

To: Chancellor Robert M. Berdahl  
200 California Hall  
University of California  
Berkeley, California

From: Berkeleyans For a Livable University Environment  
(Contact: Carl Friberg at (510) 548-5083 or at 1685 Arch St., Berkeley)

Date: June 10, 2004

Re: 2020 Long Range Development Plan Response

## INTRODUCTION

My name is Carl Friberg; I've lived on Berkeley's NORTHSIDE for 38 yrs.

On behalf of *Berkeleyans for a Livable University Environment*, or **BLUE**, as we call ourselves,

I want to thank the City Council for the extended time you have granted us to respond to the LRDP.

We represent a new umbrella organization with members from all over the City:

Le Conte Neighborhood Association  
Willard Neighborhood Association  
Claremont-Elmwood Neigh. Assoc.  
Northside Neighborhood Association  
Summit Road/Grizzly Peak Blvd. Watch  
Dwight-Hillside Neighborhood Assoc.  
Panoramic Hill Neighborhood Assoc.  
Benvenue Neighbors Association  
McKinley Addison Alston Grand Neigh. Assoc.  
Addison Alston Roosevelt Calif. Neigh. Assoc.

We want a *livable* university environment.

That is why many of us have chosen to make Berkeley our home.

However, we fear this is on the verge of disappearing;

it certainly will not exist in the future if the Long Range Development Plan is implemented as NOW envisioned.

UC has already had enormous detrimental effects.

And since the University has for all practical purposes been ignoring us individually.

**As AN ORGANIZATION** we felt we would be more effective.

We came together out of a need to convince **YOU**,

**To defend our city,**

**To defend us,**

**And to defend our future.**

The California Master Plan for Higher Education, the last Master Plan agreed upon **with** the communities in which UC and CSU have a presence; the University of California decided for the **good of both** to limit student enrollment at Berkeley Campus to 27,500 students.

**BUT,**

The University chose to **break** their promise to the City of Berkeley.

Now accommodating well over 30,000 students and with less emphasis on education and **much, MUCH more emphasis on research and development**; UC is looking more like an industrial park on a nice hillside, instead of a great institution of higher learning.

**AND,**

To no surprise, **we**, the relatively small community in which the large university makes its home, have a long list of contentious issues associated with the growth of the campus.

The LRDP projects over 2 million square feet of additional space-- and most of that beyond the perimeter of the campus park.

**And**, let us not forget, along with the University come other Tax Exempt institutions.

Why should the residents of Berkeley be subsidizing research?

The University knows many of their impacts are *significant*.

This is true, and then they add the word "unavoidable".

The "unavoidable" is **FALSE!**

The LRDP is severely deficient in analyzing, or even mentioning, alternatives for enrollment, sites for facilities, and transportation options.

*For example: UC Extension, which brings a lot of cars into Berkeley, could easily locate facilities near a BART station in Oakland. (I believe there is an unoccupied building and lot there right now, between 11<sup>th</sup> and 12<sup>th</sup> on Broadway; adjacent to their property that houses the system wide offices, that our good neighbor Oakland would love to see occupied.)*

The point is, there are ALTERNATIVES!

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Until the LRDP shows movement toward the Kerr Master Plan for Higher Education, it is unacceptable.

Until the LRDP considers the many unmentioned **alternatives**, it is **unacceptable**. Period.

Somehow the great University of California must learn how to keep their **promises** to the City of Berkeley, and not walk away and forget us as soon as they get what they want.

In the 1960's UC agreed to work **with** the community, **Now**, just two weeks ago, the University's Office of the President was in Sacramento **fighting tooth and nail**, the efforts of **our** Assembly Person Loni Hancock to include modest and very reasonable provisions for State Institutions to *include* community involvement in their decision process.

Does this sound like cooperation to you?

OR,

Last week when they turned down **your** request for an extension to the 60-day comment period on something that is going to affect us for 60, or 100 years.

Does that sound like cooperation to you?

*(It sounds more like **them** telling us, what **they** want, and we get, like it or not!)*

And UC certainly has **NO** intention to magically stop growing in 2010 as they **also** promised you last Tuesday.

Unless Berkeley takes **STRONG** action **NOW**, we will see more of the same in the next 15 years, which we have seen in the past 15 or 30 years.

Do not get us wrong, we are **not** opposed to all development; you and the University will find a lot of community support for a project such as the Museum-Hotel-Conference Center in downtown Berkeley.

AGAIN,  
THERE ARE ALTERNATIVES TO THIS LRDP, WHICH HAD **ZERO**  
COMMUNITY IMPUT;  
AND THIS, THE GENERAL PLAN, WHICH HAD OVER A 1000  
HOURS OF COMMUNITY IMPUT;  
**THE CITY AND THE UNIVERSITY CAN WORK TOGETHER.**

See appendix A for copy of letter requesting communication that was hand delivered to the Chancellor and Office of Community Relations: example of letter that has gone unanswered to this date.

See appendix B, *Berkeley Daily Planet*, for many alternatives to in lieu tax payment plans that have been used successfully.

Anne Wagley

## BLUE Presentation on Neighborhood Environmental Impacts

### (1) cumulative impacts inadequately addressed:

- This EIR is woefully inadequate. It does not disclose its responsibility for the now claimed "unavoidable" cumulative environmental impacts for ALL of the University development undertaken since the 1990 UCB LRDP.

C218-1

### (2) traffic and housing impacts and mitigations not explored:

UCB promotes itself as an international leader on environmental issues, but here in its at-home setting, it is slow and recalcitrant.

For example, arteries and collectors are congested, noisy and air polluting & our neighborhoods are inundated with traffic and parking--all because the Regents have not planned employee jobs and housing near to each other, have not provided adequate student or faculty housing and have built little or no housing on campus in decades.

C218-2

housing—

Thousands more students and little UC provided housing has had the predictable effect of pushing working people out of Berkeley, reducing affordable housing as transient turnover takes units out of rent control and reversing the balance between permanent and temporary Berkeley residents--all impacts neither adequately disclosed nor appropriately mitigated

C218-3

Transportation -The University has not put its resources and knowledge into creating a sustainable transportation system: UC can mitigate with a "no net increase in cars" agreement, like other universities in Seattle, Boulder, Palo Alto & West LA, successful programs which prevent student cars on campus, reduce traffic & get employees onto public transit (using free staff EcoPass, Commuter Checks and other incentives). UC can pay for effective parking enforcement of RPP zones and can invest its parking permit funds in housing subsidies. Its transportation impacts are not unavoidable.

C218-4

(3) inadequate alternatives: This LRDP will lead to more development off-campus (1,350,000 gsf) than on (1,100,000 gsf) yet UC's

C218-5

significant and pervasive environmental neighborhood impacts are planned to worsen. Much of the system-wide increases and planned industrial research park development could have gone and still could go elsewhere in the State.

C218-5

The analysis of impacts and alternatives can not properly be limited to this campus but must be extended to the entire UC system. The Regents acts as though UCB is an institution alone, its impacts and alternatives unrelated to Lawrence Berkeley Lab or the other UC campuses when it's required to weigh alternatives available throughout California not just in Berkeley but has not done so.

C218-6

Concluding remarks: :

No more UC development unless UC cleans up its environment -- : we need effective noise, air & toxic pollution reduction, RPP enforcement, trash and Strawberry Creek watershed toxic cleanup and restoration, and sustainable population, housing, services, traffic and transportation solutions. We urge you to Stand up, use all of your resources and initiative. Sue if that's what it takes. The viability of Berkeley as a City is at stake. Be effective leaders in requiring UC to become the home town environmental leader. The City must do its job --serve and protect us, its citizens. No development without adequate and effective environmental mitigations solving impacts. Do not settle for less than what each Berkeley resident needs from UC as we will not settle for less than what we need from the City of Berkeley.



Good evening.

My name is David Nasatir and I have been a Berkeley voter since the times when Berkeley collected taxes from business located on Telegraph Avenue north of Bancroft Way. A time when students and faculty found affordable housing north of Bancroft Way on College Avenue and on Gayley Road; times of revenue and resources long gone due to University expansion.

I am here at the request of my neighbors to remind you of the adverse impacts we already suffer due to University expansion. I am here to remind you that we are already endangered by overflow parking from the Space Science Laboratory. Parking that requires residents, including school children, to walk in the traffic lanes of Grizzly Peak in order to reach public transportation. Overflow parking that makes access by emergency and service vehicles extremely difficult and egress by residents always difficult and, at times, impossible.

I am here to present you with a petition signed by nearly 200 residents of the Summit Road, Grizzly Peak neighborhood in just two days.

We ask that you respond to our concerns regarding the inadequacy of the EIR for the University's Long Range Development Plan. We provide a comprehensive, detailed list of those concerns, we suggest viable alternatives and we ask that you represent us effectively.

We ask that you reject the unstated assumption that only environmental issues should be of concern and we ask you to consider the adverse social impacts of the proposed development as well. We ask you to recognize that irreversible social impacts and economic compensation are not always fungible.

We ask that you show the steely resolve and the political will that we know you are capable of and that you take immediate, strong and positive action to prevent

the proposed development of 100 high-density housing units in the Grizzly Peak/Centennial Drive area.

Wendy  
050-0000

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The analysis of impacts and alternatives can not properly be limited to this campus but must be extended to the entire UC system. The Regents acts as though UCB is an institution alone, its impacts and alternatives unrelated to Lawrence Berkeley Lab or the other UC campuses when it's required to weigh alternatives available throughout California not just in Berkeley but has not done so.

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No more UC development unless UC cleans up its environment -- : we need effective noise, air & toxic pollution reduction, RPP enforcement, trash and Strawberry Creek watershed toxic cleanup and restoration, and sustainable population, housing, services, traffic and transportation solutions. We urge you to Stand up, use all of your resources and initiative. Sue if that's what it takes. The viability of Berkeley as a City is at stake. Be effective leaders in requiring UC to become the home town environmental leader. The City must do its job --serve and protect us, its citizens. No development without adequate and effective environmental mitigations solving impacts. Do not settle for less than what each Berkeley resident needs from UC as we will not settle for less than what we need from the City of Berkeley.

I am Dean Metzger,

When I was asked to be part of Blue I was impressed with the number and quality of people willing to participate. Their willingness to put in long hours to research and publish their findings is amazing. Then to come together with a common voice is even more amazing.

You have heard many of Blue's concerns.

If more time was allowed, more details could be presented.

Blue rose out of the concerns that the residents are not being heard by our elected officials – you, and the City staff we pay to provide the services and protection we need to shield us from the Universities' oppressive plans for our neighborhoods.

The neighborhoods surrounding the Central Campus are at a crossroads.

Either they survive as mixed residential or they become an extension of the Central Campus.

The Universities expansion will impact the whole City.

The detrimental physical impacts and reduced funding will affect all of us.

You, <sup>our</sup> ~~or~~ elected officials have the power to help us, if you have the will.

You must direct the Staff to deal with the University's plans in the context of the ~~city's~~ General plan.

If you don't and Staff continues to be a planning partner with the University,

our city will become the University City, if it hasn't already.

Blue has the political will to change the environment our neighborhoods have to live with.

You, our elected officials must decide if you represent the residents or the University of California.

Blue wants to work with all of you – The City Council, City Staff, and the University.

Blue would hope that legal remedies would not be necessary.

But if they are, you must have the will to use them. Blue does not accept the premise that the University is immune to this course of action.

If this is not possible, Blue will continue to work with all of the neighborhoods in Berkeley to make it happen. Blue will seek support from all of Berkeley's citizens.

The time is now, Blue hopes you will work for the residents of Berkeley who have given you the power and authority to represent us.

**LRDP Presentation by BLUE (June 1, 2004)**  
**Comments by Doug Buckwald**

The suggestion has been made this evening that some members of our group are simply engaging in "UC bashing". This is not the case at all. We certainly are aware of and appreciate the contributions that UC makes to our community. The problem is this: Over the past years, we have all approached UC in good faith to try to resolve problems caused by University expansion and other UC activities, but our concerns have either been trivialized or ignored completely. We could bring in a thick binder filled with letters to UC officials that have been ignored. It seems that whomever we write to, the letters all seem to funnel down to the lowest common denominator—the office of community relations. And from this office, we get letters that may or may not respond to our requests for information, but never result in any action. We have not been able to meet with UC officials who have any decision-making authority about these quality of life issues.

That is why we have come together as a united front of neighbors from across the city. All of us have been systematically ignored by UC. And now we look to you, our elected representatives, to take a strong stand to protect the remaining quality of life in our community.

We applaud the efforts of Mayor Bates and Loni Hancock in Sacramento to try to pass legislation that will require UC to pay adequate compensation for certain negative impacts on our city. We also appreciate the efforts of City staff to work on responding to the LRDP. In fact, BLUE has already met with City staff about the LRDP, and the meeting was very productive. Members of BLUE spoke in general terms tonight about these issues because we know that City staff are preparing specific responses to the points in the LRDP.

I would like to focus on one particular concern of mine: Most of the work done so far by the City seems to be aimed at obtaining financial compensation for negative impacts. This will not be enough. If money changes from point A to point B somewhere, but we are still left with significantly degraded neighborhoods, then we have not been helped. We need changes in operations and land use by UC to restore the lost quality of life in our neighborhoods.

The City needs to ask for specific actions that UC must take to mitigate the damage already caused by past expansion, and also prevent further damage to our community. I have attached a list of twelve issues that the City should address in any negotiations with UC.

We need to get actual quality of life improvements from UC to address the harm that has already been done to many neighborhoods for years now. We need:

1. Open space to compensate for densification,
2. programs to prevent freshmen from bringing cars to campus,
3. programs to get employees, faculty, and staff onto public transit,
4. effective parking enforcement of RPP zones,
5. enforceable off-campus student behavior standards,
6. noise ordinance enforcement,
7. methods to deal with off-campus group housing that creates neighborhood blight and social problems,
8. effective construction mitigations to account for all the harm done to neighborhoods,
9. programs to reduce automobile traffic on major street leading to campus,
10. programs to handle all impacts of UC performances, sporting events, and other special events on local neighborhoods,
11. methods to reach mutually acceptable solutions on land use decisions that impact the community for decades,
12. and above all, a permanent forum in which all stakeholders are represented on issues that involve the university and the community around it.

We need financial accountability, certainly, but we need much more than that.



**Sharon Hudson, June 1 City Council, LRDP speech**

Good evening. My name is Sharon Hudson. I want to follow up on what my fellow BLUE members have said by describing how UC is helping to destroy one neighborhood—mine.

I live in North Willard near Dwight Way and College Avenue, by the Unit II dorms.

Let's start with traffic and parking, because this is of great concern to all Berkeleyans.

Like all of Berkeley, we get UC's traffic. But since Willard is unbarricaded, we get a lot of UC traffic on our small neighborhood streets. And unlike most of Berkeley, we also get all the extra traffic from people circling to find parking, as well as UC's own commuter parking overflow. I usually have to drive 6 to 12 extra blocks before being able to park within a block of my house. This is because about half of our on-street parking is taken up by UC students and staff. It is we residents who bear the costs and inconveniences of the preferential parking program. But UC is the only reason our neighborhood needs the program, so why isn't UC 100% responsible for enforcing it?

Meanwhile, due to the parking demand created by UC, some landlords on my block now (illegally) rent parking spaces to UC commuters, which raises the parking prices until their residents are forced to join the on-street parking crowd.

Bad landlords and their student tenants lower our quality of life in other ways, too. Our good landlords attract and keep long-term, stable tenants, but transient 20-year-olds preoccupied with school do not object to substandard living conditions. In fact, they often create them. Our block is plagued by litter, party noise, and other problems caused by UC students. All of which require more services from our underfunded City. What does UC do to help? Nothing.

We still have a few single family homes in our area, but what happens to them? Because of the student housing demand and high taxes, when they are vacated by families, they become unsupervised rooming houses. My neighbors down the street are now suing a UC student co-op for \$110,000. I guess the City did not have the resources to handle this public nuisance. Too bad UC didn't take any responsibility.

In addition, all over Berkeley, UC students drive a housing market for small units. Across the street from me, beautiful family units have just been converted into tiny student units. As UC's student population increases, will we have anyplace left near UC where families and older residents can live?

Thus long-term residents are driven away, and each time one leaves, the rent on his or her apartment doubles. Rent control has been Berkeley's best affordable housing program. But under vacancy decontrol, a transient student population drives rents to the high end of the market, where they stay forever. In addition, population density increases as new residents double up to pay the high rents.

Several long-term residents on Dwight Way have recently moved out because of the noise and parking problems created by UC's construction at Unit II. These stable tenants and affordable housing units are now lost forever. The construction may be temporary, but the damage it and the University of California has done to our neighborhood is permanent.



dbuckwald@hotmail.com

Printed: Wednesday, June 2, 2004 1:34 AM

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**From :** <JThomas621@aol.com>  
**Sent :** Tuesday, June 1, 2004 1:47 AM  
**To :** JThomas621@aol.com  
mayor@ci.berkeley.ca.us, lmaio@ci.berkeley.ca.us, mshirek@ci.berkeley.ca.us, dspring@ci.berkeley.ca.us,  
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clerk@ci.berkeley.ca.us, opinion@berkeleydailyplanet.com, baha@rcn.com, mtbrcb@pacbell.net  
**Subject :** City Council and UCB's Plan

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Re: <<http://lrdp.berkeley.edu>>

Dear Mayor Bates and Members of the City Council,

The Draft Environmental Impact Report (DEIR) of UCB's Long Range Development Plan (LRDP) boldly announces "significant unavoidable impacts" in the areas of air quality, cultural resources, noise, traffic, and transportation. It tells us that implementing this LRDP will lead to more development off-campus (1,350,000 gsf) than on-campus (1,100,000 gsf). It acknowledges that existing development will be used more intensively. It asserts that more of the campus growth will result from 60.5% academic staff and visitors than faculty (12.5%) and students (5.2%).

In light of these conclusions, it is reasonable to insist upon a less environmentally onerous alternative than the proposed LRDP. At Tuesday's meeting and discussion of the document, please remember that the City could, and in my opinion should, make the case for alternatives to the project including "reduced enrollment and employment growth from 2020 LRDP levels", "no new parking and more transit incentives", or "diversion of some future growth to remote sites."

As discouraging as the DEIR conclusions might be, a careful look at the environmental analysis suggests that impacts have been underestimated still. With a more comprehensive description of the Campus Environs, impacts would have been even greater as a review of the LRDP with respect to Panoramic Hill will illustrate.

After four years of correspondence asking UCB administrators about the status of TV broadcast lights at Memorial Stadium, Panoramic Hill residents find our answer embedded in this thick LRDP text. We are told under "Areas of Controversy" that "light and glare impacts (will result) from future use changes at Memorial Stadium" (page 2-1) (comment in parenthesis added), but that "light and glare impacts" can be mitigated to be less than significant by using "shields and cut-offs."

To reach this conclusion, the following facts were omitted:

- (1) that the Stadium is at an elevation relative to most of the population of the City. In other words, this is not just the problem of a neighborhood with "low residential density".
- (2) that one of the neighborhoods immediately adjacent to the Stadium is located on a

hillside. As a result, some Panoramic Hill residents will be within the arc of light flooding the coliseum size stadium, which is an impact not mitigated by shields and cut-offs.

(3) that there are unidentified cultural resources within 50 feet of the Stadium, that are listed on the State Inventory of Historic Resources, specifically, the three houses at #1, 9, and 15 Canyon Road.

(4) that a solipsistic analysis and a campus-centric perspective failed to identify view impacts from public corridors on Panoramic Hill.

(5) that the Stadium is at the mouth of Strawberry Canyon and that "future changes at Memorial Stadium" including "noise" and "light and glare" will impact Hill Area biological resources.

(6) that the Memorial Stadium is bisected lengthwise by the Hayward Fault and by ignoring this reality underestimates threats to public safety. In Figure 4.5-1, the Campus Park, the Clark Kerr Campus and the Hill Area Campus are shown in relation to the three different faults while the 22-acre site of the Stadium is omitted. Figure 4.5-3 does little better in identifying the Stadium in relation to landslide and liquefaction hazard zones.

(7) that Memorial Stadium is within the watershed boundary contrary to the representation within Figure 4.7-1, and thus, the analysis fails to identify hydrology and water quality impacts from stadium use and construction.

(8) that the LRDP DEIR is impossibly vague and makes no distinction between an intercollegiate rugby field and a coliseum-size football field. A project specific review tiered off this document will for this reason and others misrepresent the impacts of the proposed project.

The University of California at Berkeley has made some choices in developing this plan. Their choices protect the Central Campus but at the expense of those living in the Campus Environs. Please represent the Community's interests by describing and documenting impacts, which have been unacknowledged by this University. Please demand one of the alternatives to the LRDP be implemented, including diversion of future growth to remote sites.

Thank you for your consideration.

Yours sincerely,

Janice Thomas  
BLUE - a member of Berkeleyans for a Livable University Environment  
Panoramic Hill Association - member  
Berkeley Architectural Heritage Association - Director  
Council of Neighborhood Associations - Director

Appendix A

*NORTH BERKELEY NEIGHBORHOOD ASSOCIATION*

Steering Committee ♦ Contact: Roger Van Ouytsel, 2611 LeConte, 94709 (510) 549-1231  
Carl Friberg, 1685 Arch St., 94709 (510) 548-5083

October 10, 2003

Chancellor Robert M. Berdahl  
200 California Hall  
University of California, Berkeley

Mr. Kerry O'Banion  
Principle Planner  
300 Architecture and Engineering

**HAND DELIVER**

Dear Messrs Berdahl and O'Banion:

The Steering Committee of the North Berkeley Neighborhood Association would like to express our deepest concern about UC Berkeley's newest 2020 Long Range Development Plan. As citizens of Berkeley's north side neighborhood, we seek to maintain and enhance a high quality living area and healthy environment for our families, for now and future generations in the City of Berkeley.

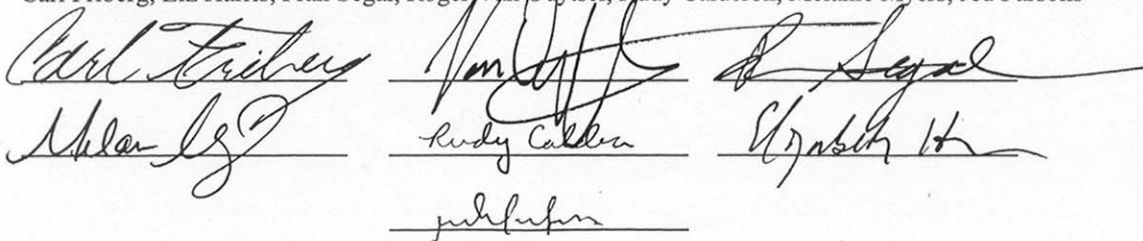
Our north side is already densely populated and under severe stress with parking, traffic congestion and accidents to pedestrians and bicyclists. We have no public open space in this area. Furthermore, our neighborhood's air quality and crime rate are already impacted by our proximity to the campus. We feel that UC Berkeley's 2020 Long Range Development Plan is so massive in scale that it is imperative that impacts be evaluated within the context of the long-term livability of our community. Recent development plans on the hillside above Hearst Ave. and in Strawberry Canyon, by the Berkeley Lawrence National Laboratory, will bring an additional unwelcome burden to our residents. As one of the world's leading universities, UC Berkeley should be part of the solution.

Therefore, we have serious concerns about UC Berkeley's 2020 Long Range Development. In order for all of us to understand these important issues for our community, for our city, and for our university, we urge you to embrace and champion new ideas by creating a clearer channel of communication for real input and feedback in the decision process between UC, LBNL, City of Berkeley and the neighbors in order to create a more livable city and campus community; and ease communications so that this relationship is one that is *truly valued*, one that can be looked upon as a model by the rest of the country.

Sincerely,

The North Berkeley Neighborhood Association Steering Committee

Carl Friberg, Liz Harris, Fran Segal, Roger Van Ouytsel, Rudy Calderon, Melanie Myers, Jed Parsons



Carl Friberg Rudy Calderon Elizabeth H.

Two originals and one copy to each member

Appendix B

[Text Only Version](#)

# Berkeley Daily Planet

Quick

You Are in the Archives

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May 11, 2004

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## City Tax Burden Skips UC Properties

By RICHARD BRENNEMAN (05-11-04)



EDITOR'S NOTE: This is the first of a two-part series. Part two will appear in the May 14 edition.

In a state plagued by a crumbling infrastructure, troubled schools and an electorate increasingly unwilling to shell out more tax dollars, Berkeley voters are unique among California cities in their willingness to levy new taxes on themselves to fund schools, libraries and other civic improvements.

But that burden falls mainly on residential and commercial property owners—a dwindling majority in a city dominated by a massive property-tax-exempt University of California campus and a host of other exempt properties.

The city's last study on exempt properties, completed in December, 1994, stated the obvious: "Berkeley has an unusual number of properties which are tax exempt," ranging "from the University of California campus and properties, government owned properties, Alta Bates/Herrick Hospitals and properties, the Graduate Theological Union and properties, to properties owned by churches, private schools and other tax-exempt institutions."

The 1994 study estimated that the total tax loss caused by various exemptions on assessed property and even larger unlisted blocks, most notably the UC Berkeley campus, produced an annual property tax shortfall of \$23.4 million—nearly two thirds of the \$36.6 million collected that year from non-exempt property owners, most of them homeowners.

"In conclusion," wrote then-City Auditor Anna Rabkin, "Berkeley's tax exempt institutions create a massive, hidden fiscal impact on the community. The trend of shifting the tax burden onto residential property taxpayers appears to be increasing, both as a result of Proposition 13 and due to the apparent growth of tax exempt institutions."

That Prop. 13—a constitutional amendment passed by California voters in 1978—has inflicted considerable damage on local governments in California comes as no surprise to anyone familiar with its authors, Howard Jarvis and Paul Gann.

The flames of Proposition 13 were fanned by the soaring rise in California property values between 1975 and 1978—the same incendiary force that sent rents soaring and led to rent control in both Santa Monica and Berkeley.

Homeowners, stunned by whopping tax increases, eagerly embraced the proposals Jarvis had earlier floated without success. Proposition 13 put a one percent cap on annual tax increases and rolled back assessments to 1975—before the real estate spike that led to its passage.

Proposition 13 inflicted a double blow on local government by including commercial and industrial property under the same tax protections as residential property. By 1997, the Center on Budget and Policy Priorities was estimating that annual non-residential property tax losses to California cities and counties were running up to \$5 billion a year.

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Cities have responded by floating special fee and assessment districts—which, also thanks to Prop. 13, must carry by a two-thirds vote.

Cartoon

A preliminary compilation of non-UC exempt Berkeley property last July came up with a total value of \$354 million, with Alta Bates Hospital leading the list with exemptions of \$104.6 million, followed by the Graduate Theological Union with \$12.1 million, the Pacific School of Religion with \$7.7 million and the Herrick Foundation at \$4.3 million.

There is no formal estimate of the value of University of California exemptions, since state-owned property isn't appraised.

Not only are university-owned properties exempt, but so are properties leased by the university so long as they are used for educational uses. Conversely, university property leased to for-profit companies is taxable.

In Berkeley, the ongoing metastasis of the UC campus onto previously taxable properties led the drafters of the city's December, 2001, General Plan to incorporate Policy LU-35 into the Land Use Element, calling on the city "to discourage additional UC expansion (with the exception of housing) in Berkeley and also discourage the University from removing additional properties from the City's tax rolls."

Nonetheless, the city has bestowed its preliminary blessings on a major UC expansion into downtown—the museum and hotel complex recently vetted by a special Planning Commission task force. While the hotel and convention center would pay property taxes, the museums are exempt by law, as would any other educational uses in the complex.

Exemptions are a problem nationwide, and one partial solution adopted by the federal government and some states to offset losses from exempt properties is the PILOT program, short for Payment In Lieu Of Taxes. The purpose of this program is to provide funds to compensate for property taxes lost on exempt property owned by governments and non-profit and charitable institutions exempt from paying taxes on the real estate they own.

The federal Bureau of Land Management is the country's largest PILOT payer—though the acronym is PILT in federalesse—shelling out the lion's share of the Interior Department's \$227.5 million in fiscal year 2004 PILOT funding.

Federal military installations and the Department of Energy also make PILOT payments to local governments whose schools, roads and other infrastructure and service elements are impacted by their presence.

Rhode Island offers cities and towns payments amounting to 27 percent of the taxes lost from otherwise tax exempt state owned facilities. Vermont pays cities half of the estimated taxes on state-owned property. Massachusetts also offers PILOT fees to municipalities, though in recent years legislators have severely underfunded the program.

A 1960 Connecticut law mandates that the state pay PILOT fees equivalent to the full share of property taxes to towns hosting state prisons or where the state owns more than half the property in the municipality, and 40 cents on the dollar on state property comprising less than half of the municipality's real estate. A 1978 Connecticut law authorizes state-paid fees of 77 cents on the dollar to replace taxes lost from other all other exempt properties, including hospitals, private colleges and universities.

In reality, the Connecticut legislature typically underfunds the program, and PILOT fees are prorated based on the amount actually appropriated. For the current fiscal year, one university city—New Haven, home to Yale—pocketed \$32.7 million in PILOT fees, considerably less than its full statutory entitlement.

Connecticut's program was launched in 1968, and the original legislation authorized compensation to local government for taxes lost on state-owned property amounting to 100 percent for state prisons and 40 percent for all other state-owned facilities. A 1978 amendment added state compensation of 77 percent of lost property taxes and assessments for hospitals and private colleges and universities.

The Massachusetts PILOT fee program dates back to 1910, and compensates municipalities only from taxes lost on the land itself and not the considerably more valuable buildings and other improvements.

The statewide base for Massachusetts PILOT payments was land valued at \$1.86 billion, and authorized payments were based on a statewide rate of \$16.58 per \$1000 of



assessed land values. The total authorized by law was \$30.8 for all municipalities—but legislators only appropriated \$21 million, a move decried by state auditor Joseph DeNucci.

Rhode Island launched its own PILOT program in 1986 to reimburse municipalities for the lost property tax revenues on non profit hospitals and institutions of higher learning, with reimbursement fixed at 25 percent taxes owed on property of equivalent value. Two years later, state hospitals, veteran's homes, and prisons with more than 100 inmates were added to the list. In 1997 legislators upped the reimbursement rate to 27 percent.

Vermont's PILOT program pays municipalities \$1 per \$100 in assessed value on state-owned land.

Some institutions offer voluntary PILOT funds. In New Jersey, Princeton University voluntarily pays taxes on otherwise-exempt faculty and graduate student housing and for the president's estate.

But in California, the University of California, the state universities and community colleges are statutorily exempt from local taxes, and they have successfully resisted all efforts to require them to pay any compensation.

It's not that California state government doesn't provide any PILOT funds, observes Peter Detwiler, a consultant to the California Senate Local Government Committee. The most notable payments are made under the Williamson Act Subvention Program, created by the legislature in 1965 to encourage the preservation of "green belt" agricultural regions around municipalities.

Farmers and ranchers who sign contracts to keep their land developer-free have their property assessed based on its value for agricultural use rather than the higher values that would result from exploiting for commercial and residential development.

To make up for the resulting loss of taxes, the state offers compensation—\$38 million to counties and \$60 million to school districts in the current fiscal year.

Acknowledging that Berkeley might have the greatest property tax losses of any UC campus, Detwiler said that the benefits from sales tax and other revenues generated by the university's presence could significantly mitigate the impact of loss property tax revenues.

The latest proposal to offset some of the costs universities, colleges and other otherwise-exempt public agencies impose on local governments comes from California Assemblymember Lonnie Hancock, a former Berkeley mayor and the spouse of current Mayor Tom Bates.

Hancock's Assembly Bill 2902 would amend the state Public Resources code to ban public agencies such as UC from implementing plans for developments governed by the California Environmental Quality Act (CEQA) that would require other agencies to implement mitigations unless the implementing agency agrees to pay a fair share of the costs.

Both the UC and state university systems have announced their opposition, citing the City of Marina ruling—making the upcoming Supreme Court hearing all the more important for local governments, the state and taxpayers.

With UC Berkeley's recently unveiled Long Range Development Plan projecting an additional 1.1 million square feet of off-campus development by 2020, Hancock's measure becomes a matter of critical importance to Berkeley City officials.

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## UC Tax Exemptions Rooted In Law and Court Rulings

By RICHARD BRENNEMAN (05-14-04)

EDITOR'S NOTE: This is the second of a two-part series on taxation issues between the City of Berkeley and the University of California. In the May 11 edition, we compared the Berkeley/UC tax relationship with similar relationships in other university cities around the country.

Under federal and California law, all state and federal property is exempt from taxation, as are public libraries and museums, aerospace museums, churches, hospitals, charitable facilities, nonprofit schools and colleges, nonprofit cooperative housing, nonprofit scientific institutions, burial plots and modifications to buildings to accommodate the disabled.

Berkeley's biggest non-taxpayer by far is the University of California, and therein lies the rub.

The key to UC's place in the realm of taxation can be found in two articles of the California Constitution:

- Article IX Section 9 grants the University of California system "full powers of organization and government," including the full control and management of property.
- Article XIII Section 3 specifically exempts state-owned property from all property tax liability. Two sections of the state Education Code define the UC Board of Regents as a state agency, thus allowing the UC system to qualify for the constitutionally-mandated tax exemption.

Questions involving special assessments levied to finance specific improvements that serve the university have a more complex history.

Just what other governments can and can't do to collect taxes and fees from the university system has been hashed out in a series of court decisions starting with the unanimous 1929 California Supreme Court ruling in the case of the City of Inglewood v. Los Angeles County.

Three county districts—flood control, sanitation and drainage—tried to collect special assessments from the city, but the state high court unanimously ruled that "while publicly owned and used property is not exempt from special assessments under the constitution or statutory law of this state, there is an implied exemption of such property from burdens of that nature."

Under that decision, local governments generally paid for the actual services they received, but not the taxes levied to build the facilities that provide them.

A series of decisions between 1979 and 1983—most notably another unanimous state Supreme Court ruling in 1981—led the State Legislature to make a change in the way government agencies pay such service fees.

In two appellate rulings, one in 1979 and the other in 1983, the judges ruled that UCLA was exempt from special assessment fees it had paid under protest to the City of Los Angeles for sewer facilities construction.

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The July 21, 1981, high court ruling in San Marcos Water District v. San Marcos Unified School District laid out the definitive legal standard in striking down the water district's attempt to assess the school district for a capital improvement fee to improve sewer service: "Because the capacity fee is a special assessment that has not been authorized by the Legislature, we hold that the school district is not required to pay the fee."

In the wake of San Marcos, the Legislature enacted California Government Code sections 54999 through 54999.6, "Liability of Public Entities for Public Utility Capital Facilities Fees," which went into effect in March, 1988.

The new law specified that the San Marcos decision "should be revised to authorize payment and collection of capital facilities fees" from governmental agencies, though it set a higher standard for fees imposed on school districts, county education offices, community college districts, UC, the CSU system and any state agencies.

The law places the burden of proof on the taxing agency to justify the costs of the assessments.

Those statutes were reinforced by Proposition 218, a statewide ballot initiative passed by voters in November, 1996, which mandated that local, state and federal agencies can't be exempted from special assessments unless they offer "clear and convincing evidence" that they receive no benefit from the improvements financed by the fees.

An appellate decision in June, 2003, clarified Prop. 218, limiting assessments that can be collected to fees for "provision of water, light, heat, communications, power, or garbage service, for flood control, drainage or sanitary purposes, or for sewage collection, treatment, or disposal."

The decision came after the City of Marina sought funds to pay for increased traffic and fire safety facilities needed to meet the needs of the new California State University-Monterey Bay campus.

Though the CSU Environmental Impact Report concluded the new campus would impose fire protection costs and traffic congestion problems on the adjacent community, the university refused to pay anything toward the required improvements. The city sued to force the university to pay mitigation costs under the provisions California Environmental Quality Act (CEQA).

Marina won at the trial court level, but their was reversed by the State Court of Appeal.

The city has challenged the reversal, and the case now set for arguments before the California Supreme Court. Berkeley City Attorney Manuela Albuquerque signed the formal friend of the court brief—drafted by Assistant City Attorney Zach Cowan—siding with the City of Marina on behalf of the League of California City and the California State Association of Counties.

Assemblymember and former Berkeley Mayor Loni Hancock has launched a legislative attempt at an end run around the Marina decision in her Assembly Bill 2092, which would mandate that colleges, universities and other normally exempt institutions pay their fare share of impacts on other agencies in projects governed by the CEQA.

Whether an act of the Legislature can trump provisions enshrined in the state constitution is an issue that only the courts can decide. Judging from previous rulings by the state's high court, Hancock will be fighting an uphill battle.

The courts have also ruled that universities are exempt from building permit and inspection fees when the system is building facilities for educational uses—even on leased property.

In the unanimous 1978 decision Regents of the University of California v. City of Santa Monica, a Southern California appellate court unanimously ordered the city to refund fees it had assessed after the university installed an air conditioning system and moved wall partitions in a leased building in the city.

One area where the courts have consistently allowed local governments to levy taxes is on commercial activities conducted on land owned by colleges and universities.

In a 1975 decision, the appellate court ruled that Los Angeles could levy business taxes on a circus that held commercial performances at Devonshire Downs, owned by CSU-Northridge. The court ruled that a city could assess fees when the university crossed the

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line "between governmental and proprietary activity."

The following year, a Northern California appellate court ruled that the City of Berkeley could levy a 10 percent gross receipts tax on Oakland Raiders pro games held at Cal Stadium. The court cited earlier decisions holding that cities were entitled to tax all business activities within their borders. >

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## **11.2C.218 RESPONSE TO COMMENT LETTER C218**

This collection of documents was originally presented to the Berkeley City Council. It includes several pages of observations which, although noted, do not directly address the content of the Draft EIR. Several appear to be notes for remarks directed to the City Council rather than UC Berkeley. The Thomas letter is a duplicate of comment C185, where responses are located. Some items are not comments on the Draft 2020 LRDP EIR but "...issues that the city should address in any negotiations with UC."

### **RESPONSE TO COMMENT C218-1**

The Draft EIR evaluates the potential future environmental impacts of implementation of the 2020 LRDP. Projects implemented under the 1990-2005 LRDP are now part of the existing conditions, against which the potential future impacts of the 2020 LRDP are evaluated.

### **RESPONSE TO COMMENT C218-2**

The writer's comments on traffic and parking congestion are noted, although the statement that the University has built little or no housing in "decades" is not correct. The Foothill housing complex was completed in 1990, Cleary in 1992, Manville in 1995, and the College-Durant apartments in 2003. Another 1,100 beds are presently under construction, and the 2020 LRDP envisions up to 2,500 additional student beds by 2020.

### **RESPONSE TO COMMENT C218-3**

The additional University student housing now under construction and envisioned in the 2020 LRDP is expected to relieve pressure on the private housing market and make a greater percentage of the many new private units now underway and proposed available to non-students.

### **RESPONSE TO COMMENT C218-4**

See Thematic Response 9, which includes a comparison of UC Berkeley to several other urban research universities including those mentioned by the writer.

### **RESPONSE TO COMMENTS C218-5 AND C218-6**

Research is not a discrete enterprise apart from education at UC Berkeley. Rather, it is integral to both UC Berkeley's mission as a University and to the provision of both graduate and undergraduate education. See response to comment B7-20.

The rate of growth envisioned for UC Berkeley in the 2020 LRDP is comparable to that proposed for UCLA and UCSF, the other two urban campuses, and lower, often much lower, than other, less intensively developed UC campuses. The substantial increase in the college-age population of California has required a University-wide response in which all UC campuses must accommodate some growth. See Thematic Response 6 regarding the relationship of UC Berkeley to Lawrence Berkeley National Laboratory.

June 6, 2004

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PHYSICAL & ENVIRONMENTAL  
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Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

RE: Comments on UC Berkeley's 2020 Long Range Development Plan (LRDP) Draft  
Environmental Impact Report

Dear Ms. Lawrence:

As a resident of the Berkeley Hills I am writing you today to express my opposition to the 100-unit high-density housing development proposed in the UC 2020 LRDP. The contiguous area to this development is zoned for very low-density housing, and for good reason. This is a single-family residential district. Because we live in one of the most high-risk fire zones in the United States, it is essential that we maintain adequate egress from our neighborhood, as well as access for emergency vehicles. Already, we have seen an intolerable increase in parking problems, and traffic congestion near the Grizzly Peak Boulevard, Centennial Drive area due to growth from the UC Space Sciences lab. The addition of 100 high-density housing units, along with the automobile traffic they will create is simply not acceptable.

It is also critical that we stop further destruction of the upper Strawberry Creek Watershed. Construction of impermeable surfaces, such as buildings and parking lots, will increase run-off and will detrimentally impact the City of Berkeley's aging infrastructure. Sections of the proposed development site sits on an aquifer (underground lake) that, in times of emergency, such as a break on the EBMUD water line at the Caldecott Tunnel, could provide potable water for the entire city of Berkeley. Additionally, this site sits next to the Lawrence Hall of Science Fault Zone, between the Hayward/Wildcat Canyon fault lines – hardly a logical place for housing. Finally, further destruction of one of the few remaining open spaces in Berkeley is intolerable.

The City of Berkeley is experiencing an historical residential housing vacancy rate. There is also a great deal of construction of condominiums and townhouses in progress, all of which are within walking distance to campus. It makes much more sense to utilize available housing within the stated objectives of the LRDP ("within one mile from campus") than to begin an environmentally unsound and costly project that will only have negative impacts on the city infrastructure and potentially put people's lives at risk during a fire or other emergency.

In view of the above, please explain how you are planning to mitigate all the health and safety hazards created for the neighborhood including inadequate egress in the case of fire and/or earthquake, increased traffic, noise, pollution, lack of infrastructure, and lack of parking, which will ensue due to the increase in population from the proposed high-density housing project.

Yours truly,

Mr. & Mrs. Russell F. Burke 12 Hill Rd.  
Signature Address

Berkeley, CA.  
94708

Thank you, Mrs.  
Lawrence, for  
alerting us to  
this unaccept-  
able plan!

Susan Neuke

**LETTER C220**

June 6, 2004

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

RE: Comments on UC Berkeley's 2020 Long Range Development Plan (LRDP) Draft  
Environmental Impact Report

Dear Ms. Lawrence:

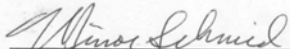
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Yours truly,

  
Signature      11 Hill Road, Berkeley 94708  
Address

**LETTER C221**

June 6, 2004

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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PHYSICAL & ENVIRONMENTAL  
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RE: Comments on UC Berkeley's 2020 Long Range Development Plan (LRDP) Draft  
Environmental Impact Report

Dear Ms. Lawrence:

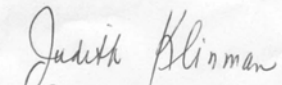
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Yours truly,

  
(1498 Olympus Ave)



LETTER C222

June 6, 2004

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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PHYSICAL & ENVIRONMENTAL  
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Yours truly,

*Donald Rios* 1221 Grizzly Peak Blvd

Signature

Address

LETTER C223

June 6, 2004

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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PHYSICAL & ENVIRONMENTAL  
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Yours truly,

*Amelie Mel de Fontenay* 11 Mosswood Rd, Berkeley CA  
Signature Address 94704

LETTER C224

June 6, 2004

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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Yours truly,

*Norma A. Fox* 100 Hill Rd. Berkeley 94708  
Signature Address

*I agree to every word in this document. I am opposed to these UC Berkeley proposals.*

LETTER C225

June 6, 2004

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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Yours truly,

*Nadine Bayden* 1491 Olympus Ave Berkeley  
Signature Address

*Nadine Bayden*

LETTER C226

June 6, 2004

RECEIVED

JUN 16 2004

PHYSICAL & ENVIRONMENTAL PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

RE: Comments on UC Berkeley's 2020 Long Range Development Plan (LRDP) Draft Environmental Impact Report

Dear Ms. Lawrence:

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Yours truly,

Smuel Anderson 1389 GRIZZLY PEAK, BERKELEY 94708  
Signature Address

LETTER C227

June 6, 2004

RECEIVED

JUN 16 2004

PHYSICAL & ENVIRONMENTAL PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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Yours truly,

Priscilla Singer 1286 GRIZZLY PEAK  
Signature Address

LETTER C228

June 6, 2004

RECEIVED

JUN 16 2004

PHYSICAL & ENVIRONMENTAL  
PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

RE: Comments on UC Berkeley's 2020 Long Range Development Plan (LRDP) Draft  
Environmental Impact Report

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Yours truly,

Donald M. Kroner  
Signature

116 Hill Rd. Berkeley 94704  
Address

LETTER C229

June 6, 2004

RECEIVED

JUN 16 2004

PHYSICAL & ENVIRONMENTAL  
PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

RE: Comments on UC Berkeley's 2020 Long Range Development Plan (LRDP) Draft  
Environmental Impact Report

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Yours truly,

[Signature]  
Signature

1368 Grizzly Peak  
Address

**LETTER C230**

June 6, 2004

**RECEIVED**

JUN 16 2004

PHYSICAL & ENVIRONMENTAL  
PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

RE: Comments on UC Berkeley's 2020 Long Range Development Plan (LRDP) Draft Environmental Impact Report

Dear Ms. Lawrence:

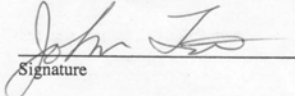
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Yours truly,

  
Signature

20 Paroram, Berkeley  
Address

**LETTER C231**

June 6, 2004

**RECEIVED**

JUN 16 2004

PHYSICAL & ENVIRONMENTAL  
PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

RE: Comments on UC Berkeley's 2020 Long Range Development Plan (LRDP) Draft Environmental Impact Report

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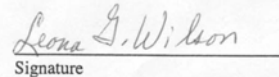
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*I am totally opposed to this dangerous threat to the environment!*

Yours truly,

  
Signature

1004 Park Hills Rd.  
Berkeley, Ca. 94708  
Address

LETTER C232

June 6, 2004

RECEIVED

JUN 16 2004

PHYSICAL & ENVIRONMENTAL  
PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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Yours truly,

*Delene Louoff*  
Signature

134 Hill Road, Berkeley  
Address

LETTER C233

June 12, 2004

RECEIVED

JUN 16 2004

PHYSICAL & ENVIRONMENTAL  
PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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Yours truly,

*Valent Sanchez*  
Signature

151 Avenida Drive  
Address

LETTER C234

June 6, 2004

RECEIVED

JUN 16 2004

PHYSICAL & ENVIRONMENTAL  
PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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Yours truly,

*John E. Byrne*  
Signature  
1338 Grizzly Peak Blvd  
Address

LETTER C235

June 6, 2004

RECEIVED

JUN 16 2004

PHYSICAL & ENVIRONMENTAL  
PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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Yours truly,

*Warren E. + Norma L. Byrne*  
Signature  
23 Panoramie Way  
Address Berkeley 94704

PS Wouldn't the students prefer to live closer to town?

**LETTER C236**

June 6, 2004

**RECEIVED**

JUN 16 2004

PHYSICAL & ENVIRONMENTAL  
PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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Yours truly,

*Stephen C. Beck* 1350 SUMMIT ROAD, BERKELEY  
94708

Signature

Address

**LETTER C237**

June 6, 2004

**RECEIVED**

JUN 16 2004

PHYSICAL & ENVIRONMENTAL  
PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

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Environmental Impact Report

Dear Ms. Lawrence:

As a resident of the Berkeley Hills I am writing you today to express my opposition to the 100-unit high-density housing development proposed in the UC 2020 LRDP. The contiguous area to this development is zoned for very low-density housing, and for good reason. This is a single-family residential district. Because we live in one of the most high-risk fire zones in the United States, it is essential that we maintain adequate egress from our neighborhood, as well as access for emergency vehicles. Already, we have seen an intolerable increase in parking problems, and traffic congestion near the Grizzly Peak Boulevard, Centennial Drive area due to growth from the UC Space Sciences lab. The addition of 100 high-density housing units, along with the automobile traffic they will create is simply not acceptable.

It is also critical that we stop further destruction of the upper Strawberry Creek Watershed. Construction of impermeable surfaces, such as buildings and parking lots, will increase run-off and will detrimentally impact the City of Berkeley's aging infrastructure. Sections of the proposed development site sits on an aquifer (underground lake) that, in times of emergency, such as a break on the EBMUD water line at the Caldecott Tunnel, could provide potable water for the entire city of Berkeley. Additionally, this site sits next to the Lawrence Hall of Science Fault Zone, between the Hayward/Wildcat Canyon fault lines - hardly a logical place for housing. Finally, further destruction of one of the few remaining open spaces in Berkeley is intolerable.

The City of Berkeley is experiencing an historical residential housing vacancy rate. There is also a great deal of construction of condominiums and townhouses in progress, all of which are within walking distance to campus. It makes much more sense to utilize available housing within the stated objectives of the LRDP ("within one mile from campus") than to begin an environmentally unsound and costly project that will only have negative impacts on the city infrastructure and potentially put people's lives at risk during a fire or other emergency.

In view of the above, please explain how you are planning to mitigate all the health and safety hazards created for the neighborhood including inadequate egress in the case of fire and/or earthquake, increased traffic, noise, pollution, lack of infrastructure, and lack of parking, which will ensue due to the increase in population from the proposed high-density housing project.

Yours truly,

*Joseph M. Wright* 1260 Grizzly Peak Blvd, Berkeley  
94708

Signature

Address



LETTER C238

June 6, 2004

RECEIVED

JUN 16 2004

PHYSICAL & ENVIRONMENTAL  
PLANNING

Jennifer Lawrence  
University of California, Berkeley  
Facilities Services  
1936 University Avenue Suite #300  
Berkeley, CA 94720-1380

RE: Comments on UC Berkeley's 2020 Long Range Development Plan (LRDP) Draft  
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Yours truly,

*Donald A. Glaser (Donald A. Glaser)*

*Lynn Glaser (Lynn Glaser) 41 Hill Rd, Berkeley 94708*  
Signature Address

*Why not use "Peoples Park", a long term scandal + waste*

LETTER C239

June 6, 2004

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Yours truly,

*Maureen Hogan 165 Panamint Hwy*  
Signature Address

### **11.2C.219-239 RESPONSE TO COMMENT LETTERS C219 THRU C239**

The University received 138 form letters signed by individuals, objecting to the proposal for up to 100 faculty housing units in the Hill Campus: C111-C121, C125-C159, C161-C165, C167-C171, C173-C179, C182-C183, C194-C216, C219-C239, C241-C250, C257, C259, C263-C264, C267, C278-C279, C282-C283, C285-C293, and C300. A few of these letters, such as C111, include brief postscript comments, primarily objecting to the number of current UC employees whom the writers assert are parking on city streets to avoid paying UC parking fees.

#### **RESPONSE TO COMMENT LETTERS C219 THRU C239**

See Thematic Response 8 for a comprehensive response to comments on Hill Campus development. Due partly to comments received and partly to its uncertain near-term feasibility, faculty housing has been deleted as a potential future Hill Campus use in the 2020 LRDP. As noted in Thematic Response 8, the site formerly designated H1 has been redesignated as a reserve site, while former site H2 has been redesignated as part of the surrounding research zone.