11.1 THEMATIC RESPONSES

11.1.1 THEMATIC RESPONSE 1: ROLE OF 2020 LRDP IN PROJECT REVIEW

Some readers of the 2020 LRDP Draft EIR ask how the program-level analysis would be used to guide future projects. Some readers also suggest the program analyzed is not sufficiently specific.

Chapters 1.1, "Proposed Action" and 1.2, "EIR Scope and Purpose" describe how the 2020 LRDP and its EIR would be used to guide future capital investment at UC Berkeley.[1] In accordance with Public Resources Code section 21080.9, the LRDP is "a physical development and land use plan to meet the academic and institutional objectives for a particular campus." The 2020 LRDP provides policy guidance similar to a City general plan. It also prescribes explicit limits on the amount of new growth, both for UC Berkeley as a whole and for each of several land use zones on and around the campus. The full amount of growth is substantively analyzed in the 2020 LRDP EIR, and UC Berkeley may not grow beyond these limits without amending the 2020 LRDP and performing additional CEQA review.

While no state law requires UC Berkeley projects to conform to the 2020 LRDP, UC Regental policy requires all projects to be generally in accordance with the applicable LRDP. Public Resources Code section 21080.9 requires the University to evaluate environmental impacts from implementation of the LRDP. Because the 2020 LRDP EIR, as a program-level analysis, is necessarily general, some future individual projects may require more detailed environmental analyses. This is explained at page 1-2 of the Draft EIR:

> CEQA and the CEQA Guidelines state that subsequent projects should be examined in light of the program-level EIR to determine whether subsequent project specific environmental documents must be prepared. If no new significant effects would occur, all significant effects have been adequately addressed, and no new mitigation measures would be required, subsequent projects within the scope of the 2020 LRDP could rely on the environmental analysis presented in the program-level EIR, and no subsequent environmental documents would be required; otherwise, project-specific documents must be prepared.

Preparation of a long range plan has many benefits: the full scope of future campus growth is considered as completely as possible, as early as possible; the UC Regents and the public are able to understand how each future project fits within a larger coherent program of capital investment; and a framework of policies and guidelines is established to shape future projects.

Analyzing the long range plan in a programmatic EIR enables the University to consider broad policy alternatives and program-wide mitigation measures at an early time; ensures consideration of cumulative impacts that might not be evident in a case-by-case analysis; and reduces the risk of piecemeal, reactive development. Projects subsequently proposed must be examined for consistency with the program as described in the 2020 LRDP and with the environmental impact analysis contained in the LRDP EIR; if new environmental impacts would occur, or if new mitigation measures would be required, an additional environmental document would be prepared.[2]

11.1.2 THEMATIC RESPONSE 2: MITIGATIONS AND BEST PRACTICES

Some comments on the 2020 LRDP Draft EIR indicate that readers are unaware of UC Berkeley's extensive mitigation monitoring program. Elsewhere, some readers express concern about implementation of the Continuing Best Practices.

UC BERKELEY MITIGATION MONITORING PROGRAM

CEQA requires that a public agency monitor *or* report on its compliance with mitigations adopted to reduce or avoid significant effects of projects (California Public Resources Code section 21081.6). UC Berkeley exceeds the CEQA requirement: the campus *both* monitors *and* reports on *all* mitigation measures, whether or not they arise from significant impacts. The process for ensuring every UC Berkeley project is advised of its mitigation responsibilities, and monitored to ensure compliance, is rigorous and includes staff trainings, project team briefings, and field monitoring of campus construction activity.

Currently, for major capital projects, the UC Berkeley Office of Physical and Environmental Planning (PEP) creates a matrix compiling relevant mitigations. Mitigations from both the 1990 LRDP EIR and subsequent tiered EIRs or mitigated negative declarations are included as appropriate to the project. PEP also sends out quarterly checklists to the relevant project manager or project planner for completion and signature, then reviews and files the completed checklists. Checklists are sent out during planning, construction, and post-occupancy.

Post-occupancy mitigations are those that continue beyond the construction phase of a project. This category includes requirements such as cooperation with neighboring jurisdictions, public safety departments, utilities, and transportation agencies. Under current mitigation plans, PEP sends annual checklists to the UC Berkeley Police; Parking & Transportation; Intercollegiate Athletics; Environment Health & Safety; Physical Plant; and Capital Projects. The annual checklists are signed by a senior unit representative and returned to PEP.

For UC Berkeley's smaller projects (under $100,000) the Assistant Director – Project Management with oversight of such projects signs off on a quarterly letter indicating that he or she has reviewed all such projects for the given quarter for CEQA compliance. Each December, the Assistant Vice Chancellor for Physical and Environmental Planning reports in writing to the Vice Chancellor that UC Berkeley has thoroughly and successfully conducted, and continues to conduct, its Mitigation Monitoring Program.

CONTINUING BEST PRACTICES AND THE MITIGATION MONITORING PROGRAM

As stated at page 4.0-3 of the 2020 LRDP DEIR, "Ongoing implementation of Continuing Best Practices would be monitored in conjunction with monitoring of 2020 LRDP Mitigation Measures over the lifetime of the 2020 LRDP." In the 2020 LRDP Draft EIR, Continuing Best Practices are numbered for ease of reference in monitoring. The 2020 LRDP Mitigation Monitoring and Reporting Program appears in this Final EIR as Chapter 10.

11.1.3 THEMATIC RESPONSE 3: 2020 LRDP ALTERNATIVES ANALYSIS

The adequacy of the 2020 LRDP EIR alternatives analysis was addressed by several writers. Most of the comments on this topic fall into three general categories:

- The range of alternatives is too narrow, because it does not address the full range of the project's significant and unavoidable impacts.
- The alternatives are not true alternatives, either because they are infeasible or because their impacts are similar to those of the project.
- The evaluation of the alternatives is not detailed enough to enable a meaningful comparison with the project.

RANGE OF ALTERNATIVES

The CEQA Guidelines provide guidance on the range of alternatives an EIR must consider. The range of potential alternatives should include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination.[3]

The Draft EIR evaluates three alternatives, L-1 through L-3, which satisfy most but not all the project objectives and also reduce some of the significant environmental impacts of the project, including one or more significant and unavoidable impacts. In alternative L-4, the EIR also evaluates the "no project" alternative as required by CEQA. The EIR also briefly describes four other alternatives, L-5 through L-8, which were withdrawn from consideration either because they are infeasible or because they offer no significant environmental benefits over the 2020 LRDP or alternatives L-1 through L-4.

In practice, the selection of the range of alternatives is a matter of balance, since many of the very actions undertaken to achieve the project objectives also cause its environmental impacts. Alternatives L-1 and L-3 take two very conventional approaches to this problem: in the first case by a considerable reduction in the scale of the 2020 LRDP program, and in the second case by locating a considerable portion of the 2020 LRDP program at an alternate site. As described in "Relationship to Project Objectives" at pages 5.1-6 and 5.1-16, both alternatives meet most but not all the objectives of the 2020 LRDP, although L-1 and L-3 differ in which objectives are not met.

As shown in the summary comparison at the end of Chapter 5.1, both L-1 and L-3 represent substantial reductions in environmental impacts compared to the 2020 LRDP. Of the 21 significant impacts identified in the EIR, 17 impacts would be reduced under L-1 and 16 would be reduced under L-3, although L-3 may also entail as yet unknown impacts at the alternate site. The EIR concludes L-1 is the environmentally superior alternative, but would not fully accommodate the projected future needs of instruction and research programs.

In sum, the four alternatives evaluated in detail, as well as the four others rejected as infeasible, present a range of options that fully meets the requirements of CEQA: namely, "… to set forth only those alternatives necessary to permit a reasoned choice … the range of feasible alternatives shall be selected and discussed in a manner to foster

meaningful public participation and informed decision making." From the evaluation presented in Chapter 5.1 of the EIR, it is clear there are several alternatives to the 2020 LRDP which satisfy most, though not all, the project objectives *and* offer substantial potential environmental advantages. It is also explained in this evaluation why these alternatives do not fully meet the project objectives, and therefore why they were not selected.

In its comments, the City of Berkeley contends the 2020 LRDP would have other significant and unavoidable impacts beyond those identified in the EIR, and the range of alternatives is therefore inadequate because it does not address these other impacts. After a thorough review of the City comments, however, there appears to be no substantial evidence in the record that any significant impact was not analyzed in the Draft EIR. Further, alternatives have been selected to reduce or avoid significant impacts; alternatives need not reduce or avoid only "significant unavoidable" impacts.

TRANSIT INCENTIVES ALTERNATIVE

With respect to alternative L-2, several commentors objected to the lack of detail on incentive programs for transit and other alternate modes, which L-2 explicitly includes but does not describe. The list of such potential initiatives is already widely promulgated, and well documented in the joint *City/University TDM Study*[4] referenced in the Draft EIR. On the other hand, the potential success of such programs to further reduce drive-alone rates is speculative, particularly given the fact UC Berkeley already has many such programs in place (see Thematic Response 10).

The EIR makes it very clear L-2 does offer the potential to reduce some environmental impacts: "With additional transit incentives, and no new University parking, a greater percentage of the campus population would likely use transit to travel to and from campus. A shift to more transit use would reduce the expected future congestion at the impacted intersections." It also, however, notes the potential for new adverse impacts under L-2, including the potential to create inadequate parking capacity, which is one of the standards of significance listed in Appendix G of the CEQA Guidelines.

As advocated by several commentors, UC Berkeley has recently established one new incentive program: the Bear Pass. The Bear Pass a is two-year pilot program for unlimited rides on AC Transit, including transbay service, to UC Berkeley staff and faculty. The program also includes unlimited use of campus shuttles for pass holders. The cost of a Bear Pass to the employee under the pilot program is $240 per year or $20 per month, which may be paid in pretax dollars.

The Bear Pass was approved by AC Transit in July 2004 and began operating in October 2004. Because this is a new program, and because several commentors urged UC Berkeley to adopt such a program to reduce drive-alone trips, the description of L-2 in the Final EIR has been revised to include it.

One incentive program L-2 does not include, however, is satellite parking, also suggested by several commentors. The University's experience with satellite parking in the 1980s was unsuccessful and unpopular as commuters found their travel time significantly increased. From an environmental standpoint, satellite parking may not reduce the number of drive-alone trips, but may instead displace traffic impacts to locations more remote from the campus, which are presumably also less congested. To the extent the University has resources available to commit to alternate-mode initiatives, it intends

to commit them to programs such as the Bear Pass which have the potential to replace, rather than merely alter the characteristics of drive-alone trips.

TRUE ALTERNATIVES

The City of Berkeley contends "…The alternatives [the Draft EIR] describes are not true alternatives to the proposed project but straw men. They appear to be designed to be infeasible or to have a level of impacts that is virtually indistinguishable from the project." While alternatives L-1 through L-4 all fail to *completely* meet one or more of the project objectives, this does not mean they are "designed to be infeasible", but rather were found to be infeasible as the result of analysis. In fact, as the Draft EIR makes clear, should actual space demand at UC Berkeley grow more slowly than anticipated, the future *would* unfold as described in L-1.

The contention that the levels of impacts in the alternatives are indistinguishable from the project is also unsupported. L-1, for example, would reduce the amount of new program space and parking by roughly a third, while L-3 would relocate roughly a quarter of future space demand to a remote site. As noted above, L-1 and L-3 would each achieve at least some reduction in a majority of the significant impacts of the 2020 LRDP.

While the scenario presented in L-2, full growth in headcount and program space but zero growth in parking, is a comparatively radical approach, it is neither "designed to be infeasible" nor unprecedented. For example, the 2001 master plan for the University of Washington, another large research university in an urban setting, includes an increase of up to 17% in campus headcount by 2012 with no increase in the parking inventory.[5]

LEVEL OF DETAIL

In its letter the City of Berkeley also contends the analysis of alternatives is not detailed enough to support a meaningful evaluation. But CEQA provides that the analysis of alternatives need not be presented to the same level of detail as the assessment of the project, and more cursory analyses are common.[6]

Both the CEQA Guidelines and CEQA case law provide clear direction on the level of analysis required. The CEQA Guidelines state the analysis of alternatives must be specific enough to permit informed decision making and public participation. Chapter 5 of the EIR meets this criterion: it describes the environmental pros and cons of each alternative L-1 through L-3 by impact category, presents a summary comparison of those alternatives to the project, and explains the reasons why each of these alternatives, despite its environmental advantages, is not the preferred alternative.

In particular, the City of Berkeley contends "… In the evaluation of alternative L-2, the EIR fails to provide any traffic analysis of this alternative. Because no traffic analysis is offered in this section, there can be no discussion of how access to campus is affected under this alternative. Therefore the EIR's dismissal of the alternative is fundamentally unsupported." Further, the City states "A reduction in vehicle emissions is an obvious result of reducing parking and providing further incentives to increase transit use."

Detailed traffic and air quality analyses are not required to evaluate the implications of L-2. With the projected increase in campus headcount, coupled with no net increase in parking and increased transit incentives, the most likely scenario is that some percentage

of new students and workers would drive, but this increase would be offset by some reduction in current drivers. However, such transit incentives would be unlikely to compensate for more than a fraction of the incremental new parking demand. As described at page 5.1-9 of the Draft EIR, transit-related diesel particulate emissions may occur with an increase in transit use; further, total operational emissions would not be reduced to below a level of significance with implementation of alternative L-2.

As noted above, alternative L-2 has been revised in the Final EIR to include the recently adopted Bear Pass program. As a pilot program, the Bear Pass is expected to provide empirical data on the actual potential for mode shift due to cost incentives for transit. If the program can be shown to reduce parking demand at a feasible cost, the 2020 LRDP parking objectives would be adjusted as part of the ongoing review established by Mitigation TRA-11 at page 4.12-56.

As explained further in Thematic Response 9 under "Transit Incentives and Parking Demand", while the Bear Pass is expected to reduce parking demand to some extent, it is unlikely this reduction would be large enough to counterbalance the projected future *increase* in parking demand due to the projected future growth in campus headcount.

The conclusion at page 5.1-9, therefore, that "… [L-2] would create a new significant parking impact … The existing shortage of parking compared to demand would be exacerbated by future growth in campus headcount proposed under the 2020 LRDP" is reasonable, albeit overly conclusory since the future impact of the Bear Pass is not yet known. This statement has been revised in the Final EIR to read:

> The existing shortage of parking compared to demand ~~would~~ could be exacerbated by future growth in campus headcount proposed under the 2020 LRDP, since the shift to alternative travel modes achieved through future incentives are unlikely to entirely offset the future growth in parking demand.

Similarly, the conclusion "… With additional transit incentives, and no new University parking, a greater percentage of the campus population would likely use transit to and from campus …" is also reasonable, although it is not known to what extent transit use would increase.

11.1.4 THEMATIC RESPONSE 4: FISCAL IMPACTS

The current and future potential fiscal impacts of UC Berkeley on city services are mentioned in several comment letters. The City of Berkeley comments include two attachments: a study of current and future net fiscal impacts of UC Berkeley on city services, and a more focused study of sewer and stormwater fees and a proposed fair share contribution by the University. Both studies were prepared by consulting firms under contract to the City of Berkeley.

As a state entity, the University is constitutionally exempt from both local regulations and local taxes. Like other state institutions, the University is presumed to serve the public interest, and the courts have consistently held in the past that the transfer of funds from state to local jurisdictions does not serve the public interest.

Further, the matter of payments for city services is an economic issue not within the scope of CEQA, and an environmental impact report prepared in accordance with CEQA is not required to analyze or disclose such fiscal impacts. Section 15131 of the CEQA Guidelines states:

> Economic or social information may be included in an EIR or may be presented in whatever form the agency desires.
> a) 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 resulting from the project to physical changes caused in turn by the 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.

Because CEQA provides for analysis of environmental impacts, but not fiscal impacts, the analyses in the Draft EIR are limited to environmental impacts resulting from the physical requirements of new services required for the 2020 LRDP. Staffing and support needs for police services, fire and emergency services, and other public services and utilities are relevant under CEQA only to the extent they translate into the need for alteration of existing facilities or construction of new facilities, which in turn result in environmental impacts. The 2020 LRDP would not require or result in substantial physical impacts associated with new or physically altered emergency or utility service facilities, which is the criterion of significance. (See below for a discussion of fees paid for capital improvements to the utility infrastructure.)

However, while fiscal impacts are not within the scope of CEQA, the University recognizes they are a matter of concern to Berkeley and other cities and service agencies. They are also a matter of concern to the University, which depends on the adequacy and quality of some public services those cities and agencies provide. Subsequent to the publication of the fiscal impact study, UC Berkeley and the City of Berkeley have designated teams of staff representatives to meet, review and critique the study findings, and identify strategies that benefit both parties.

For certain fiscal impacts, namely those related to utility infrastructure, the conditions under which the University is authorized to make payments to cities and other public utility service providers are established by Government Code section 54999. Such payments are limited to the capital cost of public utility facilities, and must be "nondiscriminatory": the fee must be determined based on the same objective criteria and methodology applicable to comparable nonpublic users, and represent the proportionate share of the cost of the public utility facilities of benefit to the person or property being charged, based upon the proportionate share of use of those facilities.[7]

There is, therefore, no question the University is subject to fees within these categories, albeit within the limitations prescribed in 54999, which include the requirements such fees be limited to capital facilities, and those fees be assessed based on a methodology that ensures the University pays only its fair and equitable share of those capital facilities.

The matter of additional "fair share payments" from universities to cities is presently under appeal to the California Supreme Court, the result of litigation against California

State University by the City of Marina, regarding the impacts of the master plan for the CSU Monterey Bay campus. The Court of Appeals, in ruling for CSU, stated "… the California Environmental Quality Act does not require 'fair share payments' from state agencies to fund mitigation measures undertaken by local agencies, except for those categories of capital improvements specifically addressed by Government Code Section 54999 … payments for infrastructure beyond those specific categories listed in the Government Code are not required and in fact would constitute an impermissible gift of public funds." City of Marina v. Board of Trustees of the California State University (2003) 109 Cal.App.4th 1179.

(Several commentors including the City of Berkeley objected to further development of the Hill Campus due to the risk of fire and the difficulty of emergency response. While fiscal considerations were often mentioned as a contributing factor, the primary issue in these comments is the intrinsic hazard the physical conditions in the Hill Campus are perceived to pose. These comments are addressed in Thematic Response 8.)

11.1.5 THEMATIC RESPONSE 5: QUALIFIERS

Some readers of the 2020 LRDP Draft EIR have requested additional definition for qualifying terms like "substantially exceed", "as a general rule", and "to the extent feasible" in describing Best Practices or Mitigations to be implemented. See for example comments B7-10, B7-22, and B7-34.

SUBSTANTIALLY EXCEED. In accordance with CEQA, a proposal would "substantially exceed" the scope of the environmental approval of the 2020 LRDP when new significant environmental effects, or a substantial increase in the severity of previously identified significant effects, would occur with its implementation. (See Public Resources Code section 21166 and CEQA Guidelines 15162, as well as Thematic Response 1 regarding the role of the 2020 LRDP in project level review.)

TO THE EXTENT FEASIBLE. Where a measure – a Mitigation *or* a Best Practice – is required to mitigate a significant impact, the lead agency must implement the measure. If the measure cannot be implemented because it is infeasible, the lead agency must identify equivalent measures that are feasible, or prepare additional CEQA documentation to describe any new significant impacts that may result.

AS A GENERAL RULE. This qualifying term is only used in Best Practices that involve the use of design guidelines. The term is necessary because the use of guidelines, by definition, is informed both by specific circumstances and by the judgment of the user. As stated in section 3.1.17, for example:

> The provisions of the guidelines are not meant to preclude alternate design solutions. The best solution for a site should not be rejected just because we could not imagine it in advance ... As a rule, the campus should not depart from the guidelines except for solutions of extraordinary quality.

11.1.6 THEMATIC RESPONSE 6: RELATIONSHIP OF UC BERKELEY 2020 LRDP TO LAWRENCE BERKELEY NATIONAL LABORATORY

This response addresses comments contending that the UC Berkeley 2020 LRDP Draft EIR should also have analyzed the proposed Lawrence Berkeley National Laboratory LRDP. Some of these comments assert that a single EIR should have been prepared for the UC Berkeley 2020 LRDP and the Lawrence Berkeley National Laboratory LRDP. Several of these comments assert that preparation of such a joint document is required under the provisions of CEQA, to avoid what the writers contend is "piecemeal" environmental review or "segmentation" of a single project.

Readers of the 2020 LRDP Draft EIR correctly note the UC Regents are the approving body for both the 2020 LRDP and the proposed Lawrence Berkeley National Laboratory LRDP. Lawrence Berkeley National Laboratory and UC Berkeley also share some research appointments; two LBNL buildings (Donner and Calvin Laboratories) are located on the Campus Park; and the research interests of UC Berkeley and Lawrence Berkeley National Laboratory are complementary and sometimes interlinked. However, institutional differences are in this instance more compelling than similarities. Lawrence Berkeley National Laboratory is a Department of Energy (DOE) national laboratory managed by the University of California, with distinct institutional objectives, and therefore is subject to its own LRDP, a separate and distinct project under CEQA.

Public Resources Code section 21080.09 specifies that a long range development plan applies to a "particular" campus. The approval of projects "on a particular campus" may be tiered upon a long range development plan. Under CEQA Guidelines 15165, a lead agency must prepare a single program EIR when it proposes to undertake a phased project or multiple individual projects in which the total undertaking comprises a single project; or proposes to undertake an individual project that is a necessary precedent for action on a larger project; or proposes to undertake a project which commits it to action on a larger project.

The UC Berkeley 2020 LRDP and the Lawrence Berkeley National Laboratory LRDP are not linked in this manner. While environmental impact reports on both LRDPs would include cumulative impact analyses evaluating possible combined effects of both LRDPs, nothing in the UC Berkeley 2020 LRDP is dependent upon action by Lawrence Berkeley National Laboratory, and nothing in the eventual Lawrence Berkeley National Laboratory LRDP is likely to depend upon action by UC Berkeley.

Further indication that UC Berkeley and Lawrence Berkeley National Laboratory are separate is the decision by DOE to bid the management contract for oversight of the Lawrence Berkeley National Laboratory, indicating University of California management is not essential to its mission. Having the same current lead agency (University of California Regents) for their respective LRDPs under CEQA does not make the UC Berkeley and Lawrence Berkeley National Laboratory LRDPs one project.

Lawrence Berkeley National Laboratory has the responsibility for formulating and preparing the plan for properties under its jurisdiction, just as UC Berkeley has had the responsibility for formulating and preparing the plan for properties under its jurisdiction. Nothing in CEQA or the CEQA Guidelines would require that a single EIR be prepared for these different projects.

11.1.7 THEMATIC RESPONSE 7: TAX EXEMPT PROPERTY

The City of Berkeley comments at several points on its concern the 2020 LRDP would remove more property from the tax rolls, both generally and specifically with respect to housing, either by purchasing land or leasing space. Economic or social effects of a project are not within the scope of CEQA (see Thematic Response 4, above, regarding fiscal impacts), however, UC recognizes they are a matter of public concern, and were raised by several other commentors as well as the City.

The 2020 LRDP states at page 3.1-23:

> …Future growth in both program space and parking is planned to be accommodated primarily through more intensive use of University-owned land [including the vacated DHS site the University intends to acquire] … However, in order to meet the targets described in Campus Housing, some of this new housing would have to be constructed on land within the housing zone which is not presently owned by the University. The University will explore a full range of delivery options for each such project, including partnerships with private developers as well as direct acquisition and construction by the University. In those instances where the University does find it necessary to acquire land, preference shall be given to sites which are underutilized, which are not on the tax rolls, and/or where displacement of existing tenants can be minimized.

The City comments acknowledge this language, but complain there are no stated policies in the 2020 LRDP which address it. This is not correct. Section 3.1.7, Campus Land Use, includes as its first policy "Accommodate new and growing academic programs primarily through more intensive use of University owned land on and adjacent to the Campus Park". Section 3.1.12, Strategic Investment, includes the policy "Consider joint ventures that leverage University resources with private land and capital."

The proposed downtown hotel-conference center is one example of such a partnership: as currently planned, the project would be privately built, on privately owned land, and would be permitted by the City of Berkeley. The project would in fact serve an urgent unmet need of the University, but the University has no direct role in the financial structure, except as the original catalyst of the project and its primary future customer. While the City of Berkeley has a rigorous review process, which includes extensive public input, the University is hopeful this project not only succeeds but also serves as a model for other such partnerships.

As noted in Thematic Response 4, while fiscal impacts are not within the scope of CEQA, the University recognizes they are a matter of concern to Berkeley and other cities and service agencies. They are also a matter of concern to the University, which depends on the adequacy and quality of public services those cities and agencies provide. Subsequent to the publication of the fiscal impact study by the City of Berkeley, the University and the City of Berkeley have designated teams of staff representatives to meet, review and critique the study findings, and identify strategies that benefit both parties.

11.1.8 THEMATIC RESPONSE 8: HILL CAMPUS DEVELOPMENT

Numerous writers, including the City of Berkeley, the Summit Road/Grizzly Peak Boulevard Watch, and 136 identical form letters from individuals, objected to the scope

of Hill Campus development envisioned in the 2020 LRDP on several grounds: fire and earthquake hazard, hydrology, ecology, and land use, including nonconformance with the Berkeley and Oakland general plans. Although the 100 units of faculty housing was mentioned far more often than the 100,000 gsf of program space, several commentors voiced more general objections to any new Hill Campus development.

FACULTY HOUSING

Since the publication of the Draft EIR, UC Berkeley has reviewed the need for faculty housing in the Hill Campus. Due in part to the comments received on this topic, and in part to uncertainty over its feasibility, the 2020 LRDP and its Final EIR have been revised to delete the proposal for up to 100 new faculty housing units in the Hill Campus. The potential housing site designated H1 in the Draft EIR has been redesignated as a Reserve Site, as it was in the 1990-2005 LRDP. Site H2 has been redesignated as part of the Research designation, which surrounds it.

The section on "Housing" at page 3.1-55 has been deleted in its entirety in the Final EIR. The section on "Reserve Sites" at page 3.1-55 to 3.1-56 has been revised to include this new final sentence:

> The Northwest Promontory, the undeveloped site located southwest of the intersection of Centennial and Grizzly Peak, is also retained as a reserve site, as it was in the 1990-2005 LRDP.

Several other sections of the 2020 LRDP and the Final EIR have been revised to reflect this change in program. The note under table 3.1-2 has been revised to state:

> *** Includes up to ~~200~~ 100 family-suitable units for faculty, staff, or visiting scholars within the 2020 LRDP scope. Does not include new student housing proposed for University Village Albany, which is outside the scope of the 2020 LRDP and the subject of a separate CEQA review.

Table 3.1-3 has been revised to delete the housing designated for the Hill Campus. Section 3.1.8 at page 3.1-27 has been revised in the Final EIR as follows:

> At projected rates of future faculty hires, this policy may result in construction of up to 100 such units within the LRDP Housing Zone. This housing may be separate or co-located with the graduate and /or student family housing described above. ~~As described further in the Hill Campus Framework, up to 100 additional units of faculty housing may be built in the Hill Campus on sites suitable for housing.~~

Other sections of the Draft EIR have also been revised in the Final EIR to reflect the deletion of Hill Campus housing. The responses to comments below address the current version of the 2020 LRDP program for the Hill Campus, which includes up to 100,000 gsf of net new program space.

LAND USE

Most comments on Hill Campus land use address one or both of two related points:

- Conformance to the Oakland and Berkeley general plans.
- Compatibility with existing adjacent land uses.

As the Draft EIR notes, UC Berkeley is not subject to local land use regulations, including municipal general plans; the University serves the entire state of California, and its mission can not always be met entirely within the parameters of municipal policy. However, compatibility with adjacent land uses is a matter of concern for the University, and it therefore voluntarily considers the 2020 LRDP's compatibility with the adjacent land uses in the City Environs.

For the 2020 LRDP the relevant standard of significance is not whether a project conforms to local regulations, but rather whether the project conflicts with those regulations to the extent a significant incompatibility is created with adjacent land uses. The analysis of impacts in section 4.8.7 thus "…refers to the respective general plans of Berkeley and Oakland as guides in identifying such potential incompatibilities with respect to land use."

Although this analysis notes some Hill Campus projects envisioned under the 2020 LRDP would not conform to those areas respectively designated Open Space and Resource Conservation in the Berkeley and Oakland general plans, it also notes the Hill Campus includes numerous large University facilities such as the Lawrence Hall of Science, Silver Space Sciences Laboratory, and the Mathematical Sciences Research Institute. For both cities, therefore, the Draft EIR concludes "…new University projects in these areas … are not expected to create significant incompatibilities with respect to land use, as long as the uses in the new projects are similar to existing uses on or adjacent to the project sites."

The review of the Draft EIR undertaken in response to comments, however, has revealed an inconsistency the Final EIR has corrected. Continuing Best Practice LU-2-c at page 4.8-17 refers to inconsistencies with general plan designations for projects in the City Environs but not in the Hill Campus. Since this condition is already known to exist in the Hill Campus, Continuing Best Practice LU-2-c has been revised as follows:

> **Continuing Best Practice LU-2-c:** Each individual project built in the Hill Campus or the City Environs under the 2020 LRDP would be assessed to determine whether it could pose potential significant land use impacts not anticipated in the 2020 LRDP, and if so, the project would be subject to further evaluation under CEQA. In general, a project in the Hill Campus or the City Environs would be assumed to have the potential for significant land use impacts if it:
>
> - Includes a use that is not permitted within the city general plan designation for the project site, or
> - Has a greater number of stories and/or lesser setback dimensions than could be permitted for a project under the relevant city zoning ordinance as of July 2003.

As noted above, any such project that is not permitted within the general plan designation would be subject to further CEQA evaluation. Such evaluations would address land use compatibility at a level of specificity not possible in a program-level document, and the results of such evaluations would be documented as part of project level CEQA review.

HYDROLOGY

The form letter and Summit/Grizzly Watch object to potential damage to the Strawberry Creek watershed due to an increase in impermeable surfaces and therefore in

runoff. However, such damage would be prevented by Mitigation HYD-5, which states any project "… with potential to alter drainage patterns in the Hill Campus would be accompanied by a hydrologic modification analysis, and would incorporate a plan to prevent increase of flow from the newly developed site …"

The form letter and Summit/Grizzly Peak Watch note the existence of an aquifer identified in 1974, and the latter letter poses several questions regarding the extent of the aquifer and its relationship to landslide and earthquake hazard. The existence of groundwater in the Hill Campus, and the northwest portion in particular, is known and described at page 4.7-15 under "Groundwater Quality". The EIR recognizes "… moisture overburdening of the soil can result in soil movements, leading in turn to increased sediment contamination of surface waters."

As shown in figure 4.5-3, certain areas of the Hill Campus are within landslide hazard zones. As prescribed at page 4.5-19, "Where development would occur within landslide-prone zones, the Continuing Best Practices [GEO-1-a through GEO-1-g] would apply." These Continuing Best Practices describe the extensive set of reviews and procedures undertaken by UC Berkeley to maximize the safety and resiliency of new and renovated buildings. This section goes on to state another Continuing Best Practice, GEO-1-h, which prescribes dewatering to be installed, monitored and maintained as required for all Hill Campus development.

However, since Continuing Best Practices GEO-1-a through GEO-1-g are presented in the EIR in the context of seismic hazards, a more explicit linkage to landslide hazards would be helpful, not only to clarify the University's intent but also to inform future mitigation monitoring. As noted in section 4.5.4, seismic vibration is only one of several potential factors in landslide hazard. The Final EIR has therefore been revised to include an additional Best Practice:

> **Continuing Best Practice GEO-1-i:** The site-specific geotechnical studies conducted under GEO-1-b will include an assessment of landslide hazard, including seismic vibration and other factors contributing to slope stability.

SEISMICITY

The form letter and Summit/Grizzly Peak Watch also object to locating new housing on a site described in the form letter as "… next to the Lawrence Hall of Science fault zone, between the Hayward/Wildcat Canyon fault lines …" As noted in section B.1.5 of the Technical Appendices, the Lawrence Hall zone is in fact a sheared contact zone between the Orinda and Moraga formations and is not a set of faults. There are no studies indicating holocene activity on the Wildcat fault, and the California Division of Mines and Geology does not designate the Wildcat fault as an Alquist-Priolo earthquake fault zone.

However, UC Berkeley is obviously located in a region of seismic activity, and the Hayward fault is capable of generating a maximum credible earthquake of Richter 7.5. In recognition of this hazard, UC Berkeley has implemented a process that employs best available engineering practices to maximize safety, as represented in Continuing Best Practices GEO-1-a through GEO-1-g. For the reasons presented under LRDP Impact GEO-1, new projects in the Hill Campus would not pose a significant increase in risk to people or the environment. However, as noted in the form letter, the Hill Campus does pose specific challenges with respect to emergency access, which are covered below.

FIRE

The form letter notes the Hill Campus lies within a zone of wildfire risk. The City of Berkeley contends more development in Strawberry Canyon would add to the fire load, but the comments on fire-related risk in both the City response and the form letter focus primarily on the question of emergency access, which is covered below. Any new University projects in the Hill Campus would comply with state codes and incorporate firebreaks, fire resistant materials, and other fire prevention features implemented through the campus review and inspection procedures described in the EIR.

EMERGENCY ACCESS

The form letter contends emergency access to and egress from inhabited areas in and adjacent to the Hill Campus would be constrained by the proposed housing. The City of Berkeley similarly contends the housing would not only put the new residents at risk, but would also increase the risk wildland fires pose to existing hill residents and University workers, particularly if construction activity impedes travel along Centennial Drive. While Hill Campus housing has been deleted from the 2020 LRDP, the writers' comments are also relevant to the future construction of new program space.

The City of Berkeley's concern is evidently due in part to the language in Mitigation Measure PUB-2.4-b which indicates that in certain instances campus roadways may be reduced to a single lane during construction-related road closures. While this Mitigation Measure refers to all campus roadways, the commentors are correct in contending such a closure on Centennial Drive, the only access route through the Hill Campus, would entail a far greater risk than other campus roads. Mitigation Measure PUB-2.4-b has therefore been revised in the Final EIR as shown below. With this revision, emergency access constraints would be less than significant.

> **LRDP Mitigation Measure PUB-2.4-b:** To the extent feasible, the University would maintain at least one unobstructed lane in both directions on campus roadways at all times, including during construction. At any time only a single lane is available due to construction-related road closures, the University would provide a temporary traffic signal, signal carriers (i.e. flagpersons), or other appropriate traffic controls to allow travel in both directions. If construction activities require the complete closure of a roadway, UC Berkeley would provide signage indicating alternative routes. In the case of Centennial Drive, any complete road closure would be limited to brief interruptions of traffic required by construction operations.

PARKING

Several commentors mentioned concerns over the number of UC Berkeley employees perceived to park on City streets, in the areas near the intersection of Centennial and Grizzly Peak, rather than in University lots. Some of these areas have residential permit parking, but commentors contend the City of Berkeley does not enforce it.

The University has no authority over how the cities of Oakland or Berkeley enforce parking regulations, although in an effort to address this concern, University parking in the Hill Campus is offered to employees at a substantial discount: $59.50 per month, compared to $81.50-$113.00 per month for spaces on and around the Campus Park. Pre-tax purchase further reduces the net cost of these spaces by 12%-46%, depending on the tax bracket of the purchaser.

11.1.9 THEMATIC RESPONSE 9: PARKING DEMAND

The City of Berkeley challenges the projected future demand for 2,300 net new parking spaces in its general comments and, more extensively, in its supplementary comments on the transportation section. These comments, echoed by several other commentors including AC Transit, include three general points:

- The estimates of future parking demand are not adequately supported.
- The policy to increase parking contradicts the policy to reduce parking demand.
- The policy to reduce parking demand is not supported by specific transit initiatives.

The City comments include several other, more specific points on parking which are covered in individual responses. The City and other commentors also address the topic of parking in the context of the 2020 LRDP alternatives; see Thematic Response 3.

ESTIMATES OF DEMAND

The estimate of parking demand is explained, in section 3.1.9 of the Draft 2020 LRDP, as the sum of a current parking deficit plus future demand due to projected growth in campus headcount. Future demand is based on target drive-alone rates of 10% for students and 50% for employees, slightly lower than the rates of 11% and 51%, respectively, reported in the most recent UC Berkeley surveys. The current deficit is referenced to the need stated in the 1990-2005 LRDP, plus the net reduction in the campus parking inventory since 1990.

The derivation of parking demand is a complex exercise, and requires numerous assumptions about the work schedules and travel mode selections of a large and diverse campus community. As noted in section 5.1.2 of the 2020 LRDP Draft EIR, the estimate of the current parking deficit is consistent not only with the findings of the 1990-2005 LRDP but also with a more recent 1999 study of campus parking. While the 1999 study recommends construction of 1,300 net new parking spaces to address then-current needs, the study also notes this is only a fraction of actual unmet demand.

Such estimates require numerous assumptions to be made, and opinions can differ on those assumptions. The City, for example, contends an alternate demand estimate based on current ratios would result in 341 fewer new spaces. However, the City estimate is based on an incomplete analysis: not only does it ignore current unmet demand, it also ignores the present and future parking demands of visitors, vendors, tradeworkers, and service vehicles. In order to provide a more comprehensive view of parking demand at UC Berkeley, table 11.1-1 shows how a reasonable set of assumptions about future headcount, work schedules, and mode selections yields the projected net demand for 2,300 new spaces shown in table 3.1-2 of the 2020 LRDP.

CONSISTENCY OF POLICIES

The City of Berkeley contends the two 2020 LRDP policies "increase the supply of parking to accommodate existing unmet demand and future campus growth" and "reduce demand for parking through incentives for alternate travel modes" contradict each other. The City states "… If the trip reduction strategies had been emphasized, or given equal weight, the need for parking spaces would certainly have been reduced below the number proposed."

TABLE 11.1-1 ESTIMATED 2020 PARKING DEMAND

		Headcount 2020	Campus Peak Day	% Drive Alone	% Ride Share	Persons/ Rideshare	Parking Demand
Undergraduate Students		23,950	80%	10%	0.5%	2.3	1,958
Graduate Students		9,500	60%	10%	0.5%	2.3	582
Faculty		1,980					
Full time	75%	1,485	75%	50%	8.5%	2.3	598
Part time	25%	495	45%	50%	8.5%	2.3	120
Academic Staff & Visitors		4,880					
Full time	75%	3,660	90%	50%	8.5%	2.3	1,769
Part time	25%	1,220	45%	50%	8.5%	2.3	295
Nonacademic Staff		8,950					
Full time	75%	6,713	90%	50%	8.5%	2.3	3,244
Part time	25%	2,238	45%	50%	8.5%	2.3	541
Other Visitors & Vendors		2,000	25%	80%			400
							9,506
Service, Loading, Maintenance, Special (exstg*1.20)							234
Residence Hall (exstg*1.05)							250
Estimated Parking Demand 2020							9,990
Actual Supply 2001-2002 (excluding motorcycle spaces)							-6,900
Net Addl Completed 2004							-100
Net Addl CEQA Approved							-690
Net Addl Parking Required 2020							2,300

The City of Berkeley, AC Transit, and other commentors have suggested UC Berkeley look to other comparable urban universities which they regard as having exemplary programs of transit incentives. The benchmark institutions suggested include Harvard University, Massachusetts Institute of Technology, Northwestern University, University of Pennsylvania, University of Maryland at College Park, University of Washington, University of Colorado at Boulder, and University of California at Los Angeles.

If the above City assertion were correct, it would follow that these universities with exemplary transit incentives would have lower ratios of parking than the ratio envisioned in the 2020 LRDP. However, as shown in table 11.1-2, under the 2020 LRDP the parking ratio at UC Berkeley would be *comparable to* or *lower than* the ratios at the benchmark institutions suggested, based on student headcount.[8] The data from the benchmark institutions suggested by commentors would seem to indicate the amount of parking envisioned under the 2020 LRDP is not contradictory, but in fact complementary to a strong program of transit incentives.

This does not mean, as the City contends, that UC Berkeley is not committed to reducing parking demand. On the contrary, UC Berkeley is extremely interested in doing so, not only for environmental reasons, but also because urban structured parking is very expensive. Section 3.1-9 of the Draft 2020 LRDP clearly states "… to the extent we are able to further reduce these ratios, through demand reduction incentives and through construction of new student housing, the [parking] objective would be adjusted to reflect these changes."

TABLE 11.1-2 **PARKING AT OTHER URBAN RESEARCH UNIVERSITIES**

	Source	Student Headcount	Parking Spaces	Ratio Spaces : Students
UC Berkeley 2002 (existing & approved)	*a*	31,800	7,690	0.24
UC Berkeley 2020	***a***	**33,450**	**9,990**	**0.30**
UC Los Angeles 2001	*b*	35,919	19,000	0.53
U Washington Seattle 2003	*c*	39,135	12,131	0.31
Harvard Cambridge 2002	*d*	15,256	4,536	0.30
MIT Cambridge 2002	*d*	10,222	4,814	0.47
U Colorado Boulder 2003	*e*	29,151	9,676	0.33
U Pennsylvania Philadelphia 2004	*f*	23,243	6,200	0.27
Northwestern Evanston 2001	*g*	12,200	3,500	0.29
U Maryland College Park 2003	*h*	35,329	19,000	0.54

List of data sources precedes endnotes

TRANSIT INCENTIVE PROGRAMS AND PARKING DEMAND

The City and other commentors contend the 2020 LRDP policy to "Reduce demand for parking through incentives for alternate travel modes" is not supported by specific initiatives. Several commentors mention an "EcoPass" type program of discounted transit fares for employees as an option worthy of further consideration (e.g. comment B7a-85).

UC Berkeley has recently established such a program: the Bear Pass, implemented in fall 2004. The Bear Pass is a two-year pilot program for unlimited rides on AC Transit, including transbay service, to UC Berkeley staff and faculty who reside in the AC Transit service area. The program also includes unlimited use of campus shuttles for pass holders. The cost of a Bear Pass to the employee under the pilot program is $240 per year or $20 per month, which may be paid in pretax dollars.

While the impact of the Bear Pass on worker commute patterns is not yet known, the experience of the student Class Pass may provide some insight into its potential impact. The Class Pass allows UC Berkeley students unlimited free rides on AC Transit bus lines. The Class Pass is financed through student fees; there is no charge for the pass itself. Following the introduction of the Class Pass in 1998, transit use by students increased from 14% in 1997 to 23% in 2000. However, a substantial percentage of this increase appears to have come at the expense of bike users, walkers and others; bike use declined from 14% to 9% while walkers and others declined from 58% to 56%. Drive-alone commuters declined from 13% to 11%. In other words, the Class Pass appears to have "captured" roughly 15% of student drive-alone trips.

Since a greater percentage of students than workers live within the service area of AC Transit, and since the Bear Pass must be purchased by individual users (although at a discounted rate), it is unlikely the Bear Pass would have as great an impact as the Class Pass on travel modes. UC Berkeley planners expect 127 drive-alone parking permit holders to convert to transit, or roughly 1% of the 2001-2002 employee headcount.

As a pilot program, the Bear Pass is expected to provide empirical data on the actual potential for mode shift due to cost incentives for transit. If the program can be shown to reduce parking demand at a feasible cost, the 2020 LRDP parking objectives would be adjusted: as section 3.1-9 clearly states "… to the extent we are able to further reduce

these [drive-alone] ratios, through demand reduction incentives and through construction of new student housing, the [parking] objective would be adjusted to reflect these changes."

Toward this end, the Draft EIR prescribed Mitigation Measure TRA-11 to monitor the relationship of parking demand to supply over time. In order to ensure this assessment of drive-alone rates, and of the influence of both UC Berkeley transit incentives and future transit improvements, occurs on a regular schedule, the Final EIR has been revised to include an additional Continuing Best Practice:

> **Continuing Best Practice TRA-11:** The University surveys the transportation practices of both students and employees at periodic intervals. In order to ensure the parking objective of the 2020 LRDP takes into account future changes in drive-alone rates, transit service and parking demand, the University will conduct such surveys at least once every 3 years; will make the survey results available to the public; and will review and, if appropriate, reduce the 2020 LRDP parking objective in light of those results.

[Note: the range of current and future UC Berkeley incentives for alternate transportation modes is described in Thematic Response 10.]

FUTURE TRANSIT IMPROVEMENTS AND PARKING DEMAND

Price subsidy programs, however, are not the only way drive-alone rates might be reduced. As noted in the Draft 2020 LRDP at page 3.1-29:

> While cost and dependent care are often cited as reasons why people drive to work, in our 2001 survey of faculty and staff only 9% and 10%, respectively, selected these reasons. Convenience, at 37%, and travel time, at 30%, were by far the most oft-cited reasons why faculty and staff drive rather than use transit or other alternate modes ... The university is working with transit providers to ensure reasonably priced transit options and adequate service. However, if significant numbers of drivers are to be shifted to transit, convenience and travel time must be improved. Although minor further improvements might be achieved through operational measures, significant improvements require major capital investments.

The Bus Rapid Transit (BRT) system currently in design by AC Transit is one such investment. This project would construct dedicated bus lanes and station structures along an 18-mile route from San Leandro through Oakland to UC Berkeley and downtown Berkeley, with service through North Oakland and Berkeley along Telegraph Avenue. BRT/Telegraph would offer riders a rail-like transit experience that operates more quickly and reliably than regular bus service today, and would thus address the issues of convenience and travel time that now induce many UC commuters to drive.

If BRT/Telegraph and UC Berkeley transit incentives combined could produce a 10% improvement in the 2001 drive-alone rates, from 11% to 10% for students and from 51% to 46% for employees, the 2020 parking demand at UC Berkeley could be reduced from 2,300 to roughly 1,800 net new spaces. The 2020 LRDP has therefore been revised to defer 500 of the 2,300 net new proposed parking spaces until after 2020, if specific milestones toward completion and operation of the BRT are met.

Paragraphs 6 and 7 at page 3.1-28 of the Draft 2020 LRDP are revised as follows:

~~By 2020, we propose to increase the amount of university automobile parking by up to 30% over current and approved spaces, as shown in table 3.1-2. The proposed net increase of 2,300 spaces is required to meet the continuing demand for 1,000 net new spaces proposed in the 1990-2005 LRDP, replace the 300 spaces displaced by new construction since 1990, and accommodate future parking demand at a rate of one space per two new campus workers and one space per ten new students.~~

~~This estimate of future parking demand is based on target drive-alone rates of 10% for students and 50% for staff and faculty. However, to the extent we are able to further reduce these ratios, through demand reduction initiatives and through construction of new student housing, the objective would be adjusted to reflect these changes.~~

The projected campus growth under the 2020 LRDP could, at target drive-alone rates of 10% for students and 50% for employees, result in a demand by 2020 for up to 2,300 net new parking spaces beyond the current inventory and approved projects. However, while this figure includes substantial current unmet demand as well as future growth, it could be reduced if drive-alone rates could be improved through a combination of transit incentives and transit service improvements, as described below.

Paragraphs 3 through 7 at page 3.1-29 of the Draft 2020 LRDP are revised as follows:

POLICY: REDUCE DEMAND FOR PARKING THROUGH INCENTIVES FOR ALTERNATE TRAVEL MODES. COLLABORATE WITH CITIES AND TRANSIT PROVIDERS TO IMPROVE SERVICE TO CAMPUS.

UC Berkeley presently offers a wide range of incentives for alternatives to drive-alone auto trips, including price subsidies and pre-tax purchase of transit tickets, discounted parking to alternate mode users who must occasionally drive alone, free parking and reserved parking spaces for carpoolers, free emergency rides home for alternate mode users, and now in development, a secure bicycle parking program for bike commuters. Based on the findings of the 2001 City-UC Berkeley Transportation Demand Management Study, UC Berkeley will continue to pursue existing and new incentives for alternative modes of transportation, directly as well as in collaboration with cities and regional transit providers.

~~**POLICY: COLLABORATE WITH CITIES AND TRANSIT PROVIDERS TO IMPROVE SERVICE TO CAMPUS.**~~

While cost and dependent care are often cited as reasons why people drive to work, in our 2001 survey of faculty and staff only 9% and 10%, respectively, selected these reasons. Convenience, at 37%, and travel time, at 30%, were by far the most oft-cited reasons why faculty and staff drive rather than use transit or other alternate modes. The university is working with transit providers to ensure reasonably priced transit options and adequate service. However, if significant numbers of drivers are to be shifted to transit, convenience and travel time must be improved. Although minor further improvements might be achieved through operational measures, significant improvements require major capital investments.

~~AC Transit is presently studying a program of capital investments in transit service from the south to the campus and downtown Berkeley. As a major transit destination, UC Berkeley is a key participant in this process. While several de-~~

~~sign options are presently under consideration, the eventual solution may involve realignments of traffic flow on southside streets and/or the introduction of dedicated transit lanes. UC Berkeley should continue to collaborate with cities and AC Transit on transit improvement plans to optimize their benefit to the campus community.~~

As part of its Bus Rapid Transit (BRT) project, AC Transit is proposing to upgrade transit service to the campus along a Telegraph Avenue alignment. The BRT/Telegraph project would create dedicated bus lanes and station structures along an 18-mile route from San Leandro through Oakland to UC Berkeley and downtown Berkeley. BRT/Telegraph would offer riders a rail-like transit experience that operates more quickly and reliably than regular bus service today, and would thus address the issues of convenience and travel time that now induce commuters to drive.

For example, if BRT/Telegraph and UC Berkeley transit incentives could produce a 10% improvement in current estimated drive-alone rates, the 2020 parking demand at UC Berkeley could be reduced from 2,300 to roughly 1,800 net new spaces. To ensure adequate time to assess the impact of BRT/Telegraph and its own transit incentives on drive-alone rates, UC Berkeley would defer 500 of the 2,300 net new spaces until after 2020 if the following conditions are met:

- the cities of Berkeley and Oakland approve the final route for BRT/Telegraph by January 2010, and
- construction is underway on the BRT/Telegraph system as described above by January 2010.

11.1.10 THEMATIC RESPONSE 10: TRANSPORTATION ALTERNATIVES

UC Berkeley has implemented a comprehensive package of programs for faculty, staff and students to encourage the use of alternative transportation. The purpose of these programs and related capital improvements is to reduce traffic and parking demand and contribute to the protection of the environment. The campus has achieved notable success in its adoption of these programs: 49% of campus employees and 89% of students commute by some form of transportation other than a single occupant vehicle.

No state funding is used to support commute alternative programs at UC Berkeley. These programs are primarily financed by user fees, including a transportation fee assessed on parking permits, a self-assessed student transit fee, and parking citation revenue. External grants secured by UC Berkeley have also helped to support programs and projects over the last decade.

AC TRANSIT STUDENT CLASS PASS

In November 2001, UC Berkeley students voted overwhelmingly (88.4%) to retain the AC Transit Class Pass Program, initiated in 1998, for another four years. The Class Pass program allows registered students to take unlimited rides on AC Transit, including transbay service to San Francisco, and on Bear Transit campus shuttles year round. Students fund this program through a self-assessed fee paid each semester. This highly successful program results in over 3.5 million student rides and $1.3 million dollars in revenue to AC Transit annually.

AC TRANSIT EMPLOYEE BEAR PASS

In July 2004, UC Berkeley and AC Transit completed negotiations for a pilot program to provide unlimited rides on AC Transit, including transbay service, to the 75% of UC employees who live in the AC Transit service area. The initial program will run October 2004 through June 2006. Under the Bear Pass program, UC Berkeley employees will pay $20 per month for unlimited use of the AC Transit system, including transbay service. In comparison, the general public pays AC Transit $60 per month for a basic unlimited use pass without transbay service and $100 per month with transbay service. The Bear Pass also compares favorably to the cost of an annual UC Berkeley parking permit, which ranges from $81.50 to $113 a month. The Bear Pass fee will be deducted directly from employee paychecks pre-tax (see below).

SUBSIDIES AND PRE-TAX PURCHASE

The pre-tax program enables UC Berkeley employees to purchase transit tickets for BART, AC Transit and more through payroll deduction with pre-tax dollars. A variety of BART, AC Transit, and other packages are available. By using pre-tax dollars, participants realize savings of 12% to 46%, depending on their tax bracket. Employees receive a $10 per month subsidy toward the purchase of any transit tickets through UC Berkeley.

BEAR TRANSIT SHUTTLES

Campus shuttles operate day and night, seven days a week on varying schedules. Shuttles serve downtown Berkeley and BART, the Campus Park interior and perimeter, the Hill Campus, and Richmond Field Station. Campus shuttles carry 860,000 faculty, staff, student and public passengers a year. Most passengers ride for free, for others it is a nominal fee.

CARPOOLS & VANPOOLS

Employees in two-person carpools pay 75% less for parking than single occupant vehicle permit holders. Three+ person employee carpoolers pay a nominal fee for the carpool permit. Student carpoolers pay 75% less for parking than single occupant vehicle permit holders. UC Berkeley also provides free reserved carpool parking spaces throughout the campus.

UC Berkeley vanpools are operated by groups of 7 or more employees who commute in one vehicle from the same area. Free central campus parking is provided for the vans. UC Berkeley is currently reviewing this program and considering a variety of new benefits, including a pre-tax option and monthly subsidy for riders.

BICYCLES

The campus provides free California bicycle licensing, extensive bicycle parking, campus bicycle paths, bicycle enforcement, and more. The University will be providing secure bicycle parking in five locations on campus with a grant from the Bay Area Air Quality Management District: over 200 bike parking spaces will be furnished in covered, locked cages or under security camera surveillance.

In 2004-2005 UC Berkeley will begin developing a campus bicycle access plan with a grant from the Alameda County Transportation Improvement Authority. Bicycle programs are funded by the transportation fee and are free to users.

WALKING

Many students find walking to be the preferred means of commuting and intra-campus travel. Currently 53% of UC Berkeley students, and 8% of employees, commute to and from campus on foot. UC Berkeley intends to keep walking as the primary commute mode for students in the future by significantly increasing the supply of University housing near campus, as envisioned in the 2020 LRDP.

GUARANTEED RIDE HOME PROGRAM

All faculty and staff are eligible for the Guaranteed Ride Home program, which provides free rides in the event of a personal emergency. UC Berkeley employees are eligible for up to six free rides home per year. Employees must be using a commute alternative the day they use the program. This program is offered by the Alameda Congestion Management Agency at no cost to the University.

DISCOUNTED PARKING

Employees participating in alternative transportation programs, including carpoolers and vanpoolers, transit pre-tax and subsidy participants, Bear Pass users, cyclists and pedestrians, are eligible to purchase 48 days of discount parking a year for days when they need to drive alone.

CITY CARSHARE

City CarShare, a local non-profit membership organization providing vehicles for short–term rental throughout the Bay Area, has one on-campus vehicle location, or "pod", in partnership with UC Berkeley. UC Berkeley CarShare vehicles are located in the Dana/Durant parking lot. Student, faculty and staff members have access to the UC Berkeley pod, as well as to the complete City CarShare network that includes several pods in downtown Berkeley. UC Berkeley is also investigating ways of allowing departmental access to City CarShare vehicles for University-related worktrips.

ALTERNATIVE FUEL VEHICLES

UC Berkeley complies with the Energy Policy Act of 1992 which requires 75% of all new vehicles purchased weighing less than 8,500 lbs, except emergency vehicles, to be alternatively fueled vehicles. UC Berkeley strategies to comply with the Act include purchasing flex fuel vehicles that run on gasoline or ethanol, and starting to run campus vehicles on biodiesel. In addition, campus department use of electric vehicles and Segways is expanding, and several electric vehicle-charging stations are provided for campus commuters.

COLLABORATION WITH CITY OF BERKELEY

UC Berkeley and the City of Berkeley continue to work together on transportation demand management initiatives. Current projects include:

- Providing new transit shelters at Bear Transit/AC Transit bus stops.
- Improving wayfinding systems for visitors to Berkeley.
- Funding intersection improvements that increase pedestrian safety at Oxford/Hearst and Arch/LeConte/Hearst.
- Working with AC Transit to define Bus Rapid Transit alignments in Berkeley.
- Collaborating on the City Bicycle Plan update and a new campus bicycle plan.

11.1.11 THEMATIC RESPONSE 11: PROJECT DESIGN REVIEW

Objections to the lack of City participation in campus design review, and the inadequacy of informational presentations as a means of City input, occur at several points in the City of Berkeley letter. The City also objects to the fact the 2020 LRDP does not include general design guidelines for the City Environs, as it does for the Campus Park. Berkeley Architectural Heritage Association notes a perceived inconsistency regarding project review under the Southside Plan.

CITY PRESENTATIONS

Design review is not merely about style: as practiced in sophisticated cities such as Berkeley, design review considers scale, mass, configuration, and often programmatic elements, as when certain types of space are prescribed for street frontages. And it should: these fundamental aspects of design often influence the perception of a building far more than surface treatments. However, such considerations also affect how well a site is utilized, how much a building costs, and how well the building meets the needs of its occupants. Design review, therefore, can be a significant factor in the campus' ability to optimize its capital resources toward its educational mission.

Municipal design review, then, is one tool for implementing local land use regulation, from which the University is exempt. This does not mean cities should not have a strong advisory role, and the Continuing Best Practices in the 2020 LRDP ensure that it would. However, the City of Berkeley makes a legitimate point in requesting a stronger linkage between the informational presentations and the deliberations by the campus Design Review Committee. The presence of a city representative at the campus DRC, both to ensure the opinions of the city are well articulated and to hear the DRC deliberations, would benefit both parties. Continuing Best Practices AES-1-e and LU-2-b, therefore, are revised in the Final EIR as follows:

> **Continuing Best Practice AES-1-e:** UC Berkeley would make informational presentations of all major projects in the City Environs in Berkeley to the Berkeley Planning Commission and, if relevant, the Berkeley Landmarks Commission for comment prior to schematic design review by the UC Berkeley Design Review Committee. Major projects in the City Environs in Oakland would similarly be presented to the Oakland Planning Commission and, if relevant, to the Oakland Landmarks Preservation Advisory Board. Whenever a project in the City Environs is under consideration by the UC Berkeley DRC, a staff representative designated by the city in which it is located would be invited to attend and comment on the project. *[Continuing Best Practice LU-2-b identical]*

CITY ENVIRONS GUIDELINES

The City of Berkeley objects to the fact the University has not created general design guidelines for the City Environs, as it has for the Campus Park, and thus relies on project-specific guidelines for City Environs projects. The City contends such case-by-case reviews do not provide adequate consideration of contextual factors.

The University has not prepared general guidelines for the City Environs because, unlike the Campus Park before the 2020 LRDP, a design framework for the City Environs already exists in the City's many plans and policies, augmented by the City's input received on individual projects through the informational presentations described above. As the 2020 LRDP explains at pages 3.1-49 and 3.1-50, the review of individual projects

would be "… based on project specific design guidelines informed by the provisions of the relevant city general plan and other relevant plans and policies."

SOUTHSIDE PLAN

The University also commits in the 2020 LRDP and in Continuing Best Practices AES-1-h and LU-2-d to using the Southside Plan, once adopted by the City, "… as its guide for the location and design of projects implemented under the 2020 LRDP within the geographic area of the Southside Plan."

The BAHA comments suggest the EIR is inconsistent in committing to use of the Southside Plan, while also stating in Continuing Best Practices AES-1-g and LU-2-c that "University housing projects in the 2020 LRDP Housing Zone would not have a greater number of stories nor lesser setback dimensions than could be permitted for a project under the relevant City zoning ordinance as of July 2003." BAHA also makes the more general objection to using the July 2003 version of the zoning ordinance as a standard of reference, thus ignoring future zoning changes.

The most recent draft of the Southside Plan is, as the 2020 LRDP makes clear, an acceptable guide to the University. However, this draft has not been adopted by the City, nor has the City completed CEQA review. Given the intense interest in the future relationship of City and University evident in the comments on the 2020 LRDP and its EIR, there is no assurance the Southside Plan would be adopted in is current form. Further, whereas the zoning ordinance as of July 2003 is an existing body of policy, which the University can evaluate against its own mission and make an informed judgment as to what extent it can comply, neither the Southside Plan nor future zoning changes presently exist in final, adopted form.

Once the Southside Plan is adopted, assuming no further substantive changes are made by the City, the provisions of the Southside Plan would supersede the provisions of the July 2003 Berkeley zoning ordinance. However, because in retrospect this is not entirely clear in the Draft EIR language, Continuing Best Practices AES-1-h and LU-2-d have been revised in the Final EIR as follows:

> **Continuing Best Practice AES-1-h:** Assuming the City adopts the Southside Plan without substantive changes, the University would as a general rule use, as its guide for the location and design of University projects implemented under the 2020 LRDP within the area of the Southside Plan, the design guidelines and standards prescribed in the Southside Plan, which would supersede provisions of the City's prior zoning policy. *[Continuing Best Practice LU-2-d identical.]*

(Berkeley Architectural Heritage Association (C275), English (C268) and Helfand (C104) offer more specific comments on the classical core guidelines, which are covered in the individual responses.)

DATA SOURCES IN TABLE 11.1-2

a University of California at Berkeley, *Draft 2020 LRDP EIR*, table 3.1-1
b University of California at Los Angeles, Draft 2002 LRDP EIR, table 4.13-6
Parking count excludes 3,330 health sciences parking spaces
c University of Washington, Common Data Set
at www.washington.edu/admin/factbook/common_data_set_2003.xls
Parking count: personal communications L Hanlon July 7 2004 and L Quinn May 10 2004:
Parking count excludes estimated 2,000 med center spaces (actual estimate 1,500-2,000)
d City of Cambridge, *2003 Annual Town-Gown Reports*
at www.cambridgema.gov/~CDD/data/educ/towngown_2003.html
Harvard student headcount includes day students only
e University of Colorado at Boulder, *Micro-Master Transportation Plan: Existing Conditions,* Dec 2003, page 4-2
ucbparking.colorado.edu/transportationmasterplan/docs/CUPTMPexistingconditionspart2.pdf
Parking count excludes Research Park and Family Housing spaces
Student headcount from main campus website www.colorado.edu/prospective/index.html
f University of Pennsylvania, *Penn Facts & Figures* www.upenn.edu/about/facts.php
Parking count: personal communication T Bozzuto July 16 2004: does not include medical center parking
g Northwestern University, *Data Book* adminplan.crown.northwestern.edu/ir/databook/v34/V34_t18.xls
h University of Maryland, *Facts & Figures*, www.urhome.umd.edu/newsdesk/facts/quickfacts.cfm
Parking count: personal communication G Neuwirth July 28 2004

ENDNOTES

[1] All chapter, section, and page references are to the Draft 2020 LRDP EIR except as noted otherwise.
[2] The University recognizes there have been reports in the press about prospective future plans for Memorial Stadium, as there have for a number of other campus projects. At present, however, no plans to renovate or change the use of the Stadium exist at a level of definition sufficient to support a project-level environmental analysis. A Stadium project would be subject to project-specific environmental review in accordance with CEQA; the timing of CEQA approval within the context of UC capital project development and approval was established in the Mount Sutro case. See Mount Sutro Defense Committee v. Regents of University of California, 77 Cal.App.3d 20; 143 Cal Rptr 365 (1978).
[3] *CEQA Guidelines*, Section 15126.6(c).
[4] City of Berkeley/UC Berkeley, *Southside/Downtown Transportation Demand Management Study*, March 2001.
[5] University of Washington, *2001 Master Plan*, pages 6 (headcount) and 76 (parking) http://www.washington.edu/community/cmp/final_cmp.html, viewed July 1 2004.
[6] See, for example, *City of Berkeley General Plan Draft EIR*, February 2001, page 299-305.
[7] California Government Code section 54999 et seq.
[8] Student headcount rather than total headcount is used because the latter figure often includes substantial numbers of student workers who are then double-counted in the total. Where the benchmark campuses include medical centers, the medical center parking has been subtracted from those parking inventories.