
CBP AES-7: As part of UC Berkeley’s design review procedures, light and glare will be given specific consideration and measures will be incorporated into the project design to minimize both. In general, exterior surfaces will not be reflective; architectural screens and shading devices are preferable to reflective glass.	●	●	●	UC Berkeley Design Review Committee	During design review	Campus Architect	Confirm incorporation of measures to minimize light and glare	Once for each project
Air Quality (AQ)								
CBP AIR-1: UC Berkeley will continue to implement the same or equivalent transportation programs as currently exist, that strive to reduce the use of single-occupant and/or greenhouse gas emitting (internal combustion	●	—	—	Parking & Transportation	Ongoing	Director of Parking & Transportation	Confirm implementation of programs	Annual

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
engine) vehicles by students, staff, faculty, and visitors to the UC Berkeley campus.								
<p>CBP AIR-2: UC Berkeley will continue to comply with the current Bay Area Air Quality Management District basic control measures for fugitive dust control. The requirement to comply with the basic control measures will be identified in construction bids. The Bay Area Air Quality Management District’s current basic control measures include:</p> <ul style="list-style-type: none"> ▪ Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water will be used whenever possible. ▪ Pave, apply water twice daily or as often as necessary to control dust, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). ▪ Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust. ▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material. ▪ Hydroseed or apply nontoxic soil stabilizers to inactive construction areas. 	●	●	●	Future project contractors	During construction	Director of Campus Building Department	Confirm incorporation of measures in construction bids	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
<ul style="list-style-type: none"> Enclose, cover, water twice daily, or apply nontoxic soil binders to exposed stockpiles (dirt, sand, etc.). Limit vehicle traffic speeds on unpaved roads to 15 miles per hour. Replant vegetation in disturbed areas as quickly as possible. 								
<p>CBP AIR-3: UC Berkeley will continue to implement the following control measures to reduce emissions of diesel particulate matter and ozone precursors from construction equipment exhaust:</p> <ul style="list-style-type: none"> Equipment will be properly serviced and maintained in accordance with the manufacturer’s recommendations. Construction contractors will also ensure that all nonessential idling of construction equipment is restricted to five minutes or less, in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. 	●	●	●	Future project contractors	During construction	Director of Campus Building Department and Office of Environment, Health & Safety	Confirm compliance through documentation review and during site inspections	During regular site inspections
Biological Resources (BIO)								
<p>CBP BIO-1: Avoid disturbance or removal of bird nests protected under the federal Migratory Bird Treaty Act and California Department of Fish and Game Code when in active use. This will be accomplished by taking the following steps.</p> <ul style="list-style-type: none"> If tree removal and initial construction is proposed during the nesting season (February 1 to August 31), a focused survey for nesting raptors and other migratory birds will be conducted by a qualified biologist within 14 days prior to the onset of tree and vegetation removal in order to identify any active nests on the site and surrounding area within up to 500 feet of proposed construction, with the distance to be determined by a qualified biologist based on project location. The site will be resurveyed to 	●	●	●	Consulting biologist	Prior to vegetation removal, demolition, and/or construction	Office of Physical & Environmental Planning	Review and approve report of findings	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
<p>confirm that no new nests have been established if vegetation removal and demolition has not been completed or if construction has been delayed or stopped for more than seven consecutive days during the nesting season.</p> <ul style="list-style-type: none"> ▪ If no active nests are identified during the construction survey period, or development is initiated during the non-breeding season (September 1 to January 31), tree and vegetation removal and building construction may proceed with no restrictions. ▪ If bird nests are found, an adequate setback will be established around the nest location and vegetation removal, building demolition, and other construction activities shall be restricted within this no-disturbance zone until the qualified biologist has confirmed that birds have either not begun egg-laying and incubation, or that the juveniles from those nests are foraging independently and capable of survival outside the nest location. Required setback distances for the no-disturbance zone will be based on input received from the California Department of Fish and Wildlife and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone will be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the site. ▪ A report of findings will be prepared by the qualified biologist and submitted to the UC Berkeley’s Office of Physical & Environmental Planning for review and approval prior to initiation of vegetation removal, building demolition and other construction activities during the nesting season. The report will either confirm absence of any active nests or confirm that any young are located within a designated no-disturbance zone and 								

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
<p>construction can proceed. No report of findings is required if vegetation removal and other construction activities are initiated during the non-nesting season and continue uninterrupted according to the above criteria.</p>								
<p>CBP BIO-2: Avoid remote potential for direct mortality of special-status bats and destruction of maternal roosts. A preconstruction roosting survey for special-status bat species, covering the project construction site and any affected buildings, will be conducted during the months of March through August prior to commencement of any project that may impact suitable maternal roosting habitat on the Campus Park, the Hill Campus East, and other UC Berkeley properties with suitable roosting habitat, as defined below. The survey will be conducted by a qualified biologist no more than 30 days prior to initiation of disturbance to potential roosting habitat. In the Hill Campus East, surveys will be conducted for new construction projects prior to grading, vegetation removal, and remodel or demolition of buildings with isolated attics and other suitable roosting habitat, as defined below.</p> <p>Suitable roosting habitat shall be determined as follows: In the Campus Park and other urbanized UC Berkeley properties, surveys will be conducted for construction projects prior to remodel or demolition of buildings with isolated attics. A report of findings will be prepared by the qualified biologist and submitted to the UC Berkeley project manager for review and approval prior to initiation of grading, vegetation removal, or construction activities. If any maternal roosts are detected during the months of March through August, construction activities will either stop or continue only after the roost is protected by an adequate setback approved by a qualified biologist. To the full extent feasible, the maternal roost location will be</p> <p>Key: HP = housing project ● = CBP applies to project component — = CBP does not apply to project component</p>	●	●	●	Consulting biologist	Prior to activities that could impact suitable roosting habitat (as defined in CBP BIO-2)	Project Manager, Capital Projects and Office of Physical & Environmental Planning	Review and approve report of findings	Once for each project

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
preserved, and alteration will only be allowed if a qualified biologist verifies that bats have completed rearing young, that the juveniles are foraging independently and capable of survival, and bats have been subsequently passively excluded from the roost location.								
CBP BIO-3: During planning and feasibility studies prior to development of specific projects or adoption of management plans in the Hill Campus East, a habitat assessment will be conducted by a qualified biologist to assess any potential impacts on special-status species. Detailed surveys will be conducted where necessary to confirm presence or absence of any special-status species. Where required to avoid a substantial adverse effect on such species, in consultation with the California Department of Fish and Wildlife or the United States Fish and Wildlife Service as appropriate depending on the particular species, feasible changes to schedule, siting, and design of projects or management plans, or other measures developed in consultation with the California Department of Fish or Wildlife or the United States Fish and Wildlife Service, will be developed and implemented.	●	—	—	Consulting biologist	During planning and feasibility studies for projects and management plans in Hill Campus East	Office of Physical & Environmental Planning and Office of Environment, Health & Safety	Confirm surveys and, if required, agency consultation	Once for each project
CBP BIO-4: Future development projects will be designed to avoid substantial adverse effects on riparian habitat or sensitive natural communities. The Strawberry Creek Management Plan will continue to be revised and implemented, in consultation with the California Department of Fish and Wildlife, to include recommendations for habitat restoration and enhancement along specific segments of the creek on both the Campus Park and the Hill Campus East. This will include minimum development setbacks, targets on invasive species controls, appropriate native plantings, and in-channel habitat improvements such as retention of large woody debris and creation of deep plunge pools.	●	—	—	Environmental Protection Specialist, Office of Environment, Health & Safety	Ongoing	Environmental Protection Manager, Office of Environment, Health & Safety	Confirm ongoing implementation of Strawberry Creek Management Plan	Annual

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
CBP BIO-5: During planning and feasibility studies prior to development of specific projects or implementation of management plans in the Hill Campus East, a habitat assessment will be conducted by a qualified biologist to identify and minimize potential impacts on riparian habitat, freshwater seeps, native grasslands, and other sensitive natural communities. Detailed surveys will be conducted at appropriate times where necessary to confirm and map the extent of any sensitive natural communities. A report of findings will be prepared by the qualified biologist and submitted to the UC Berkeley project manager for review and consideration as part of site planning and, when applicable, further environmental review. Where required to avoid a substantial adverse effect on such communities, in consultation with the California Department of Fish and Wildlife, feasible changes to schedule, siting, and design of projects or management plans will be developed and implemented. This may include creating replacement habitat, enhancing and protecting similar habitat types in alternative locations, or some combination of mitigation to ensure no net reduction in acreage and value of the affected sensitive natural community type.	●	—	—	Consulting biologist	During planning and feasibility studies for projects and management plans in Hill Campus East	Project Manager, Capital Projects and Office of Physical & Environmental Planning	Confirm surveys and, if required, agency consultation	Once for each project
CBP BIO-6: Proposed projects on the Campus Park and the Hill Campus East will be designed to avoid designated jurisdictional wetlands and waters along the Strawberry Creek channel. When a project has the potential to affect jurisdictional waters, wetlands will be mapped and the extent of jurisdictional waters verified by the U.S. Army Corps of Engineers during planning and feasibility studies prior to development of specific projects or implementation of management plans in the Hill Campus East. Any modifications to Strawberry Creek and other jurisdictional waters will be coordinated with jurisdictional agencies, including the California Department of Fish and	●	—	—	Consulting biologist and Environmental Protection Specialist, Office of Environment, Health & Safety	During project design	Environmental Protection Manager, Office of Environment, Health & Safety	Confirm wetland mapping and, if required, agency consultation	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
Wildlife, U.S. Army Corps of Engineers, and Regional Water Quality Control Board, as necessary, with any necessary authorizations secured in advance. Where avoidance of designated jurisdictional wetlands and waters is infeasible, appropriate mitigation will be developed and implemented in accordance with applicable State and federal regulations.								
CBP BIO-7: Proposed projects in the Hill Campus East will be designed to avoid obstructing important wildlife corridors to the full feasible extent. Before any new fencing is installed for security purposes, UC Berkeley will consider the effect of such fencing on opportunities for wildlife movement, and will avoid new or expanded fencing which would obstruct important movement corridors. If fencing is deemed necessary in an important movement corridor, UC Berkeley will explore fencing options that allow for wildlife movement.	●	—	—	Capital Projects and Facilities Services	During project design, prior to installation of fencing	Office of Physical & Environmental Planning	Review project plans for compliance	Once for each project
CBP BIO-8: During planning and feasibility studies prior to development of specific projects or implementation of management plans in the Hill Campus East, a habitat assessment will be conducted by a qualified biologist to identify and minimize potential impacts on wildlife movement opportunities, including avoidance of new fencing across Strawberry Creek and tributary drainages. A report of findings will be prepared by the qualified biologist and submitted to the UC Berkeley project manager for review and approval prior to initiation of grading, vegetation removal, or construction activities.	●	—	—	Consulting biologist	During planning and feasibility studies for projects and management plans in Hill Campus East	Project Manager, Capital Projects and Office of Physical & Environmental Planning	Review and approve report of findings	Once for each project
CBP BIO-9: Adverse effects to specimen trees and plants will be avoided. UC Berkeley will continue to implement the Campus Specimen Tree Program to reduce effects to specimen trees and flora. Replacement landscaping will be provided where specimen resources are adversely affected, either through salvage and transplanting of existing trees and shrubs or through new horticulturally appropriate	●	—	●	Consulting landscape architect or Campus Landscape Architect	During landscape planning	Campus Architect	Review landscaping plans	Once for each project that includes landscape plans

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
replacement plantings, as directed by the Campus Landscape Architect.								
CBP BIO-10: Implementation of the recommendations of the Landscape Master Plan and subsequent updates, and project-specific design guidelines, will provide for stewardship of existing landscaping, and use of replacement and expanded tree and shrub plantings to improve the important open space characteristics and resilience of the Campus Park. Native plantings and horticulturally appropriate species will continue to be used in future landscaping, serving to partially replace any trees lost as a result of development.	●	—	●	Consulting landscape architect or Campus Landscape Architect	During landscape planning	Campus Architect	Review landscaping plans	Once for each project that includes landscape plans
CBP BIO-11: Trees and other vegetation require routine maintenance. As trees age and become senescent, UC Berkeley will continue to undertake trimming, thinning, or removal, particularly if trees become a safety hazard. Vegetation in the Hill Campus East requires continuing management for fire safety, emergency evacuation, habitat enhancement, and other objectives. This may include removal of mature trees such as native live oaks and non-native plantings of eucalyptus and pine. The Landscape Master Plan, Landscape Heritage Plan and their subsequent updates will provide guidance on potential species to replace trees that are removed, where appropriate.	●	—	●	Landscape Supervisor, Facilities Services	Ongoing during regular vegetation maintenance	Director of Campus Operations, Facilities Services	Confirm vegetation maintenance during regular site inspections and conformance with Landscape Master Plan and Landscape Heritage Plan	Ongoing
Cultural Resources (CULT)								
CBP CUL-1: UC Berkeley will follow the procedures of conduct following the discovery of human remains that have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (California Environmental Quality Act [CEQA]). According to the provisions in CEQA, if human remains are	●	●	●	Project construction crews and County Coroner	During construction	Project Manager, Capital Projects and Office of Physical & Environmental Planning	Confirm conformance during regular site inspections	During regular site inspections

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
<p>encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the California Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the NAHC is unable to identify an MLD, the MLD fails to make a recommendation within 48 hours after being notified, or the landowner rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.</p>								
Geology and Soils (GEO)								
CBP GEO-1: UC Berkeley will continue to comply with the California Building Code and the University of California Seismic Safety Policy.	●	●	●	Campus Building Department	Prior to construction	Director of Campus Building Department	Review building plans	Once for each project
CBP GEO-2: Site-specific geotechnical studies will be conducted under the supervision of a California Registered Certified Engineering Geologist or licensed geotechnical engineer and UC Berkeley will incorporate recommendations for geotechnical hazard prevention and abatement into project design.	●	●	●	Consulting geologist or engineer	Prior to project approval	Project Manager, Capital Projects	Confirm studies	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
CBP GEO-3: The UC Berkeley Seismic Review Committee will continue to review all seismic and structural engineering design for new and renovated existing buildings on campus.	●	●	●	UC Berkeley Seismic Review Committee	Prior to project approval	Director of Capital Projects	Confirm review	Once for each project
CBP GEO-4: UC Berkeley will continue to use site-specific seismic ground motions for analysis and design of campus projects. Site-specific ground motions provide more current geo-seismic data than the U.S. Geological Survey (USGS) and are used for performance-based analyses.	●	●	●	Consulting geologist or engineer	Prior to project approval	Project Manager, Capital Projects	Confirm studies	Once for each project
CBP GEO-5: UC Berkeley will continue to comply with the UC Seismic Safety Policy. Through this program, UC Berkeley will continue to identify buildings in need of upgrades and include seismic improvements as part of its Capital Financial Plan.	●	●	●	Project Manager, Capital Projects	Ongoing	Director of Capital Projects	Review Capital Financial Plan for inclusion of upgrades and improvements	Annual
CBP GEO-6: UC Berkeley will continue to implement programs and projects in emergency planning, training, response, and recovery. Each campus Building Coordinator will prepare, and update as needed, building response plans and coordinate education and planning for all building occupants.	●	●	●	Building Coordinators	Ongoing	Director of Office of Emergency Management	Confirm building response plans, education, and planning	Ongoing
CBP GEO-7: As stipulated in the UC Seismic Safety Policy, the design parameters for specific site peak acceleration and structural reinforcement will be determined by the geotechnical and structural engineer for each new or rehabilitation project proposed under the LRDP. The acceptable level of actual damage that could be sustained by specific structures will be calculated based on geotechnical information obtained at the specific building site.	●	●	●	Consulting geologist or engineer	Prior to project approval	Project Manager, Capital Projects	Confirm studies	Once for each project
CBP GEO-8: Site-specific geotechnical studies will include an assessment of landslide hazard, including seismic vibration and other factors contributing to slope stability.	●	—	—	Consulting geologist or engineer	Prior to project approval	Project Manager, Capital Projects	Confirm studies	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
CBP GEO-9: Campus construction projects must comply with the Campus Design Standards, which contain regulatory and other campus requirements for construction-phase and post-construction stormwater management.	●	●	●	Capital Projects	Prior to construction	Director of Campus Building Department	Review building plans	Once for each project
CBP GEO-10: In the event that a unique paleontological resource is identified during project planning or construction, the work will stop immediately in the area of effect, and the find will be protected until its significance can be determined by a qualified paleontologist. If the resource is determined to be a “unique resource,” a mitigation plan will be formulated pursuant to guidelines developed by the Society of Vertebrate Paleontology and implemented to appropriately protect the significance of the resource by preservation, documentation, and/or removal, prior to recommencing activities in the area of effect. The plan will be prepared by the qualified paleontologist and submitted to the UC Berkeley project manager for review and approval prior to initiation or commencement of construction activities in the area of effect.	●	●	●	Project construction crews and qualified paleontologist	During construction	Project Manager, Capital Projects and Office of Physical & Environmental Planning	Confirm conformance during regular site inspections and, if required, review and approve mitigation plan	During regular site inspections
Hazards and Hazardous Materials (HAZ)								
CBP HAZ-1: UC Berkeley will continue to implement the same (or equivalent) health and safety plans, programs, practices, and procedures related to the use, storage, disposal, or transportation of hazardous materials and wastes (including chemical, radioactive, and biohazardous materials and waste) during the LRDP planning horizon. These include, but are not limited to: <ul style="list-style-type: none"> Requirements for safe transportation of hazardous materials 	●	●	●	UC Berkeley (various departments)	Ongoing	Executive Director of Office of Environment, Health & Safety	Confirm continued implementation of programs and procedures	Annual

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
<ul style="list-style-type: none"> ▪ UC Berkeley Office of Environment, Health & Safety training programs and oversight ▪ The Hazard Communication Program ▪ Publication and promulgation of the Water Protection Policy, the drain disposal guidelines, the Wastewater Toxics Management Plan, and the Slug Control Plan ▪ Requirements that laboratories have Chemical Hygiene Plans and a chemical inventory database ▪ The Aboveground Storage Tank Spill Prevention Control and Countermeasure Plan and monitoring of underground storage tanks ▪ Implementation of the hazardous waste disposal program and policies ▪ The Green Labs Program ▪ The Biosafety Program ▪ The Medical Waste Management Program ▪ The Laser Safety Program ▪ The Radiation Safety Program ▪ The Drain Disposal Restrictions <p>These programs may be subject to modification as regulations or UC Berkeley policies are developed or if the programs become obsolete through replacement by other programs that incorporate similar or more effective health and safety protection measures. However, any modifications must incorporate similar or more effective health and safety protection measures.</p>	●	—	—	UC Berkeley (various departments)	Ongoing	Biosafety Officer, Office of Environment, Health & Safety	Confirm continued implementation of programs	Annual
<p>CBP HAZ-2: UC Berkeley will continue to implement the same (or equivalent) programs related to laboratory animal use during the LRDP planning horizon, including, but not necessarily limited to, compliance with United States Public Health Service Regulations, the National Research Council Guide for the Care and Use of Laboratory Animals, and</p> <p>Key: HP = housing project ● = CBP applies to project component — = CBP does not apply to project component</p>								

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
Animal Welfare Act regulations. These programs may be subject to modification as more stringent standards are developed or if the programs become obsolete through replacement by other programs that incorporate similar or more effective health and safety protection measures.								
CBP HAZ-3: UC Berkeley will continue to implement the same (or equivalent) programs related to transgenic materials use during the LRDP planning horizon, including, but not necessarily limited to, compliance with the National Institute of Health Guidelines for Research Involving Recombinant DNA Molecules, United States Department of Agriculture requirements for open-field-based research involving transgenic plants, and requiring registration with the UC Berkeley Office of Environment, Health & Safety for all research involving transgenic plants. These programs may be subject to modification as more stringent standards are developed or if the programs become obsolete through replacement by other programs that incorporate similar or more effective health and safety protection measures.	●	—	—	UC Berkeley (various departments)	Ongoing	Biosafety Officer, Office of Environment, Health & Safety	Confirm continued implementation of programs	Annual
CBP HAZ-4: UC Berkeley will continue to perform hazardous materials surveys prior to capital projects in existing UC Berkeley buildings. UC Berkeley will continue to comply with federal, State, and local regulations governing the abatement and handling of hazardous building materials and each project will address this requirement in all construction.	●	●	●	Office of Environment, Health & Safety	Prior to construction	Project Manager, Capital Projects	Confirm surveys and review construction documents	Once for each project
CBP HAZ-5: UC Berkeley will continue to perform site histories and due diligence assessments of all sites where ground-disturbing construction is proposed, to assess the potential for soil and groundwater contamination resulting from past or current site land uses at the site or in the vicinity. The investigation will include review of regulatory records, historical maps and other historical documents, and inspection of current site conditions. UC Berkeley will	●	●	●	Office of Environment, Health & Safety	Prior to construction	Project Manager, Capital Projects	Confirm investigations	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
act to protect the health and safety of workers or others potentially exposed should hazardous site conditions be found.								
Hydrology and Water Quality (HYD)								
CBP HYD-1: During the plan check review process and construction phase monitoring, UC Berkeley Office of Environment, Health & Safety will review each development project to determine whether project runoff would increase pollutant loading and verify that the proposed project complies with all applicable requirements (e.g., Regional Water Quality Control Board and Campus Design Standards requirements) and best management practices (e.g., those described in the California Stormwater Quality Association’s Construction BMP Handbook).	●	●	●	Office of Environment, Health & Safety	During plan check review and construction monitoring	Environmental Specialist, Office of Environment, Health & Safety	Confirm review	Once for each project
CBP HYD-2: UC Berkeley will continue implementing an urban runoff management program containing best management practices, as published in the Strawberry Creek Management Plan, and as developed through the Stormwater Permit Annual Reports completed for the Phase II municipal separate storm sewer system (MS4) permit. UC Berkeley will continue to comply with the MS4 stormwater permitting requirements by implementing construction and post-construction control measures and best management practices required by project-specific Stormwater Pollution Prevention Plans (SWPPPs) and by the Phase II MS4 permit to control pollution. SWPPPs will be prepared by the project contractor as required to prevent discharge of pollutants and to minimize sedimentation resulting from construction and the transport of soils by construction vehicles.	●	●	●	Office of Environment, Health & Safety	Ongoing	Environmental Protection Manager, Office of Environment, Health & Safety	Confirm SWPPPs	Once for each project
CBP HYD-3: UC Berkeley will maintain a campuswide educational program regarding safe use and disposal of facilities maintenance chemicals and laboratory chemicals	●	—	—	Office of Environment, Health & Safety	Ongoing	Executive Director of Office of	Confirm program implementation	Ongoing

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
to prevent the discharge of these pollutants to Strawberry Creek and campus storm drains.						Environment, Health & Safety		
CBP HYD-4: Where feasible, parking will be built in covered parking structures and not exposed to rain to address potential stormwater runoff pollutant loads.	●	●	●	Office of Physical & Environmental Planning	Prior to project approval	Project Manager, Capital Projects and Senior Planner, Office of Physical & Environmental Planning	Review building plans	Once for each project
CBP HYD-5: Landscaped areas of development sites will be designed to absorb runoff from rooftops and walkways. Open or porous paving systems will be included in project designs, where feasible, to minimize impervious surfaces and absorb runoff.	●	●	●	Capital Projects	Prior to project approval	Project Manager, Capital Projects	Review building plans	Once for each project
CBP HYD-6: UC Berkeley will continue to develop and implement the recommendations of the Strawberry Creek Management Plan and its updates, and construct improvements as appropriate. These recommendations include, but are not limited to, minimization of the amount of land exposed at any one time during construction as feasible; use of temporary vegetation or mulch to stabilize critical areas where construction staging activities must be carried out prior to permanent cover of exposed lands; installation of permanent vegetation and erosion control structures as soon as practical; protection and retention of natural vegetation; and implementation of post-construction structural and non-structural water quality control techniques.	●	—	—	Capital Projects	During construction	Director of Campus Building Department	Review construction documents	Once for each project
CBP HYD-7: UC Berkeley will continue to review each development project, to determine whether rainwater infiltration to groundwater is affected. If it is determined that existing infiltration rates would be adversely affected, UC Berkeley will design and implement the necessary improvements to retain and infiltrate stormwater. Such	●	●	●	Project Manager, Capital Projects	Prior to construction	Director of Campus Building Department and Environmental Specialist, Office	Review construction documents	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
improvements could include retention basins to collect and retain runoff, grassy swales, infiltration galleries, planter boxes, permeable pavement, or other retention methods. The goal of the improvement should be to ensure that there is no net decrease in the amount of water recharged to groundwater that serves as freshwater replenishment to Strawberry Creek. The improvement should maintain the volume of flows and times of concentration from any given site at pre-development conditions.						of Environment, Health & Safety		
CBP HYD-8: Dewatering, when needed, will be monitored and maintained by qualified engineers in compliance with the Campus Design Standards and applicable regulations.	●	●	●	Consulting engineers	During construction	Director of Campus Building Department	Confirm monitoring and maintenance	Once for each project
CBP HYD-9: The campus storm drain system will be maintained and cleaned to accommodate existing runoff.	●	—	—	Campus Operations, Facilities Services	Ongoing	Director of Campus Operations, Facilities Services	Confirm maintenance	Ongoing
CBP HYD-10: For projects in the City Environs Properties that affect drainage systems or patterns, improvements will be coordinated with the City of Berkeley’s Public Works Department.	●	●	●	Capital Projects	Prior to construction	Project Manager, Capital Projects	Confirm coordination	Once for each project
CBP HYD-11: Development that encroaches on creek channels and riparian zones will be prohibited. An undisturbed buffer zone will be maintained between proposed capital projects and creek channels.	●	—	—	Capital Projects	Prior to project approval	Project Manager, Capital Projects	Review building plans	Once for each project
CBP HYD-12: UC Berkeley will continue to develop and implement a maintenance program for Strawberry Creek, as described in the Strawberry Creek Management Plan and its updates. Actions will include, but not be limited to: clear trash racks, catch basins, channels, ponds, bridges, and over-crossing structures of debris that could block flows and increase flooding potential in Strawberry Creek and its tributaries within the LRDP Planning Area. Cleaning of debris in creek channels will be done during storm events	●	—	—	Campus Operations, Facilities Services	Ongoing	Director of Campus Operations, Facilities Services	Confirm maintenance	Ongoing

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
and prior to the start of the rainy season as part of routine campus grounds maintenance.								
CBP HYD-13: UC Berkeley will continue to manage runoff into storm drain systems such that the aggregate effect of projects implemented pursuant to the LRDP creates no net increase in runoff over existing conditions.	●	●	●	Capital Projects	Prior to project approval	Environmental Specialist, Office of Environment, Health & Safety and Project Manager, Capital Projects	Review building plans	Once for each project
Land Use and Planning (LU)								
CBP LU-1: New projects in the Campus Park will, as a general rule, conform to the Physical Design Framework. The Physical Design Framework includes specific provisions to ensure projects at the city interface consider the transition from campus to city.	●	—	—	Office of Physical & Environmental Planning	Prior to final design approval	Project Manager, Capital Projects and Campus Architect	Review project proposals for conformance to Physical Design Framework	Ongoing during project development and review
CBP LU-2: Each individual project built in the Hill Campus West, Hill Campus East, or the City Environs Properties under the LRDP will be assessed to determine whether it could pose potential significant land use impacts not anticipated in the LRDP, and if so, the project would be subject to further evaluation under the California Environmental Quality Act.	●	●	●	Office of Physical & Environmental Planning	Prior to CEQA review	Campus Architect	Confirm appropriate level of CEQA review is conducted	Once for each project in Hill Campus West, Hill Campus East, or the City Environs Properties
Noise (NOI)								
CBP NOI-1: Mechanical equipment selection and building design shielding will be used, as appropriate, so that noise levels from future building operations would not exceed the City of Berkeley Noise Ordinance limits for commercial areas or residential zones as measured on any commercial or residential property in the area surrounding a project proposed to implement the LRDP. Controls typically incorporated to attain this outcome include selection of	●	●	●	Capital Projects	Prior to project approval	Environmental Protection Manager, Office of Environment, Health & Safety	Review building plans	Once for each project
<p>Key:</p> <p>HP = housing project</p> <p>● = CBP applies to project component</p> <p>— = CBP does not apply to project component</p>								

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
quiet equipment, sound attenuators on fans, sound attenuator packages for cooling towers and emergency generators, acoustical screen walls, and equipment enclosures.								
<p>CBP NOI-2: UC Berkeley will require the following measures for all construction projects:</p> <ul style="list-style-type: none"> ▪ Construction activities will be limited to a schedule that minimizes disruption to uses surrounding the project site as much as possible. Construction outside the Campus Park will be scheduled within the allowable construction hours designated in the noise ordinance of the local jurisdiction to the full feasible extent, and exceptions will be avoided except where necessary. As feasible, construction equipment will be required to be muffled or controlled. ▪ The intensity of potential noise sources will be reduced where feasible by selection of quieter equipment (e.g., gas or electric equipment instead of diesel powered, low noise air compressors). ▪ Functions such as concrete mixing and equipment repair will be performed off-site whenever possible. ▪ Stationary equipment such as generators and air compressors will be located as far as feasible from nearby noise-sensitive uses. ▪ At least 10 days prior to the start of construction activities, a sign will be posted at the entrance(s) to the job site, clearly visible to the public, that includes contact information for UC Berkeley’s authorized representative in the event of a noise or vibration complaint. If the authorized contractor’s representative receives a complaint, they will investigate, take appropriate corrective action, and report the action to UC Berkeley. 	●	●	●	Future project contractors	During construction	Director of Campus Building Department and Director of Communications, Capital Strategies	Confirm incorporation of measures in construction bids	Once for each project for construction bid review; ongoing monitoring subject to corrective action and reporting requirements

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
<ul style="list-style-type: none"> During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only. The construction manager will use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws. <p>For projects requiring pile driving:</p> <ul style="list-style-type: none"> With approval of the project structural engineer, pile holes will be pre-drilled to minimize the number of impacts necessary to seat the pile. Pile driving will be scheduled to have the least impact on nearby sensitive receptors. Pile drivers with the best available noise control technology will be used. For example, pile driving noise control may be achieved by shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler. Alternatives to impact hammers, such as oscillating or rotating pile installation systems, will be used where feasible. 	●	●	●	Capital Projects	Prior to construction	Director of Communications, Capital Strategies	Confirm notification	Once for each project
<p>CBP NOI-3: UC Berkeley will precede all new construction projects that are outside of the Campus Park, the Clark Kerr Campus, or adjacent to a non-UC Berkeley property with community notification, with the purpose of ensuring that the mutual needs of the particular construction project and of those impacted by construction noise are met, to the extent feasible.</p>								

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
Public Services (PS)								
CBP PS-1: The University of California Police Department will continue its partnership with the City of Berkeley police department to review service levels in the City Environs Properties.	●	—	—	UC Berkeley Police Department and City of Berkeley	Ongoing	UC Berkeley Chief of Police	Confirm review of service levels	Ongoing
CBP PS-2: UC Berkeley will continue its partnership with the Lawrence Berkeley National Laboratory, Alameda County Fire Department, Oakland Fire Department, and Berkeley Fire Department to ensure adequate fire and emergency service levels to UC Berkeley facilities. This partnership will include consultation on the adequacy of emergency access routes to all new UC Berkeley buildings. UC Berkeley will also continue to work closely with external fire management partners related to regional wildfire prevention, including the Hills Emergency Forum, Diablo Firesafe Council, and various neighborhood groups and internal interdisciplinary planning teams.	●	—	—	UC Berkeley (various departments)	Ongoing	Campus Fire Marshal and Director of Campus Operations, Facilities Services	Confirm continued partnerships	Annual
CBP PS-3: UC Berkeley will, on an annual basis, provide housing production projections to the Berkeley Unified School District (BUSD) for the purpose of ensuring that BUSD enrollment projections account for UC Berkeley-related population changes, when UC Berkeley anticipates increasing its housing stock that would serve families which could potentially attend the BUSD. UC Berkeley's Office of Physical & Environmental Planning shall verify compliance with this measure.	●	—	—	Senior Planner, Office of Physical & Environmental Planning	Annual	Campus Architect	Confirm transmittal of projections	Annual
Transportation (TRAN)								
CBP TRAN-1: UC Berkeley will implement bicycle, pedestrian, and transit access and circulation improvements as part of new building projects, major renovations, and landscape projects. Improvements will	●	●	●	Capital Projects	During planning and design of new building	Project Manager, Capital Projects	Review project plans	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
address the goal of increasing non-vehicular commuting and safety; improving access from adjacent campus or city streets and public transit; reducing multi-modal conflict; providing bicycle parking; and providing commuter amenities.					projects, major renovations, and landscape projects			
CBP TRAN-2: UC Berkeley will continue in partnership with the City of Berkeley to: (a) maintain the Southside area between College, Dana, Dwight and Bancroft in a clean and safe condition; and (b) provide needed public improvements to the area (e.g. traffic improvements, lighting, bicycle facilities, pedestrian amenities and landscaping).	●	—	—	Office of Physical & Environmental Planning and City of Berkeley	Ongoing	Project Manager, Capital Projects	Confirm maintenance and improvements	Ongoing
CBP TRAN-3: The following housing and transportation policies will be continued: <ul style="list-style-type: none"> ▪ Except for disabled students, students living in UC Berkeley housing will only be eligible for a daytime student fee lot permit or residence hall parking based upon demonstrated need, which could include medical, employment, academic, and other criteria. ▪ An educational and informational program for students on commute alternatives will be included in new student orientation information. 	●	●	●	Residential & Student Service Programs	Ongoing	Director of Parking & Transportation	Confirm policies	Ongoing
CBP TRAN-4: UC Berkeley will continue to work with the City of Berkeley, AC Transit, and BART to coordinate transit access to new academic buildings, parking facilities, and campus housing projects, in order to accommodate changing locations or added demand.	●	●	●	Parking & Transportation, City of Berkeley, AC Transit, and BART	During planning and design of new academic buildings, parking facilities, and campus housing projects	Director of Parking & Transportation	Review project plans	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
CBP TRAN-5: UC Berkeley will require contractors working on major new construction or major renovation projects to develop and implement a Construction Traffic Management Plan that reduces construction-period impacts on circulation and parking within the vicinity of the project site. The Construction Traffic Management Plan will address job-site access, vehicle circulation, bicycle and pedestrian safety, and be coordinated with the City of Berkeley Public Works Department when projects require temporary modifications to city streets.	●	●	●	Project contractors	Prior to construction	Project Manager, Capital Projects	Confirm Construction Traffic Management Plan	Once for each project
CBP TRAN-6: For each construction project, UC Berkeley will require the prime contractor to prepare a Construction Traffic Management Plan which will include the following elements: <ul style="list-style-type: none"> ▪ Proposed truck routes to be used, consistent with the City truck route map. ▪ Construction hours, including limits on the number of truck trips during the morning (AM) and evening (PM) peak traffic periods (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.), if conditions demonstrate the need. ▪ Proposed employee parking plan (number of spaces and planned locations). ▪ Proposed construction equipment and materials staging areas, demonstrating minimal conflicts with circulation patterns. ▪ Expected traffic detours needed, planned duration of each, and traffic control plans for each. ▪ Identifying bicycle and pedestrian detours and safety plan, including solutions to address impacts to accessible routes. 	●	●	●	Project contractors	Prior to construction	Project Manager, Capital Projects	Confirm Construction Traffic Management Plan	Once for each project
CBP TRAN-7: UC Berkeley will manage project schedules to minimize the overlap of excavation or other heavy truck activity periods that have the potential to combine impacts	●	●	●	Project contractors	Prior to construction	Director of Capital Projects	Review project schedules	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
on traffic loads and street system capacity, to the extent feasible.								
CBP TRAN-8: UC Berkeley will reimburse the City of Berkeley for its fair share of costs associated with damage to City streets from UC Berkeley construction activities, provided that the City adopts a policy for such reimbursements applicable to all development projects within Berkeley.	●	●	●	Project Manager, Capital Projects	Prior to issuance of occupancy permits	Director of Capital Projects	Confirm payment	Once for each project
CBP TRAN-9: UC Berkeley will continue to survey the transportation practices of both students and employees at least once every 3 years. UC Berkeley will use the survey results for the following: <ul style="list-style-type: none"> Review the effectiveness of the transportation demand management programs and services offered to the UC Berkeley population, including participation, ridership, and other metrics, to assess where demand for expanded or new programs or services is apparent. This effort will include potential emerging mobility services, as well as services provided by others that UC Berkeley may contribute to, in order to increase the use of non-single-occupant vehicle travel modes. Monitor the use of single-occupant vehicles by commuters and track commute single-occupant vehicle use for faculty, staff, and student commuters. The single-occupant vehicle usage will be a proxy for vehicle miles traveled (VMT), as is it not feasible to directly measure commuter VMT given the mixed-use operation of most UC Berkeley parking facilities. 	●	—	—	Parking & Transportation	Every 3 years	Office of Physical & Environmental Planning	Confirm surveys	Every 3 years
Utilities and Service Systems (USS)								
CBP USS-1: For development that increases water demand, UC Berkeley will continue to evaluate the size of existing distribution lines as well as pressure of the specific feed	●	●	●	Capital Projects,	Prior to project approval	Utility Engineering	Review building plans	Once for each project

Key:
HP = housing project
● = CBP applies to project component
— = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
affected by development on a project-by-project basis, and necessary improvements will be incorporated into the scope of work for each project to maintain current service and performance levels. The design of the water distribution system, including fire flow, for new buildings will be coordinated among UC Berkeley, the East Bay Municipal Utility District, and the City of Berkeley Public Works Department and Fire Department.				EBMUD, City of Berkeley		Department, Facilities Services		
CBP USS-2: UC Berkeley will continue and expand programs retrofitting plumbing in high-occupancy buildings and seek funding for these programs from the East Bay Municipal Utility District or other outside parties as appropriate.	●	—	—	Project Manager, Capital Projects	Ongoing	Director of Campus Building Department and Director of Engineering and Technical Services, Facilities Services	Confirm programs	Ongoing
CBP USS-3: UC Berkeley will continue to incorporate specific water conservation measures into project design to reduce water consumption and wastewater generation. This could include the use of special air-flow aerators, water-saving shower heads, flush cycle reducers, low-volume toilets, weather-based or evapotranspiration irrigation controllers, drip irrigation systems, and the use of drought resistant plantings in landscaped areas, and collaboration with the East Bay Municipal Utility District to explore suitable uses of recycled water.	●	●	●	Capital Projects	During project design	Project Manager, Capital Projects	Review building plans	Once for each project
CBP USS-4: UC Berkeley will analyze water and sewer systems on a project-by-project basis to determine specific capacity considerations for both UC Berkeley systems and off-site municipal systems in the planning of any project proposed under the LRDP.	●	●	●	Capital Projects	Prior to project approval	Utility Engineering Department, Facilities Services	Review building plans	Once for each project
CBP USS-5: Payments to service providers to help fund wastewater treatment or collection facilities will conform to	●	●	●	Office of Physical &	Prior to issuance of	Office of the Chief Financial Officer	Confirm payment	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring		
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency
<p>Section 54999 of the California Government Code, including, but not limited to, the following provisions:</p> <ul style="list-style-type: none"> ▪ Fees will be limited to the cost of capital construction or expansion. ▪ Fees will be imposed only after an agreement has been negotiated by UC Berkeley and the service provider. ▪ The service provider must demonstrate the fee is nondiscriminatory: i.e. the fee must not exceed an amount determined on the basis of the same objective criteria and methodology applied to comparable nonpublic users, and must not exceed the proportionate share of the cost of the facilities of benefit to the entity property being charged, based upon the proportionate share of use of those facilities. <p>The service provider must demonstrate the amount of the fee does not exceed the amount necessary to provide capital facilities for which the fee is charged.</p>				Environmental Planning	occupancy permits			
CBP USS-6: UC Berkeley will continue to implement the Zero Waste requirements of the UC Sustainability Policy designed to reduce the total quantity of campus solid waste that is disposed of in landfills.	●	●	●	Zero Waste staff	Ongoing	Manager, Zero Waste	Confirm implementation	Ongoing
CBP USS-7: In accordance with the CalGreen Code, and as required for Leadership in Energy and Environmental Design certification, contractors working for UC Berkeley will be required under their contracts to report their solid waste diversion according to UC Berkeley's waste management reporting requirements.	●	●	●	Project contractors	During construction	Project Manager, Capital Projects	Confirm reports	Ongoing during construction
CBP USS-8: To the extent feasible, for all projects in the City Environs Properties, UC Berkeley will include the undergrounding of surface utilities along project street frontages, in support of Berkeley General Plan Policy S-22.	●	●	●	Project Manager, Capital Projects	Prior to project approval	Applicable Public Utility Agency	Review utility plans	Once for each project

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

TABLE 7-1 CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

CBP	Applicability to Project Component			Implementation		Monitoring			
	LRDP	HP#1	HP#2	Party	Timing	Party	Action	Frequency	
Wildfire (WF)									
CBP WF-1: UC Berkeley will continue to comply with the California Public Resources Code Section 4291, which mandates firebreaks of 100 feet around buildings or structures in, upon, or adjoining any mountainous, forested, or brush- or grass-covered lands.	●	—	—	Campus Operations, Facilities Services	Ongoing	Campus Fire Marshal	Confirm maintenance of firebreaks	Ongoing	
CBP WF-2: UC Berkeley will conduct vegetation management under its approved Wildland Vegetative Fuel Management Plan.	●	—	—	Hill Campus Fire Mitigation, Facilities Services	Ongoing	Director of Campus Operations, Facilities Services	Review vegetation management plans	Ongoing during planning for vegetation management practices	
CBP WF-3: UC Berkeley will continue to plan and implement programs to reduce risk of wildland fires, including plan review and construction inspection programs that ensure that its projects incorporate fire prevention measures.	●	—	—	Campus Building Department	During plan review and site inspection	Director of Campus Building Department and Campus Fire Marshal	Confirm incorporation of fire prevention measures in construction plans	Once for plan review; during regularly scheduled inspections	
CBP WF-4: UC Berkeley will continue to plan and collaborate with other agencies through participation in the Hills Emergency Forum.	●	—	—	Hill Campus Fire Mitigation, Facilities Services	Ongoing	Director of Campus Operations, Facilities Services	Confirm participation in the Hills Emergency Forum	Annual	

Key:
 HP = housing project
 ● = CBP applies to project component
 — = CBP does not apply to project component

7. CONTINUING BEST PRACTICES IMPLEMENTATION AND MONITORING

This page intentionally left blank



 **PLACEWORKS**

Berkeley, California | 510.848.3815

www.placeworks.com

Berkeley
UNIVERSITY OF CALIFORNIA
